



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, FRIDAY, OCTOBER 14, 2011

No. 154

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, October 17, 2011, at 2 p.m.

## House of Representatives

FRIDAY, OCTOBER 14, 2011

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

We pray for the gift of wisdom to all with great responsibility in this House for the leadership of our Nation.

May all the Members have the vision of a world where respect and understanding are the marks of civility, and where honor and integrity are the marks of one's character.

As Members take time in the coming week for constituency visits, give them the ability to hear the voices of all in their districts so that when they return they are focused on the important work to be done.

Bless this day and every day. And may all that is done within these hallowed halls be for Your greater honor and glory.

Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Tennessee (Mr. FLEISCHMANN)

come forward and lead the House in the Pledge of Allegiance.

Mr. FLEISCHMANN led the Pledge of Allegiance as follows:

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

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side.

### PRESTONWOOD PREGNANCY CENTER

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to honor the Prestonwood Pregnancy Center in Dallas, Texas, for being an outstanding and vital resource in its community.

Our Nation was founded upon the belief that all men, regardless of status, are entitled to the most precious of rights: the right to life. The Prestonwood Center has worked to protect the lives of the unborn for the last 20 years, acting as a resource for more than 48,000 clients, many of whom have chosen life simply because they had someone to talk to who cared.

The center provides guidance, education, and medical services to women and families in north Texas and maintains a highly trained and knowledgeable staff dedicated to protecting the

sanctity of human life. I applaud the Prestonwood Center's commitment to life and to serving its community.

God bless you. God bless America. I salute you.

### POLICE OFFICER DEREK KOTECKI

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

Mr. ALTMIRE. Mr. Speaker, on Wednesday, October 12, tragedy struck my home town of Lower Burrell, Pennsylvania. That night, Police Officer Derek Kotecki was shot during an armed confrontation with a wanted criminal. He is believed to be the first Lower Burrell police officer ever to be killed in the line of duty.

Patrolman Kotecki was a 1989 graduate of Burrell High School and had been a local police officer for 18 years. At the time of his death, Patrolman Kotecki was Lower Burrell's K-9 officer and a regular and respected face at community events throughout the year.

I ask my colleagues to join me in praying for the family he left behind. We hope that his wife, two sons, and his parents know that Lower Burrell will always remember Derek's bravery and valor. He died serving the community he loved, and for that we are forever grateful.

### LEVI ZACHARY ALEXANDER

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

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H6923

Mr. POE of Texas. Mr. Speaker, during the hot summer days of August, with daily consistent temperatures over 100 degrees, a record drought over the State and hundreds of wildfires burning the plains and prairies of Texas, a miracle from the Lord occurred: The birth of a new child. Levi Zachary Alexander joined the world on August 13, 2011 in Waco, Texas.

Every time a child of innocence is born, it is a happy event. The first cry brings joyful tears to the eyes of parents, grandparents, and neighbors. It is a happy occasion because we see hope in the freshness of birth—hope for a better world and hope for a better tomorrow.

Levi has the fortune of being born in the most marvelous and free country in history—America. His parents, Kara and Shane, have the most important and hardest job of all jobs. Along with training energetic sister Elizabeth and brother Peyton, raising this new son of America to be of good character, love liberty, and walk in the favor of God and man is the most important responsibility of parents. So, Mr. Speaker, my desire for Levi as his grandfather is that he matures to be strong and courageous, love America, and play football for the University of Texas—and not Oklahoma.

And that's just the way it is.

#### SUDDEN CARDIAC ARREST

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

Mrs. CAPPS. Mr. Speaker, I rise today to bring attention to an issue of great concern to the health and welfare of students across our country. Just 2 weeks ago, we lost Angela, a 16-year-old cheerleader in California who collapsed at a football game from sudden cardiac arrest.

Sudden cardiac arrest is the leading cause of death in the United States, and sadly that trend is only increasing, especially among students. But there are ways to prevent these tragic events, like the remarkable story of Kylee, a seventh-grade student from Texas, who collapsed at school last week. Her life was saved when two trained teachers used CPR and an automatic external defibrillator to kick-start her heart. If it had not been for this heroic intervention, doctors estimate that someone in Kylee's situation would only have a 3 percent chance of survival.

These stories underscore how vital CPR and AED training are to saving lives. That's why I'm introducing the Teaching Children to Save Lives Act. My legislation will provide students with the lifesaving skills of CPR and AED training, knowledge they will carry into adulthood so that one day they might save the life of a classmate, a friend, a family member, or even a complete stranger.

Mr. Speaker, I ask my colleagues to join me in supporting the Teaching Children to Save Lives Act.

#### CONGRATULATING STS. PETER AND PAUL CHURCH

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

Mr. FLEISCHMANN. Mr. Speaker, I rise today to honor the elevation of the Sts. Peter and Paul Church in Chattanooga, Tennessee, to the status of Minor Basilica on October 22.

This church sits in my hometown, and it's where I attend services. Sts. Peter and Paul Parish was founded in 1852, when Father Henry V. Brown became the first pastor. Upon his appointment to pastor in 1887, Father William Walsh immediately began plans for a new church. Ground was broken on February 1, 1888, and on June 29, 1890, Sts. Peter and Paul Church was dedicated.

Due to the inspired leadership of Bishop Richard F. Stika and Monsignor George Schmidt, the church of Sts. Peter and Paul is the first church in Tennessee to be honored as a Minor Basilica by His Holiness Pope Benedict XVI.

Monsignor Schmidt, the rector, will continue to lead the faithful in worship at the basilica and will celebrate Mass along with Father Bertin Glennon. I look forward to continuing to attend services, and I congratulate the church on this great honor.

#### GETTING TOUGH ON CHINA

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

Mr. MICHAUD. Mr. Speaker, there's a lot of finger-pointing in Washington these days about who is blocking our economic recovery, but there's plenty of blame to go around on both sides of the aisle.

China is literally robbing us of our factories and our manufacturing jobs, and we haven't done a thing about it. The House must consider the Senate currency bill immediately, and the President must finally deliver on his campaign promise and crack down on China administratively.

Getting tough on China's currency manipulation would create, conservatively, 1 million jobs without costing the American people a penny. It's time to stop the excuses and end the partisan bickering. It's time for the President and the House leadership to go beyond rhetoric and get the tough job of China currency manipulation taken care of.

□ 0910

#### CONGRESSIONAL PRAYER CAUCUS

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

Mr. FORBES. Mr. Speaker, I rise today on behalf of the Congressional Prayer Caucus to note the importance of prayer and faith in our Nation's history. In October of 1863, President Abraham Lincoln discussed his deep reliance on God during his Presidency.

In addressing the Baltimore Presbyterian Synod, Lincoln said, in part, "I saw, upon taking my position here, that I was going to have an administration, if an administration at all, of extraordinary difficulty. It was, without exception, a time of the greatest difficulty that this country ever saw. I was early brought to a living reflection that nothing in my power whatever, in others to rely upon, would succeed without direct assistance of the Almighty, but all must fail. I have often wished that I was a more devout man than I am. Nevertheless, amid the greatest difficulties of my administration, when I could not see any other resort, I would place my whole reliance in God, knowing that all would go well, and that He would decide for the right."

#### FEDERAL RECOVERY COORDINATION PROGRAM

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

Mr. BARROW. Mr. Speaker, I rise to ask my colleagues to join me in strengthening the Federal Recovery Coordination Program. Federal Recovery Coordinators were originally envisioned by the Dole-Shalala Commission as a way to help wounded warriors navigate the incredibly complex bureaucracy of the VA and Defense Department health systems.

Despite the initial successes of the program, administrative problems have prevented the program from reaching its full potential. That's why I've introduced legislation to address these problems.

My legislation codifies the Federal Recovery Coordination Program and places it under the joint jurisdiction of the Secretaries of Veterans Affairs and Defense. It will ensure that Recovery Coordinators have the authority to act on behalf of a veteran when they identify a need, and it ensures they have access to all stages of the recovery process, especially during the initial transition from active duty.

These reforms will help to strengthen this program and help us better serve the needs of our wounded veterans. I ask for my colleagues to join me in support of this legislation.

#### ILLINOIS FOURTEENTH DISTRICT VOTERS SAY REGULATIONS HURT JOBS

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

Mr. HULTGREN. Mr. Speaker, I recently asked my constituents to take a

quick email survey regarding regulations and the impact that it has on jobs and our economy. The response from the 14th Congressional District of Illinois was overwhelming: 68 percent said that businesses currently operate in a hostile business environment when it comes to regulation; 70 percent said that the regulators and bureaucrats should be required to consider the impact regulations have on jobs and businesses before they're imposed.

To my constituents, I say, we are listening. We're working hard to ensure that small businesses and job creators have a stable and certain regulatory environment. We're working hard to get Washington off their backs; and we're working hard to ensure that they feel confident expanding and hiring, putting Americans back to work and getting our economy moving again. That's why all this fall we have been tackling and cutting red tape from the EPA and other bureaucracies.

Without our action, EPA threatens to impose new rules that would devastate American jobs, raise the cost of electricity for homeowners and businesses, and drive American businesses out of existence and overseas. That's unacceptable.

#### DEDICATION OF THE MARTIN LUTHER KING, JR., MEMORIAL

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

Mr. COHEN. Mr. Speaker, Thomas Jefferson originally penned the Declaration of Independence that all men were created equal. But it was Dr. Martin Luther King and civil rights workers that made those words ring true. It took almost 200 years for that to happen.

On Sunday, in this Nation's Capital, Dr. King will be honored with the dedication of a monument to him on the Mall, and it's a monument to a great man who deserves recognition. But it should be considered a monument to all the civil rights workers, the sit-ins, the Freedom Riders, the students that went to Mississippi, that marched from Selma to Montgomery, the JOHN LEWISes, the Julian Bonds, the Joseph Lowerys, the Harry Belafontes, the Vasco Smiths, Maxine Smiths, Russell Sugarman, and all the great civil rights leaders who made this country's promise be fulfilled.

All men now are created equal, but we have a long way to go. I thank the civil rights workers. They are veterans fighting who had to fight their own country to secure the rights that we now enjoy.

#### PROVIDING FOR CONSIDERATION OF H.R. 2273, COAL RESIDUALS REUSE AND MANAGEMENT ACT

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FORTENBERRY). The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. Thank you, sir.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 431 provides for a structured rule for consideration of H.R. 2273, the Coal Residuals Reuse and Management Act, and makes in order six amendments.

Mr. Speaker, I rise today in support of this rule and the underlying bill. The underlying bill would provide for a consistent, safe management of coal combustion residuals, or coal ash, in a way that protects jobs, while encouraging recycling and beneficial use of these materials.

This legislation, simply put, is one of the best job creation bills we can bring before the House of Representatives. By allowing States the opportunity to take control over their individual disposal needs, instead of being forced to follow an intrusive and overreaching EPA rule, we will save as many as 316,000 American jobs.

The EPA proposed regulation will increase the electricity cost and the construction costs around the Nation, while costing electric utilities and business owners up to \$110 billion. While we all agree we must be responsible in protecting our environment, I am struggling to understand why on Earth the EPA continues to propose rules in a vacuum, as opposed to considering the overall impact on our country.

Coal ash has never been proven to be toxic. But what it has been proven to be is extremely useful in strengthening everyday products from concrete to sheet rock to bowling balls.

□ 0920

In my district, South Carolina's First, the American Gypsum Wallboard Plant in Georgetown County uses coal ash from Santee Cooper, our local electric utility, to produce environmentally friendly wallboard. American Gypsum has invested \$150 million in this facility and created more than 100 jobs while redeveloping an old steel mill for their facility. The EPA's proposal to regulate coal ash as a hazardous waste threatens industry's ability to recycle this material in beneficial use. This, along with the increased regulatory, electric, and construction costs, is jeopardizing jobs all across America.

This legislation puts in place appropriate controls—and let me emphasize “appropriate”—for the safe management and disposal of coal ash, while still encouraging investment in recycling and beneficial use.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. This is the way Federal regulations should be implemented, and it is the way we will protect American jobs while protecting the environment at the same time.

I encourage my colleagues to vote “yes” on the rule and “yes” on the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. I want to thank my friend from South Carolina for yielding

me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, I rise today in opposition to this structured rule and the underlying legislation. I should point out to my colleagues that Democrats yesterday introduced an amendment in the Rules Committee to make this an open rule, but, unfortunately, every single Republican on the Rules Committee voted against making this an open process. So much for Speaker BOEHNER's pledge for an open House of Representatives.

This rule makes in order six amendments; six out of 16 submitted, less than half that were offered to the Rules Committee. Included in those amendments was an amendment by Mr. KISSELL which would have required, essentially, that all the components of the infrastructure that would create these holding facilities for steel ash would have to be made with American products, so that it wouldn't be made with Chinese steel, it would be made with American steel, American concrete, and American rebar. I have no idea why that was controversial. The American people are worried about jobs, and there was an opportunity to make an amendment in order that would have protected and ensured American jobs, and they wanted no part of it.

Mr. Speaker, once again, the Republicans are jamming a rule through the House that shuts down the debate and cherry-picks a handful of amendments.

I should also point out that this bill that we're debating here today didn't even have a hearing—no hearings. I thought we were going to adhere to regular order, and that means that the committees of jurisdiction hold a hearing on the legislation—not a general hearing on the topic, but on the legislation. No hearings were held on this.

Discussion on this bill the other night in the Rules Committee was, I thought, kind of comical. The chairman of the Rules Committee, someone who's served in this institution a very long time, said he would have preferred an open rule but said that the schedule forced him to vote against my amendment to make this an open rule. The schedule? The same House schedule where we go into recess every 2 weeks?

Mr. Speaker, the American people want us to address the challenges that are facing our economy. They want us to be focused on the issue of jobs. And we're not legislating under this schedule that the Republicans have put into place. Since there were no hearings on this bill and since there were a lot of amendments that were offered, we should have had an open process. And if it took us a couple of days to debate and vote on this bill, so be it. That's the way this place is supposed to work.

Yesterday on the floor, we wasted time debating an abortion bill that is

going absolutely nowhere, a bill that is designed to inflame and divide our country. I would suggest to my friends on the other side of the aisle, instead of bringing up hot-button social issues designed to fire up the right-wing base, maybe they should think about bringing a jobs bill to the floor of the House of Representatives.

In reality, Mr. Speaker, we should be debating the President's jobs bill, and yet the Republican leadership has refused to allow us even to have a vote on the bill. If my friends on the Republican side don't want to vote for a jobs bill, then they can vote against it, but we ought to be able to have a vote on the President's jobs bill.

The fact is that it's been 281 days that we've been in session—281 days without a jobs bill, 281 days that the Republicans have stood on the sidelines while Americans struggle to make ends meet, struggle to put food on the table, struggle to make house payments, struggle to find a job to pay their bills. We need a real jobs plan, not another bumper sticker bill demonizing the EPA, which is what today's bill is all about.

The American people don't want us wasting time on these trivial bills, bills that are going to go nowhere. What they want us to do is to pass a jobs bill. They want, Mr. Speaker, us to pass the President's jobs bill. Don't take my word for it. The NBC/Wall Street Journal poll that was released this week shows that nearly two-thirds of Americans want the President's jobs bill. The poll finds that 63 percent of Americans support the President's bill and that only 32 percent oppose it. It's not even close. The American people want action on jobs. They want to go back to work. They want us to do something meaningful, and they want us to do it now.

Mr. Speaker, if there's one thing that the new House majority has been consistent on this year, it's their almost religious crusade against the EPA. H.R. 2273 fits right in with their political agenda to undermine the agency at any cost and, in the process, threaten the health and safety of the American people, all under the guise of job creation. I'm appalled that that is their idea of a jobs bill.

Mr. Speaker, coal combustion waste is enormously toxic. It contains an array of the most harmful chemicals out there—mercury, lead, cadmium, hexavalent chromium, and arsenic—that are especially devastating to the development of children. Over the years, billions of tons of coal ash have been dumped in poorly designed waste pits and containment sites in communities across the country.

I want to remind my colleagues on the other side of the aisle of the catastrophic coal ash spill in Kingston, Tennessee, in 2008 where 1.1 billion gallons of liquid coal waste seeped out of a contaminated pool and contaminated local drinking water. I would also remind my Republican colleagues that it

cost the taxpayers more than \$1 billion to clean up that disaster, and that residents in the Kingston area are still dealing with its continuing effects.

H.R. 2273 is a bad piece of legislation, and it flies in the face of commonsense safety precautions when disposing of hazardous materials. By leaving the establishment of coal ash safety standards solely to the discretion of States, this bill simply encourages a "race to the bottom" where the State willing to have the least protections will become the dumping ground for the entire country. And H.R. 2273 leaves taxpayers on the hook for paying for another cataclysmic disaster like the one in Tennessee.

Mr. Speaker, I don't think any of my colleagues would want their families, their wives or husbands or children, living anywhere near the vicinity of a coal ash dumping site.

H.R. 2273 is another Republican bill that undermines commonsense health and safety protections from toxic chemicals and ultimately lowers the quality of living for millions of American families.

I urge my colleagues to reject this rule and instead send it back to the Rules Committee. Let's have an open rule. Given the fact, again, the bill didn't have a hearing, we should have an open rule here. I would urge my Republican colleagues to finally get to work on putting the American people back to work.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I yield myself such time as I may consume.

I'm confused. It doesn't take a lot to confuse me, but I'm confused today. The gentleman from Massachusetts consistently talks about the fact that there's been 281 days without a jobs bill. I want to know the definition of a jobs bill, because if you create jobs, my assumption is that we're talking about jobs bills. There is no question that the current legislation that we're talking about saves up to 316,000 jobs. I'm going to call that a jobs bill.

There's no question that the free trade agreements create about one-quarter of a million jobs. Those are jobs bills. The Boiler MACT saves jobs, and Cement MACT saves jobs. So what we've done in this Congress, in this House, is talk consistently about how to rein in the regulatory environment to not only create jobs but to retain jobs.

□ 0930

So my perspective is simple: When you have legislation that comes before the House that actually creates jobs, those are jobs bills. It is not an ultimatum. The President's jobs bill is simply an ultimatum, do it all or nothing at all. There is no question about it that even the Senate cannot find co-sponsors of the President's legislation and pass the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia, Mr. DAVID MCKINLEY.

Mr. MCKINLEY. I rise in support of the rule.

As we stand here 30 years into this discussion on coal ash, H.R. 2273 has essentially two parts:

The first part codifies the previous EPA studies that concluded that coal fly ash is nonhazardous and can be recycled for beneficial use. This was the essence of H.R. 1391, but in H.R. 1391, we heard from the constituents about the concern for disposal.

The second part was then incorporated into the new bill, which provides for all new and existing landfills and surface impoundments to be State-run with EPA assistance, approval, and oversight. We are trying to finally resolve the issue.

The issue of disposal is taken on firsthand in H.R. 2273 by allowing requirements for composite liners, fugitive dust controls, groundwater monitoring, financial assurance, and structural stability. H.R. 2273 is strongly endorsed by State environmental officials, including the Environmental Council of States and the Association of State and Territorial Solid Waste Officials, as well as various labor unions.

Now let's get back to the byproduct, itself.

Coal ash is an unavoidable byproduct of burning coal, just like putting logs in a fireplace. Every day, coal ash is produced in nearly 700 coal-fired generating plants in 48 of the 50 States in America. Approximately 140 million tons are produced annually with 40 percent of that fly ash being beneficially recycled.

Over the years, scientists and entrepreneurs have developed uses for that coal ash through a variety of recycling options. Businesses were emboldened to recycle the material after two studies by the EPA in 1993 and 2000. Both concluded that coal ash was not a hazardous material and could be used by the public. The findings of the 2000 study specifically stated that no documented cases of damage to human health or the environment have been identified because of fly ash.

As a result, industries have sprung up all across America. Hundreds of thousands of jobs have been created by recycling fly ash into the concrete of our bridges, our roads, and our buildings. It's used in masonry block and brick, and is in our houses by virtue of its use in drywall panels and roof shingles.

Even the Tennessee Valley Authority, with the cooperation of the Department of Health and Human Services, comprehensively examined the health effects from the Kingston dam accident in 2009. Their conclusion was that there were no significant human health impacts from the Tennessee coal ash spill.

Those companies across America using the byproduct are caught up in the uncertainty swirling about this issue of the recycling of the material, and may be forced to switch to more expensive alternatives. According to

the Veritas report, repealing this section of the bill and allowing the EPA to designate coal ash as a hazardous material would cost the consumers as much as \$110 billion and cost 316,000 jobs.

Let's be frank. The opponents of this bill and this rule clearly have an anti-coal agenda. Even interagency reviews of the EPA's plan to designate coal ash as a hazardous material show that the idea is opposed by the Department of Energy, the Department of Transportation, the U.S. Department of Agriculture, the Tennessee Valley Authority, the Council of Environmental Quality, and the Army Corps of Engineers. They want the continued use of recycled fly ash and want to reject its possibility of being treated as a hazardous material.

This is not a time for people who dislike fossil fuels to be pushing their personal agendas and ideologies. To those who lack compassion and understanding about the real world, these are real jobs at stake here. It's really that simple. Therefore, anyone who opposes this rule and this legislation embraces the loss of 316,000 jobs and higher utility bills.

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

To the gentleman who just spoke, I would remind him that we're debating the rule here. We could have this debate about whether or not there are health concerns here or not. I happen to believe there are, and I think most scientists believe that there are health concerns that we should take into consideration here.

But what's wrong with an open rule? What was so wrong with bringing an amendment to the floor that would have required that the components to build these containers, if you will, be made of materials made in the United States? What's wrong with U.S. steel or U.S. concrete? Why is that a controversy?

So I would say to my colleagues on the other side who like to say that they're open, let this be an open rule, especially since there were no hearings on this particular bill.

My colleague from South Carolina got up and he said he was confused. I'm sorry he's confused. Let me try to unconfuse him about one thing, which is, if you want to create jobs, bring the President's jobs bill to the floor. Economists predict that the American Jobs Act could create up to 1.9 million jobs next year and boost economic growth by about 2 percentage points. You've got a twofer here. Not only do you put people back to work, but you help to reduce our deficit when you put more people to work. If we could lower the unemployment rate in this country by a few percentage points, we could lower our deficit. Why is that so controversial?

Rather than focusing on partisan bills that don't mean much for the economy, it's time for the Republicans to take up the American Jobs Act,

which is fully paid for, includes bipartisan ideas, will create jobs, and grow our economy now. What we should be doing every single day on this House floor is focusing on jobs, on putting people back to work. Instead, today is another bill attacking the EPA, and yesterday we did an abortion bill. I mean, we're talking about everything but how to put people back to work, so I would urge my colleagues to get their priorities straight.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I thank the gentleman from Massachusetts so much for taking the time to clarify that which is not clear as it relates to the President's objectives of creating a one-size-fits-all, take-it-or-leave-it jobs bill that doesn't create jobs but that does create another \$500 billion hole for the taxpayers to take care of.

What we're talking about, however, sir, is a bipartisan approach to legislation in the House. In the Energy and Commerce Committee, with a vote of 35-12, 6 of the 23 Democrats supported this bill; of the Boiler MACT, 41 Democrats supported that bill; of the Cement MACT, 25 Democrats supported that bill. What we've done here is to create an atmosphere that is conducive to a bipartisan approach to solving the environmental concerns and challenges of our Nation.

Mr. Speaker, I yield 2 minutes to the gentlelady from North Carolina, Dr. FOXX.

Ms. FOXX. When I heard my colleague from Massachusetts talk about the President's jobs bill, I couldn't resist responding to it.

As my colleague from Massachusetts very well knows, the President's jobs bill was defeated in the Senate. It was introduced in the House by request. Only the person who introduced it has sponsored it, and there are no cosponsors. The Democrats are simply not serious about the President's jobs bill. They are using this as a political ploy. If the Democrats were really serious about it, they would all be signed on to the bill, but they are not.

□ 0940

Republicans are offering real alternatives to the situation that the Democrats have presented to us. We're signing on to our bills. We're voting for our bills.

The Senate is controlled by the Democrats. They can't pass the President's jobs bill over there. It failed. It failed on a bipartisan vote.

And let me point out to my colleague from Massachusetts that when the Democrats took control of the Congress in 2007, the unemployment rate was 4.6 percent. When Republicans gained control of the House again in January of this year, the unemployment rate had increased to 9 percent.

What they want us to do is go back to the failed policies that existed in the 4 years that they were in control of the

Congress and the 2 years that they controlled the Congress and the White House.

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

I would remind my colleague on the Rules Committee, the gentlelady from North Carolina, that over half the Senate—over half the Senate—voted to bring up the President's jobs bill. Over half the Senate supports the President's jobs bill. But under the arcane rules in the United States Senate, you need 60 votes to have lunch, never mind pass a bill.

So it wasn't defeated. A majority actually support the President's jobs bill. It is the Republicans who are obstructing this legislation, who are using procedural tricks to keep this bill from coming up before the United States Senate for a clean up-or-down vote. It is Republicans in the House of Representatives who are saying that none of us will have an opportunity to vote on the President's bill.

I mean, here's a good idea. You bring up what you want to bring up; you let us bring up what we want to bring up. The President's bill, as I said, is very popular. The legislation, I would remind my friend from South Carolina, is paid for, is paid for.

The legislation's specifics as well as the idea of taxing the very, very, very wealthy to pay for it are popular with the American public, and that's according to an NBC News/Wall Street Journal poll.

So, I mean, what are you afraid of? If you don't want to vote for legislation to help put people back to work, then you don't have to vote for it. You go home and explain to your constituents why you're against the bill.

What we should be doing here in this U.S. House of Representatives is, every day, debating and legislating on ways to be able to put this country back to work. You want to reduce the deficit? Put people back to work. If you want to improve the economy, put people back to work. It's simple. And we're doing everything in this place but debating legislation to put people back to work.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentlelady from West Virginia, Mrs. SHELLEY MOORE CAPITO.

Mrs. CAPITO. I thank my colleague on the Rules Committee from South Carolina.

I would like to ask the gentleman from Massachusetts who's been talking a lot about the jobs bill and the President's jobs bill, and my question to him is: If it's such a great jobs bill, why does it only have three cosponsors on the bill? I don't think that says much for the emphasis on your side of the aisle or in this whole House behind the President's jobs bill.

But today I want to rise in support of the rule of H.R. 2273, and I want to congratulate my colleague from West Virginia (Mr. MCKINLEY) for his very duti-

ful work in this area. To me, this legislation is in response to the EPA's ideological war on Appalachian jobs.

The EPA is intent on regulating coal as a hazardous material. It is a wrong-headed move, given that the material has been used in household construction for years.

This bill simply allows States to regulate coal fly ash under their long existing solid waste disposal programs. This bill is environmentally and economically responsible because it allows the EPA to set enforceable minimum standards but leaves ultimate regulations and enforcement to the States, where it belongs.

If the EPA is permitted to regulate coal ash as a hazardous material, it could have a devastating effect on my State's economy. We generate 97 percent, maybe up to 99 sometimes, of our electricity from coal naturally, because we're a very large coal producer.

Regulating this as a hazardous waste would result in less coal use and would throw thousands of coal miners out of their jobs. Electricity prices would skyrocket, which would hurt manufacturers and households.

I just think that we're talking about jobs. Let's talk about creating jobs, but let's not destroy 316,000 jobs in the process of this regulatory regime that we've seen over the last several years. We know from the EPA's own statements that they don't really consider job loss or economic loss when they put forward these onerous provisions, so we cannot afford to let the EPA put more Americans out of work.

I support the rule and the underlying legislation.

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

I would say to the gentlelady from West Virginia, I don't know how many cosponsors there are on the bill, but I want to vote for the bill. I'm willing to propose a unanimous consent request that we amend this rule and we bring up H.R. 12 today. If the gentleman on the other side of the aisle is willing, let's bring it up and have that debate right now.

I am happy to yield to the gentleman if he wants to agree to that unanimous consent.

Well, the silence, Mr. Speaker, is deafening.

The fact of the of the of the matter is that we are going to finish up today at 2 o'clock or 3 o'clock or whatever and then go on another week recess when the American people are struggling, when there are millions of people who are out of work, when there are millions of families struggling to try to pay their mortgages, when there are millions of families who are trying to figure out how they're going to have the resources to send their kids to school. This is the best we can do? Come on, we can do a lot better than this, Mr. Speaker.

I would again urge my colleagues to get serious and, if you don't like the President's jobs bill, then vote against

it. It's that simple. But let us bring a bill to the floor that by every measure, by every public opinion poll that is out there, is popular. The American people want it. You always like to invoke polls. Well, the polls overwhelmingly show the American people support this. So let's bring that bill to the floor.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I would just say to my good friend from Massachusetts that the President's jobs perspective seems to be, since February of 2009, a loss, a net loss of 2.2 million jobs. So let's just absorb that for a moment.

We ought to get serious about not using the American people as a pawn for partisan politics and get serious about working in a bipartisan fashion, as we have on the Boiler MACT, the Cement MACT, and now on this current bill. If we work for Americans' future, we will find more jobs created and saved in America.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana, Dr. LARRY BUCSHON.

Mr. BUCSHON. Mr. Speaker, I rise today in support of the rule and the underlying bill.

I guess yesterday there was some confusion at the White House about the Republican plan for job creation, and I would like to just point out that in early June we released that, and it can be found on jobs.gop.gov if the President is interested.

The Coal Residuals Reuse and Management Act stops the administration from another attempt to enforce unachievable standards that don't provide the health or environmental benefits that are claimed. And in exchange for no benefits, we're going to give up more jobs in States and industries than cannot afford more setbacks. In my State of Indiana, 95 percent of our electrical energy depends on coal. It would be devastating.

An independent study released earlier this year found that as many as 316,000 jobs will be taken away if this rule is enacted by the EPA. At a time when the President is touring the country promoting his jobs bill, I think it's hypocritical of his own EPA to promulgate a rule like the coal ash rule that's been shown by outside organizations to kill jobs.

So this is my question: Why is the EPA focusing on regulating coal ash when they, themselves, say the materials do not—I repeat, do not—exhibit any of the four characteristics of hazardous waste? Their own extensive studies reported to Congress show that coal ash does not exhibit corrosivity, reactivity, ignitability, or toxicity. Why then are we forcing through a regulation that goes against EPA's own findings?

The reason is because of an ideological, anti-coal agenda from the administration. That's why.

□ 0950

But the concern on most Americans' minds is job creation, and this here is

a jobs bill. To let the EPA regulate coal ash rather than leaving it to the States' hands would only create jobs at the EPA. We need more jobs in Indiana's Eighth Congressional District. For that reason, I support the rule and I support the underlying bill.

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

My colleague on the Rules Committee from South Carolina said we should all work in a bipartisan way, and I agree. And that's what the President attempted to do. His jobs bill represents a series of initiatives that were all bipartisan, that were all bipartisan until he announced he wanted to move on it, and then all of a sudden it became a partisan deal. Everything in the President's jobs package has been sponsored in a bipartisan way. So I don't understand why now. If you want to call it the Republican idea, I don't care what you want to call it, but bring it to the floor and allow us to be able to debate these bipartisan initiatives that will put people back to work.

Again, I would say about the rule, where's the openness here? I mean, the majority of amendments that were offered were not made in order, including an amendment that would require that the building materials for these holding tanks be made in America. Why is that so controversial? Why is making things in America a radical idea to my Republican friends? Why is it somehow a bad thing to insist that the steel used to build these plants be made in the United States of America and not China? I mean, we all should be on the side of American workers here, and that means standing up and making sure those jobs are here in the United States. So let's open this rule up so we have an opportunity to protect American jobs.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, Mr. JOHN SHIMKUS.

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

Mr. SHIMKUS. I'm just here to speak in support of the rule.

First of all, on April 14, 2011, the Subcommittee on the Environment and the Economy, which I chair, held a legislative hearing on the coal ash bill, H.R. 1391. Based on this hearing and working with Democrats in the subcommittee, we modified the bill. We changed the bill, and then we had a voice vote out of subcommittee. Then we went to the full committee, and we had a bipartisan vote in the full committee. I think at least six Democrat votes, and two more that would have had they been there for the process. So we are working together with Democrats to bring a sensible bill to the floor.

If we don't do this, it's projected in the coal ash recycling industry of this country we will lose 38,000 to 119,000 jobs. So we trust the State regulators.

They do it for municipal solid waste. We're just making coal ash recyclable, the same as we do for municipal solid waste. It has bipartisan support. Thank you, Rules Committee, for making the amendments in order. I think five of the six amendments are Democrat amendments. So it's not perfect, but it allows us to move forward.

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

Again, I appreciate the words of my colleague from Illinois, but H.R. 1391 is not H.R. 2273. There was no legislative hearing on H.R. 2273.

Mr. SHIMKUS. Will the gentleman yield?

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

Mr. SHIMKUS. It's not because of the input we got from Democrats to change that original bill. So that's why. I mean, it was bipartisan.

Mr. MCGOVERN. I reclaim my time.

So the new definition of openness under the Republican majority is you don't have to have a legislative hearing on a bill that you bring to the floor, but you can say it doesn't matter or that you did, or whatever. This is not the way this place is supposed to work. This process is not what my friends on the other side of the aisle promised.

Again, I have yet to hear a good reason why this is not an open rule. Given the fact that there was no hearing on this specific bill, given the fact that there were a number of germane amendments that were not made in order, given the fact that during the debate there may be Members on both sides of the aisle who may have ideas they may want to bring to the floor and amend this bill, and also given the fact that one of the amendments that was not made in order was an amendment that would have required that the materials that are used to make these coal ash containers be made in the United States of America, why is that such a heavy lift for my friends on the other side of the aisle?

With that, Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank my friend from Massachusetts.

I don't understand. This is a very, very important issue. This is an issue about dealing with fly ash and how we're going to contain it and process it and protect the citizens. It's also an opportunity for us to deal with one of the fundamental economic problems we have in the United States, which is the loss of manufacturing. There's going to be a lot of different kinds of equipment, material, steel, cement, other kinds of materials that are going to be part of the process that this bill calls for, that is, adequately dealing with fly ash. Why wouldn't you want to put into this piece of legislation that those materials, those pieces of equipment, be manufactured in the United States?

We need to rebuild our manufacturing base in this Nation. We've lost more than 50 percent of it over the last

25 years. We need to once again make it in America. And I tell you, you put this amendment into this bill and we'll see one more piece of American manufacturing coming back into place. It actually works.

In the Recovery Act, which you like to call the stimulus bill, there was a paragraph put in that says if you're going to use the transportation funds in this bill, then you must buy equipment made in America. In Sacramento, California, Siemens has built and is continuing to expand a manufacturing plant because of that provision. Hundreds of people in California are employed because Congress wrote into the bill money spent on trains and buses and light rail will have to be spent on equipment manufactured in America. So Siemens is doing it.

Write into this piece of legislation, and there will be new manufacturing plants in America making the equipment to deal with the fly ash. It is eminently sensible, so why be sensible? Why block this amendment?

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, Mr. JEFF DUNCAN.

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

As I see it, the three main problems facing the American economy today are the uncertainties coming from taxation, regulation, and litigation. This tone-deaf administration continues to propose new forms of taxation on American job creators to the detriment of our workers and our economy. The administration continues the threat of litigation in the form of the unprecedented and unconstitutional attacks by the National Labor Relations Board against my home State of South Carolina. And we see the EPA creating costly regulations that are forcing businesses not to make decisions on an annual or quarterly basis, but having to make decisions to comply day to day.

Fortunately, the House has worked to turn back some of these actions, but there is much work left to be done. The House recently passed two bills, H.R. 2681 and H.R. 2250. These bills seek to prevent a pair of excessive regulations from going into effect that would put hundreds of thousands of Americans out of work. One EPA regulation, the Boiler MACT rule, is expected to cost businesses and consumers around \$14 billion, resulting in a loss of over 220,000 American jobs.

□ 1000

Today we begin discussing the administration's EPA regulation of coal ash that will drive up electricity costs for millions of Americans, as well as construction costs for roads and homes all around the country.

From 1999 to 2009, American industries successfully recycled 519 tons of coal ash, some 38 percent of the 1.35 billion tons of coal ash produced. Recycling coal ash keeps electricity costs

low, provides for low-cost durable construction materials, and reduces the amount of waste going into the landfills. In other words, continuing to recycle coal ash is good for our economy and it's good for the environment.

Yet the administration continues this headlong rush to destroy American jobs and wreck the American engineering sector. The EPA is considering treating coal ash as a hazardous waste. This is simply the latest bureaucratic overreach from this administration on behalf of their friends from the left-wing fringe and environmental movement. The impact of this government overreach would be nothing short of disastrous, with an estimated impact of \$110 billion over the next 20 years and around 300,000 jobs lost. The bill we are debating today would end that nonsense before it can start.

Keep in mind, America, it allows that coal ash to be regulated not by the left-wing zealots at the EPA, but by the States. Our Founding Fathers included the 10th Amendment in the Constitution so that these issues could be handled by the States, not a burdensome Federal agency with a political agenda and an axe to grind.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. DUNCAN of South Carolina. Yesterday the President revealed that he had raised \$70 million for his campaign. If our President spent as much effort freeing job creators from excessive regulations as he spent raising campaign donations from environmental extremists, far more Americans would be able to find work today.

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

Mr. Speaker, a new study from Tufts University shows that we can create tens of thousands of new jobs by requiring safe disposal of coal ash. Ensuring that coal ash disposal sites protect human health and the environment will take work. It will take construction workers, equipment operators, and engineers. And this isn't a "make work" effort. These jobs will provide tremendous benefit to the communities in which they take place. But these jobs will not happen if we pass this bill. This bill basically preserves the status quo. So if we want to create jobs, I think we need to vote this bill down.

Again, Mr. Speaker, we're still trying to get an understanding on this side of the aisle as to why we don't have an open rule and why an amendment that would require that job stability infrastructure for all of this, that all the materials be made in America. If we want to protect American jobs and create American jobs, we have to stand up and fight for American jobs and fight for American workers.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. We are prepared to close; so we reserve our time until then.

Mr. McGOVERN. Mr. Speaker, let me close by, again, first of all, saying that this rule should be an open rule and that, at a very minimum, the amendment that would require that the materials that would be used to construct any of these containers be made in the United States of America. It's important that we stand up for American jobs. It's important that we make it in America. And so this rule deserves to be defeated based on that alone.

This process is also bad and flawed because there was no hearing on this particular piece of legislation, and the ranking member of the full Energy and Commerce Committee did not think, based on what he said, that this was a particularly bipartisan, open process. In fact, there are some Members who supported this bill in committee who will not support it on the floor because of promises that were supposedly made that were not kept. So, for a whole bunch of reasons on process, we should defeat this rule.

Secondly, Mr. Speaker, on the underlying bill, I would remind my colleagues that part of our job here is to protect the safety and well-being of the people we represent. Coal ash contains arsenic, lead, and many other toxic materials that can escape into the air or water if the material isn't properly contained. We should be concerned about the safety implications here. We should be concerned about any consequences that may result in poor regulation and poor oversight. And to basically, again, take this time on the floor to again take another slap at the EPA because that's the favorite punching bag of my friends on the Republican side of the aisle, I think, is not a credit to this institution and is not doing what we were elected to do, and that is to make sure that we are upholding the safety and protecting the people of this country.

My colleagues on the other side of the aisle say that the problem is all regulation, only EPA regulation. There was an interesting opinion piece that appeared in *The New York Times* by a fellow named Bruce Bartlett—he had held senior policy roles in the Reagan and George H.W. Bush administrations, served on the staff of Jack Kemp—who did a piece for *The New York Times* entitled, "Misrepresentations, Regulations and Jobs."

I'll read a couple of the lines from his piece. He says:

"Republicans have a problem"—and he's Republican himself. "Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them."

He further says: "No hard evidence is offered for this claim" that all the uncertainty within business is tied to regulation." He says that notwithstanding the lack of evidence, the Republicans repeated this assertion "endlessly throughout the conservative echo chamber."

He also says: "While concerns about regulation have risen during the

Obama administration, they are about the same now as they were during Ronald Reagan's administration, according to an analysis of the federation's data by the Economic Policy Institute."

He ends by saying this: "In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

I bring that up not to say that regulation isn't a problem and that we should not deal in a constructive way with needless regulation—the President said that in his speech to the House when he introduced his jobs bill—but it is not the only problem out there. And to suggest that bringing bills like this to the floor are going to somehow create jobs is just patently false.

If we want to create jobs in this country, we should bring the President's jobs bill to the floor. Again, the American people overwhelmingly support what the President outlined in his speech before the Congress; and all the things that he articulated, I say to my friend from South Carolina, were bipartisan ideas. Republicans and Democrats all cosponsored legislation on various pieces of his proposal. Why now they have become controversial is beyond me.

I'll just close with this: At some point I hope my friends on the other side of the aisle will get serious about the issue of jobs; at some point I hope they will bring something meaningful to this House floor that, if passed, will actually put people back to work, because up to this point the Republican leadership has failed miserably. And I think people all across this country—and you see this reflected in the public opinion polls—have had it. They're tired of this constant agenda of hot-button issues and of trivial matters that we debate passionately and important ones not at all.

Mr. Speaker, I would urge my colleagues to defeat the previous question. If we defeat the previous question, I will offer an amendment to the rule to make in order an amendment by Mr. GARAMENDI of California which was submitted to the Rules Committee. They didn't make it in order even though it is germane and fully paid for and meets every requirement of the rules of the House. The amendment would make sure that construction materials used to build holding facilities for coal ash are made in America.

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

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

There was no objection.



Mr. MCGOVERN. Again, Mr. Speaker, let me repeat, the amendment we want to make in order would make sure that construction materials used to build holding facilities for coal ash are made in America. Why that should be controversial is beyond me. Why anybody on either side should oppose that is beyond me.

Mr. Speaker, I urge my colleagues to vote “no” and defeat the previous question. I urge a “no” vote on the rule, and I yield back the balance of my time.

[From the New York Times, Oct. 4, 2011]

MISREPRESENTATIONS, REGULATIONS AND JOBS  
(By Bruce Bartlett)

Bruce Bartlett held senior policy roles in the Reagan and George H.W. Bush administrations and served on the staffs of Representatives Jack Kemp and Ron Paul.

Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them. The G.O.P. opposes additional government spending for jobs programs and, in fact, favors big cuts in spending that would be likely to lead to further layoffs at all levels of government.

TODAY’S ECONOMIST PERSPECTIVES FROM  
EXPERT CONTRIBUTORS

Republicans favor tax cuts for the wealthy and corporations, but these had no stimulative effect during the George W. Bush administration and there is no reason to believe that more of them will have any today. And the Republicans’ oft-stated concern for the deficit makes tax cuts a hard sell.

These constraints have led Republicans to embrace the idea that government regulation is the principal factor holding back employment. They assert that Barack Obama has unleashed a tidal wave of new regulations, which has created uncertainty among businesses and prevents them from investing and hiring.

No hard evidence is offered for this claim; it is simply asserted as self-evident and repeated endlessly throughout the conservative echo chamber.

On Aug. 29, the House majority leader, Eric Cantor of Virginia, sent a memorandum to members of the House Republican Conference, telling them to make the repeal of job-destroying regulations the key point in the Republican jobs agenda.

“By pursuing a steady repeal of job-destroying regulations, we can help lift the cloud of uncertainty hanging over small and large employers alike, empowering them to hire more workers,” Mr. Cantor said.

Evidence supporting Mr. Cantor’s contention that deregulation would increase unemployment is very weak. For some years, the Bureau of Labor Statistics has had a program that tracks mass layoffs. In 2007, the program was expanded, and businesses were asked their reasons for laying off workers. Among the reasons offered was “government regulations/intervention.” There is only partial data for 2007, but we have data since then through the second quarter of this year.

The table below presents the bureau’s data. As one can see, the number of layoffs nationwide caused by government regulation is minuscule and shows no evidence of getting worse during the Obama administration. Lack of demand for business products and services is vastly more important.

BUREAU OF LABOR STATISTICS

These results are supported by surveys. During June and July, Small Business Majority asked 1,257 small-business owners to name the two biggest problems they face.

Only 13 percent listed government regulation as one of them. Almost half said their biggest problem was uncertainty about the future course of the economy—another way of saying a lack of customers and sales.

The Wall Street Journal’s July survey of business economists found, “The main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies, according to a majority of economists.”

In August, McClatchy Newspapers canvassed small businesses, asking them if regulation was a big problem. It could find no evidence that this was the case.

“None of the business owners complained about regulation in their particular industries, and most seemed to welcome it,” McClatchy reported. “Some pointed to the lack of regulation in mortgage lending as a principal cause of the financial crisis that brought about the Great Recession of 2007–9 and its grim aftermath.”

The latest monthly survey of its members by the National Federation of Independent Business shows that poor sales are far and away their biggest problem. While concerns about regulation have risen during the Obama administration, they are about the same now as they were during Ronald Reagan’s administration, according to an analysis of the federation’s data by the Economic Policy Institute.

Academic research has also failed to find evidence that regulation is a significant factor in unemployment. In a blog post on Sept. 5, Jay Livingston, a sociologist at Montclair State University, hypothesized that if regulation were a major problem it would show up in the unemployment rates of industries where regulation has been increasing: the financial sector, medical care and mining/fuel extraction. He found that unemployment rates in these sectors were actually well below the national average. Unemployment is much higher in those industries that one would expect to suffer most from a lack of aggregate demand: construction, leisure and hospitality, business services, wholesale and retail trade, and durable goods.

Gary Burtless, an economist at the Brookings Institution, asserts that if businesses were really concerned about rising regulations, they would be investing now to avoid them. But there is no indication that this is the case. “The real reason for anemic investment and hiring is that businesses are not confident there will be enough potential customers to justify expansion or even routine capital replacement right now,” he says.

In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

□ 1010

Mr. SCOTT of South Carolina. Mr. Speaker, history is a measure of progress. And when it comes to the two topics that I keep hearing from Mr. MCGOVERN, my good friend to the left, it’s openness and job creation. So let’s examine history.

In the 111th Congress, I would like to ask the gentleman from Massachusetts, can the gentleman tell me how many open rules he brought to the floor in the last Congress as the vice chairman of the Rules Committee? The answer is none; no, not one. Under Speaker BOEHNER, our record of openness in this Congress is one we can be

proud of. All of the general appropriations bills have been debated under completely open rules—all of the general appropriations bills, open rules. We’ve brought several authorizing bills to the floor under modified open rules, only requiring preprinting of amendments.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SCOTT of South Carolina. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. I would just remind my friend that you have already brought up 30 measures under a closed rule since you took over. Again, I’m just trying to keep you to your promise that you made about all this new openness, which we haven’t seen. And today is an example of that.

Mr. SCOTT of South Carolina. The good news is the gentleman from Massachusetts has once again highlighted the fact that while he looks in one direction, he refuses to look in the mirror and answer the question that simply, no, not one, not one in the 111th Congress, one open rule did he bring to the floor of the House. But I would say that the Democrats in the last Congress simply gave up on openness. They just gave up on openness and allowing the American people to see real debate on the floor of the House.

On the issue of job creation, since February of 2009, the current administration lost 2.2 million jobs. Two million Americans now out of work since February 2009, and my good friends from the left continue to talk about demagoguing and demonizing an issue when they simply have nothing to prove and nothing to show for what they’ve done.

I would say this, though: that this week alone in the House of Representatives we have had the opportunity to empower the job creators of America to create over 500,000 jobs in just this week. We compare our record every day to the current administration.

Mr. Speaker, in recent weeks, the House has passed multiple bills which would stop burdensome government regulations from destroying jobs all across America. I ask that we do so today.

Enough is simply enough. We cannot allow the EPA—or any other government agency for that matter—to unnecessarily kill hundreds of thousands of jobs when our national unemployment is as high as it has been in the last 25 years. This is a responsible, forward-thinking bill which everyone in the Chamber should support.

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

AN AMENDMENT TO H.R. RES. 431 OFFERED BY  
MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Garamendi of California or a designee. That amendment shall be debatable

for 10 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

Page 8, after line 5, insert the following subparagraph:

“(H)(i) Except as provided in clause (ii), the coal combustion residuals permit program shall require new structures, and changes and additions to existing structures, to be constructed and maintained with materials manufactured in the United States.

“(ii) The Administrator may waive the requirement of clause (i) if the Administrator determines that—

“(I) applying such requirement will be inconsistent with the public interest;

“(II) materials used to construct and maintain structures are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(III) such requirement will increase the cost of the construction of, or the change or addition to, the structure by more than 25 percent.

“(iii) If the Administrator determines that it is necessary to waive the requirement of clause (i) based on a determination under clause (ii), the Administrator shall publish in the Federal Register a detailed written justification as to why the requirement is being waived.

“(iv) This subparagraph shall be applied in a manner consistent with—

“(I) United States obligations under international agreements; and

“(II) applicable labor agreements.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous

question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

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

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

Mr. SCOTT of South Carolina. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were 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 adoption.

The vote was taken by electronic device, and there were—yeas 237, nays 166, not voting 30, as follows:

[Roll No. 792]

YEAS—237

Adams	Calvert	Fincher
Aderholt	Camp	Fitzpatrick
Akin	Campbell	Flake
Alexander	Canseco	Fleischmann
Amash	Cantor	Fleming
Amodei	Capito	Flores
Austria	Carter	Forbes
Bachus	Cassidy	Fortenberry
Barletta	Chabot	Fox
Bartlett	Chaffetz	Franks (AZ)
Bass (NH)	Coble	Frelinghuysen
Berg	Coffman (CO)	Galleghy
Biggart	Cole	Gardner
Bilbray	Conaway	Garrett
Bilirakis	Crawaack	Gerlach
Bishop (UT)	Crawford	Gibbs
Black	Crenshaw	Gibson
Blackburn	Culberson	Gingrey (GA)
Bonner	Davis (KY)	Gohmert
Bono Mack	Denham	Goodlatte
Boren	Dent	Gosar
Boustany	DesJarlais	Gowdy
Brady (TX)	Diaz-Balart	Granger
Brooks	Dold	Graves (GA)
Broun (GA)	Dreier	Graves (MO)
Buchanan	Duffy	Griffin (AR)
Bucshon	Duncan (SC)	Griffith (VA)
Buerkle	Duncan (TN)	Grimm
Burgess	Ellmers	Guinta
Burton (IN)	Farenthold	Guthrie

Gutierrez	McCarthy (CA)	Roskam
Hall	McCaull	Ross (AR)
Hanna	McClintock	Ross (FL)
Harper	McCotter	Royce
Harris	McHenry	Ryunan
Hartzler	McKeon	Ryan (WI)
Hastings (WA)	McKinley	Scalise
Hayworth	McMorris	Schilling
Heck	Rodgers	Schmidt
Hensarling	Meehan	Schock
Herger	Mica	Schweikert
Herrera Beutler	Miller (FL)	Scott (SC)
Huelskamp	Miller (MI)	Scott, Austin
Huizenga (MI)	Miller, Gary	Sensenbrenner
Hultgren	Mulvaney	Sessions
Hunter	Murphy (PA)	Shimkus
Hurt	Myrick	Shuler
Issa	Neugebauer	Shuster
Jenkins	Noem	Simpson
Johnson (IL)	Nugent	Smith (NE)
Johnson (OH)	Nunes	Smith (NJ)
Johnson, Sam	Nunnelee	Smith (TX)
Jones	Olson	Southerland
Kelly	Palazzo	Stearns
Kind	Paulsen	Stivers
King (IA)	Pearce	Sullivan
King (NY)	Pence	Terry
Kingston	Peterson	Thompson (PA)
Kinzinger (IL)	Petri	Thornberry
Kline	Pitts	Tiberi
Labrador	Platts	Tipton
Lamborn	Poe (TX)	Turner (NY)
Lance	Pompeo	Turner (OH)
Landry	Posey	Upton
Lankford	Price (GA)	Walberg
Latham	Quayle	Walden
LaTourette	Reed	Walsh (IL)
Latta	Rehberg	Webster
Lewis (CA)	Reichert	West
LoBiondo	Renacci	Westmoreland
Long	Ribble	Whitfield
Lucas	Rigell	Wilson (SC)
Luetkemeyer	Rivera	Wittman
Lummis	Roby	Wolf
Lungren, Daniel	Roe (TN)	Womack
E.	Rogers (AL)	Woodall
Mack	Rogers (KY)	Yoder
Manzullo	Rogers (MI)	Young (FL)
Marino	Rohrabacher	Young (IN)
Matheson	Ros-Lehtinen	

NAYS—166

Ackerman	DeFazio	Kaptur
Altmire	DeGette	Keating
Andrews	DeLauro	Kissell
Baca	Deutch	Kucinich
Baldwin	Dicks	Langevin
Barrow	Dingell	Larsen (WA)
Berkley	Doggett	Larson (CT)
Berman	Donnelly (IN)	Lee (CA)
Bishop (GA)	Doyle	Levin
Bishop (NY)	Edwards	Lewis (GA)
Blumenauer	Ellison	Lipinski
Boswell	Eshoo	Loeb sack
Brady (PA)	Farr	Lofgren, Zoe
Bralley (IA)	Filner	Lowe
Brown (FL)	Frank (MA)	Lujan
Butterfield	Fudge	Lynch
Capps	Garamendi	Maloney
Capuano	Green, Al	Markey
Cardoza	Green, Gene	Matsui
Carnahan	Grijalva	McCarthy (NY)
Carney	Hahn	McCollum
Carson (IN)	Hanabusa	McDermott
Castor (FL)	Hastings (FL)	McGovern
Chandler	Heinrich	McNerney
Chu	Higgins	Michaud
Ciilline	Himes	Miller (NC)
Clarke (MI)	Hinche	Miller, George
Clarke (NY)	Hinojosa	Moore
Cleaver	Hiron	Moran
Clyburn	Hochul	Murphy (CT)
Cohen	Holden	Nadler
Connolly (VA)	Holt	Napolitano
Conyers	Honda	Neal
Cooper	Hoyer	Owens
Costa	Inslee	Pallone
Courtney	Israel	Pascarell
Critz	Jackson (IL)	Pastor (AZ)
Crowley	Jackson Lee	Payne
Cuellar	(TX)	Peters
Davis (CA)	Johnson (GA)	Pingree (ME)
Davis (IL)	Johnson, E. B.	Price (NC)

Quigley	Schiff	Towns
Rahall	Schwartz	Tsongas
Rangel	Scott (VA)	Van Hollen
Reyes	Scott, David	Velázquez
Richardson	Serrano	Visclosky
Richmond	Sewell	Walz (MN)
Rothman (NJ)	Sherman	Wasserman
Roybal-Allard	Sires	Schultz
Ruppersberger	Smith (WA)	Waters
Rush	Speier	Watt
Ryan (OH)	Stark	Waxman
Sánchez, Linda	Sutton	Welch
T.	Thompson (CA)	Woolsey
Sanchez, Loretta	Thompson (MS)	Yarmuth
Sarbanes	Tierney	
Schakowsky	Tonko	

NOT VOTING—30

Bachmann	Fattah	Pelosi
Barton (TX)	Giffords	Perlmutter
Bass (CA)	Gonzalez	Polis
Becerra	Jordan	Rokita
Benishkek	Kildee	Rooney
Clay	Marchant	Schrader
Costello	McIntyre	Slaughter
Cummings	Meeks	Stutzman
Emerson	Olver	Wilson (FL)
Engel	Paul	Young (AK)

□ 1038

Mr. CRITZ changed his vote from “yea” to “nay.”

Messrs. SHUSTER and CULBERSON changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 792, I was unavoidably detained. Had I been present I would have voted “yea.”

Mr. ROKITA. Mr. Speaker, on rollcall 792, I was unavoidably detained. Had I been present I would have voted “yea.”

(By unanimous consent, Mr. YARMUTH was allowed to speak out of order.)

ROLL CALL RYDER CUP

Mr. YARMUTH. Mr. Speaker, on October 3, eight Democrats and eight Republicans met in an epic competition here at Columbia Country Club in Washington to contest, for the 10th time, the battle for the Roll Call Ryder Cup. This is a competition which is intense but with great sportsmanship, and, of course, the ultimate beneficiary is The First Tee of Washington for whom this competition has now raised more than \$1 million over the last 10 years.

Despite an average age of 58.6 years, which means that all but one of our players was eligible for the seniors tour, we were able to parlay our experience and caginess into a great victory—our sixth conservative victory on the Democratic side. I want to congratulate our team of BACA, CLYBURN, COURTNEY, SIRES, COOPER, DOYLE, RICHMOND and myself. We look forward to an even tougher competition next year.

But I do want to say that the principles that The First Tee espouses, things like honest, integrity, sportsmanship and responsibility, were all on great display during this competition, even to the extent that TREY GOWDY and MICK MULVANEY called a penalty on themselves during one of the team matches. So, I think the competition lived up to the principles of The First Tee, and we look forward to next year’s match.

With that, I yield to the gentleman from Florida, the captain of the Republican side.

Mr. CRENSHAW. I thank the gentleman for yielding.

On behalf of the Republican participants, I want to congratulate Captain YARMUTH and his team for their outstanding play and for their narrow victory, and I want to thank all the members of the Republican team for participating and for showing up.

I think the big winner is The First Tee.

I want to thank all the sponsors because, over the years, they’ve raised over \$1.5 million for this organization that is involved in all 50 States and that touches the lives of about 5 million young people in order to teach them through the game of golf about honesty, integrity, character, and about sportsmanship.

So, again, I thank everyone for being involved.

I just remember the words of those people who watched the University of Florida football team, which are: Wait until next year.

Mr. YARMUTH. I thank the gentleman.

It was an incredible competition. As TREY GOWDY said just this morning, if you were there during this event and during the event preceding, the night before, you could not have told who was a Republican and who was a Democrat, because the comradery was so nice.

Once again, congratulations to The First Tee.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. YODER). The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Without objection, this will be a 5-minute vote. There was no objection.

The vote was taken by electronic device, and there were—ayes 244, noes 163, not voting 26, as follows:

[Roll No. 793]

AYES—244

Adams	Boren	Coffman (CO)
Aderholt	Boustany	Cole
Akin	Brady (TX)	Conaway
Alexander	Brooks	Cravaack
Amash	Brown (GA)	Crawford
Amodei	Buchanan	Crenshaw
Austria	Bucshon	Culberson
Bachus	Buerkle	Davis (KY)
Barletta	Burgess	DeGette
Bartlett	Burton (IN)	Denham
Barton (TX)	Calvert	Dent
Bass (NH)	Camp	DesJarlais
Berg	Campbell	Diaz-Balart
Biggert	Canseco	Dold
Bilbray	Cantor	Donnelly (IN)
Bilirakis	Capito	Dreier
Bishop (UT)	Carter	Duffy
Black	Cassidy	Duncan (SC)
Blackburn	Chabot	Duncan (TN)
Bonner	Chaffetz	Ellmers
Bono Mack	Coble	Farenthold

Fincher	Labrador	Ribble
Fitzpatrick	Lamborn	Rigell
Flake	Lance	Roby
Fleischmann	Landry	Roe (TN)
Fleming	Lankford	Rogers (AL)
Flores	Latham	Rogers (KY)
Forbes	LaTourette	Rogers (MI)
Fortenberry	Latta	Rohrabacher
Fox	Lewis (CA)	Rokita
Franks (AZ)	LoBiondo	Rooney
Frelinghuysen	Long	Ros-Lehtinen
Galleghy	Lucas	Roskam
Gardner	Luetkemeyer	Ross (AR)
Garrett	Lummis	Ross (FL)
Gerlach	Lungren, Daniel	Royce
Gibbs	E.	Runyan
Gibson	Mack	Ryan (WI)
Gingrey (GA)	Manzullo	Scalise
Gohmert	Marino	Schilling
Goodlatte	Matheson	Schmidt
Gosar	McCarthy (CA)	Schock
Gowdy	McCaul	Schweikert
Granger	McClintock	Scott (SC)
Graves (GA)	McCotter	Scott, Austin
Graves (MO)	McHenry	Scott, David
Green, Gene	McKeon	Sensenbrenner
Griffin (AR)	McKinley	Sessions
Griffith (VA)	McMorris	Shimkus
Grimm	Rodgers	Shuler
Guinta	Meehan	Shuster
Guthrie	Mica	Simpson
Hall	Miller (FL)	Smith (NE)
Hanna	Miller (MI)	Smith (NJ)
Harper	Miller, Gary	Smith (TX)
Harris	Mulvaney	Southerland
Hartzler	Murphy (PA)	Stearns
Hastings (WA)	Myrick	Stivers
Hayworth	Neugebauer	Sullivan
Heck	Noem	Terry
Hensarling	Nugent	Thompson (PA)
Herger	Nunes	Thornberry
Herrera Beutler	Nunnelee	Tiberi
Huelskamp	Olson	Tipton
Huizenga (MI)	Palazzo	Turner (NY)
Hultgren	Paulsen	Turner (OH)
Hunter	Pearce	Upton
Hurt	Pence	Walberg
Issa	Peterson	Walden
Jenkins	Petri	Walsh (IL)
Johnson (IL)	Pitts	Webster
Johnson (OH)	Platts	West
Johnson, Sam	Poe (TX)	Westmoreland
Jones	Pompeo	Whitfield
Kelly	Posey	Wilson (SC)
Kind	Price (GA)	Wittman
King (IA)	Quayle	Wolf
King (NY)	Rahall	Womack
Kingston	Reed	Woodall
Kinzinger (IL)	Rehberg	Yoder
Kissell	Reichert	Young (FL)
Kline	Renacci	Young (IN)

NOES—163

Ackerman	Critz	Holt
Altmire	Crowley	Honda
Andrews	Cuellar	Hoyer
Baca	Cummings	Inlee
Baldwin	Davis (CA)	Israel
Barrow	Davis (IL)	Jackson (IL)
Berkley	DeFazio	Jackson Lee
Berman	DeLauro	(TX)
Bishop (GA)	Deuth	Johnson, E. B.
Bishop (NY)	Dicks	Kaptur
Blumenauer	Dingell	Keating
Boswell	Doggett	Kucinich
Brady (PA)	Doyle	Langevin
Braley (IA)	Edwards	Larsen (WA)
Brown (FL)	Ellison	Larson (CT)
Butterfield	Eshoo	Lee (CA)
Capps	Farr	Levin
Capuano	Fattah	Lewis (GA)
Cardoza	Filner	Lipinski
Carnahan	Frank (MA)	Loebsack
Carney	Fudge	Lofgren, Zoe
Carson (IN)	Garamendi	Lowey
Castor (FL)	Green, Al	Luján
Chandler	Grijalva	Lynch
Chu	Gutierrez	Maloney
Ciilline	Hahn	Markey
Clarke (MI)	Hanabusa	Matsui
Clarke (NY)	Hastings (FL)	McCarthy (NY)
Cleaver	Heinrich	McCollum
Clyburn	Higgins	McDermott
Cohen	Himes	McGovern
Connolly (VA)	Hinchee	McNerney
Conyers	Hinojosa	Michaud
Cooper	Hirono	Miller (NC)
Costa	Hochul	Miller, George
Courtney	Holden	Moore

Moran	Richmond	Sutton
Murphy (CT)	Rothman (NJ)	Thompson (CA)
Nadler	Roybal-Allard	Thompson (MS)
Napolitano	Ruppersberger	Tierney
Neal	Rush	Tonko
Olver	Ryan (OH)	Towns
Owens	Sanchez, Loretta	Tsongas
Pallone	Sarbanes	Van Hollen
Pascrell	Schakowsky	Velázquez
Pastor (AZ)	Schiff	Visclosky
Payne	Schwartz	Walz (MN)
Perlmutter	Scott (VA)	Wasserman
Peters	Serrano	Schultz
Pingree (ME)	Sewell	Waters
Price (NC)	Sherman	Watt
Quigley	Sires	Waxman
Rangel	Smith (WA)	Welch
Reyes	Speier	Woolsey
Richardson	Stark	Yarmuth

## NOT VOTING—26

Bachmann	Gonzalez	Polis
Bass (CA)	Johnson (GA)	Rivera
Becerra	Jordan	Sánchez, Linda
Benishke	Kildee	T.
Clay	Marchant	Schrader
Costello	McIntyre	Slaughter
Emerson	Meeks	Stutzman
Engel	Paul	Wilson (FL)
Giffords	Pelosi	Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1048

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 793 I was unavoidably delayed. Had I been present, I would have voted "aye."

## COAL RESIDUALS REUSE AND MANAGEMENT ACT

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2273 and to insert extraneous material.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 431 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. 2273.

□ 1049

## 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. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels, with Mr. YODER in the chair.

The Clerk read the title of the bill.

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

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1050

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

Mr. Chairman, I rise in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

Fifty percent of our Nation's electricity generation comes from coal. This means that we need to do something to address the long-term disposal issues presented by these wastes. This bill is a measured, appropriate, protective response to the issue of coal waste generated to safely, responsibly, and affordably provide heat to communities across the country.

The trash we throw out daily contains everything from milk cartons to household cleaning items and pesticides, all mixed and destined for the same destination. The chemical characteristics of coal ash put it somewhere in between these two extremes. For years, States have been successfully managing these nonhazardous wastes through their municipal solid waste programs.

Yet even though EPA has confirmed on multiple occasions that coal ash does not trigger its own toxicity test to be labeled as hazardous, regulation was proposed by the EPA in June 2010 that would do just that. EPA's regulation would have prevented coal ash from being governed under the municipal solid waste programs despite its nonhazardous nature and EPA saying in its proposed rule that it preferred the municipal solid waste option.

The results of EPA's regulations would have been devastating effects on jobs, higher utility rates at home, and crippling of a very successful emerging byproducts industry.

H.R. 2273 strikes the right balance to provide certainty to producers and recyclers of coal combustion byproducts at a time when recyclers do not have time to wait. It also facilitates a safe and appropriate disposal and monitoring of coal combustion byproducts.

The bill establishes, for the first time ever, comprehensive Federal standards specific to coal ash disposal. These new standards for the management and disposal of coal combustion residuals are based on existing Federal regulations issued by EPA to protect human health and the environment.

H.R. 2273 provides a benchmark for States to regulate under their existing municipal solid waste programs, which are already required to meet this Federal baseline of protection. These standards will include groundwater protection and detection and monitoring, liners at landfills, corrective action when environmental damage occurs, structural stability criteria, financial assurance, and recordkeeping.

EPA will continue to have an oversight role to ensure States are meeting their obligations. EPA will review the contents of a State permit program and determine whether it meets the

minimum specifications set in H.R. 2273. They will also review State implementation of permit programs to make sure States are implementing a permit program meeting the minimum specifications.

However, discretion will remain with the States to regulate coal ash even more stringently than the Federal standards set in H.R. 2273. And should a State fail to meet these baseline standards or decline to regulate coal ash, EPA has the authority under the bill to come into a State and operate a program.

H.R. 2273 received strong 3-1 bipartisan support when it was favorably passed out of the Energy and Commerce Committee. We have continued to work hard since then with colleagues on both sides of the aisle to clarify and address additional concerns reflected in the manager's amendment. This has resulted in a bipartisan product that empowers States, saves jobs, controls public and private costs, and protects people and the environment.

H.R. 2273 has endorsements by a diverse stakeholder community as well from the Environmental Council of the States, State environmental officials, the beneficial use community, labor unions, and a coalition of regulated stakeholders.

Mr. Chairman, some of our colleagues are going to oppose this bill based upon this information or misguided policy. That is unfortunate. We will hear plenty about that in this debate. I urge Members to pay attention to the debate as many of our Nation's environmental laws already apply to the concerns being raised. More laws requiring the same thing to be done that is required in other laws do not improve the environment nor the law. We need to be serious about that point.

Most importantly, our economy continues to struggle and businesses are trying to figure out how to get out from underneath the weight of overly burdensome regulations. H.R. 2273 is a jobs bill that gives us yet another chance in the House to regulatory certainty and unemployment relief with passage of H.R. 2273.

This bill protects the working men and women of this country. It encourages jobs in road building and construction industries and encourages an affordable and more secure standard of living in this country for all Americans and their families. This bill is worthy of all my colleagues' support.

I urge my colleagues to vote for H.R. 2273, and I reserve the balance of my time.

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

Today the assault on the environment in this body continues. Two weeks ago the House voted to repeal the health standards in the Clean Air Act and block the Environmental Protection Agency from regulating toxic emissions from power plants. Earlier

this week, we voted to block EPA from regulating toxic emissions from cement plants. And yesterday we voted to block the EPA from regulating toxic emissions from incinerators. Today we'll vote on whether to stop EPA from regulating toxic coal ash.

On December 22, 2008, a coal ash impoundment in Kingston, Tennessee, burst, releasing 5.4 million cubic yards of toxic sludge, blanketing the Emory River and the surrounding land and creating a Superfund site that could cost up to \$1.2 billion to clean up.

Last year, EPA proposed regulations to ensure stronger oversight of coal ash impoundments in order to prevent disasters like the one in Kingston and to prevent groundwater and drinking water from the threat of contamination. Today we are voting to stop EPA from acting.

The agency had proposed two alternatives for regulating coal combustion residuals: One proposal was to regulate these wastes under subtitle C of the Resource Conservation and Recovery Act, or RCRA, as a hazardous waste. The other proposal was to regulate under subtitle D of RCRA as a nonhazardous solid waste.

Under both proposals, there would be a minimum Federal standard developed to protect human health and the environment. Those standards would address wet impoundments, like in Kingston, and would also ensure that basic controls like the use of liners, groundwater monitoring, and dust control meet a minimum level of effectiveness.

But the legislation that is being brought to the floor today blocks both of these EPA proposals. It replaces those proposals with an ineffective program that won't ensure the safe disposal of coal ash.

At hearings in the Energy and Commerce Committee, we heard testimony about the devastating impacts contamination from coal combustion waste can cause. We learned of contaminated drinking water supplies, of ruined property values. We've learned about improper disposal of coal ash presenting catastrophic risks from ruptures of containment structures and causing cancer and other illnesses from long-term exposure to leaking chemicals.

But this legislation does not reflect what we learned about the dangers of improper disposal of coal ash. Under each of our environmental laws—until the Republicans repeal them—Congress has established a legal standard when delegating programs to the States. That was done, by the way, on bipartisan votes.

These standards are the yardstick by which it is determined whether a State's efforts measure up. They ensure a minimum level of effort and protection throughout the Nation. This approach has worked well because it prevents a race to the bottom by the States.

But this legislation does not include any legal standard at all to establish a

minimum level of safety. As a result, the public can have little confidence that this legislation, if enacted, will result in increased safety. And to the extent new safety requirements are established, nearly all of them can be waived at a State's discretion.

This legislation appears to create a new program for the safe disposal of coal ash. But the decisions of whether or not to provide a safe disposal or whether or not to protect groundwater or whether or not to protect against toxic dust blowing off disposal sites will remain State decisions. There will be no minimum Federal health standard.

□ 1100

The result will inevitably be uneven and inconsistent rules by the States. Some States will do a good job, others will do a poor job. And when they do a poor job, the public will pay the price—just as they do today.

If this legislation is adopted, no one should be fooled. This bill will not protect communities living near these waste disposal sites. It won't make high-risk impoundments of coal ash safe. It won't stop contamination of drinking water. And it won't create jobs. In fact, it won't do much of anything.

Like the cement and incinerator bills that the House has debated, this bill also violates the discretionary CutGo. CBO found the legislation will cost EPA \$2 million over the next 5 years. This cost is not offset in the legislation. So once again, for the third time in 2 weeks, the Republicans are abandoning their discretionary CutGo rule.

This legislation is deficient in both process and substance, and I urge all Members to oppose it.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. LATTA), a primary mover on this bill.

Mr. LATTA. I rise today in support of H.R. 2273. Designating coal ash as a hazardous waste, as the EPA proposed in June 2010, would raise energy prices for families and businesses and destroy a large coal ash recycling industry and all jobs associated with it. H.R. 2273 creates a unique regulatory infrastructure at the State level that provides strong environmental protection without all of the economic consequences of a hazardous waste designation. I have an email from the Ohio Environmental Protection Agency asking me to support this legislation and allow them to do their jobs in Ohio.

If this legislation is not passed and signed into law, the EPA will overturn 30 years of precedent and designate coal ash a hazardous waste, despite findings from the Department of Energy, the Federal Highway Administration, State regulatory authorities, and the EPA itself that the toxicity levels in coal ash are well below the criteria that requires a hazardous waste designation. In fact, in the EPA's May 2000

regulatory determination, they concluded that coal ash does not warrant regulation as a hazardous waste, and that doing so would be environmentally counterproductive.

It is estimated that meeting the regulatory disposal requirements under the EPA's proposal would cost between \$250 to \$450 per ton, as opposed to about \$100 per ton under the current system. In 2008, 136 million tons of coal ash was generated. That means not passing this bill could put an additional \$20 billion to \$47 billion burden on electricity generators that use coal.

Energy costs aside, about 45 percent of the coal ash generated is recycled, being used as an additive in cement, concrete, wallboard, roofing materials, road-based fill materials, and snow and ice control. While all of this is completely safe, designating coal ash as a hazardous waste would halt these beneficial uses, which the EPA estimates will lead to \$16.7 billion in increased costs per year, further damaging our economy. This legislation keeps those products on the market and avoids job losses in those industries.

For those reasons, I support the legislation.

Mr. WAXMAN. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I thank our ranking member for allowing me time to speak.

I rise to express my support for H.R. 2273, the Coal Residuals Reuse and Management Act. As a Member of Congress from basically an oil and gas and refinery and chemical plant area, for the last 8 months I have learned more about coal ash than I think I have ever wanted to.

We know that coal combustion waste can be responsibly recycled and beneficially used. Wisconsin recycles 97 percent of their coal ash. Encouraging beneficial reuse of coal ash ensures less of it in landfills, which is good for our environment and good for the economy. The great debate with coal combustion waste is how do we ensure we have enough environmental protections for coal ash disposal without discouraging beneficial use.

As ranking member of the Environment and Economy Subcommittee of Energy and Commerce, I believe the legislation before us today is a vastly improved version of the legislation considered by our subcommittee for markup, which would simply ban EPA from deeming coal ash as a hazardous material. This legislation would further be improved by the adoption of the Shimkus amendment, the manager's amendment, later.

Currently, there is a patchwork of State programs to regulate the disposal of coal combustion waste. H.R. 2273 for the first time establishes comprehensive, minimum Federal standards for coal ash management and disposal. Contrary to statements made, H.R. 2273 does include groundwater monitoring provisions. The legislation

applies existing requirements for groundwater monitoring and corrective action measures to coal combustion residuals. Facilities would be required to monitor and respond to any releases. In addition, States have the authority to require facilities that don't meet the standards to close.

Additionally, this legislation includes a provision championed by my good friend, Congressman DOYLE from Pennsylvania, which would ensure adequate closure standards for surface impoundments, including closure plans and drainage standards. I know some Members have concerns about the legislation, but we worked diligently with the majority and stakeholders to make improvements to the bill. There has been an assertion by some of my colleagues that the legislation does nothing to protect the environment. EPA has no current authority, and this bill for the first time sets those standards.

The assertions by some of my colleagues that this legislation does nothing to protect the environment are misleading at best. EPA has no authority now and this bill for the first time sets national standards.

No, this bill is not perfect. But part of legislating is moving the ball forward and we cannot continue to spend months working on legislation that is simply sent to the Senate to die.

I believe my colleagues on the Majority made significant improvements since their first draft of the bill and a good faith effort to address many of the concerns raised by the minority.

Mr. SHIMKUS. Madam Chairman, I yield 1 minute to a member of the subcommittee, the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act. H.R. 2273 is on the House floor as part of the Republican regulatory relief agenda to reduce job-killing government regulation on businesses. I view the apparent intention of the Environmental Protection Agency to regulate coal ash as a hazardous material as another decision by the agency to regulate business without the use of facts, science, or common sense. Everybody wants a clean environment. We all want clean air and clean water, but decisions on how to keep our environment clean should be based on science and not political rhetoric.

My State relies on coal and coal ash for jobs and electricity. I have heard from utilities in my district about the negative impact that regulating coal ash as a hazardous material would have on ratepayers and on employees. I am happy to support H.R. 2273 today to rein in an out-of-control EPA and to protect the interests of my constituents.

Mr. GENE GREEN of Texas. I yield 3 minutes to our colleague and committee member, Ms. CASTOR from Florida.

Ms. CASTOR of Florida. I thank my colleague from the Energy and Commerce Committee for yielding me time.

In December of 2008, the communities surrounding the Tennessee Valley Authority's coal-fired plant in Kingston, Tennessee, suffered one of the worst environmental disasters in the Nation's history—5.4 million cubic yards, or over 1 billion gallons, of coal ash sludge covered the neighborhood after a dam break. This was along the Emory River. It damaged 42 homes. That disaster raised a lot of questions and concerns about how coal ash is stored all across the country. In that case, the TVA had used an above-ground, unlined storage pond that broke loose after a heavy rain.

Some States have appropriate storage standards, like my home State of Florida. They're appropriate. But the problem is some States do not have the appropriate standard, so I believe EPA was right to begin an appropriate national review of guidelines for proper coal ash disposal.

The problem here is the GOP bill stops that effort in its tracks. The GOP bill is too liberal and too permissive. I have relayed to EPA that many actors in the field recycle coal ash material. In my hometown of Tampa, we send a lot of coal ash for the building of the new Panama Canal expansion. And it's used in wallboard. This needs to be encouraged. We want to see the beneficial reuse industry flourish. Recycled fly ash should not be labeled as hazardous, and I think it shouldn't even be labeled as special waste, and I encourage the EPA to take this approach. In fact, I proposed an amendment to support this approach after discussion with industry leaders, but the Republicans ruled it out of order.

□ 1110

Without it, the GOP bill goes too far. They're abdicating their responsibility to protect communities from disasters like Kingston. The bottom line is that we all have a responsibility to ensure that coal ash is disposed of in ways that protect communities across the country and protect human health. The GOP bill does not take that approach and does not take its responsibility seriously. It could allow a disaster like TVA's Kingston catastrophe to happen again.

Therefore, I urge my colleagues to oppose the bill.

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

I will just tell my friend from Florida, H.R. 2273 includes structural integrity inspection requirements on impoundments that do not exist today. They allow only those facilities that are structurally sound and operating in a protective manner to continue to operate.

In this Kingston debate, what is never mentioned is that in the cleanup of the Kingston spill, all that waste went into nonhazardous landfills because they were not hazards. This is really a debate about hazardous and nonhazardous. EPA has numerous

times ruled that coal combustion residual is not hazardous. That's why there's confusion.

I yield 2 minutes to my colleague, also a member of the committee, the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank the chair of the subcommittee.

Madam Chair, I rise in support of H.R. 2273, the Coal Ash Residuals Reuse and Management Act. By supporting H.R. 2273, I'm also rising in support of American jobs and environmental protection, a concept that may be lost on a few of my distinguished colleagues from the other side of the aisle.

This piece of legislation will, for the first time, establish minimum Federal requirements for the management and disposal of coal ash. Not only will H.R. 2273 provide certainty for State regulators as well as manufacturers that rely on coal ash as building material, it will keep coal ash out of our landfills and prevent unnecessary hikes in electricity rates.

EPA has delayed rulemaking because they're weighing two options: One, continue to regulate coal ash as nonhazardous; or, two, ignoring science to classify it as a hazardous waste.

EPA has already determined on numerous occasions that coal ash should not be classified as hazardous waste. They came to that conclusion most recently in 2000, over a decade ago, under the Clinton administration. In fact, EPA's finding went even further, arguing that "Regulating coal ash as a hazardous waste would be environmentally counterproductive because it would unnecessarily stigmatize coal ash and impede its beneficial use." Meanwhile, due to the uncertainty created by EPA's inaction on this rule, the coal ash industry is crashing.

Regulating coal ash as a hazardous waste flies in the face of years of scientific research and EPA's own findings. Coal ash as a hazardous waste would force unworkable requirements on our electric utilities, resulting in serious economic consequences for American job creators and American families.

I urge my colleagues to vote for American jobs and a clean environment. Vote for H.R. 2273.

Mr. GENE GREEN of Texas. Madam Chair, I yield 3 minutes to my colleague and a member of the committee, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Coal ash is a serious issue for this country and especially for Pennsylvania. Nearly all of my constituents get their power from coal, and with that power generation comes its byproduct—coal ash. It's an unavoidable part of our power generation in southwestern Pennsylvania.

And though the Commonwealth of Pennsylvania has some of the toughest coal ash disposal standards in the country, I have been convinced that coal ash needs to be federally regulated under the Resource Conservation and Recovery Act, known as RCRA.

Now, we've had the opportunity to vote on the coal ash issue several times this year. We've seen policy riders on appropriation bills and legislation that tied the hands of the Federal Government to regulate coal ash. I haven't supported a single one.

So let's be clear: I have no record of hamstringing EPA or limiting environmental protections. But there's been a lot of half-truths flying around about this bill, and I think we should clear things up. For the first time, coal ash disposal will be federally regulated under RCRA through programs run by the States. Though implemented by the States, the permit programs will be developed according to Federal standards from section 401(c) of RCRA, the section that must serve as the baseline for these State permit programs that require criteria necessary to protect human health and the environment.

We've also heard this bill will create a "race to the bottom" whereby utilities will ship their coal ash to States with the least stringent regulations. That's just not realistic. If this were a real concern, utilities in Pennsylvania would already be doing this, as we have very strict regulation of coal ash. But utilities in Pennsylvania don't ship their coal ash out of State because it's just not economically feasible to do so.

I'm pleased to hear good, informed debate this morning with important points being made by both sides. We've made significant improvements to this bill, and there is still more that can be done. But we need the chance to move legislation that will for the first time allow us to federally regulate coal ash. I believe this bill was the necessary vehicle to move that goal forward, and I encourage my colleagues to support it.

I yield to my colleague from Texas.

Mr. GENE GREEN of Texas. I thank my colleague.

I think what Congressman DOYLE was saying was, we're doing something here we don't do very often in this House: We actually have a bill that came out of committee that has bipartisan support. It moved the bill to where EPA does not have the authority under current law unless they label it toxic coal ash so the EPA has oversight. We're giving them oversight over what our States have been doing—in most cases, very good.

That's why this bill is something we haven't done on this floor very often in the last 10 months. We actually compromise and come up with good legislation. And we hope the Senate will pass it.

Mr. SHIMKUS. I yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Madam Chair, I rise in strong support of H.R. 2273, the Coal Residuals Reuse and Management Act of 2011.

Unfortunately, this legislation is necessary because last June the Obama administration proposed two new rules in its ongoing war on coal that could cost tens of thousands of jobs and tens

of billions of dollars to our GDP. The two new rules are a departure from decades of accepted practice of allowing States to regulate coal ash.

Furthermore, EPA's current actions fly in the face of two previous EPA studies—one study from the Clinton administration—which found that coal ash shouldn't be regulated by the EPA as a hazardous material.

Now, keep in mind these new rules will not only negatively effect the coal and the utility industries but also will lead to job losses and increased cost for the infrastructure and construction industries. Furthermore, coal residuals are a key component of many of the materials used by these trades. If the EPA is successful in classifying coal residuals as a hazardous material, the cost of the raw goods in these vital industries would skyrocket.

This bipartisan legislation not only stops the onerous proposed rule from going forward, but also allows States to regulate coal residuals by using an existing and successful Federal regulatory program. This compromise bill sets realistic and enforceable standards while leaving the regulation enforcement to the States. In fact, State environmental officials, including my home State of Ohio, see this type of regulation as a model for the future because it provides strong health and environmental protection with minimal Federal EPA involvement.

At a time when the President and the other side of the aisle are stumping for their so-called jobs proposal, Madam Chair, I find it confusing and ironic that this administration would propose rules that will cost tens of thousands of job losses and will lead to the loss of billions of dollars from America's GDP. This legislation will save the administration from themselves by saving jobs while still protecting human health and the environment.

I strongly urge my colleagues to support the legislation.

Mr. WAXMAN. Madam Chair, I just want to say to my good friends who feel that we've got to move the bill forward and we've got to get a better bill, I understand that, and this bill is going to move forward. But for those who really want a good bill, we're not getting one out of this House. It's better to vote "no" to show that you want a better bill than to vote "yes" for the small changes that the Republicans have given to some of our Democrats that may improve the bill on the margins, but the bill is not good enough for an "aye" vote.

I still urge Members to vote "no."

At this time I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

□ 1120

Mr. CONNOLLY of Virginia. I thank my friend.

Madam Chairman, the House majority has bought yet another anti-EPA bill to the House floor. Last week, the House passed legislation to increase

mercury and particulate pollution from cement factories, poisoning fetuses and increasing the incidence of diseases such as lung cancer and emphysema. This week, the House passed legislation to increase mercury and particulate pollution from industrial boilers. These follow some 125 other virulently anti-environmental bills, riders, and amendments that the majority has already tried to pass this year.

H.R. 2273, the legislation on the floor today, is but the latest assault on the environment and public health. This bill would block the EPA from issuing science-based standards to manage the disposal of coal ash. Unfortunately, the majority rejected language, which had the support of a number of utilities, which would have protected EPA's authority to issue health-based standards under the Clean Water Act. If the majority had protected rather than curtailed this authority to issue regulations based on science, not politics, then I could support the legislation before us today.

Mr. WAXMAN is offering an amendment which would protect the EPA's Clean Water Act authority. If that amendment passes, then perhaps most of us could vote for final passage of the bill.

Such standards clearly are necessary, or impoundments such as the one in Kingston, Tennessee, would not be failing. When that impoundment failed in Tennessee, it released a billion gallons of toxic sludge into the Clinch River. Fortunately, that impoundment was located downstream of most of the biodiverse portions of the Clinch, which contained unparalleled populations of freshwater mussels and other aquatic species. In fact, the Clinch has more species of freshwater mussels than the entire continent of Europe.

According to the Nature Conservancy, "The Clinch, Powell, and Holston Rivers run nearly parallel courses to the remote mountains and valleys of southwestern Virginia and northeastern Tennessee. These last free-flowing tributaries of the Tennessee River harbor the Nation's highest concentrations of globally rare and imperiled fish and freshwater mussels." These watersheds are the most biodiverse regions east of the Mississippi River, and among the top biodiverse places in all of the United States. H.R. 2273 would increase the risk of coal ash spills in the upper Clinch, Holston, and Powell Rivers, potentially causing many species to go extinct.

Human health is also at risk as a result of poorly regulated coal mining in Appalachia. Scientists from West Virginia University have conducted extensive research on the human health impacts of coal mining and local populations. They found that residents of coal mining regions have significantly higher rates of chronic heart, respiratory, and kidney illnesses. Coal mining regions of Appalachia have higher rates of cancer and premature mortality.

The Acting CHAIR (Mrs. BIGGERT). The time of the gentleman has expired.

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

Mr. CONNOLLY of Virginia. Imagine if Teddy Roosevelt had allowed a few gold miners in the Grand Canyon to block protection of that great American landmark. Imagine if loggers and shepherders had blocked designation of Yosemite as a National Park. Today, we confront a similar challenge—to protect one of America's great places, Appalachia, in the face of special interest assault.

I urge my colleagues to vote “no” on H.R. 2273.

Mr. SHIMKUS. Before I yield time to my colleague from Tennessee, let me ask the time remaining.

The Acting CHAIR. The gentleman from Illinois has 17 minutes remaining, and the gentleman from California has 13 minutes remaining.

Mr. SHIMKUS. Thank you, Madam Chairman.

I yield myself such time as I may consume.

Just to my friend from Virginia, I hope he will look at the manager's amendment, because in the manager's amendment it beefs up the list of constituents for groundwater detection and assessment monitoring specific to coal combustion residuals. This is something we received from your side of the aisle that they wanted more clarity. That's what the manager's amendment does on runoff aspects of the Clean Water Act.

The other thing is, if the toxic sludge, as you had defined it, was so toxic, why did it go into municipal landfills and not into toxic landfills?

The reality is the cleanup materials did not go into toxic landfills. So we just want to clear up some false statements here.

I would now like to yield 2 minutes to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Chair, I rise today in support of H.R. 2273. This bipartisan bill will protect the beneficial use of coal ash while also providing for consistent State regulatory authority to store and regulate coal ash under the Solid Waste Disposal Act.

My home State of Tennessee has seen the problems coal ash can cause. In December of 2008, TVA's coal-fired plant in Kingston, Tennessee, had the largest coal-related spill in U.S. history. This terrible disaster resulted in some 1.1 billion gallons of ash flooding parts of the Tennessee Valley. So there's no question we must have proper oversight. And, Madam Chair, I visited that site previously.

With that being said, the reality is coal ash is abundant and can be economical and versatile. The use of coal ash keeps electric costs low for the consumer and provides low-cost, yet durable, construction materials. From 1999 to 2009, 519 million tons of coal ash

were recycled—38 percent of all ash produced. Reusing ash decreases greenhouse emissions and also helps prevent spills that can result from its storage.

The bill we're considering today ensures the safe management and disposal of coal ash by ensuring existing regulatory standards are enforced without interfering with State regulations and storage standards. This will help prevent future disasters like the one in Kingston because it encourages investment in recycling and reuse of ash in a way that benefits contractors, consumers, and American job creators.

The Coal Residuals Reuse and Management Act is a bipartisan solution to the challenges that arise from coal ash. It safeguards the consumer and the environment without hurting the economy. It is imperative that we pass this bill, because if we do not, the administration's proposed regulations under the Resource Conservation and Recovery Act will move forward to classify coal ash as hazardous, increasing costs for the coal-fired plants, which would put thousands of jobs in jeopardy and drive up electricity costs.

American job creators cannot afford another regulatory burden. I urge my colleagues to support this bill.

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

Madam Chair, I just wanted to make a correction for the record.

Some people have suggested that it's going to be considered a hazardous waste site if they dispose of this waste, and we don't believe that's true. We don't want to treat it as if it were household garbage without the guarantees to protect the public health and the environment. It can be something in between. It doesn't have to be considered hazardous waste. And that is exactly the kind of proposal that we ought to be looking at. And to say that we're considering it hazardous waste is an incorrect statement.

May I inquire how much time each side has?

The Acting CHAIR. The gentleman from California has 12½ minutes remaining, and the gentleman from Illinois has 14½ minutes remaining.

Mr. WAXMAN. Madam Chair, at this point I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I'd like to thank the ranking member of the Energy and Commerce Committee and the chair.

We're seeing a trend here in the House of Representatives, Madam Chair, attacking the EPA and not working on jobs. This bill does nothing to regulate coal ash in a way that protects the environment or public health. This bill wants to give regulatory power to States, but there is no national minimum standard for State permitting programs in this bill.

The municipal solid waste standards used by this dangerous piece of legislation are inadequate to protect our communities from dangerous toxins. Many of the toxins found in coal residuals are simply dangerous to public health and

are known cancer-causing agents. Just a few of the toxins found in coal ash include arsenic, chromium, lead, mercury, nickel, and a bunch of other stuff that's hard to pronounce.

This bill will allow these toxins to enter our drinking water in dozens of communities across the country. On top of releasing toxins into our drinking water, H.R. 2273 does nothing to promote recycling of coal ash. Instead, it promotes the indefinite storage of coal ash, which furthers the leaching of dangerous carcinogens and neurotoxins into our drinking water. Additionally, this bill denies the EPA from instituting a deadline or meaningful clean-up standard for disposal sites that have already contaminated groundwater.

It has been 40 weeks the Republican majority in the House has been in the majority, and we haven't voted on a single jobs bill, Madam Chair. This train of bills dealing with cement emissions, dealing with the TRAIN Act, dealing with Boiler MACT rules—and now, today, coal ash—suggests that the Republican majority believes that the problem to creating jobs in America is that Americans want to breathe clean air and drink clean water, and it's just too expensive to do.

□ 1130

This is a false statement, this is not true, and I hope that we reject this bill today.

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

Just to my friend from Minnesota, I would quote the United Mine Workers letter that says: According to a June study, there's an estimate of the 183,000 to 363,000 possible job losses if we do not pass this bill. So for those who really want to effect, there will be—I mean, this claim that this hurts the recycling when, then, you define coal combustion residuals as “toxic” is nonsensical. It really makes no sense.

If you really want to encourage recycling, this bill protects the recycling industry. It protects coal, fly ash from going into concrete. If you label this “toxic,” which is what EPA's trying to do, that's very misleading. And I think even my friends on the other side are having a hard time grappling with what the EPA's trying to do because that's the direction we want to do, they want to move it to.

With that, I would like to yield 2 minutes to my colleague from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I rise in support of this commonsense bill that is good for jobs and the economy. I thank my good friend Congressman SHIMKUS for his very important work on this bill.

What we're confronting here today is another classic example of EPA's regulatory overreach threatening jobs and livelihoods across the country. This is also an issue that concerns my constituents, as thousands of jobs are in industries using coal combustion residuals. But the jobs impact of this legislation is not limited to my district. It's nationwide.



I urge my colleagues on both sides of the aisle to support this pro-growth, pro-jobs bill.

Mr. WAXMAN. Madam Chair, the supporters of this bill claim that this legislation will save jobs. Their main evidence is a report by the Electric Power Research Institute that claims that regulating coal ash as hazardous waste would lead to the loss of 300,000 jobs, but this claim is wrong.

For example, the EPRI study estimates job loss by assuming that there would be 100 percent reduction in recycling and beneficial reuse. This assumption is based on no analysis whatsoever, and it's at odds with a survey done by the National Precast Concrete Association, which shows that 84 percent of their members would continue to use fly ash even if the waste were to be regulated as hazardous.

In fact, EPA has formally requested that EPRI issue a statement that corrects the misstatement and misrepresentations that were made in this report and which have been repeated here today. The EPRI study is flawed, should not be relied on.

We need to reject these arguments that in order to have jobs we need to allow contamination of our groundwater and allow human health to be jeopardized by coal ash impoundments.

I would now like to yield 2 minutes to the gentlelady from the State of Maryland (Ms. EDWARDS).

Ms. EDWARDS. Madam Chairwoman, it seems that hardly a day goes by in this Chamber when the Republican majority fails to create jobs, endangers public health, and deep sixes the environment, and today is no different.

Coal plants are usually accompanied by coal ash ponds and dry coal ash landfills, and they're disproportionately located in impoverished areas. Two-thirds of all of the ash ponds in the United States are located where household income is below the national median, according to Earthjustice. What that means is that poor people don't have a voice in what the majority is trying to do; and we can't rely on a voluntary patchwork of State regulations, which is what this bill would have us do.

Now, in my own home State of Maryland, we have a decent record of environmental regulations, but I can't say that about our neighboring States. We need a national way to look at how we're contaminating or not our environments. The contamination of groundwater at the Gambrills coal ash plant in Maryland resulted in the single largest fine ever imposed by our State's Department of the Environment, and a \$57 million settlement for the affected homeowners and businesses.

The problem is that money can pay for medical treatment and compensate for the loss of property value in the right way, but it can't bring back health. It can't reverse the developmental disabilities or preserve the sense of home for people who are displaced.

Now, I said some of the affected homeowners in that settlement, because even in this case we see discrimination. The neighboring population of Odenton, Maryland, is a rural African American community, and it's still battling contamination from the Turner Pit site belonging to the same power plant. Their drinking water aquifers and creeks feeding into the Patuxent River, which is an important source of potable water for the entire metropolitan Washington region, remains polluted.

They've seen no cleanup. They've yet to receive any compensation for lost health and property values. What they got instead is a steady supply of free bottled water, courtesy of the polluting power plant—I mean, it's absurd—and an extension of a shopping mall to cover the contamination site; not to cover the contamination, but to cover the contamination site.

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

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

Ms. EDWARDS. Thank you.

What I'd like to say is that, given that we know that in poor minority populations they have the worst health outcomes by any measure and coal ash impoundments are disproportionately located in low-income communities that are less likely to have medical access to insurance and care, we have to be concerned. This body needs to be concerned. And if we pass this bill, we will unfairly expose these vulnerable communities to higher levels of threatening health and property risk than the rest of the population.

I think, Madam Chair, we can do a lot better; and in this Congress, we should be looking out for people, not failing to create jobs, contaminating their water, and poisoning their air.

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

I just want to remind my colleagues that they will be interested to know the EPA noted in its June 2010 proposed regulation for coal combustion residuals that municipal solid waste rules provide an appropriate, comprehensive framework for regulating coal combustion residuals. That's from the EPA, the same EPA people say we're trying to gut.

And I will continue to hold up the Veritas study that says, because of the recycling aspect of coal ash that goes into concrete, if you claim it to be toxic, you can no longer use coal ash in concrete for roads and for bridges and for buildings. That's the debate. And then when you tear down those structures, they would have to go in the toxic landfills. I also remind my colleagues that, from the spill, none of the spill cleanup went to toxic landfills.

With that, I yield 5 minutes to my colleague from West Virginia (Mr. MCKINLEY), the author of the legislation.

Mr. MCKINLEY. Madam Chairman, I rise today in support of this bipartisan,

pro-job, pro-environment, pro-health legislation. After 30 years of debate, of charges and countercharges, we can finally get this done.

Just as an example of the disparity and misrepresentation here, we talked about mercury. That was discussed earlier. Fluorescent light bulbs in our homes contain mercury in a higher concentration than coal ash, but yet our fluorescent light bulbs are disposed of in a way that we're going to take care of now under this bill.

In fact, there are two parts of this bill. The first part removes the stigma of the EPA classifying fly ash as a hazardous material. Several studies by the EPA have concluded time and time again that the chemical characteristics within coal ash are nonhazardous.

We've already heard the advantages of the recycling.

But I just want to remind the gentleman from California that during the subcommittee markup, he supported the Baldwin amendment that prohibited the EPA from regulating coal ash as a hazardous material, yet he continues to refer to coal ash as toxic. This is simply unacceptable. One cannot have his cake and eat it, too.

The second part of the bill, which deals with disposal, was worked on with Democrats, State agencies, and a cross section of stakeholders during subcommittee, full committee, and before this bill came to the House floor.

□ 1140

Ultimately, should this legislation become law and new scientifically based factors arise, this legislation will allow for the flexibility of the States and the EPA to work together to adjust the coal ash program accordingly. If a State has no program, fly ash impoundments will not be permitted by the EPA until they do. If a State opts not to have a fly ash program, the EPA will have primacy. If the government should lower the drinking water standard at any time because of changes in chemical characteristics such as those found in coal ash, then the States will have to comply with those new standards.

But should a State, such as proposed in California, decide to lower their standards below the federal level, then they have the option to do that under the 10th Amendment.

H.R. 2273 simply allows for a flexible system, a working relationship with the State and Federal Governments to carry out a long overdue coal ash program at the State level with stringent requirements for liners, groundwater monitoring, financial assurance, dam safety and integrity, and most of all, protection of health and the environment. All of this will be achieved with assistance, approval, and oversight by the EPA.

I ask all of my colleagues to support this bipartisan, pro-job legislation.

Mr. WAXMAN. Madam Chair, may I inquire how much time we have remaining?

The Acting CHAIR. The gentleman from California has 7 minutes remaining. The gentleman from Illinois has 8 minutes remaining.

Mr. WAXMAN. The gentleman from West Virginia, who just spoke, said that I was inconsistent because I voted for the Baldwin amendment in my committee, so I can't have my cake and eat it too. Well, I want to assure you that I don't want a cake made out of coal ash. Coal ash has a lot of chemicals in it that I think most people would understand raise a problem of toxicity—arsenic, antimony, barium, beryllium, cadmium, lead, mercury, hexavalent chromium, nickel, selenium, and thallium. These metals are toxic and pose both acute and chronic threats to human health and the environment. So don't give me a cake to eat made out of coal ash.

It seems to me that what we're hearing, for example, from the gentleman from Illinois, that the waste in Kingston was not disposed of in a hazardous waste landfill, and he offered this as proof that these materials are not hazardous. Well, these materials contain these toxic constituents, and if they're not disposed of properly, they will harm human health and the environment. Proper disposal does not mean disposal in a hazardous waste landfill. It means disposal in dry landfills that have the necessary safeguards.

Those safeguards are not in this bill. We've offered to work with the Republican majority to clarify this issue and to find a middle ground that I think in substance could solve those concerns. But they, again, are not interested in working with us, and so they're moving forward with a bill that does not live up to its billing.

At this point I would like to yield 4 minutes to the gentleman from Virginia (Mr. MORAN), who is the chairman of the Appropriations Subcommittee that deals with these very issues.

Mr. MORAN. I thank the very distinguished leader from California (Mr. WAXMAN).

Over 30 years ago, Congress accepted the legal responsibility to protect human health, conserve our natural resources, reduce waste, and ensure that waste is managed in an environmentally sound manner. That's the underpinning of what this argument is about.

Now, every year, America generates about 61 million metric tons of coal ash and slag and about 17 million metric tons of coal sludge from utility and industrial boilers. Now, Mr. WAXMAN mentioned what's in this sludge and slag, and that's why we're raising this argument, because it contains all the chemicals Mr. WAXMAN referred to—arsenic, chromium, cobalt, lead, and mercury. In fact, it includes radioactive elements including uranium, thorium, and radium.

This material is very toxic. But we also know that coal ash, slag, and sludge have a number of beneficial

reuses in concrete, roads, and roofing. And EPA is not trying to ban the beneficial reuse of coal ash. In fact, EPA proposed two separate possible regulations so that you could have a robust dialogue on the most effective means of coal ash disposal. EPA wants to ensure that the ultimate decision is based upon the best available science and technical data, and is taken with the fullest public input. EPA had extensive public involvement—thousands of public comments and eight public hearings around the country.

Now, this legislation would deprive EPA of the ability to use the best available science in its decisions, and it would negate those thousands of public comments that have been received since the rule's proposal. It would block the current progress on federal safeguards before the regulations have been finalized.

Now, what's the problem with the approach that has been made by the other side? Well, it would create a patchwork of compliance with up to 50 different State-by-State regulations, and it would block federal enforcement of what is clearly a national problem.

It's a national problem because States with lax coal ash disposal requirements—and there will probably be economic competition to reduce the requirements as much as possible—those States would be allowed to pollute the streams and rivers of downstream States, and the Federal Government would be powerless to do anything about it. That's why these interstate impacts are the very reason federal regulation is appropriate, necessary and, in fact, is our legal responsibility.

We understand that many people are concerned about this. Granted. And a number of claims have been made that it would ban the ability to develop concrete and road material and so on. But this rule has not been finalized. EPA has received so many comments and suggestions that it would seem that we are in a situation where we can structure a rule that not only takes care of the concerns but protects the public health.

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

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

Mr. MORAN. I would have to say, as important as it is to protect jobs, it's important to protect lives. We have a responsibility to protect lives. You heard what's in this material. You can see why it's a national responsibility. So let's fulfill that national responsibility. Rely on EPA to use scientific findings. Let's protect the public health and do the right thing and defeat this legislation.

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

To my friend from Virginia, he is correct that some States have laxer standards. In fact, your Governor sent us a letter in which I quote, "H.R. 2273 is a realistic approach to dealing with CCR,

although it would require effort to implement in Virginia."

So our point is this is going to help those States that are weak to implement higher standards. That's just your Governor, but that's what he says in a letter to us in support of this legislation.

If you label something "toxic," it's not going to be reused, I can guarantee you, just because of the threat to the coal combustion residual community. The recyclers have no market. Who wants to build a school with concrete when the EPA may, 6 months or a year from now, say, That concrete is all toxic? So it's already had a negative impact in that job sector, and we've quoted studies both back and forth.

□ 1150

The manager's amendment requires an assessment for all of these constituents that you identified. I would just highlight the fact that just because it's a constituent doesn't mean it's hazardous.

This blue line is the hazardous level.

The green is the amount.

You could make the claim that there is hazardous material in Honey Nut Cheerios. The question is: What's the amount? And that's what this gets to is the amount.

EPA has consistently said this doesn't raise to the standard of toxic. Even under the Clinton administration, when I served here, their EPA said it doesn't rise to the standard. The fear of EPA involvement is what's causing a problem in the recycling sector. Where is all this waste going to go? It's going to fill up the landfills. In 2 years, all the landfills will be filled up unless we continue to recycle this coal fly ash.

Mr. MORAN. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Virginia.

Mr. MORAN. As we know, airstreams and rivers and other bodies of water don't stop at a State's border. If that is the case, how is it fair for one State to let that pollution go into a downstream State's water? That's our concern.

Mr. SHIMKUS. Reclaiming my time, the manager's amendment that will be debated will talk about, for the first time, an analysis on run-on and runoff, which was the recommendation from the folks on your side of the aisle for us to consider, which we have now included. We'll take that up in the manager's amendment debate when we get to the amendment.

Mr. WAXMAN. Will the gentleman yield?

Mr. SHIMKUS. You have a lot of time, but I would be happy to yield. But I do want to have time to close.

Mr. WAXMAN. Thank you very much.

You've made the claim that we're trying to define this and label it as hazardous, which is a stigma. I understand that and I agree with that point, but I don't think we ought to deny that

there are in coal ash relatively high concentrations that are hazardous and that, if they're improperly managed, they could leach out and pose a substantial present or potential hazard.

Mr. SHIMKUS. Reclaiming my time, that's why this new standard under the municipal and solid waste act will have liners for the first time. Right now, there are no liners. That's a better argument from past years, but this is a fix. This is a fix to that issue of leaching out. This is a fix to the possibility of the damage because we're going to be able to look at that in working in conjunction with the EPA, and of course, the people closest to the citizens are the State and local levels.

Mr. WAXMAN. If the gentleman will continue to yield, your point is not accurate for existing impoundments; it would apply to future impoundments. And we think for existing impoundments they ought to have the lining and all the other protections as well.

Mr. SHIMKUS. I thank the gentleman.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from California has 1 minute remaining, and the gentleman from Illinois has 4 minutes remaining.

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

I just want to point out that neither of us wants the stigma of the coal ash being called hazardous because, in many ways and places, it can be reused, and it would be very important to do that. But we want to make sure that all of these sites have the adequate protections.

I want to read a quote from EPA because people said EPA wants to label it as hazardous. They wrote:

Many of these metals are contained in coal ash at relatively high concentrations such that, if coal ash were improperly managed, they could leach out and pose a substantial present or potential hazard to human health or the environment. The risk assessment that was conducted confirms this finding, as do the many damage cases that have been documented.

I seek to put into the RECORD a statement of administrative policy. The administration opposes this bill because it is insufficient to address the risks associated with coal ash disposal and management, and it undermines the Federal Government's ability to ensure that requirements for the management and the disposal of coal combustion residuals are protective of human health and the environment.

I yield back the balance of my time and urge a "no" vote on the bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 12, 2011.

STATEMENT OF ADMINISTRATIVE POLICY  
H. R. 2273—COAL RESIDUALS REUSE AND MANAGEMENT ACT

(Rep. McKinley, R-WV, and 32 cosponsors)

The Administration opposes H.R. 2273, as reported by Committee, which is insufficient

to address the risks associated with coal ash disposal and management, and undermines the Federal government's ability to ensure that requirements for management and disposal of coal combustion residuals are protective of human health and the environment.

The 2008 failure of a coal ash impoundment in Kingston, Tennessee, which spilled more than five million cubic yards of coal ash and will require approximately \$1.2 billion for clean-up, is a stark reminder of the need for safe disposal and management of coal ash to protect public health and the environment. The Administration has assessed structural stability at active coal ash impoundments and has identified 49 units in 12 states as having a "high hazard potential" rating should they fail.

The Administration supports the development, implementation, and enforcement of appropriate standards for facilities managing coal ash, while encouraging the beneficial use of this economically important material. Any approach to managing coal ash would need to include: (1) clear requirements that address the risks associated with the coal ash disposal and management; (2) consideration of the best science and data available; (3) adequate evaluation of structural integrity; (4) protective solutions for existing as well as new facilities; and (5) appropriate public information and comment.

Because H.R. 2273 is deficient in these areas and would replace existing authorities with inadequate and inappropriate minimum requirements, the Administration opposes the bill.

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

This has been a good discussion and a good debate. With regard to the State border issue in our opening statements and comments, what we highlighted was the fact that current Federal law applies to hazardous material. CERCLA still applies, and EPA air quality standards still apply. Those laws are still in effect across States. If they are having an impact, EPA has authority under CERCLA and under RCRA, with imminent and substantial endangerment, to take action to force a remedy and cleanup.

So our debate has always been that that's covered. Let's try to address the impoundment issue, the leaching issue, some standards. The Municipal Solid Waste laws are very, very successful. I would argue, if you want to talk about toxicity, there are probably many more chemicals in a municipal solid waste landfill than the 7 to 12 that you mentioned in coal combustion residual; and out of the 80 tests, the standards are much lower than the toxic standard under this test.

So this is a focus on jobs. This is a focus on recycling. That sector is being ravaged just by the threat. This is an important bill, and I am glad my colleague from West Virginia has brought this to this Chamber. It has been a great debate, and I look forward to the amendment discussion.

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

Ms. DEGETTE. Madam Chair, legitimate conversation and good-faith negotiations surrounding whether or not we can find a way to allow states to continue regulating coal ash seemed to bear fruit in the Energy and Com-

merce Committee for the first time in a while around here. So when we voted in July to send the Coal Residual Reuse and Management Act to the floor, I voted "yes." I'm proud to say my colleagues on both sides of the aisle and I have continued trying to find a workable solution on this issue.

The concept behind this bill is good—in the face of uncertainty surrounding coal ash disposal and management, we could cut through the red tape and craft a bill that would require—for the first time—that all units receiving coal combustions residuals (CCRs) obtain a state-issued permit that meets enforceable minimum federal requirements.

At the mark-up I, along with other minority members, requested a Committee hearing before floor consideration so that we could examine more fully the potential impacts of the most recent changes to the bill. My goal was to reach an agreement on specific bill language that would clearly require all units to obtain a permit, and if the EPA found this permit to be deficient, to allow the EPA to work with states to bring their permit programs up to a standard that ensured protection of human health and environment.

In the intervening time, negotiations continued, as you see with the Manager's Amendment introduced by my colleague Mr. SHIMKUS. I was encouraged by my conversations with friends on both sides of the aisle which reinforced that we share the same goals. In conversations with the Colorado Department of Public Health and Environment, the state body in Colorado responsible for managing CCRs, I learned that they supported H.R. 2273 because they believed it would allow them to continue with their strong program, and would raise standards in states with deficiencies. Yet the outstanding question, of whether any future EPA Administrator would have the authority to enforce the requirements we all seemed to agree should be in place, remains unanswered.

We need more time to negotiate this bill, especially if anyone reasonably expects it to be passed in the Senate and signed into law by President Obama. I remained committed to the bipartisan process that brought this bill to this point, but cannot vote to approve of the bill's language for the following reasons.

First, even with the changes in the Manager's Amendment, I cannot safely say that this bill would uphold a legal standard to protect human health and environment. This legal standard should be stated explicitly in the bill under the permit program specifications. Currently, under the Manager's Amendment, protection of public health and the environment is mentioned in reference to the revised criteria in the bill that originally applied to municipal solid waste. But a state permit program is not required to incorporate these revised criteria, and, furthermore, it is unclear whether the revised criteria would protect public health and the environment when applied to CCRs instead of municipal solid waste.

Second, I believe this legislation should clearly describe when and how EPA can get involved if a state permit program does not uphold human health and environmental protections. As currently drafted, it is unclear whether the EPA could provide written notice and an opportunity to remedy deficiencies if a permit program does not meet specifications described under the revised criteria. In one subsection, the language implies the EPA

could provide notice; yet in another section, the EPA is limited to evaluating the sufficiency of only the minimum requirements. Further, if a state chooses not to implement a permit program, the EPA can only design a program that enforces the minimum requirements, but not any of the revised criteria.

Because this bill directly creates new regulation without expert guidance from the Administration, Congress must hold this language to an even stricter standard. I believe Colorado could operate a permit program under this proposed language that would protect human health and the environment, and I want to thank them for their good work and assistance on this issue. Unfortunately, I do not believe every state's permit program could be required to meet this basic requirement. I believe this is a bipartisan issue and that I can work through these differences with my friends across the aisle, but in this form I cannot support H.R. 2273, the Coal Combustion Residuals Reuse and Management Act.

Mr. BILIRAKIS. Madam Chair, I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act, a bill which would prevent the EPA's burdensome regulations from drastically raising the price of electricity in my state of Florida. H.R. 2273 protects public health and the environment through the auspices of state run programs which safely regulate coal combustion residuals. As we have heard during the course of this debate, if the EPA is successful in classifying coal ash as a hazardous waste there is not only the potential of hundreds of thousands of jobs being lost, but also the likelihood that the cost of electricity will skyrocket. I know my constituents can't afford more hard times during this unprecedented economic downturn.

I'm proud to report that in the Tampa Bay area a responsible partner is helping to preserve jobs, enhance public health and protect the environment—the Tampa Electric Company recycles nearly 98 percent of all coal combustion residuals—which is one of the highest recycling rates in the nation among large power generators. These CCRs are recycled into concrete, roof shingles, asphalt, wallboard and a number of other useful items. Rather than clogging up landfills, the CCRs provide a variety of benefits and jobs.

I commend Tampa Electric for its good stewardship. Their recycling program has offset electricity costs over the past 19 years to the tune of \$55 million. Let's pass H.R. 2273 to allow Tampa Electric and other companies nationwide to continue employing Americans, keeping energy costs low and protecting the environment by allowing CCRs to be managed as nonhazardous.

Mr. SENSENBRENNER. Madam Chair, I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

Once again, the Environmental Protection Agency, EPA, is on a path to destroy jobs, and increase costs on every American household. It is puzzling to see the EPA attempt to regulate coal combustion residuals, CCRs, as a hazardous waste, when the EPA, the Department of Energy, the Federal Highway Administration, the Department of Agriculture, the Electric Power Research Institute, state agencies, members of academia, and many others who have studied CCRs for nearly three decades concluded that coal ash does not warrant regulation as a hazardous waste.

Under the Clinton Administration, the EPA determined that coal ash rarely, if ever, exhibits a hazardous waste characteristic. They ultimately concluded that states can safely manage coal ash under federal non-hazardous rules. Additionally, the EPA stated in its 2000 regulatory determination that regulating coal ash as a hazardous waste would be environmentally counterproductive because it would unnecessarily stigmatize coal ash and impede its beneficial use for reducing greenhouse gases. If the EPA under the Clinton Administration concluded that moving forward with regulating CCRs as a hazardous waste would increase greenhouse gas emissions, then why are so many of my colleagues on the other side of the aisle supportive of the current Administration's actions? If I recall, we spent a good amount of time debating legislation in 2009 to reduce greenhouse gas emissions.

In my home state of Wisconsin, this rule will have a significant impact on many different sectors. The concrete paving industry in Wisconsin uses coal ash on almost 100 percent of its projects. The use of coal ash enhances the performance and durability of concrete, which ultimately increases its lifespan. Additionally, given Wisconsin's cold winters, the use of coal ash in its concrete is even more important due to the reduction of the permeability of the concrete by 50–75 percent, allowing the concrete to better resist the freeze-thaw environment.

This regulation will also significantly affect the electric utility industry. Instead of recycling the coal ash produced as a byproduct from coal-fired power plants, the industry will be forced to dispose of the ash in landfills, costing billions. This could potentially lead to the closing of a number of coal plants, creating serious reliability and cost concerns. Additionally, the increased costs to the utility sector will ultimately be passed along to the American consumer.

The legislation before us is a commonsense approach to addressing coal ash. States are best able to determine the approach to regulating CCRs. While this legislation will set a federal baseline standard, states will be allowed to exceed these standards if they so choose. Additionally, this legislation assesses the structural integrity of land disposal sites, addressing the concerns that some may have with preventing another spill like that which occurred in 2008. I strongly support passage of H.R. 2273, and urge my colleagues to support this bill.

Mr. VAN HOLLEN. Madam Chair, coal-based power plants account for roughly one half of all electricity generation in the United States and produce about 135 million tons of coal combustion waste annually. This enormous waste stream contains toxins like arsenic, lead and mercury that can contaminate drinking water and threaten public health—which is why the EPA is in the process of developing regulations to ensure that it is either responsibly recycled or disposed of properly.

Rather than letting EPA complete its work, H.R. 2273 directs each state to create its own coal waste management permitting program, without any legal standard to ensure a minimum level of public safety. Moreover, if a state decides not to enforce the standards it puts in its own permitting program, there is little EPA can do about it.

Madam Chair, as the 2008 Kingston disaster demonstrated, coal ash is dangerous, inadequately regulated, and dispersed through-

out the country. In order to protect the public health and avoid a regulatory race to the bottom, we as a nation must establish and enforce a minimum federal level of safety and protection for all of our citizens.

This regulation takes us in precisely the opposite direction. Accordingly, I urge a “no” vote.

Mr. DEFAZIO. Madam Chair, in December 2008 an impoundment holding disposed ash waste generated by the Tennessee Valley Authority broke open, creating a massive spill in Kingston, TN. The spill covered the surrounding land and Clinch River with one billion gallons of coal fly ash, displaced residents, and resulted in \$1.2 billion in cleanup costs.

The accident underscored the need for rules to ensure structural stability and safety of coal ash impoundments.

In response, the Environmental Protection Agency proposed the first-ever regulations to ensure the safe disposal and management of coal ash from coal-fired power plants under the nation's primary law for regulating solid waste, the Resource Conservation and Recovery Act, RCRA.

In June 2010, the EPA presented two regulatory options: regulating coal ash as hazardous waste under Subtitle C or regulating coal ash as a non-hazardous waste under Subtitle D. The EPA has not established a deadline for the final rule.

I have serious concerns that designating fly ash as a hazardous material, the result of regulating coal ash under Subtitle C, could have major impacts on the recycling and reuse of fly ash to manufacture wallboard, roofing materials and bricks, and especially concrete.

In 2008 alone, the concrete industry used 15.8 million tons of fly ash in the manufacturing of ready mixed concrete making it the most widely used supplemental cementing material. When combined with cement, fly ash improves the durability, strength, constructability, and economy of concrete.

It also has huge environmental benefits. Using coal ash—and industrial byproduct—in concrete results in longer lasting structures and reduction in the amount of waste materials sent to landfills, raw materials extracted, energy required for production, and air emissions, including carbon dioxide.

A “hazardous” designation of fly ash could put these benefits in jeopardy. It could make fly ash storage and transportation more expensive, and create a legal environment that would deter cement manufacturers from recycling fly ash in cement production.

The result would not only be devastating for the cement manufacturing industry and American jobs, it could also divert millions of tons of coal fly ash from beneficial uses to surface impoundments like the one that broke open in Kingston, Tennessee.

For these reasons, my preference is for EPA to regulate fly ash under Subtitle D of the Resources Conservation and Recovery Act. This would ensure we have strong regulations for surface impoundments of coal ash needed to protect public health and the environment without inhibiting the recycling and reuse of coal fly ash.

It is also for these reasons that I am supporting H.R. 2273. The Coal Residuals Reuse and Management Act is not a perfect bill. In fact, this bill could have been much simpler and likely noncontroversial if my Republican colleagues had just legislated Subtitle D of

RCRA. It is my hope that the U.S. Senate will take this more targeted approach.

Nonetheless, H.R. 2273 does clarify that coal fly ash should not be regulated as a hazardous waste and establishes minimum state disposal requirements. In my state, this would mean the Oregon Department of Environmental Quality would develop appropriate rules for the handling of coal fly ash for the only coal plant in the state—PGE's Boardman Power Plant—and for the many Ready Mix Producers throughout Oregon that use coal fly ash as a necessary ingredient in the manufacturing of concrete.

I support strong regulations for the disposal and storage of coal ash. But, these regulations can and should be completed without jeopardizing the recycling and reuse of fly ash. By voting for H.R. 2273, I am voting in favor of moving forward with regulation and providing the EPA with needed direction.

Mr. QUIGLEY. Madam Chair, it is absolutely untenable that there are currently no federally enforceable regulations specific to coal ash.

This lack of federally enforceable safeguards is what led to the disaster in Tennessee, where a dam holding more than 1 billion gallons of toxic coal ash failed.

This spill destroyed 300 acres, dozens of homes, killed fish and other wildlife, and poisoned the Emory and Clinch Rivers.

Living near an unlined coal ash waste pond and drinking water contaminated with arsenic can be more dangerous than smoking a pack of cigarettes a day, according to a risk assessment done by the EPA.

People living near unlined coal ash ponds where water is contaminated by arsenic and ash is mixed with coal refuse have an extremely high risk of cancer, up to 1 in 50.

This is 2000 times greater than EPA's acceptable cancer risk.

So, we can burn coal, creating sodium, thallium, mercury, boron, aluminum and arsenic which is pumped out of the factory and into the air.

Or, we can stop stripping our land, polluting our air and waters and do what's right.

The first step is to establish comprehensive, federally enforceable safeguards that protect human health, wildlife, and the environment.

The measure we consider today fails to establish a national legal standard for coal ash.

The bill also places significant limits on the ability of the EPA to conduct an independent review of state programs.

When it comes to matters of public health there are no such things as good compromises.

As Randy Ellis, a Republican and County Commissioner for Roane County, Tennessee, the county where the TVA spill happened, said earlier this week—the environment is truly a non-partisan issue.

I stand here in opposition to this bill as neither a Democrat nor a politician, but someone who believes that this bill neither protects our public health, nor does it make our country better.

I urge my colleagues to do what's right and oppose H.R. 2273.

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

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

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

H.R. 2273

*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 "Coal Residuals Reuse and Management Act".*

**SEC. 2. AMENDMENT TO SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT.**

*(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:*

**"SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.**

*"(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program.*

*"(b) STATE ACTIONS.—*

*"(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section (except as provided by the deadline identified under subsection (d)(2)(B)), the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.*

*"(2) CERTIFICATION.—*

*"(A) IN GENERAL.—Not later than 36 months after the date of enactment of this section (except as provided in subsections (f)(1)(A) and (f)(1)(C)), in the case of a State that has notified the Administrator that it will implement a coal combustion residuals permit program, the head of the lead State agency responsible for implementing the coal combustion residuals permit program shall submit to the Administrator a certification that such coal combustion residuals permit program meets the specifications described in subsection (c)(1).*

*"(B) CONTENTS.—A certification submitted under this paragraph shall include—*

*"(i) a letter identifying the lead State agency responsible for implementing the coal combustion residuals permit program, signed by the head of such agency;*

*"(ii) identification of any other State agencies involved with the implementation of the coal combustion residuals permit program;*

*"(iii) a narrative description that provides an explanation of how the State will ensure that the coal combustion residuals permit program meets the requirements of this section;*

*"(iv) a legal certification that the State has, at the time of certification, fully effective statutes, regulations, or guidance necessary to implement a coal combustion residuals permit program that meets the specifications described in subsection (c)(1); and*

*"(v) copies of State statutes, regulations, and guidance described in clause (iv).*

*"(3) MAINTENANCE OF 4005(c) OR 3006 PROGRAM.—In order to adopt or implement a coal combustion residuals permit program under this section (including pursuant to subsection (f)), the State agency responsible for implementing a coal combustion residuals permit program in a State shall maintain an approved program under section 4005(c) or an authorized program under section 3006.*

*"(c) PERMIT PROGRAM SPECIFICATIONS.—*

*"(1) MINIMUM REQUIREMENTS.—The specifications described in this subsection for a coal combustion residuals permit program are as follows:*

*"(A) The revised criteria described in paragraph (2) shall apply to a coal combustion residuals permit program, except as provided in paragraph (3).*

*"(B) Each structure shall be, in accordance with generally accepted engineering standards for the structural integrity of such structures, designed, constructed, and maintained to pro-*

*vide for containment of the maximum volumes of coal combustion residuals appropriate for the structure. If a structure is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient, the head of such agency has authority to require action to correct the deficiency. If the identified deficiency is not corrected, the head of such agency has authority to require that the structure close in accordance with subsection (h).*

*"(C) The coal combustion residuals permit program shall apply the revised criteria promulgated pursuant to section 4010(c) for location, design, groundwater monitoring, corrective action, financial assurance, closure and post-closure described in paragraph (2) and the specifications described in this paragraph to surface impoundments.*

*"(D) Constituents for detection monitoring shall include boron, chloride, conductivity, fluoride, pH, sulphate, sulfide, and total dissolved solids.*

*"(E) If a structure that is classified as posing a high hazard potential pursuant to the guidelines published by the Federal Emergency Management Agency entitled 'Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams' (FEMA Publication Number 333) is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient with respect to the structural integrity requirement in subparagraph (B), the head of such agency has authority to require action to correct the deficiency. If the identified deficiency is not corrected, the head of such agency has authority to require that the structure close in accordance with subsection (h).*

*"(F) New structures that first receive coal combustion residuals after the date of enactment of this section shall be constructed with a base located a minimum of two feet above the upper limit of the natural water table.*

*"(G) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to inspect structures and implement and enforce such permit program.*

*"(2) REVISED CRITERIA.—The revised criteria described in this paragraph are—*

*"(A) the revised criteria for design, groundwater monitoring, corrective action, closure, and post-closure, for structures, including—*

*"(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding design requirements described in section 258.40 of title 40, Code of Federal Regulations; and*

*"(ii) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding groundwater monitoring requirements described in subpart E of part 258 of title 40, Code of Federal Regulations;*

*"(B) the revised criteria for location restrictions described in—*

*"(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, sections 258.11 through 258.15 of title 40, Code of Federal Regulations; and*

*"(ii) for existing structures that receive coal combustion residuals after the date of enactment of this section, sections 258.11 and 258.15 of title 40, Code of Federal Regulations;*

*"(C) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for air quality described in section 258.24 of title 40, Code of Federal Regulations; and*

*"(D) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations.*

*"(3) APPLICABILITY OF CERTAIN REQUIREMENTS.—A State may determine that one or*

more of the requirements of the revised criteria described in paragraph (2) is not needed for the management of coal combustion residuals in that State, and may decline to apply such requirement as part of its coal combustion residuals permit program. If a State declines to apply a requirement under this paragraph, the State shall include in the certification under subsection (b)(2) a description of such requirement and the reasons such requirement is not needed in the State. If the Administrator determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the Administrator may treat such State determination as a deficiency under subsection (d).

**“(d) WRITTEN NOTICE AND OPPORTUNITY TO REMEDY.—**

**“(1) IN GENERAL.—**The Administrator shall provide to a State written notice and an opportunity to remedy deficiencies in accordance with paragraph (2) if at any time the State—

**“(A) does not satisfy the notification requirement under subsection (b)(1);**

**“(B) has not submitted a certification under subsection (b)(2);**

**“(C) does not satisfy the maintenance requirement under subsection (b)(3); or**

**“(D) is not implementing a coal combustion residuals permit program that meets the specifications described in subsection (c)(1).**

**“(2) CONTENTS OF NOTICE; DEADLINE FOR RESPONSE.—**A notice provided under this subsection shall—

**“(A) include findings of the Administrator detailing any applicable deficiencies in—**

**“(i) compliance by the State with the notification requirement under subsection (b)(1);**

**“(ii) compliance by the State with the certification requirement under subsection (b)(2);**

**“(iii) compliance by the State with the maintenance requirement under subsection (b)(3); and**

**“(iv) the State coal combustion residuals permit program in meeting the specifications described in subsection (c)(1); and**

**“(B) identify, in collaboration with the State, a reasonable deadline, which shall be not sooner than 6 months after the State receives the notice, by which the State shall remedy the deficiencies detailed under subparagraph (A).**

**“(e) IMPLEMENTATION BY ADMINISTRATOR.—**

**“(1) IN GENERAL.—**The Administrator shall implement a coal combustion residuals permit program for a State only in the following circumstances:

**“(A) If the Governor of such State notifies the Administrator under subsection (b)(1) that such State will not adopt and implement such a permit program.**

**“(B) If such State has received a notice under subsection (d) and, after any review brought by the State under section 7006, fails, by the deadline identified in such notice under subsection (d)(2)(B), to remedy the deficiencies detailed in such notice under subsection (d)(2)(A).**

**“(C) If such State informs the Administrator, in writing, that such State will no longer implement such a permit program.**

**“(2) REQUIREMENTS.—**If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), such permit program shall consist of the specifications described in subsection (c)(1).

**“(3) ENFORCEMENT.—**If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures and the Administrator may use such authorities to inspect, gather information, and enforce the requirements of this section in the State.

**“(f) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—**

**“(1) STATE CONTROL.—**

**“(A) NEW ADOPTION AND IMPLEMENTATION BY STATE.—**For a State for which the Administrator

is implementing a coal combustion residuals permit program under subsection (e)(1)(A), the State may adopt and implement such a permit program by—

**“(i) notifying the Administrator that the State will adopt and implement such a permit program;**

**“(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and**

**“(iii) receiving from the Administrator—**

**“(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and**

**“(II) a timeline for transition of control of the coal combustion residuals permit program.**

**“(B) REMEDYING DEFICIENT PERMIT PROGRAM.—**For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(B), the State may adopt and implement such a permit program by—

**“(i) remedying the deficiencies detailed in the notice provided under subsection (d)(2)(A); and**

**“(ii) receiving from the Administrator—**

**“(I) a determination that the deficiencies detailed in such notice have been remedied; and**

**“(II) a timeline for transition of control of the coal combustion residuals permit program.**

**“(C) RESUMPTION OF IMPLEMENTATION BY STATE.—**For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(C), the State may adopt and implement such a permit program by—

**“(i) notifying the Administrator that the State will adopt and implement such a permit program;**

**“(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and**

**“(iii) receiving from the Administrator—**

**“(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and**

**“(II) a timeline for transition of control of the coal combustion residuals permit program.**

**“(2) REVIEW OF DETERMINATION.—**

**“(A) DETERMINATION REQUIRED.—**The Administrator shall make a determination under paragraph (1) not later than 90 days after the date on which the State submits a certification under paragraph (1)(A)(ii) or (1)(C)(ii), or notifies the Administrator that the deficiencies have been remedied pursuant to paragraph (1)(B)(i), as applicable.

**“(B) REVIEW.—**A State may obtain a review of a determination by the Administrator under paragraph (1) as if such determination was a final regulation for purposes of section 7006.

**“(3) IMPLEMENTATION DURING TRANSITION.—**

**“(A) EFFECT ON ACTIONS AND ORDERS.—**Actions taken or orders issued pursuant to a coal combustion residuals permit program shall remain in effect if—

**“(i) a State takes control of its coal combustion residuals permit program from the Administrator under paragraph (1); or**

**“(ii) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (e).**

**“(B) CHANGE IN REQUIREMENTS.—**Subparagraph (A) shall apply to such actions and orders until such time as the Administrator or the head of the lead State agency responsible for implementing the coal combustion residuals permit program, as applicable—

**“(i) implements changes to the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or**

**“(ii) certifies the completion of a corrective action that is the subject of the action or order.**

**“(4) SINGLE PERMIT PROGRAM.—**If a State adopts and implements a coal combustion residuals permit program under this subsection,

the Administrator shall cease to implement the permit program implemented under subsection (e) for such State.

**“(g) EFFECT ON DETERMINATION UNDER 4005(C) OR 3006.—**The Administrator shall not consider the implementation of a coal combustion residuals permit program by the Administrator under subsection (e) in making a determination of approval for a permit program or other system of prior approval and conditions under section 4005(c) or of authorization for a program under section 3006.

**“(h) CLOSURE.—**If it is determined, pursuant to a coal combustion residuals permit program, that a structure should close, the time period and method for the closure of such structure shall be set forth, in a schedule, in a closure plan that takes into account the nature and the site-specific characteristics of the structure to be closed. In the case of a surface impoundment, the closure plan shall require, at a minimum, the removal of liquid and the stabilization of remaining waste, as necessary to support the final cover.

**“(i) AUTHORITY.—**

**“(1) STATE AUTHORITY.—**Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

**“(2) AUTHORITY OF THE ADMINISTRATOR.—**

**“(A) IN GENERAL.—**Except as provided in subsection (e) of this section and section 6005 of this title, the Administrator shall, with respect to the regulation of coal combustion residuals, defer to the States pursuant to this section.

**“(B) IMMINENT HAZARD.—**Nothing in this section shall be construed to affect the authority of the Administrator under section 7003 with respect to coal combustion residuals.

**“(j) MINE RECLAMATION ACTIVITIES.—**A coal combustion residuals permit program implemented under subsection (e) by the Administrator shall not apply to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

**“(k) DEFINITIONS.—**In this section:

**“(1) COAL COMBUSTION RESIDUALS.—**The term ‘coal combustion residuals’ means—

**“(A) the solid wastes listed in section 3001(b)(3)(A)(i), including recoverable materials from such wastes;**

**“(B) coal combustion wastes that are co-managed with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure;**

**“(C) fluidized bed combustion wastes;**

**“(D) wastes from the co-burning of coal with non-hazardous secondary materials provided that coal makes up at least 50 percent of the total fuel burned; and**

**“(E) wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.**

**“(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—**The term ‘coal combustion residuals permit program’ means a permit program or other system of prior approval and conditions that is adopted by or for a State for the management and disposal of coal combustion residuals to the extent such activities occur in structures in such State.

**“(3) STRUCTURE.—**The term ‘structure’ means a landfill, surface impoundment, or other land-based unit which may receive coal combustion residuals.

**“(4) REVISED CRITERIA.—**The term ‘revised criteria’ means the criteria promulgated for municipal solid waste landfill units under section 4004(a) and under section 1008(a)(3), as revised under section 4010(c).’.

**(b) CONFORMING AMENDMENT.—**The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting

after the item relating to section 4010 the following:

“Sec. 4011. Management and disposal of coal combustion residuals.”.

**SEC. 3. 2000 REGULATORY DETERMINATION.**

Nothing in this Act, or the amendments made by this Act, shall be construed to alter in any manner the Environmental Protection Agency's regulatory determination entitled “Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels”, published at 65 Fed. Reg. 32214 (May 22, 2000), that the fossil fuel combustion wastes addressed in that determination do not warrant regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.).

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-244. 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. SHIMKUS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-244.

Mr. SHIMKUS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 2, strike the semicolon and insert the following: “, including a description of the State's—

“(I) process to inspect or otherwise determine compliance with such permit program;“(II) process to enforce the requirements of such permit program; and

“(III) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program;

Page 5, line 5, strike “, regulations, or guidance” and insert “or regulations”.

Page 5, beginning on line 9, strike “, regulations, and guidance” and insert “and regulations”.

Page 6, line 13, insert “according to a schedule determined by such agency” after “correct the deficiency”.

Page 6, line 14, insert “according to such schedule” after “is not corrected”.

Page 6, line 21, insert a comma after “assurance, closure”.

Beginning on page 7, line 1, strike subparagraph (D) and redesignate subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively.

Page 7, line 17, insert “according to a schedule determined by such agency” before the period.

Page 7, line 18, insert “according to such schedule” before the comma.

Page 8, after line 5, insert the following new subparagraph:

“(G) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to address wind dispersal of dust from coal combustion residuals by requiring dust control measures, as determined appropriate by the head of the lead State agency responsible for implementing the coal combustion residuals permit program.

Page 8, line 21, insert “and corrective action” after “groundwater monitoring”.

Page 8, line 23, strike the semicolon and insert the following: “, except that, for the purposes of this paragraph, such revised criteria shall also include—

“(I) for the purposes of detection monitoring, the constituents boron, chloride, conductivity, fluoride, mercury, pH, sulfate, sulfide, and total dissolved solids; and

“(II) for the purposes of assessment monitoring, the constituents aluminum, boron, chloride, fluoride, iron, manganese, molybdenum, pH, sulfate, and total dissolved solids;

Page 9, line 16, strike “; and” and insert a semicolon.

Page 9, line 21, strike the period and insert a semicolon.

Page 9, after line 21, insert the following:

“(E) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for surface water described in section 258.27 of title 40, Code of Federal Regulations;

“(F) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for recordkeeping described in section 258.29 of title 40, Code of Federal Regulations;

“(G) for landfills and other land-based units, other than surface impoundments, that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-on and run-off control systems described in section 258.26 of title 40, Code of Federal Regulations; and

“(H) for surface impoundments that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-off control systems described in section 258.26(a)(2) of title 40, Code of Federal Regulations.

Page 17, line 23, strike “, in a schedule,”.

Page 17, line 24, insert “that establishes a deadline for completion and” before “that takes into account”.

Page 18, after line 20, insert the following:

“(C) TECHNICAL AND ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State agency that is implementing a coal combustion residuals permit program, the Administrator may provide to such State agency only the technical or enforcement assistance requested.

“(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

Page 20, line 11, insert “in accordance with the requirement of such section that the criteria protect human health and the environment” after “4010(c)”.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Illinois (Mr. SHIMKUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SHIMKUS. Madam Chairman, for the purpose of a colloquy, I would like to yield to the gentleman from West Virginia.

Mr. MCKINLEY. I thank the gentleman for yielding.

Before I agree to support the gentleman's amendment, I would like some clarification on one of the provisions it contains. It would amend the definition of “revised criteria” in the bill to read: “The criteria promulgated for municipal solid waste landfill units . . . as revised under section 4010(c) in accordance with the requirement of such sec-

tion that the criteria protect human health and the environment.”

Does the gentleman's amendment open the door, even a sliver, to EPA promulgating coal ash regulations not otherwise authorized in this bill under the guise of protecting human health and the environment; or for EPA to use the language as an arbitrary yardstick by which to judge State programs?

Mr. SHIMKUS. To my friend from West Virginia, my response is that it does not.

My amendment keeps that door to EPA alternative regulation closed and locked. The language the gentleman cites merely references law that is already on the books, as you heard in the general debate. Section 4010(c) of RCRA was enacted years ago to protect human health and the environment. My amendment merely clarifies that your bill does not change that.

Mr. MCKINLEY. Madam Chairman, the 4010(c) of RCRA also gives EPA authority to take into account the practicable capabilities of such facilities.

Does the gentleman's amendment alter that authority in any way?

Mr. SHIMKUS. Again to my colleague and friend from West Virginia, my amendment in no way reduces the administrator's authority to take into account facility capabilities. That authority is unchanged by both my amendment and your underlying bill.

Mr. MCKINLEY. With those clarifications, I will support the gentleman's amendment.

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

□ 1200

Mr. WAXMAN. Madam Chair, I claim time in opposition.

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

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

To be fair, this amendment does make a few positive changes to the legislation. It adds some requirements to recordkeeping, groundwater monitoring, and runoff controls. But as with the underlying bill, this amendment makes a lot of promises and it just doesn't deliver.

Some of my colleagues believe they may have reached a major concession because this amendment adds a groundwater monitoring provision. And I'd agree, adequate detection and assessment monitoring is critically important to ensuring that when coal ash is disposed of we have the opportunity to protect groundwater from toxic contamination.

But Members should be aware that this amendment moves all of the groundwater monitoring provisions from paragraph (c)(1) to paragraph (c)(2). The effect of this change is to allow any State to waive the groundwater monitoring requirements at their discretion.

Fugitive dust has been talked about. This dust can pose a health risk because it is particulate matter that can

lodge deep in the lungs and also because it can contain the toxic constituents of coal ash. The Republicans refused to include a provision to address this issue in committee. So some of my colleagues may be pleased that this amendment includes a provision that mentions fugitive dust from coal ash disposal.

But this provision is almost a tautology. The provision merely states that the States have the authority to require dust control measures if the State determines it to be appropriate. The amendment does not require State permit programs to include dust controls. It does not provide authority for EPA to require dust controls when it is the implementing agency. If a State determines that nothing is appropriate, then nothing is required within that State.

Like the underlying legislation, this amendment is long on appearances but short on substance. Most importantly, this amendment fails to make improvements where improvements are most necessary.

First, the amendment fails to establish a legal standard that the coal ash permit program has to meet.

Second, the manager's amendment fails to ensure the structural integrity of wet impoundments. The amendment makes clear that wet impoundments can be used to hold storm water by exempting them from run-on control requirements, but it falls short of requiring that they be designed to safely hold that storm water. EPA has concluded that this legislation excludes several key design requirements that relate to long-term structural stability of the surface impoundment.

Third, the manager's amendment fails to ensure appropriate criteria for the disposal of coal ash. Rather than addressing the concerns raised by EPA about the agency's ability to revise and tailor disposal criteria to address the risks posed by coal combustion residuals, the amendment further limits EPA's potential role in helping the State by preventing EPA from offering technical assistance to States without a request from the head of a lead State agency.

And, lastly, the amendment does nothing to authorize meaningful review of State programs. EPA has raised extensive concerns about their ability to review State programs under this legislation to ensure protection of human health and the environment, and this amendment does not address those concerns.

The administration has announced its opposition to the legislation, stating that this bill is "insufficient to address the risks associated with coal ash disposal and management, and undermines the Federal Government's ability to ensure that requirements for management and disposal of coal combustion residuals are protective of human health and the environment."

Nothing in this amendment fixes those concerns. Madam Chair, I'm will-

ing to accept this amendment. It doesn't address the problems with this bill, but it doesn't make the bill appreciably worse. So I wouldn't oppose the amendment, but I don't want people to think that this amendment lives up to the billing that it really makes this bill good enough.

So I will not oppose it, and I reserve the balance of my time.

Mr. SHIMKUS. I appreciate the ranking member's accepting the amendment. We do think it improves the bill.

I would like to yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I thank the ranking member on our subcommittee for accepting the amendment.

This amendment does make the bill better, but if we're looking for the perfect, you're in the wrong place. A legislative process is not where you get perfection. We come together. We compromise.

This floor amendment by the ranking member actually makes the bill better than it was when it came out of committee, and I voted for it out of committee. So I'm glad he made it better with this amendment. But we'll never get perfection, whether it be the House, and I can guarantee, almost, not in the Senate.

But this bill is better by this amendment, and that's why I encourage its adoption.

Mr. SHIMKUS. I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE) to speak in support of the bill.

Mr. PEARCE. Madam Chair, I rise in support of the underlying bill, H.R. 2273.

Basically, we hear a lot about the President asking: Where are the Republican plans for jobs?

I could refer the President to the Western Caucus Jobs Frontier Report that was put out the same day as his speech on the floor that's got 40 pieces of legislation that would create exact jobs. But half the time we're in this body talking about jobs, we have to play defense; we have to keep the President from killing jobs, and that's basically what this bill does.

The EPA is going to implement regulations which, for instance, will have an effect in the Four Corners plant near Grants, New Mexico. It's going to be forced to comply with regulations, not to noticeably improve the quality of our air, but simply new regulations. And the coal ash from that plant is shipped around the country. It's shipped to cement factories in New Mexico and California.

As we shut off the ability to use this coal ash, then we're going to raise costs. We're going to create job-killing regulations that, in fact, are taking place across the country right now. If we look and break down the intent, really, there are several regulations that intend to kill coal mining in total. And so why don't we talk about the real intent of different regulations.

We're shutting down electric generation right now. Last year we saw rolling blackouts. We saw the power outages in New Mexico, and yet one of our plants that generates electricity is having to shut down 60 percent of its capacity.

So these are the things that are killing jobs; the President is doing this bill. The underlying bill, H.R. 2273, simply pushes back on those regulations.

The Acting CHAIR. The gentleman from Illinois has 15 seconds remaining.

Mr. SHIMKUS. I want to again thank the ranking member for accepting this, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-244.

Mr. WAXMAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, after line 5, insert the following new subparagraph:

“(H) The coal combustion residuals permit program contains criteria necessary to protect human health and the environment.”

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 1210

Mr. WAXMAN. Thank you, Madam Chair.

The Resource Conservation and Recovery Act, or RCRA, was passed to protect the public health and the environment from unsafe disposal of solid waste. It created duties reserved to the EPA and programs that could be delegated to the States. Like other environmental statutes, RCRA sets a legal standard of protectiveness for State-delegated programs. These standards are the yardstick by which it is determined whether a State's effort measures up, and they ensure our consistent level of effort and protection throughout the Nation.

This approach has worked well because it prevents a race to the bottom among the States in which a State willing to have the laxest protections becomes the dumping ground for the Nation. Congress has taken this approach for 40 years. We create a Federal floor of protection and allow States to go further as necessary. H.R. 2273 turns this approach on its head by saying that each State must have a program but that program can offer as little protection as the State chooses. Well, that's essentially the status quo.

The authors of this bill are attempting to model coal ash disposal on disposal of municipal solid waste. That's



what they claim. In the case of municipal solid waste, however, the legal standard is that the program must protect human health and the environment from the risks associated with municipal solid waste. But under this bill, this standard does not apply to coal combustion residuals.

If we want to hold State coal ash permit programs to that standard, the same standard to which State municipal solid waste permit programs are held, my amendment is the way to do it. Without this amendment, nothing in the bill ensures that permit programs, whether administered by the States or the EPA, will protect human health and the environment. They will not even have that as a goal.

Under the existing language, a State could put in place an insufficient program, one that threatens human health, and so long as they follow the required certification, they will meet their legal requirements. There would be no way for the public, for affected communities, or for the EPA to intervene to ensure the necessary safeguards. If we adopt this amendment, State plans will have to protect human health and the environment from the risks of unsafe coal ash disposal.

These are serious risks that this legislation should address. For example, groundwater has been contaminated from coal ash disposal in Virginia, South Carolina, Michigan, New York, Massachusetts, Indiana, North Dakota, and the list goes on. Fugitive dust from coal ash disposal has impacted neighboring communities; for instance, toxic dust has blown through people's homes in Gambrills, Maryland, harming the respiratory health of the public, and risks from the catastrophic failure of wet impoundments as serious as we saw in Kingston, Tennessee.

When EPA issued its proposed rules in June 2010, they cited more than two dozen proven cases of damage from coal ash disposal. Three of those sites are now on the national priority list for cleanup under Superfund, and the number of these incidents may be much higher. These risks are real and they are significant. If this legislation is going to address them, it needs to include a legal standard of protectiveness.

If my amendment is adopted, State programs will be required to protect human health and the environment. And if a State refuses to do so, when EPA steps in, the agency will have to implement a program that protects public health and the environment. It's a simple amendment, but it's the difference between trying to protect health and the environment and trying to protect the status quo.

I heard from my colleague and good friend from Texas saying the bill was better and the legislative process is not always to get to the perfect but to get a better bill. Well, it depends on what you consider good enough. This bill is not good enough. With this amendment, it will definitely be improved.

But it's not good enough to vote for a bill because it's better than it was when it wasn't good enough then. It's better to vote "no" and say "no" to a bill that's not good enough so you can get a better bill. And I think in the other body we'll get a better bill if we are willing to vote against this bill, say "no" until we get not the perfect bill, but a much better bill than what the proponents of this bill are saying is good enough, because I don't accept that conclusion.

I urge support for this amendment. I yield back the balance of my time.

Mr. SHIMKUS. Madam Chair, I seek time in opposition.

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

Mr. SHIMKUS. Thank you, Madam Chairman.

I appreciate the comments of my colleague from California because obviously there is a recognition that we have been talking, we have been trying to get some bipartisan support. As tough as that may seem in this Chamber and in this Congress, there is a recognition that we're trying. I think the ranking member gave us an "atta boy" just by allowing that voice vote on the manager's amendment, and I appreciate that.

Part of this debate is that if States are allowing any type of waste to affect their constituents, don't you think that the States are going to get involved? If you use the Maryland example, Maryland has aggressively changed its own permitting processes based upon those experiences. So they've done it. Again, States are closer to their people. I can imagine the calls State reps and State senators got when that occurred. The basic bill says coal combustion residual which doesn't rise to the level of toxicity should be treated as that in liners and the like. That's really the debate we have.

The EPA's technical assistance which was placed on the ranking member's committee's Web site mentions that this requirement could be implicitly inferred based upon the drafting of the bill. And I would just say on page 10, line 8, if the administrator determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the administrator may treat such State determination as a deficiency. And if it's a deficiency, then the EPA can then be involved.

So we think that the issue that my colleague from California has raised has been addressed, and we look forward to debate of the further amendments.

I yield back the balance of my time.

Mr. JOHNSON of Illinois. Madam Chair, the amendment addressed issues of public health which are critical, but the amendment was too vague and likely redundant. Accordingly, and unusually, a "present" vote would be appropriate. At the time of the vote, I was dealing with two constituents, and their problems with

Social Security and Post Office closure, and inadvertently missed the vote.

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

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

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-244.

Mr. MARKEY. Madam Chair, I rise as the designee to offer amendment No. 3, the Carney amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, after line 5, insert the following new subparagraph:

"(H)(i) The coal combustion residuals permit program shall require that—

"(I) each surface impoundment meet the requirements applicable to existing and new structures under this section by a deadline of the date that is 5 years after the date of enactment of this section; and

"(II) each surface impoundment that does not meet all such requirements by such deadline close in accordance with the requirements of subsection (h).

"(ii) The head of the agency responsible for implementing the coal combustion residuals permit program may extend the deadline under clause (i) with respect to a surface impoundment in 1-year increments upon a showing of good cause, but in no case may the deadline be extended beyond the date that is 10 years after the date of enactment of this section.

The Acting CHAIR. Pursuant to House Resolution 431, 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 thank you.

Just 3 days before Christmas in 2008, the coal ash impoundment—and "impoundment" is just another word for giant swimming pool—burst in Kingston, Tennessee, releasing 1.1 billion gallons of toxic sludge that blanketed the nearby Emory River. That toxic stew that flowed out, a billion gallons into the river, destroyed homes and 300 acres of surrounding land, creating a Superfund site that could cost up to \$1.2 billion to remediate. Since this incident, the EPA has identified 49 other giant pools of coal ash across the country that are designated as high hazard.

□ 1220

This means that if these impoundments were to fail, then it's not just the land that would be damaged, but human life would likely be lost.

This Republican bill purports to be a solution to what happened in Tennessee. It claims to create standards

for these giant pools that would ensure a TVA catastrophe won't happen again. But in fact it excludes safety requirements such as just accounting for earthquakes or surface erosion. And even worse, the very minimal requirements that are included in this bill only apply to new impoundments there are built starting 3 years after this bill is enacted. That's right. Nothing even starts for 3 years. And it's got to be brand new.

So more than 430 impoundments that we know of and are in use today are not even going to be covered by this bill. And they have been built by old standards, not by the new standards. That's like finding a fatal flaw in a car that's on the road, but only requiring car companies to fix the ones that have not yet been built and won't even come on the road for 3 years. Or, like finding E. coli in chicken on grocery store shelves. But rather than issuing a recall today for the stuff that's on the shelves, they say there are rules that are going to go in place 3 years from now so just let the contaminated poultry continue to be sold.

This amendment is a simple fix to this problem. It would require all impoundments to meet minimal safety criteria in this Republican bill. Those facilities that cannot meet basic requirements such as installing a liner so that this toxic coal sludge doesn't seep into the soil and the groundwater will have 10 years to close their doors.

Unless this amendment is passed, disposal of coal ash in unlined, unsafe pits will be allowed to continue. In Missouri, there is an unlined impoundment that has been leaking more than 50,000 gallons of toxic liquid a day since 1992. It would not have to be fixed. Let me repeat that. Fifty-thousand gallons of toxic liquid a day since 1992 has been leaking out of that toxic facility, and it wouldn't have to be fixed under that bill. What are you saying to the people in Missouri?

In Princeton, Indiana, a wet coal ash impoundment built in an earthquake fault area discharged dangerous slurry when an earthquake struck nearby last year. The spill contaminated a national wildlife refuge with selenium. A wetland that is home to an endangered bird species had to be drained and 50 tons of fish had to be buried. This Republican bill would allow that impoundment to continue receiving coal ash as well.

After the Kingston accident in 2008, the Tennessee Valley Authority approved a plan to voluntarily phase out all of their coal ash ponds in 10 years and to eliminate high-risk storage facilities that pose a danger to people and property if they were to fail. If they can do it, shouldn't the other companies be able to do it as well?

We shouldn't have to wait for another catastrophe like Kingston to happen before we require these basic safety measures to be employed at all coal ash ponds.

I encourage my colleagues to vote "yes" on this amendment.

I yield back the balance of my time. Mr. SHIMKUS. I rise in opposition to the amendment.

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

Mr. SHIMKUS. Thank you. My friend from Massachusetts has great rhetorical skills, and I have finally made it to the big time where I can do it as managing a bill and addressing amendments.

He wasn't on the floor when we talked about the letter from the Governor of Virginia, who admits that this bill is going to force the State of Virginia to do more. It's because of this bill, he says,—and I quoted it before—that will require effort to implement in Virginia, such as regulatory amendments for conformance, and notifying and seeking EPA approval.

So here is the Governor saying, We support this bill, and we know we're going to have to do more.

I think that's positive. We're talking about how H.R. 2273 already includes structural integrity requirements that would allow only those facilities that are operating in a protective manner to continue to operate. Moreover, EPA has just completed a nationwide evaluation—I'm sure you're going to be happy to hear this, Mr. MARKEY—and in this evaluation they said that they have found none, zero, zip of these impoundments to be unsafe.

Now, that's our own EPA. And we're glad that they're out. They're now checking these impoundment areas. I think a lot of this is a result of moving this bill and having now at least a standard for liners. I think from our testimony in subcommittee, liners are important. Liners are what we do in municipal solid waste. Liners are what we should do with coal combustion residuals. Well, this bill ensures that we have liners in the coal combustion residual ponds and facilities.

So I think it's a very exciting time. It protects jobs. It helps for, obviously, the recycling of this in the industry sector. It helps save jobs. I think the amendment only hurts the passage and movement of this bill.

I urge my colleagues to vote "no" on the Markey amendment, and I yield back the balance of my time.

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

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

Mr. MARKEY. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. MARKEY  
The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-244.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 23, insert “, after providing notice and opportunity to comment to the public and the Administrator,” after “may”.

The CHAIR. Pursuant to House Resolution 431, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Thank you, Madam Chair.

Two weeks ago, scientists at a massive facility in Europe announced that they may have discovered a particle that travels faster than the speed of light—a discovery that would turn Einstein's theory of special relativity upside down, a discovery that, if true, would revolutionize the way we see the world. The news spurred a massive amount of interest. Headlines read: “Back to the Future,” and media stories even speculated on how this discovery could be exploited to enable real-life time travel.

However, it seems Republicans have already figured out how to get around Einstein's theory, because today the House will vote on a piece of legislation that will blast us right back in time to the start of the Industrial Revolution. This bill says no matter what EPA learns about the sludge that comes out of coal-fired plants, no matter how high the concentrations of poisonous arsenic, mercury, or chromium, and no matter what EPA learns about how these materials find their way into our drinking water, EPA is forbidden to classify or regulate it as hazardous waste. EPA is forbidden to require that this toxic material be disposed of carefully.

This bill turns a blind eye to evidence of known hazards and takes us back to the Dark Ages, to a time before science was valued and before advanced knowledge transformed society. It takes us back to an era when mercury and arsenic, major components of coal ash, were used to cure toothaches and clear up your complexion. It takes us back to an era where children were sent deep into the bowels of the Earth to rip coal from the mines and to die early deaths.

The problem with continuing to push a 19th century technology like coal is that you then continue 19th century attitudes about public health and the environment. Instead of time travel through Einstein's theory of special relativity, Republicans are pushing to travel backwards in time to advance the coal industry's special interests.

□ 1230

While Republican efforts on time travel are unlikely to help us understand black holes, they will take us back to the era of black lung disease. Instead of allowing the coal industry

and Republicans to transport our country's environmental and public health standards back to the era of Charles Dickens, we should hold these industries to great-er expectations.

In December of 2008, hundreds of acres of land were buried in toxic sludge after a Tennessee Valley Authority coal ash containment pond collapsed in Tennessee, releasing 1.1 billion gallons of coal ash slurry, covering more than 300 acres of land in a gray poisonous muck, damaging homes and properties and tainting nearby rivers. The event was, quite literally, a poisonous lump of coal dumped on the nearby community just 3 days before Christmas.

This Republican bill purports to be a solution to what happened in Tennessee. It claims to create standards for coal ash containment ponds that would ensure structural integrity, but in fact it explicitly exempts those same coal ash ponds from key design requirements relating to their long-term stability.

This bill claims that States have to set up a rigorous drinking water monitoring regime and dust controls, but in fact the bill has no legal or enforceable standard for these State programs. And even more, any State at any time can waive any of these minimal permitting requirements and they don't have to tell anyone. That's right. When it comes to constructing a gigantic containment pond in your backyard, a State can choose to opt out of the requirements of this bill and no one—not the public or the EPA—would ever even know. This is just plain wrong.

We should not delegate this authority to the States and then turn around and let States hide behind a cloak of secrecy when making decisions about waste sites that may be hundreds of acres in size, receive millions of tons of waste, and which may be in operation for decades.

My amendment is very simple. It says that before a State can waive even the minimal criteria that this bill requires, that the State must first notify the public and the EPA and offer the opportunity for public comment. That is the least that we have as a responsibility to the public.

I urge an "aye" on the Markey amendment.

I yield back the balance of my time. Mr. SHIMKUS. I rise in opposition to the amendment.

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

Mr. SHIMKUS. Thank you, Madam Chairman.

A couple of things. The gentleman's well-meaning amendment requires public notice and comment, including from the administrator of the EPA, before the State submits its certification paperwork to the administrator of the EPA.

There's confusion as to what this bill does. For the first time, States have to conform to the EPA standards. I read

this before in another part of the debate on page 10. If the administrator determines—this is the administrator of the EPA. If the administrator determines that a State determination under this paragraph does not accurately reflect the need for the management of coal combustion residuals in the State, the administrator may treat such determination as deficient.

So there's really no purpose for my colleague's amendment. The EPA has the ability to say good State program, bad State program. The Governor of Virginia says we're already going to have to do more than we do now because of this bill. And section 7004(b) of RCRA requires public participation.

So part of our debate is: Why do we have to continue to put more laws on the books when those provisions are already covered under RCRA? Requires public participation in any enforcement of any regulation guideline, information, or program under this act, including at the Federal and State level. This requirement is not waived, it's not amended, it's not altered or affected under this piece of legislation. Those requirements under RCRA apply to H.R. 2273.

The gentleman's amendment is unnecessary, it's duplicative, and I ask my colleagues to reject it.

I yield back the balance of my time.

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

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

Mr. MARKEY. Madam Chair, I demand a recorded vote.

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

#### AMENDMENT NO. 5 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-244.

Mr. RUSH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, after line 20, insert the following new subparagraph:

“(C) ENFORCEMENT.—Notwithstanding subparagraph (A), if the Administrator determines that a structure is in violation of a State coal combustion residuals permit program under this section, and the State has not taken appropriate action to enforce such permit program with respect to such structure, the Administrator may inspect such structure and enforce the requirements of such permit program with respect to such structure.

The Acting CHAIR. Pursuant to House Resolution 431, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Madam Chair, my amendment simply provides Federal enforce-

ment authority so that if the EPA administrator determines that a structure is in violation of a State coal combustion residuals permit program and the State has not taken appropriate action to enforce such permit program with respect to such structure, the administrator may inspect such structure and enforce the requirements of such permit program.

Madam Chair, as currently drafted, H.R. 2273 fails to require States to enforce their own permit requirements. The manager's amendment only requires States to describe their "process to enforce," but there is no hint, no requirement, not a syllable to actually enforce regulations. This built-in loophole in H.R. 2273 does not require adequate State inspection of coal ash ponds and landfills, and it allows States to set up voluntary regulatory programs, which will clearly not ensure the safe design, the safe operation, and the cleanup of the Nation's many toxic coal ash disposal sites.

Madam Chair, due to a well-noted case in my district of Crestwood, Illinois, where contaminated drinking water was piped into the homes of my constituents for over 20 years, between 1986 and 2007, without any intervention from either the State or Federal EPA agencies, I, for one, am very sensitive to this issue.

Since the beginning of this current Congress, the Republican majority has been on a never-ending, nonstop, forever-and-ever crusade against the EPA and our Nation's environmental protection laws on behalf of a few industries and to the detriment of the public good. However, for many of my constituents, there is no greater role for Congress to play than to protect their lives, their livelihoods, the livelihoods of their children, and the lives of their children by ensuring that all American citizens have access to clean air and clean water.

Madam Chair, I believe that it is a false choice to try to frame these tremendously important policy decisions under the paradigm of either clean air and water or jobs and employment. As leaders, it is our job, it is our responsibility to find the right balance when crafting legislation so that our constituents are not faced with these types of lose-lose situations and decisions.

I believe that my amendment will go a long way in trying to make this legislation far more balanced so that, at the very least, we allow the Federal Government, our government, to serve as the last backstop for the American people against companies that will seek to skirt the law without regard for the families and communities these companies would do harm to.

□ 1240

Madam Chair, many of my constituents, they don't have the money. They don't have the influence that industry has. So they're counting on us, this Congress, their Congressional representatives, to protect their interests,

to fight for them just as those who are fighting for the interest of a few corporations in this body are doing.

In fact, Madam Chair, I want to end with a quote from a letter dated July 11 that my office received from a number of ordinary American families who live by coal ash dumps all across this country.

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

Mr. RUSH. I urge all my colleagues to support this amendment.

Hon. FRED UPTON,  
Chairman, House Energy and Commerce Committee, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: Tomorrow, we understand that your committee will vote on a bill that would leave oversight of coal ash dumps to the states, and prevent EPA from taking action against polluters who threaten our groundwater. We know Congress has already heard from industry lobbyists, big contributors, and bureaucrats. But please hear our voices, since we live near these dumps, and put up with their pollution year after year.

We know what it is like to suffer through the daily onslaught of blowing ash, drink water from faucets contaminated with ash leachate, and see our wetlands and creeks poisoned with toxic metals like arsenic. We have complained again and again about the endless noise, dust and pollution from trucks dumping coal ash near us while we become more stressed out or sick and the value of our property plummets, with no real response from our states. Two years ago, we were promised that the US Environmental Protection Agency would finally set national standards to clean up these sites, and close the most dangerous ones.

Now we face legislation that would stop EPA in its tracks, and replace real standards with state "plans" that polluters could ignore without fear of enforcement by EPA. After what is already known about the danger from storing millions of tons of coal ash in unlined ponds, why would you tie the government's hands from ever stopping this practice?

Do our lives matter to you?

Is protecting coal ash "recycling" more important than our health or the quality of our water? Even those who believe that cannot seriously argue that shielding leaking dumps from EPA enforcement somehow makes recycling easier. And ash mixed with other wastes in leaking ponds—now a common practice—cannot be recycled at all.

What will you accomplish by requiring federal and state bureaucrats to review, and then approve, disapprove, and reapprove state plans that can never actually be enforced by EPA against polluters? If your own family's drinking water was being contaminated, would you think haggling over "plans" the right response?

States have had decades to clean up these dumpsites, and have done nothing—or next to nothing—as contamination has spread, even after the TVA spill put the issue on the national news. We know good, hard-working people in our state agencies, but budget cuts, political pressure, the power of local polluters, and the lack of any serious oversight or enforcement from EPA make their job impossible.

Put yourself in our place. Have you lived near a power plant's landfill or ash pond like we or our neighbors do, and found out that the water you and your children drink may be unsafe to drink? How long would you want to wait for your state agency to do something about the problem? Three years? Five years? Ten? We have waited that long, and are waiting still.

As the Americans who live next to our nation's ash dumps, our opinions should matter. These dumps should have permits that we can comment on. We need the right to comment on a solid waste plan. We should be able to object to any permit or plan that threatens our lives and property, and the government should be given a deadline to respond. Dumps that contaminate groundwater should be closed, and the groundwater cleaned up. And EPA should be able to crack down on polluters—without having to wade through endless "planning"—or the bill you pass will mean nothing.

As you consider this legislation, please don't forget about us. We are not 'against the coal industry.' We simply want the laws that are supposed to protect people to be enforced. We appreciate your time and consideration.

Sincerely,

Joe and Teresa Trotter, 117 South County Road 400 West, Sullivan, IN 47882.

George Adey, 4082 W Dunes Hwy, Michigan City, IN 46360.

Terry Miller and Barbara Handley-Miller, 4649 David Court, Bay City, MI 48706.

Patrick Race, 1004 N. Sheridan, Bay City, MI 48708.

Saleh and Hanadi Abu-Hussein, 8424 State Road 64, Princeton, IN 47670.

George Bink, 6125 E. County Line Rd., Racine, WI 53402.

Vicki Kuzio and Shirley Stribling, 3888 W. Dunes Hwy, Michigan City, IN 46360.

Ron and Patricia Riley, 8329 W 175 N, Princeton, IN 47670.

Daniel Brand, 5228 County Road A, Sheboygan Falls, WI 53085.

Mike and Rachel Slunder, 8245 W 175 N, Princeton, IN 47670.

Mary Tinsley, 325 Division St., Mount Carmel, IL 62863.

Vicki Hodgson, 15466 N 2250 Boulevard, Allendale, IL 62410.

Amy Bonsall, Labadie Environmental Organization, 4467 Boles Road, Labadie, MO 63055.

Cathy Schnur, 5337 Heatherfield Ct., Sheboygan, WI 53083.

Norm and Jill Buchmann, 6508 Running Horse Road, Racine, WI 53402.

Raymond and Yelissa Pfeiffer, 806 S Arbor St, Bay City, MI 48706.

Barbara Hugier, 8741 Foley Road, Racine, WI 53402, Oak Creek/Caledonia coal run power plant (WE).

Michael and Martha Blann, 4919 W County Rd 25 N, Sullivan IN 47882.

George Bink, 6125 County Line Rd, Racine, WI 53402.

Tammy Krapek, 1252 Williams Port Dr. #I, Westmont, IL 60559.

Kent and Loukia Verhage, 41 E 8th St, Chicago, IL 60605. We own a place in The Pines, 1709 Birch St, Michigan City, IN 46360.

Sharon and Richard Fineman, 145 Doberman Road, Chester, WV 26034.

Carrie and Keith Bodnar, 658 Johnsonville Road, Chester, WV 26034.

Helen M. Bowen, 174 Red Dog Road, Georgetown, PA 15043.

Gary and Kim Kuklish, 896 Narrows Road, LaBelle, PA 15450.

Yma and Rudy Smith, 826 First Street, LaBelle, PA 15450.

George and Colleen Markish, First Street, LaBelle, PA 15450.

Carmen Smith, 725 Maxwell Avenue, LaBelle, PA 15450.

Helen Byrd, Second Street, LaBelle, PA 15450.

Roberta Evans, 823 First Street, LaBelle, PA 15450.

Gary Craig, 174 Route 168, Midland, PA 15059.

Jarrett F. Jamison, 1085 Fort Martin Road, Madsville, WV 26541.

Tracey Heinlein, 824 Old Mill Creek Road, Hookstown, PA 15050.

Tom and Marcia Hughes, 956 State Route 168, Hookstown, PA 15050.

Emuel and Mary Lou Byard, 727 Johnsonville Road, Chester, WV 26034.

Rosella Diaz, 174 Johnsonville Road, Chester, WV 26034.

Monica Burkher, 6625 Kenmore Ave., Louisville, KY 40216, Cane Run Plant, Louisville.

James and Teresa Taylor, 2591 N 950W Owensville, IN 47665.

Barb and John Reed, Sr., 611 Georgetown Road, Georgetown, PA 15043.

John Reed, Jr., 4699 Route 30, Georgetown, PA 15043.

Tom and Norma Wilkinson, 242 Cullen Drive, Georgetown, PA 15043.

Terry Stout, 240 Cullen Drive, Georgetown, PA 15043.

Michael and Maryann Steffee, 325 South Main Street, Homer City, PA 15748.

James McGrath, P.O. Box 62, Eggleston, VA 24086.

Debbie and Curt Havens, 1134 Pyramus Road, Chester, WV 26034.

Marcy Carpenter, 268 Cullen Drive, Georgetown, PA 15043.

Tyra Collins, 264 Cullen Drive, Georgetown, PA 15043.

Kim and Larry Squires, 3204 US Route 30, Georgetown, PA 15043.

Frank and Loretta Reed, 339 Temple Road, Georgetown, PA 15043.

Fred and Glenna Bleigh, 430 Pole Cat Hollow Road, Hookstown, PA 15050.

Ray and Pam Reed, 444 Temple Road, Hookstown, PA 15050.

Keith and Jolene Shoenberger, 214 Washington Street, P.O. Box 6, Georgetown, PA 150.

Robert and Betsy Springer, 3750 W Co. Rd., 100 S Sullivan, IN 47882.

Stephen and Karen Fox, Formerly of: 1317 Murrey Dr., Chesapeake VA 23369, Current address: 3421 Cappahosic Rd., Gloucester, VA 23061.

Rhonda Kampmeyer, 145 Francis Drive, Georgetown, PA 15043.

Cathy Titlinger, 29970 Co. Rd. 14, Lamar, CO 81052.

Kathy Nelson, 661 Hill Road, Georgetown, PA 15043.

Petra and Bryan Haynes Family, St. Albans, MO 63069.

Dave and Gail Greeley Family, 674 Lewis and Clark Drive, Labadie, MO 63055.

Charlene Ward, Labadie, MO 63055.

Don Meyer, 1510 Osage Lane, Labadie, MO 63055.

Jeanette Andrews, 1928 Land of Promise Road, Chesapeake, VA 23322.

Jasmine Flinn, 1928 Land of Promise Road, Chesapeake, VA 23322.

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

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

Mr. MCKINLEY. Thank you.

To my colleague from Illinois, as the sponsor of this particular legislation and one of just two engineers in Congress that are licensed or capable of designing these structures, I wanted to make certain that in the bill there is the language that you're concerned about; that we do have the ability—under page 6, if you've not read the bill yet. But it talks about how that's to be designed, constructed, and maintained under this language.

So we have to make sure this bill, if we pass it, is going to be maintained and the State's going to look at it. If

there's a violation of that, then the EPA can step in. Because please understand that we've got numbers of protections written into this bill. The EPA enforcement inspection authority is already there.

Under page 18, if you've read the rest of the bill, it talks about imminent hazard. They can step in at any time under imminent hazard and take control over this if they have a problem with it. There's also the provision for law enforcement.

But, more importantly, if the EPA determines that a particular State coal combustion residual program is deficient—if it's deficient because of a lack of proper implementation, there are options available in the bill for the EPA to step in, administer, and enforce the program in that State.

My colleague, this amendment, although well intended, is unnecessary. It's not about giving the EPA authority it does not have and will not have. It's another vote of no confidence in the State, while, at the same time, encouraging the EPA to meddle in State matters.

Mr. RUSH. Will the gentleman yield?

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

Mr. RUSH. I want to thank the gentleman.

I have read the bill. And under this bill, if a State fails to do an adequate job of enforcing this program there is only one remedy: EPA has to take over the entire program. And we all know that having EPA take over a State's program is unlikely and highly undesirable.

My amendment creates an additional remedy for inadequate State enforcement that is more measured than taking over a State's program. It allows the EPA to enforce State requirements if a structure is in violation and the State isn't doing anything about it. Without this amendment, a State could fail to implement their program for coal ash disposal in a way that puts human health and the environment at risk, and there would be no discrete way for the EPA to intervene to provide the necessary safeguards.

Mr. MCKINLEY. Let me reclaim my time, if I could.

Again, with all due respect, I think there are at least three components there that you're overlooking in your amendment. One is that these dams are designed by professional engineers that are stamping and maintaining and seen by contractors. They have to see that those dams are maintained, those structures. So there's not a threat.

Second, you have the issue of imminent hazard under page 18. Please read the bill, and you'll see that they can step in at any time if they feel that there's a threat. They can step in and take care of that.

And then there are other provisions in there that allow other people to file class actions or individual actions against this if they feel it's being violated. So we've got three protections

already built into this bill to take care of the issue, which I agree you can be concerned about. But it's one thing we made sure was in this bill when it was drafted.

I yield back the balance of my time.

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

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

Mr. RUSH. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-244.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

**SEC. 4. STUDY.**

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall submit to Congress a report containing the results of a study to determine the long-term impacts of State coal combustion residuals permit programs on human health and the environment.

(b) DEFINITION.—For the purposes of this section, the term "State coal combustion residuals permit program" means a coal combustion residuals permit program implemented by a State under section 4011 of the Solid Waste Disposal Act (as added by this Act).

The Acting CHAIR. Pursuant to House Resolution 431, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the Chairwoman, and I thank the committee for its courtesies and the Rules Committee for their courtesies.

It would seem unusual to have a poster that says "Make It in America" on this discussion. But I think I'll lay the groundwork that we have no angst against the assets and natural resources that are in this particular country generating opportunities for work. But what my friends, in putting forward this legislation on the other side of the aisle, are asking us to do is to take a, if you will, word action and simply quash the EPA; take a sledge hammer and sledge-hammer the EPA.

And what we're saying is that there is a place for State regulations, and there is a place for the involvement of the Federal response.

Let me give you the most potent example. In 2008, failure of a coal ash impoundment in Kingston, Tennessee,

spilled more than 5 million cubic yards of coal ash and will require approximately \$1.2 billion for cleanup. It is a stark reminder that we must have mutual involvement of the State and the Federal Government.

Now, many of you may have seen the news clips on that story. I remember seeing a couple come out and look in utter amazement at the loss of their beautiful property and their home, wondering how they were going to recoup. We call that a natural disaster.

But the point in this legislation, even as I believe that we have the opportunity to grow economies with knowing how to do things in the right way, is that there is a failure to recognize the importance of the health and the safety of the American people.

My amendment is simply requiring the EPA to study the impact of these permits on our environment and health. This is a reasonable request, considering our use of coal generates 130 million tons of waste a year.

The bad part about it is that the Federal Government, the President of the United States, who has introduced a jobs bill which cannot get an iota of attention here, is indicating that this bill will be vetoed because, in fact, what it wants to do is to leave everything to the State without cooperation.

What I'm suggesting is, let's cooperate. And so my amendment says that the EPA will have a broad report containing the results of a study to determine a long-term impact of State coal combustion residuals permit programs on human health and the environment. It has nothing to do with shutdown, but it does have to do with saying that the EPA must have a role in the protection of the quality of life of all Americans.

So, for example, they have a responsibility, as the States do, to take care of Tennesseans or Illinoisans or Texans who happen to be in Texas. But remember, folks, we live in America. Most of us don't want to secede from the Union, if you will, or the Nation, and we want the protection of the Federal Government.

□ 1250

That \$1.2 billion involves the Federal Government in helping to clean up what was a disaster. My only point is that we are champions of Make It In America. We are champions. And on this poster, you will see a number of individuals—a hard hat, a teacher, and someone who is dealing with the health and safety of Americans. We are champions of this. That's why many of us want to vote on the American Jobs Act to create jobs for our teachers, our firefighters, and our law enforcement.

But I would share with you that these are also Americans whose quality of life we have to protect. And while we're Making It In America, while we're manufacturing, while we have the assets that this bill attempts to address, can we also respect the quality of life of our children and our seniors

and those who suffer from respiratory ailments and individuals that are pregnant and newborns and toddlers who may be impacted by this particular issue? Kingston, Tennessee, is a Superfund location, as we speak, because of that terrible disaster.

So I would ask my colleagues to support a simple amendment of cooperation. That cooperation is for the EPA study to assess the impact on not only those in a State, but on Americans. I believe that we're all in this together. We live in a great country, and we're all patriots.

I might conclude my remarks by saying for those who are on the front lines fighting for us, they would like us to recognize that it is important to keep America great. America is great as we build, keep the quality of life that allows our citizens to thrive and prosper, protect our seniors, protect our children, protect those families and protect businesses as they continue to try and do what is right for the American people. Make It In America the right way. That means the EPA must be able to do its job as well.

With that, I ask my colleagues to support the amendment.

Madam Chair, I rise today in support of my amendment #4 to H.R. 2273, "Coal Residuals Reuse and Management Act," as it requires the Environmental Protection Agency to conduct a study to determine the long-term impacts of State Coal Combustion Residuals Permit programs on human health and the environment.

As the Representative of the 18th Congressional District, located in Houston, Texas, I understand the role that the coal industry plays in our economy and will continue to play in the future. As Houston is the Nation's energy capital. Our Nation needs a concrete and viable strategy for gaining independence from foreign energy sources.

My amendment is simply requiring the EPA to study the impact of these permits on our environment and health. This is a reasonable request considering our use of coal generates 130 million tons of waste. Most of this waste consists of coal ash which is filled with many life-threatening substances. The manner in which this coal ash is stored can have an extreme impact on the environment, public health and public safety. If this bill prevents the EPA from issuing regulations on this ash, then the EPA should at least be allowed to review the effectiveness of state level programs.

I am well versed in the importance of addressing energy industry concerns. Houston is the fourth most populous city in the United States, and is home to nearly 3,500 energy companies and related firms. There is no denying the importance the energy industry has in creating jobs in Houston and across our Nation.

We must not forget that the coal industry in the United States is responsible for producing nearly half of our Nation's electricity. At the same time we must balance environmental and public health concerns. I understand the need to put the hard-working people back to work, and I believe it can be done in compromise with the Environmental Protection Agency.

Every industry has its share of risks. Industries that have a significant impact on the envi-

ronment, health and safety of people living in the United States must meet high standards to ensure that public health and the environment are protected. The waste produced by the coal industry should not receive special treatment.

Coal ash is the second largest industrial waste stream in the United States. Every year, over 130 million tons of coal ash is produced. This ash contains a significant list of cancer causing and neurotoxin chemicals including arsenic, lead, chromium, cadmium and mercury. Remember mercury has possible ties to causing birth defects in pregnant women.

This ash is stored in ponds and landfills around our Nation. Today, this bill is enabling states to attain permits in order to deal with this ash. It is important to remember that these byproducts can seep into our water and fly about our air. This cancer causing ash and we need to ensure that it is properly regulated.

As it stands most states do not have regulations in place to keep coal ash, or as I would like to call it toxic ash, safely away from our air and our drinking water. When this ash is stored in dry, lined impoundments it is perfectly safe; however when this ash finds its way into the nearly 500 wet ponds across our Nation, there are serious risks poised to those living near those locations.

I remember the *Exxon Valdez* oil spill and the BP oil spills. I was among the first voices calling for additional scrutiny and stiffening of safety measures. Well, in Kingston, Tennessee, the residents found up to a billion gallons of coal ash coating their community.

The Kingston, Tennessee, coal ash spill was 100 times larger than the *Exxon Valdez* oil spill and 5 times larger than the BP Deepwater Horizon oil spill of 2010. In its volume it is the largest environmental disaster in the United States. It will require approximately \$1.2 billion for clean-up. We all pay when these sites fail. This legislation does not include any language to increase new safety standards. These decisions are all going to be done at the state level. When you think about this, remember the residents of Kingston, Tennessee.

The Kingston disaster should cause each of us to take a look at how this coal ash is stored and managed. At least every three years since 2002 there have been major breaks in coal ash ponds, this has resulted in millions of pounds of toxic sludge entering our waterways and thereby our drinking water sources.

My amendment would require the EPA to study the long-term effects of these ponds and landfills on public health and the environment. It also requires that the EPA reports their findings to Congress.

We must take the steps necessary to address this potentially dangerous hazard. I understand that coal ash can be stored safely, I just want to ensure that it is stored properly.

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

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

Mr. SHIMKUS. Thank you, Madam Chairman.

Let me thank my colleague for offering an amendment to the bill.

A couple of things have been discussed during the debate. Obviously, she mentioned Kingston, Tennessee. What she has to remember is that was TVA. That was a government entity.

That wasn't a natural disaster. That was a manmade disaster by a Federal Government, in essence, an agency.

I've stated numerous times what this bill does. It sets a standard that the States have to comply with to get certified by the EPA. Of course, in that process, under Federal law currently and locally, there is an opportunity for comment.

In addition, EPA, within the last week, announced that soon it will be seeking comments under the Notice of Data Availability, or what is referred to as NODA, on the adequacy of State programs—this would fall directly in this; that's why this amendment is duplicative—as well as the State's comments on EPA's proposed rule for coal ash.

This NODA was not required by law and certainly was not the result of a statute. This is something that the agency is doing. While the study is found to be innocuous, it does have a cost to taxpayers and the agency, and so in that aspect.

My colleague also is following this a little bit. The debate is coal ash, or fly ash, which is in impounded areas that we are now going to have some standards and liners, is used in recycling. It's used in road construction. It's used in building schools. The whole reason why we're here today is to ensure that the recycling sector can still do that if the EPA continues to label it as "toxic," which does not meet the standard of a toxicity based upon an analysis.

I love this, "toxic sludge." You can pick up dirt, and there's toxic elements in the dirt. The question is: To what standard does it rise? And if it doesn't rise to the level of toxicity, then it's not considered. And that's what this debate is all about, allowing the recycling of this. And if we don't do this, all our landfills will be filled with coal ash, and then we'll have to build more landfills for municipal solid waste.

So that's why I appreciate my colleague from West Virginia in this great piece of legislation. The administration has not issued a veto threat for this, and I expect it to be well received in the other Chamber once it moves over.

With that, again, I ask my colleagues to reject the Jackson amendment, and I yield back the balance of my time.

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

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

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments printed in House Report 112-244 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. WAXMAN of California.

Amendment No. 3 by Mr. MARKEY of Massachusetts.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. RUSH of Illinois.

Amendment No. 6 by Ms. JACKSON LEE of Texas.

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

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 236, not voting 26, as follows:

[Roll No. 794]

AYES—171

Ackerman	Edwards	Lujan
Andrews	Engel	Lynch
Baca	Eshoo	Maloney
Baldwin	Farr	Markey
Barrow	Fattah	Matsui
Becerra	Filner	McCarthy (NY)
Berkley	Frank (MA)	McCollum
Berman	Fudge	McDermott
Bishop (NY)	Gibson	McGovern
Blumenauer	Green, Al	McNerney
Boswell	Green, Gene	Michaud
Brady (PA)	Grijalva	Miller (NC)
Brown (FL)	Gutierrez	Miller, George
Butterfield	Hahn	Moore
Capps	Hanabusa	Moran
Capuano	Hastings (FL)	Murphy (CT)
Cardoza	Heinrich	Nadler
Carnahan	Higgins	Napolitano
Carney	Himes	Neal
Carson (IN)	Hinchev	Olver
Castor (FL)	Hinojosa	Pallone
Chandler	Hirono	Pascrell
Chu	Hochul	Pastor (AZ)
Cicilline	Holt	Payne
Clarke (MI)	Honda	Perlmutter
Clarke (NY)	Hoyer	Peters
Clay	Inslee	Pingree (ME)
Cleaver	Israel	Price (NC)
Clyburn	Jackson (IL)	Quigley
Cohen	Jackson Lee	Rahall
Connolly (VA)	(TX)	Rangel
Conyers	Johnson (GA)	Richardson
Cooper	Johnson, E. B.	Richmond
Costa	Kaptur	Rothman (NJ)
Courtney	Keating	Roybal-Allard
Crowley	Kissell	Ruppersberger
Cuellar	Kucinich	Rush
Cummings	Lance	Ryan (OH)
Davis (CA)	Langevin	Sanchez, Linda
Davis (IL)	Larsen (WA)	T.
DeFazio	Larson (CT)	Sanchez, Loretta
DeGette	Lee (CA)	Sarbanes
DeLauro	Levin	Schakowsky
Deutch	Lewis (GA)	Schiff
Dicks	Lipinski	Schrader
Dingell	LoBiondo	Schwartz
Doggett	Loeb sack	Scott (VA)
Donnelly (IN)	Lofgren, Zoe	Scott, David
Doyle	Lowey	Serrano

Sewell	Thompson (CA)
Sherman	Thompson (MS)
Shuler	Tierney
Sires	Tonko
Smith (NJ)	Towns
Smith (WA)	Tsongas
Speier	Van Hollen
Stark	Velázquez
Sutton	Visclosky

NOES—236

Adams	Gohmert
Aderholt	Goodlatte
Akin	Gowdy
Alexander	Granger
Altmire	Graves (GA)
Amash	Graves (MO)
Amodei	Griffin (AR)
Austria	Griffith (VA)
Bachus	Grimm
Barletta	Guinta
Bartlett	Guthrie
Barton (TX)	Hall
Bass (NH)	Hanna
Benishak	Harper
Berg	Harris
Biggart	Hartzler
Bilbray	Hastings (WA)
Bilirakis	Hayworth
Bishop (GA)	Heck
Bishop (UT)	Hensarling
Black	Herger
Blackburn	Herrera Beutler
Bonner	Holden
Bono Mack	Huelskamp
Boren	Huizenga (MI)
Boustany	Hultgren
Brady (TX)	Hunter
Brooks	Hurt
Broun (GA)	Issa
Buchanan	Jenkins
Bucshon	Johnson (OH)
Buerkle	Johnson, Sam
Burgess	Jones
Burton (IN)	Kelly
Calvert	Kind
Camp	King (IA)
Campbell	King (NY)
Canseco	Kingston
Cantor	Kinzinger (IL)
Capito	Kline
Carter	Labrador
Cassidy	Lamborn
Chabot	Landry
Chaffetz	Lankford
Coffman (CO)	Latham
Cole	LaTourette
Conaway	Latta
Cravaack	Long
Crawford	Lucas
Crenshaw	Luetkemeyer
Critz	Lungren, Daniel
Culberson	E.
Davis (KY)	Mack
Denham	Stearns
Dent	Manzullo
DesJarlais	Marchant
Diaz-Balart	Marino
Dold	Matheson
Dreier	McCarthy (CA)
Duffy	McCaul
Duncan (SC)	McClintock
Duncan (TN)	McCotter
Ellmers	McHenry
Emerson	McKeon
Farenthold	McKinley
Fincher	McMorris
Fitzpatrick	Rodgers
Flake	Meehan
Fleischmann	Mica
Fleming	Miller (FL)
Forbes	Miller (MI)
Fortenberry	Miller, Gary
Fox	Mulvaney
Franks (AZ)	Murphy (PA)
Frelinghuysen	Murphy
Gardner	Myrick
Garrett	Neugebauer
Gerlach	Noem
Gibbs	Nugent
Gingrey (GA)	Nunes
	Nunnelee
	Olson

NOT VOTING—26

Bachmann	Flores
Bass (CA)	Gallegly
Bralley (IA)	Garamendi
Coble	Giffords
Costello	Gonzalez
Ellison	Gosar

Walz (MN)	Wasserman
Wasserman	Schultz
Waters	Watt
Watt	Waxman
Welch	Woolsey
Yarmuth	

Meeks	Polis	Sullivan
Paul	Reyes	Wilson (FL)
Pelosi	Slaughter	

□ 1322

Messrs. GRIFFITH of Virginia, POMPEO, HERGER, GRAVES of Georgia, DENHAM and FORTENBERRY changed their vote from “aye” to “no.”

Mr. BARROW changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Chair, on roll-call No. 794, had I been present, I would have voted “present.”

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIR (Mr. SCHOCK). 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 173, noes 231, not voting 29, as follows:

[Roll No. 795]

AYES—173

Ackerman	Doggett	Lee (CA)
Andrews	Doyle	Levin
Baca	Edwards	Lewis (GA)
Baldwin	Engel	Lipinski
Becerra	Eshoo	LoBiondo
Berkley	Farr	Loeb sack
Berman	Fattah	Lofgren, Zoe
Bishop (GA)	Filner	Lowey
Bishop (NY)	Fitzpatrick	Lujan
Blumenauer	Fortenberry	Lynch
Boswell	Frank (MA)	Maloney
Brady (PA)	Fudge	Markey
Brown (FL)	Garamendi	Matsui
Butterfield	Green, Al	McCarthy (NY)
Capps	Green, Gene	McCollum
Capuano	Grijalva	McDermott
Carnahan	Gutierrez	McGovern
Carney	Hahn	McNerney
Carson (IN)	Hanabusa	Michaud
Castor (FL)	Hastings (FL)	Miller (NC)
Chandler	Heinrich	Miller, George
Chu	Higgins	Moore
Cicilline	Himes	Moran
Clarke (MI)	Hinchev	Murphy (CT)
Clarke (NY)	Hinojosa	Nadler
Clay	Hirono	Napolitano
Cleaver	Hochul	Neal
Clyburn	Holden	Olver
Cohen	Whitfield	Pallone
Connolly (VA)	Holt	Pascrell
Conyers	Honda	Pastor (AZ)
Cooper	Hoyer	Payne
Costa	Inslee	Perlmutter
Courtney	Israel	Peters
Crowley	Jackson (IL)	Pingree (ME)
Cuellar	Jackson Lee	Price (NC)
Cummings	(TX)	Quigley
Davis (CA)	Johnson (GA)	Rahall
Davis (IL)	Johnson, E. B.	Rangel
DeFazio	Kaptur	Reyes
DeGette	Keating	Richardson
DeLauro	Kind	Richmond
Dent	Kissell	Rothman (NJ)
Deutch	Kucinich	Roybal-Allard
Dicks	Langevin	Ruppersberger
Dingell	Larsen (WA)	Rush
	Larson (CT)	

Ryan (OH) Sherman  
 Sánchez, Linda Shuler  
 T. Sires  
 Sanchez, Loretta Smith (WA)  
 Sarbanes Speier  
 Schakowsky Stark  
 Schiff Sutton  
 Schrader Thompson (CA)  
 Schwartz Thompson (MS)  
 Scott (VA) Tierney  
 Scott, David Tonko  
 Serrano Towns  
 Sewell Tsongas

Van Hollen  
 Velázquez  
 Visclosky  
 Walz (MN)  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Waxman  
 Welch  
 Woolsey  
 Yarmuth

Gosar  
 Johnson, Sam  
 Jordan  
 Kildee  
 King (IA)  
 Lance  
 Lewis (CA)  
 McIntyre  
 Meeks  
 Paul  
 Pelosi  
 Peterson  
 Polis  
 Shuster  
 Slaughter  
 Sullivan  
 Wilson (FL)  
 Schwartz  
 Scott (VA)  
 Scott, David  
 Serrano  
 Sewell  
 Sherman  
 Shuler  
 Sires  
 Smith (NJ)  
 Smith (WA)  
 Speier  
 Stark  
 Sutton  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Tonko  
 Towns  
 Tsongas  
 Walz (MN)  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Waxman  
 Welch  
 Woolsey  
 Yarmuth

NOES—231

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  
 Boustany  
 Brady (TX)  
 Brooks  
 Broun (GA)  
 Buchanan  
 Bucshon  
 Buerkle  
 Burgess  
 Burton (IN)  
 Calvert  
 Camp  
 Campbell  
 Canseco  
 Cantor  
 Capito  
 Cardoza  
 Carter  
 Cassidy  
 Chabot  
 Chaffetz  
 Chandler  
 Coffman (CO)  
 Cole  
 Conaway  
 Cravaack  
 Crawford  
 Crenshaw  
 Culberson  
 Davis (KY)  
 Denham  
 DesJarlais  
 Diaz-Balart  
 Dold  
 Donnelly (IN)  
 Dreier  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Emerson  
 Farenthold  
 Fincher  
 Flake  
 Fleischmann  
 Fleming  
 Forbes  
 Franks (AZ)  
 Frelinghuysen  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs  
 Gibson  
 Gohmert  
 Goodlatte  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Griffin (AR)  
 Griffith (VA)  
 Grimm  
 Guinta  
 Guthrie  
 Hall  
 Hanna  
 Harper  
 Harris  
 Hartzler  
 Hastings (WA)  
 Hayworth  
 Heck  
 Hensarling  
 Herger  
 Herrera Beutler  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Jones  
 Kelly  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 Lamborn  
 Landry  
 Lankford  
 Latham  
 LaTourette  
 Latta  
 Long  
 Lucas  
 Luetkemeyer  
 Lummis  
 Lungren, Daniel  
 E.  
 Mack  
 Manzullo  
 Marchant  
 Marino  
 Matheson  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCotter  
 McHenry  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meehan  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Mulvaney  
 Murphy (PA)  
 Myrick  
 Neugebauer  
 Noem  
 Nugent  
 Nunes  
 Nunnelee  
 Olson  
 Owens  
 Palazzo  
 Paulsen  
 Pearce  
 Pence  
 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  
 Simpson  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Southerland  
 Stearns  
 Stivers  
 Stutzman  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Turner (NY)  
 Turner (OH)  
 Upton  
 Walberg  
 Walsh (IL)  
 Webster  
 West  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)

NOT VOTING—29

Bachmann  
 Bass (CA)  
 Braley (IA)  
 Coble  
 Costello  
 Ellison  
 Flores  
 Foxx  
 Gallegly  
 Giffords  
 Gingrey (GA)  
 Gonzalez

ANNOUNCEMENT BY THE ACTING CHAIR  
 The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1327

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

AMENDMENT NO 4. OFFERED BY MR. MARKEY

The Acting 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 amend-  
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic de-  
 vice, and there were—ayes 185, noes 223,  
 not voting 25, as follows:

[Roll No. 796]

AYES—185

Ackerman  
 Andrews  
 Baca  
 Baldwin  
 Barrow  
 Becerra  
 Berkeley  
 Berman  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Boswell  
 Brady (PA)  
 Brown (FL)  
 Buchanan  
 Butterfield  
 Capper  
 Capuano  
 Cardoza  
 Carnahan  
 Carney  
 Carson (IN)  
 Terry  
 Castor (FL)  
 Chandler  
 Chu  
 Cicilline  
 Clarke (MI)  
 Clarke (NY)  
 Clay  
 Cleaver  
 Clyburn  
 Cohen  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Courtney  
 Crowley  
 Cuellar  
 Cummings  
 Davis (CA)  
 Davis (IL)  
 DeFazio  
 DeGette  
 DeLauro  
 Dent  
 Deutch  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Edwards  
 Engel  
 Eshoo  
 Farr  
 Fattah  
 Filner  
 Fitzpatrick  
 Fortenberry  
 Frank (MA)  
 Fudge  
 Garamendi  
 Gerlach  
 Gibson  
 Green, Al  
 Green, Gene  
 Grijalva  
 Gutierrez  
 Hahn  
 Hanabusa  
 Hanna  
 Hastings (FL)  
 Heinrich  
 Higgins  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hochul  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Inslee  
 Israel  
 Jackson (IL)  
 Jackson Lee  
 (TX)  
 Johnson (GA)  
 Johnson, E. B.  
 Kaptur  
 Keating  
 Kind  
 Kissell  
 Kucinich  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Levin  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loebsack  
 Lofgren, Zoe  
 Lowey  
 Lujan  
 Lynch  
 Maloney  
 Markey  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McNerney  
 Michaud  
 Miller (NC)  
 Miller, George  
 Moore  
 Moran  
 Murphy (CT)  
 Nadler  
 Napolitano  
 Neal  
 Oliver  
 Owens  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Payne  
 Perlmutter  
 Peters  
 Pingree (ME)  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Reichert  
 Reyes  
 Richardson  
 Richmond  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schrader  
 LoBiondo  
 Loebsack  
 Lofgren, Zoe  
 Lowey  
 Lujan  
 Lynch  
 Maloney  
 Markey  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McNerney  
 Michaud  
 Miller (NC)  
 Miller, George  
 Moore  
 Moran  
 Murphy (CT)  
 Nadler  
 Napolitano  
 Neal  
 Oliver  
 Owens  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Payne  
 Perlmutter  
 Peters  
 Pingree (ME)  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel  
 Reichert  
 Reyes  
 Richardson  
 Richmond  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schrader

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  
 Boustany  
 Brady (TX)  
 Brooks  
 Broun (GA)  
 Bucshon  
 Buerkle  
 Burgess  
 Burton (IN)  
 Calvert  
 Camp  
 Campbell  
 Canseco  
 Cantor  
 Capito  
 Carter  
 Cassidy  
 Chabot  
 Chaffetz  
 Coffman (CO)  
 Cole  
 Conaway  
 Cravaack  
 Crawford  
 Crenshaw  
 Critz  
 Culberson  
 Davis (KY)  
 Denham  
 DesJarlais  
 Diaz-Balart  
 Dold  
 Dreier  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Emerson  
 Farenthold  
 Fincher  
 Flake  
 Fleischmann  
 Fleming  
 Forbes  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gardner  
 Garrett  
 Gibbs  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 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  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Kelly  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 Lamborn  
 Landry  
 Lankford  
 Latham  
 LaTourette  
 Latta  
 Long  
 Lucas  
 Luetkemeyer  
 Lungren, Daniel  
 E.  
 Mack  
 Manzullo  
 Marchant  
 Marino  
 Matheson  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCotter  
 McHenry  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meehan  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Mulvaney  
 Murphy (PA)  
 Myrick  
 Neugebauer  
 Noem  
 Nugent  
 Nunes  
 Nunnelee  
 Olson  
 Owens  
 Palazzo  
 Paulsen  
 Pearce  
 Pence  
 Petri  
 Pitts  
 Platts  
 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  
 Shimkus  
 Simpson  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Southerland  
 Stearns  
 Stivers  
 Stutzman  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Turner (NY)  
 Turner (OH)  
 Upton  
 Walberg  
 Walsh (IL)  
 Webster  
 West  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)

NOES—223

NOT VOTING—25

Bachmann  
 Bass (CA)  
 Braley (IA)  
 Coble  
 Costello  
 Ellison  
 Flores  
 Gallegly  
 Giffords  
 Gonzalez  
 Gosar  
 Jordan  
 Kildee  
 Lewis (CA)  
 Lummis  
 McIntyre  
 Meeks  
 Paul  
 Gonzalez  
 Pelosi  
 Peterson  
 Poe (TX)  
 Polis  
 Slaughter  
 Sullivan  
 Wilson (FL)



ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1330

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 164, noes 241, not voting 28, as follows:

[Roll No. 797]

AYES—164

Ackerman Hahn Owens
Andrews Hanabusa Pallone
Baca Hanna Pascrell
Baldwin Hastings (FL) Pastor (AZ)
Barrow Heinrich Payne
Becerra Higgins Perlmutter
Berkley Himes Peters
Berman Hinchey Pingree (ME)
Bishop (NY) Hinojosa Price (NC)
Blumenauer Hirono Quigley
Brady (PA) Hochul Rangel
Brown (FL) Holden Reichert
Butterfield Holt Reyes
Capps Honda Richardson
Capuano Hoyer Richmond
Carnahan Insee Rothman (NJ)
Carney Israel Roybal-Allard
Carson (IN) Jackson (IL) Ruppberger
Castor (FL) Jackson Lee
Chu (TX) Ryan (OH)
Cicilline Johnson (GA) Sanchez, Linda
Clarke (MI) Johnson, E. B. T.
Clarke (NY) Kaptur
Clay Keating Sanchez, Loretta
Cleaver Sarbanes
Clyburn Kucinich Schiff
Cohen Langevin Schrader
Connolly (VA) Larsen (WA) Schwartz
Conyers Larson (CT) Scott (VA)
Courtney Lee (CA) Scott, David
Crowley Levin Serrano
Cuellar Lewis (GA) Sewell
Cummings Lipinski Sherman
Davis (CA) Loeb sack Shuler
Davis (IL) Lofgren, Zoe Sires
DeFazio Lowey Smith (WA)
DeGette Lujan Speier
DeLauro Lynch Stark
Deutch Maloney Sutton
Dicks Markey Thompson (CA)
Dingell Matsui Thompson (MS)
Doggett McCarthy (NY) Tierney
Doyle McCollum Tonko
Edwards McDermott Towns
Ellison McGovern Tsongas
Engel McNerney Van Hollen
Eshoo Michaud Velázquez
Farr Miller (NC) Walz (MN)
Filner Miller, George Wasserman
Frank (MA) Moore Schultz
Fudge Moran Waters
Garamendi Murphy (CT) Watt
Green, Al Nadler Waxman
Green, Gene Napolitano Welch
Grijalva Neal Woolsey
Gutierrez Oliver Yarmuth

NOES—241

Adams Gibbs Nugent
Aderholt Gibson Nunes
Akin Gingrey (GA) Nunnelee
Alexander Gohmert Olson
Altmire Goodlatte Palazzo
Amash Gowdy Paulsen
Amodei Granger Pearce
Austria Graves (GA) Pence
Bachus Graves (MO) Petri
Barletta Griffin (AR) Pitts
Bartlett Griffith (VA) Platts
Barton (TX) Grimm Pompeo
Bass (NH) Guinta Posey
Benishek Guthrie Price (GA)
Berg Hall Quayle
Biggart Harper Rahall
Bilbray Harris Reed
Bilirakis Hartzler Rehberg
Bishop (GA) Hastings (WA) Renacci
Bishop (UT) Hayworth Ribble
Black Heck Rigell
Blackburn Hensarling Rivera
Bonner Herger Roby
Bono Mack Herrera Beutler Roe (TN)
Boren Huelskamp Rogers (AL)
Boswell Huizenga (MI) Rogers (KY)
Boustany Hultgren Rogers (MI)
Brady (TX) Hunter Rohrabacher
Brooks Hurst Rokita
Broun (GA) Issa Rooney
Buchanan Jenkins Ros-Lehtinen
Bucshon Johnson (IL) Roskam
Buerkle Johnson (OH) Ross (AR)
Burgess Johnson, Sam Ross (FL)
Burton (IN) Jones Royce
Calvert Kelly Runyan
Camp Kind Ryan (WI)
Campbell King (IA) Scalise
Canseco King (NY) Schakowsky
Capito Kingston Schilling
Carter Kinzinger (IL) Schmidt
Cassidy Kline Schock
Cassidy Labrador Schweikert
Chabot Lamborn Scott (SC)
Chaffetz Lance Scott, Austin
Chandler Landry Sensenbrenner
Coffman (CO) Cole Sessions
Cole Conaway Shimkus
Onaway Costa Shuster
Cravaack Cravaack Simpson
Crawford Crawford Latta Smith (NE)
Crenshaw Long Smith (NJ)
Critz Lucas Smith (TX)
Culberson Luetkemeyer Southerland
Davis (KY) Lummis Stearns
Denham Lungren, Daniel Stivers
Dent E. Stutzman
DesJarlais Mack Terry
Diaz-Balart Manzanillo Thompson (PA)
Dold Marchant Thornberry
Marino Tiberi
Dreier Matheson Tipton
Duffy McCarthy (CA) Turner (NY)
McCaul McCaul Turner (OH)
McClintock Upton
McCotter McCotter Visclosky
Emerson McHenry Walberg
McKeon McKeon Walden
McKinley McKinley Walsh (IL)
McMorris McMorris Webster
Rodgers Rodgers West
Meehan Meehan Westmoreland
Mica Wilson (SC)
Miller (FL) Wittman
Miller (MI) Wolf
Miller, Gary Womack
Mulvaney Woodall
Murphy (PA) Yoder
Myrick Young (AK)
Neugebauer Young (FL)
Noem Young (IN)

NOT VOTING—28

Bachmann Gallegly Pelosi
Bass (CA) Giffords Peterson
Braley (IA) Gonzalez Poe (TX)
Cantor Gosar Polis
Cardoza Jordan Slaughter
Coble Kildee Sullivan
Cooper Lewis (CA) Whitfield
Costello McIntyre Wilson (FL)
Fattah Meeks
Flores Paul

□ 1334

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHAKOWSKY. Mr. Chair, during roll-call vote No. 797 on H.R. 2273, I mistakenly recorded my vote as "no" when I should have voted "aye."

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE OF TEXAS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 174, noes 235, not voting 24, as follows:

[Roll No. 798]

AYES—174

Ackerman Garamendi Moore
Andrews Gerlach Moran
Baca Gibson Murphy (CT)
Baldwin Green, Al Nadler
Barrow Green, Gene Napolitano
Becerra Grijalva Neal
Berkley Gutierrez Olver
Berman Hahn Pallone
Bishop (GA) Hanabusa Pascrell
Bishop (NY) Hanna Pastor (AZ)
Blumenauer Hastings (FL) Payne
Boswell Heinrich Perlmutter
Brady (PA) Higgins Peters
Brown (FL) Himes Pingree (ME)
Butterfield Hinchey Price (NC)
Capps Hinojosa Quigley
Capuano Hirono Rangel
Carnahan Hochul Holt
Carney Holt Reyes
Carson (IN) Honda Richardson
Castor (FL) Hoyer Richmond
Chu Insee Rothman (NJ)
Cicilline Israel Roybal-Allard
Clarke (MI) Jackson (IL) Ruppberger
Clarke (NY) Jackson Lee Rush
Clay (TX) Ryan (OH)
Cleaver Johnson (GA) Sanchez, Linda
Clyburn Johnson (IL) T.
Cohen Johnson, E. B. Sanchez, Loretta
Connolly (VA) Kaptur Sarbanes
Conyers Keating Schakowsky
Cooper Kissell Schiff
Courtney Kucinich Schrader
Crowley Lance Schwartz
Cuellar Langevin Scott (VA)
Cummings Larsen (WA) Scott, David
Davis (CA) Larson (CT) Serrano
Davis (IL) Lee (CA) Sewell
DeFazio Levin Sherman
DeGette Lewis (GA) Shuler
DeLauro Lipinski Sires
Deutch LoBiondo Smith (NJ)
Dicks Loeb sack Smith (WA)
Dingell Lofgren, Zoe Speier
Doggett Lowey Stark
Donnelly (IN) Lujan Sutton
Doyle Lynch Thompson (CA)
Edwards Maloney Thompson (MS)
Ellison Markey Tierney
Engel Maloney Tonko
Eshoo Markey Wasserman
Farr Matsui Towns
Filner McCarthy (NY) Tsongas
Frank (MA) McCollum Van Hollen
Fudge Moran McDermott Velázquez
Garamendi Murphy (CT) Watt Walz (MN)
Green, Al Nadler Waxman
Green, Gene Napolitano Welch
Grijalva Neal Woolsey
Gutierrez Oliver Yarmuth

Waters Waxman Woolsey  
Watt Welch Yarmuth

## NOES—235

Adams	Goodlatte	Owens
Aderholt	Gowdy	Palazzo
Akin	Granger	Paulsen
Alexander	Graves (GA)	Pearce
Altmire	Graves (MO)	Pence
Amash	Griffin (AR)	Petri
Amodi	Griffith (VA)	Pitts
Austria	Grimm	Platts
Bachus	Guinta	Pompeo
Barletta	Guthrie	Posey
Bartlett	Hall	Price (GA)
Barton (TX)	Harper	Quayle
Bass (NH)	Harris	Rahall
Benishkek	Hartzler	Reed
Berg	Hastings (WA)	Rehberg
Biggart	Hayworth	Reichert
Bilbray	Heck	Renacci
Bilirakis	Hensarling	Ribble
Bishop (UT)	Hergert	Rigell
Black	Herrera Beutler	Rivera
Blackburn	Holden	Roby
Bonner	Huelskamp	Roe (TN)
Bono Mack	Huizenga (MI)	Rogers (AL)
Boren	Hultgren	Rogers (KY)
Boustany	Hunter	Rogers (MI)
Brady (TX)	Hurt	Rohrabacher
Brooks	Issa	Rokita
Broun (GA)	Jenkins	Rooney
Buchanan	Johnson (OH)	Ros-Lehtinen
Bucshon	Johnson, Sam	Roskam
Buerkle	Jones	Ross (AR)
Burgess	Kelly	Ross (FL)
Burton (IN)	Kind	Royce
Calvert	King (IA)	Runyan
Camp	King (NY)	Ryan (WI)
Campbell	Kingston	Scalise
Canseco	Kinzinger (IL)	Schilling
Cantor	Kline	Schmidt
Capito	Labrador	Schock
Cardoza	Lamborn	Schweikert
Carter	Landry	Scott (SC)
Cassidy	Lankford	Scott, Austin
Chabot	Latham	Sensenbrenner
Chaffetz	LaTourette	Sessions
Chandler	Latta	Shimkus
Cole	Long	Shuler
Conaway	Lucas	Shuster
Costa	Luetkemeyer	Simpson
Cravaack	Lummis	Smith (NE)
Crawford	Lungren, Daniel	Smith (TX)
Crenshaw	E.	Southerland
Critz	Mack	Stearns
Culberson	Manzullo	Stivers
Davis (KY)	Marchant	Stutzman
Denham	Marino	Terry
Dent	Matheson	Thompson (PA)
DesJarlais	McCarthy (CA)	Thornberry
Diaz-Balart	McCaul	Tiberi
Dold	McClintock	Tipton
Dreier	McCotter	Turner (NY)
Duffy	McHenry	Turner (OH)
Duncan (SC)	McKeon	Upton
Duncan (TN)	McKinley	Visclosky
Ellmers	McMorris	Walberg
Emerson	Rodgers	Walden
Farenthold	Meehan	Walsh (IL)
Fincher	Mica	Webster
Flake	Miller (FL)	West
Fleischmann	Miller (MI)	Westmoreland
Fleming	Miller, Gary	Whitfield
Forbes	Mulvaney	Wilson (SC)
Foxx	Murphy (PA)	Wittman
Franks (AZ)	Myrick	Wolf
Frelinghuysen	Neugebauer	Womack
Gardner	Noem	Woodall
Garrett	Nugent	Yoder
Gibbs	Nunes	Young (AK)
Gingrey (GA)	Nunnelee	Young (FL)
Gohmert	Olson	Young (IN)

## NOT VOTING—24

Bachmann	Giffords	Paul
Bass (CA)	Gonzalez	Pelosi
Braley (IA)	Gosar	Peterson
Coble	Jordan	Poe (TX)
Coffman (CO)	Kildee	Polis
Costello	Lewis (CA)	Slaughter
Flores	McIntyre	Sullivan
Galleghy	Meeks	Wilson (FL)

□ 1338

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mr. SCHOCK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels, and, pursuant to House Resolution 431, 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 the 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

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

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

Mr. CICILLINE. Yes, I am.

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

The Clerk read as follows:

Mr. Cicilline moves to recommit the bill H.R. 2273 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. LIFE SAVING WARNING SYSTEM FOR CATASTROPHIC IMPOUNDMENT FAILURE.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act (including the amendments made by this Act), the Administrator of the Environmental Protection Agency shall require any person who owns or operates a surface impoundment described in subsection (b) to equip such surface impoundment with a sufficient system to monitor for, and notify persons of, a potentially hazardous condition that could lead to failure of the surface impoundment. In the event a potentially hazardous condition develops that could lead to such a failure, the person owning or operating such surface impoundment shall immediately—

(1) take action to eliminate the potentially hazardous condition;

(2) notify State and local first responders; and

(3) notify, prepare to evacuate, and evacuate, if necessary, local residents, personnel

from the owner or operator's property, and any other persons who may be affected by the hazardous condition.

(b) SURFACE IMPOUNDMENTS DESCRIBED.—A surface impoundment described in this subsection is a surface impoundment—

(1) that is subject to a coal combustion residuals permit program (as such term is defined in section 4011 of the Solid Waste Disposal Act, as added by this Act); and

(2) the failure or misoperation of which will probably cause loss of human life.

Mr. CICILLINE (during the reading). I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

Mr. CICILLINE. Mr. Speaker, this is the final amendment to this bill. It will obviously not result in any delay. Once this amendment is acted upon, we will immediately consider the bill.

Mr. Speaker, the people of the First Congressional District in Rhode Island, much like the men and women from districts and States across this country, sent me to Congress to focus on our most important priority as a Nation. That priority is getting people back to work and putting our economy back on track. And yet here we are again, spending the time and energy of this Congress not focusing on creating jobs or reviving our economy, but instead we're spending the time and energy of this body with another piece of legislation that threatens our environment and fails to protect the health of our communities.

If we're going to be forced by the Republican leadership to spend time in Congress considering legislation with the potential to devastate our environment and damage public health, then at the very least we should allow some semblance of common sense to prevail. At the very least, those of us in this Congress with a sense of responsibility for protecting the health and safety of our communities must impress upon others the inherent dangers in the legislation before us today, a bill that fails to set sufficient baseline standards for coal ash storage and disposal, which is why I'm offering a simple, straightforward amendment that could avert future tragedies, both human and environmental.

While the underlying premise of this bill threatens the public safety and health of communities, and while the provisions in this legislation set insufficient standards to ensure the adequate protection of our environment and public health, I, like many of my colleagues, am a pragmatist. I fully understand that, despite my opposition to this bill, H.R. 2273, it's going to pass the House today. But as a former mayor, I take the public safety of my community and monitoring and preparing for and managing disasters very seriously.

The key to this work, the element that saves lives and property, is early

warning. Local communities cannot absorb all of this responsibility themselves. Operators and owners must do their part. And while I oppose this bill, it's indefensible to let this legislation proceed without including commonsense emergency preparedness provisions, which is exactly what this amendment will do.

The 2008 coal ash impoundment failure in Kingston, Tennessee, spilled more than 5 million cubic yards of coal ash, and you can see it depicted in these photographs. Over 1 billion pounds of coal ash sludge swamped houses, filled rivers, and covered 300 acres of land. Three hundred acres of land covered in coal ash, a substance found to contain significant quantities of arsenic and other toxins.

Nearly 4 years ago, a coal waste impoundment on Buffalo Creek in West Virginia burst, unleashing a wave of floods more than 15 feet high, traveling at a rate of about 7 feet per second. The wave struck the community living below the impoundment without warning. Within just a few hours, 125 people were dead—including 30 infants and young children—more than 1,000 injured, and 4,000 people were left homeless. Mining officials had been monitoring the rising water levels in the impoundment for 4 days before it burst and yet never informed the men, women, and children in harm's way. This amendment will help ensure these human tragedies and catastrophic environmental disasters never happen again.

This amendment requires owners and operators of surface impoundments to equip their facilities with systems to monitor for potentially hazardous conditions that could lead to a failure of the impoundment. Further, should a potentially hazardous condition develop at surface impoundments, this straightforward, commonsense amendment will require owners and operators to take action to eliminate the hazardous condition, to notify first responders and take appropriate steps to notify and/or evacuate residents, personnel, and others who may be in harm's way.

In the United States right now, there are 49 toxic waste ponds at risk of catastrophic failure, just like the one that devastated Kingston, Tennessee. Each year, the United States generates 130 million tons of coal ash. We need to be prepared.

As the former mayor of Providence, which was the first municipality in the Nation to receive accreditation from the Emergency Management Accreditation Program, I understand the importance of preparedness and the responsibility that comes with it. Monitoring and early warning of potentially hazardous conditions save lives.

We need to make certain that if this legislation passes, it includes these commonsense safeguards that will avert another tragedy and devastation. It's the responsibility of this body to protect the health and safety of the

communities we serve and those affected by the legislation we pass.

I urge my colleagues to support this commonsense amendment and do all that we can to avoid this kind of disaster again.

I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I claim the time in opposition to the motion to recommit.

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

Mr. UPTON. Thank you, Mr. Speaker, and I do rise in opposition to the motion to recommit.

On this bill there are two camps in this body: There are Members who want to stop using coal for energy production as soon as possible and switch to other alternative energy forms; and then there is the group that recognizes that coal supplies half of our Nation's electricity and that, whether we like it or not, it will continue to do so for a fairly long time, so we need to manage as best we can the residuals left over after that coal is burned.

It's amazing what clever uses we have found for the coal ash that our power plants produce. Yes, it's used to strengthen concrete. In fact, the road builders report that road and bridge building costs will increase by \$100 billion over the next 20 years if we stop using coal ash in concrete. In fact, the standard, believe it or not, for the California highway authority is concrete strengthened with coal ash. The best wallboard, roofing shingles, even bowling balls contain coal ash.

But not all coal ash is beneficially used. That's why we need to make sure that what is disposed of will stay managed responsibly. Today States have a variety of standards for managing disposal of coal ash. The gentlelady from Wisconsin (Ms. BALDWIN) on our committee told us that her State finds uses for all of its coal ash. Other States have to deal with disposing of half or more of their coal ash.

Mr. MCKINLEY, the sponsor of this legislation, when he first joined our committee, he explained to us how the administration's proposals to regulate coal combustion residuals as though they are hazardous, were threatening the recycling industry. He asked us to support the bill to simply set those proposals aside.

We held a hearing on the bill and we heard from a variety of witnesses—from recyclers, from power plant operators, environmental groups, and others. But among the most important witnesses was a lady who spoke for the officials in every one of our 50 States who run the State solid waste management programs. She had a better idea. Explaining that States govern solid waste under stringent Federal guidelines, she asked: Why not do the same with coal ash? We States, she said, all run our solid waste programs just fine and are careful to meet the Federal standards for two reasons: First, we want to protect human health and the

environment; and, second, we don't want the EPA running our programs for us.

So we rolled up our sleeves and drafted such a program—bipartisan, by the way. We started with the Federal municipal solid waste rules themselves and saw that most of those would apply very well to coal ash. Even the EPA said municipal solid waste laws are a good model for safe management of coal ash. After all, these laws protect us from everyday household trash that includes battery acid, mercury, paints, electronic parts, and who knows what else. But then we looked again and saw that there are different issues with coal ash, so we added some provisions to take those differences into account and make this bill even more protective.

The result was the bill before us today that is endorsed by one of the broadest, most interesting coalitions that we've seen. The Environmental Council of the States, the 50 heads of the State environmental departments from Maine to California, strongly endorses the bill. So do the recyclers. And every Member, I'll bet, has heard from at least one of them. So do the power plant operators, the coal producers, the manufacturers, the cement industry, the private sector labor unions, and, yes, certainly the folks who pay their electricity bill.

So who's left out? Well, the opponents have really just one thing in common. They regret that coal is a big energy source, and they think that the sooner we can get off it, the better. They understand that to get there, you've got to stop the recycling first and then start regulating it as though it's hazardous. It's not.

□ 1350

Even Carol Browner said it's not. She said that in 1993, and she said that again in 2000.

This bill is a new approach. It's Congress setting the standards and the States making sure that they are met, as the States know best how to do.

I ask you to vote "no" on the motion to recommit and vote "yes" on final passage.

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 yeas appeared to have it.

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

The yeas and nays were 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—yeas 172, nays 238, not voting 23, as follows:

[Roll No. 799]

YEAS—172

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner

Frank (MA)  
Fudge  
Garamendi  
Green, Al  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inlee  
Israel  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner

Napolitano  
Neal  
Oliver  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Perlmutter  
Peters  
Pingree (ME)  
Price (NC)  
Quigley  
Rahall  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Israel  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner

Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kind  
Kissell  
Kucinich  
Scott (VA)  
Scott, David  
Serrano  
Sherman  
Shuler  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Viscosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Woolsey  
Yarmuth

NAYS—238

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell

Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foxy

Franks (AZ)  
Frelinghuysen  
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  
Huelskamp  
Huizenga (MI)  
Hultgren

Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourrette  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica

Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Pence  
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)  
Southernland  
Stearns  
Stivers  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell

Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourrette  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica

NOT VOTING—23

Bachmann  
Bass (CA)  
Braley (IA)  
Coble  
Costello  
Flores  
Gallegly  
Giffords  
Gonzalez  
Jordan  
Kilde  
Lewis (CA)  
McIntyre  
Meeks  
Paul  
Pelosi

Peterson  
Polis  
Sewell  
Sires  
Slaughter  
Sullivan  
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remain-  
ing.

□ 1407

Mr. BROOKS changed his vote from “yea” to “nay.”  
So the motion to recommit was re-  
jected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. WAXMAN. Mr. Speaker, I de-  
mand 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 de-  
vice, and there were—ayes 267, noes 144,  
not voting 22, as follows:

[Roll No. 800]

AYES—267

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Baca  
Bachus  
Baldwin  
Berg  
Biggert  
Bilbray  
Bilirakis  
Barton (TX)  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan

Bass (NH)  
Benishkek  
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  
Campbell  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (IA)  
Clarke (NY)  
Cohen  
Cole  
Conaway  
Costa  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Davis (KY)  
DeFazio  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gardner  
Garrett  
Gerlach  
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  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourrette  
Latta  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moore  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pastor (AZ)  
Paulsen  
Pearce

Pence  
Perlmutter  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richmond  
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  
Schneider  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sherman  
Shuler  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Viscosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Woolsey  
Yarmuth

NOES—144

Ackerman  
Altmire  
Andrews  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan

Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crowley

Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Edwards  
Ellison  
Engel  
Eshoo  
Farr

Fattah	Lipinski	Roibal-Allard
Filner	LoBiondo	Ruppersberger
Frank (MA)	Loebsock	Rush
Garamendi	Lofgren, Zoe	Sánchez, Linda
Green, Al	Lowe	T.
Grijalva	Lujan	Sanchez, Loretta
Gutierrez	Lynch	Sarbanes
Hahn	Maloney	Schakowsky
Hanabusa	Markey	Schiff
Hastings (FL)	Matsui	Schwartz
Heinrich	McCarthy (NY)	Scott (VA)
Higgins	McCollum	Serrano
Himes	McDermott	Sewell
Hinche	McGovern	Sherman
Hinojosa	McNerney	Shuler
Hirono	Michaud	Smith (NJ)
Hochul	Miller (NC)	Smith (WA)
Holt	Miller, George	Speier
Honda	Moran	Stark
Hoyer	Murphy (CT)	Thompson (CA)
Inslee	Nadler	Tierney
Israel	Napolitano	Tonko
Jackson (IL)	Neal	Towns
Jackson Lee	Olver	Tsongas
(TX)	Pallone	Van Hollen
Johnson (GA)	Pascrell	Velázquez
Johnson, E. B.	Payne	Wasserman
Keating	Peters	Schultz
Kucinich	Pingree (ME)	Waters
Langevin	Price (NC)	Watt
Larsen (WA)	Quigley	Waxman
Larson (CT)	Rangel	Welch
Lee (CA)	Reyes	Wolf
Levin	Richardson	Woolsey
Lewis (GA)	Rothman (NJ)	Yarmuth

NOT VOTING—22

Bachmann	Gonzalez	Peterson
Bass (CA)	Jordan	Polis
Braley (IA)	Kildee	Sires
Coble	Lewis (CA)	Slaughter
Costello	McIntyre	Sullivan
Flores	Meeks	Wilson (FL)
Gallely	Paul	
Giffords	Pelosi	

□ 1414

Ms. BROWN of Florida changed her 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.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 792, 793, 794, 795, 796, 797, 798, 799, and 800. Had I been present, I would have voted “aye” on rollcall vote Nos. 794, 795, 796, 797, 798, 799. I would have voted “no” on rollcall vote numbers 792, 793, 800.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 1380.

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

There was no objection.

PERMISSION TO FILE REPORT ON H.R. 822, NATIONAL RIGHT-TO-CARRY RECIPROCAL ACT OF 2011

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 5 p.m. on Thursday, October 20, 2011, to file a report to accompany H.R. 822.

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

There was no objection.

ADJOURNMENT TO TUESDAY, OCTOBER 18, 2011

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Tuesday, October 18, 2011; that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Friday, October 21, 2011; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, October 24, 2011.

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

There was no objection.

IN MEMORY OF REVEREND FRED SHUTTLESWORTH

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

Mr. CHABOT. On October 5, civil rights legend Reverend Fred Shuttlesworth passed away while residing in Birmingham, Alabama. From 1961 to 2007, Reverend Shuttlesworth lived in Cincinnati, and when I first came here in '95, I had the distinct pleasure of representing him here in Congress.

Reverend Fred Shuttlesworth defied death numerous times while fighting against violent segregationists, even surviving the blast from 16 sticks of dynamite that were planted by unknown assassins. So devoted to this cause was he that he pledged to “kill segregation or be killed by it.” From freedom rides and sit-ins to pastor and founder of the Southern Christian Leadership Conference, Reverend Shuttlesworth was a tireless and fearless civil rights hero, who not only talked the “talk” but who walked the “walk” in places where few others were willing to go.

The enormity of Reverend Shuttlesworth’s achievements and contributions to American history cannot be overstated. Even Reverend Martin Luther King, Jr. once referred to him as “the most courageous civil rights fighter in the South.” Let us forever remember this great man of faith and the legacy he leaves for America.

God bless you, Reverend Shuttlesworth, and may God bless the Shuttlesworth family.

100TH ANNIVERSARY OF UNIVERSITY OF MISSOURI’S HOMECOMING CELEBRATION

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

Mr. CARNAHAN. This weekend marks the 100th anniversary of the University of Missouri’s homecoming celebration.

In 1911, University of Missouri Athletics Director Chester Brewer invited

Missouri alumni to come home to campus for the football game against the University of Kansas. The game was capped by a parade and spirit rally to celebrate the “coming home” of so many alumni. Thus started the tradition of “homecoming” at the University of Missouri, an event that has served as a model for homecoming celebrations across the country.

Each year, thousands of students and alumni come home to celebrate one of the university’s greatest traditions. Homecoming at Mizzou has gone beyond school pride and football. Through this event, Mizzou has broken the world record for the largest peacetime blood drive on a college campus, and has organized other large community service events. Moreover, the University of Missouri’s homecoming celebration was recently named the best homecoming in the Nation.

My wife, Debra, and I and three generations of my family are fortunate to be alumni of the University of Missouri. As a proud alum, I would like to congratulate the University of Missouri and generations of alumni on this historic milestone of 100 years of coming home to Mizzou.

IN MEMORY OF SYDNE MAE DURAND

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

Mr. LANDRY. Mr. Speaker, it is with great sadness that I rise today in memory of one of Louisiana’s great public servants, Ms. Sydnie Mae Durand.

As the parish in which I grew up lays her to rest today, it is notable to recognize that she grew up at a time when a woman’s place in the South was culturally in the home. She pioneered her way into a male-dominated oil and gas industry. She constructed and then walked proudly through the door that many women of south Louisiana would soon follow.

During the 37 years she devoted to the oil and gas industry, she found time to serve her community—again, leading women into politics locally by becoming the first woman to preside over the St. Martin Parish Council and then by becoming the first woman to be elected to serve as the District 46 State House representative, where she served for 16 years. Her passion involved health care, where she chaired the House Health and Welfare Committee and served on many other national and State boards that dealt with the health care needs of children.

While she will be missed by all, her work and legacy will continue to have a positive impact on the great State she leaves behind.

CHINESE CURRENCY

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

Mr. MURPHY of Connecticut. We need to follow the Senate’s lead in

passing legislation that will pressure China to stop their unfair monetary policy. China's manipulation of their currency has cost us jobs in Connecticut and around the country. Our workers and businesses deserve a level playing field, and this bill will help ensure that.

Since China joined the WTO, our trade deficit from China has risen from \$84 billion to \$270 billion. In that same period of time, Connecticut, my home State, has lost 31,000 jobs, and our country has lost 2.8 million jobs, 1.9 million of them in manufacturing.

Companies throughout Connecticut, like HABCO, Incorporated, are demanding that we finally do something about these unfair practices that subsidize Chinese exports. Everyone from the manufacturers that I have surveyed to the people I run into at grocery stores understands that China is cheating on their currency.

With more than 160,000 people in Connecticut out of work, it is long past time for the leadership of this House to allow a vote on this floor on legislation to take China to task for their unfair practices and to strengthen American workers and businesses.

Let's pass this jobs-creating legislation now.

□ 1420

#### LIEUTENANT COLONEL ROBERT BARRACLOUGH

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to honor Lieutenant Colonel Robert Barraclough.

Retired from the United States Air Force in 1968, Colonel Barraclough's record of service is impressive. During World War II, Barraclough was a bomber pilot flying missions over German-occupied territory. These dangerous bombing missions had high casualty rates.

Between mechanical problems, lack of fuel, enemy fighters and enemy ground fire, nearly 26,000 airmen lost their lives in the "Mighty 8th" Air Force during the war. However, after switching out of the B-24 Liberators and into the B-17 Flying Fortresses, Barraclough flew 32 missions in the 490th Bomb Group in the 8th Air Force and was made group commander.

Perhaps one of his greatest accomplishments was that his leadership resulted in the lowest casualty rates of all the squadrons and groups in the 8th Air Force during the entire war. Keeping his group's pilots rotated and rested, flying in tight formations to concentrate firepower, German observation planes could not find an easy plan of assault on the formation.

Today I honor Lieutenant Colonel Barraclough, and I thank him again for his dedicated service to our country.

#### DETROIT

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

Mr. CLARKE of Michigan. Mr. Speaker, I am very honored to say that I was born and raised in the city of Detroit, and I currently represent the great city of Detroit and its suburbs as a representative in Congress.

I also represent the Detroit Tigers. This "D" stands for the Detroit Tigers, and, you know, they may have had all the odds against them, but they kept on fighting. You know, they represent our city's spirit.

I'll tell you also what this "D" represents. It represents democracy, as in the arsenal that Detroit built in World War II that saved this country, and it saved this world from fascism.

You know, our city is going through some tough times right now, but we're not going to give up. We can actually create jobs again for this country. We just ask this Congress, allow this city to keep its Federal tax revenue, place it in a protected trust fund, invest it in the city for 5 years.

We can create jobs not only for Detroiters but for millions of Americans. If you want to create jobs in this country, invest in Detroit.

#### HISPANIC HERITAGE MONTH

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

Mr. RIVERA. Mr. Speaker, this week, in commemoration of Hispanic Heritage Month, over 100 distinguished Hispanic American civic, business, and community leaders from south Florida traveled to Washington, D.C., to receive Congressional Distinguished Service Awards from myself, Senator MARCO RUBIO, Congresswoman ILEANA ROS-LEHTINEN, and Congressman MARIO DIAZ-BALART.

These hardworking and patriotic Americans of Hispanic descent represent the positive contributions the Hispanic community has made to this great Nation. Whether serving in the military, creating jobs with small businesses, or simply pursuing the American Dream, Hispanic Americans like my constituents are deserving of recognition for their accomplishments.

Two of those honorees who came to the Capitol this week, Ms. Nelis Morales and Mr. Gustavo Garagorry, prepared statements for the occasion. I would like to submit their statements for publication in the CONGRESSIONAL RECORD.

#### PRESIDIO POLITICO CUBANO

I am grateful for this recognition that us an honor and fills me with pride.

As a Cuban political prisoner, I represent the International Coordinator of Cuban political prisoners, through the years I have had the opportunity to help both prisoners and ex-prisoners as well as their families, both inside and outside of Cuba, and also to

plead for liberty and democracy for the Cuban people.

The Cuban political prisoner organizations, without exception, support the project to re-adjust the Cuban Adjustment Act that has been presented to the U.S. Congress by our congressmen for the state of Florida, David Rivera, Mario Diaz-Balart, and Ileana Ros-Lehtinen.

As a Cuban ex-political prisoner and as a woman, I beg, in front of you who represent the most powerful country in the world in terms of human rights, freedom, and democracy, your help for the poor Cuban nation for whom I will never tire using my voice to support.

No more economic help to the Castro-Communist tyranny. No to the cultural interchange.

No more aggressions against the Cuban heroines such as Sara Martha Fonseca who represents the Cuban prisoners house in Havana, and Laura Pollan from the heroic "Damas de Blanco" or "Ladies in White".

No to the aggressions against the internal opposition.

I beg your help in order to put an end to the slavery of the Cuban people, because after 53 years. . . for Cuba . . . the time has come!

NELIS ROJAS MORALES.

Thanks USA, I am very proud to be here with all of you, of living in this wonderful country where the people main reason is to live in democracy and freedom. Specially thanks to our Florida senators and congressmen for granting me this great honor and all the friends that this land has given me. God bless America. Viva la Libertad.

GUSTAVO GARAGORRY.

#### DR. EDWARD B. MCLEAN

The SPEAKER pro tempore (Mr. FINCHER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. ROKITA) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROKITA. Thank you, Mr. Speaker.

I rise today to recognize and salute an exceptional Hoosier, Dr. Edward B. McLean. Sadly, we lost Dr. McLean on September 12. I wish to express my condolences, thoughts and prayers to his family.

He was an inspiration on my path to serving the people of Indiana, and his teachings have become my primary motivation for seeking to reduce the size and scope of government here in Washington. He was my college professor, my counselor, and my friend. More importantly, Mr. Speaker, he was exactly the same person to countless men who associate with Wabash College in Crawfordsville, Indiana.

As a man of faith, I believe we were put on this Earth to love one another and to make the best of the gifts our Lord has provided. We are all blessed to live in a country that allows us to experience liberty, the opportunity to learn, and the chance to succeed. Not every nation, Mr. Speaker, can say that.

As a professor of political science since 1968, Dr. McLean challenged Wabash College students, faculty, and alumni to think critically and encouraged all to be lifelong learners. He gave us that chance to succeed.

Moreover, he taught me the critical role of the individual in a free republic if, indeed, the republic is to remain free, and how such a system is philosophically and practically superior to the elitist and collectivist systems that have been tried throughout history but which, of course, as we all should know, have failed. They collapsed, ultimately, under the weight of their own tyranny, a point Dr. McLean repeatedly made.

And at every turn, he taught young Wabash men that our rights are derived from our Creator—not Democrats, not Republicans, not any President or any Congressman, but they came from God himself. And as a result, our rights are inalienable, as our Declaration reminds us and as men like Cicero and St. Augustine discovered for us. In a secular sense, our rights are part of natural law, as McLean always taught.

Perhaps most importantly, he taught Wabash men, professors, and others all over the world about the worthy ideal of a society of free and responsible individuals and how it might practically be achieved.

Mr. Speaker, for the CONGRESSIONAL RECORD, I would submit the following facts:

A masterful scholar, teacher, and lawyer, McLean demonstrate his rigor for teaching and pursuing his own level of education by earning his juris doctorate from Indiana University in 1975. He managed to be an effective teacher, attorney, and deputy prosecuting attorney in Montgomery County. In 1972, he received the McLain—no relation—McTurnan-Arnold Excellence in Teaching Award. Since 1980, Dr. McLean was most closely associated in administering the Goodrich lecture series. He was active in local and State politics. He demanded that students think critically in his constitutional law and political philosophy classes.

Dr. McLean was both loved and feared as a man who challenged students to hone their critical thinking skills. He used the Socratic method to assist students in recognizing and correcting flaws in their arguments, and somewhere along the line, he earned the nickname “Fast Eddie.”

Dr. McLean was elected to the board of directors of Liberty Fund, an Indiana institution that has a global outreach. He served there until his death. Founded by Pierre Goodrich, the son of one of Indiana’s great Governors, the Liberty Fund is a private educational foundation with the mission of encouraging a deeper understanding of the requisites of restoring and preserving a society of free and responsible individuals.

Just this morning, Mr. Speaker, I pulled up a series of emails that Ed and I exchanged once. They spanned the time in which I was running for the seat I now hold until shortly after the election to this seat. You see, I was asking in the emails if there has “ever been a nation or civilization that re-

versed its slide into collectivism or socialism, thereby rescuing itself from the ultimate loss of economic and political liberty?”

Sadly, and months later, he replied, as he was in and out of hospitals at the time, that he could not identify historically the type of reversal that I had described and went on to remind me, perhaps obviously, that the “desire for more power motivates agents of the state.”

□ 1430

Many men today are responsible for individuals thriving in a free society because of Dr. Edward McLean. Unfortunately, it is now society that is stepping away from liberty due to the irresponsibility of the individual, aided by a nanny state willing to do things for the individual which are rightly his alone to do, and the endless quest, as he said, for expanded power by government and its agents.

So I use today not only to give this tribute to a great Hoosier, but also to, as part of that tribute, profess my continued and renewed commitment to reverse the current and hopefully temporary course of this great Nation, as it really is the last, best hope on Earth for man. For once, I want to prove Ed McLean wrong. We can reverse this course, and by so doing, show the world yet again how exceptional America is. We can and must halt the march of statism for our children and grandchildren and for the idea of liberty in the world. In this case, Ed himself would hope to be proved otherwise.

Everything Ed McLean did, he did for the men of Wabash College, his community, and his country. I would like to thank his wife, Marie, and son, Ian, for sharing Dr. McLean with us. For all he provided this world, he will be truly missed.

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

#### GREEN JOBS AND CRONY CAPITALISM

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

There’s so much going on today, this week. We’ve been, for one thing, trying to take up trade agreements that should end up creating new jobs in America. I know there have been concerns by some—gee, don’t we give away sovereignty each time we enter a free trade agreement. Well, I read these free trade agreements. I wasn’t here when NAFTA passed. I’m not sure that I would have voted for it because it seems like we did give away too much of the autonomous nature of this country. But with regard to the Colombia free trade agreement, the free trade agreements with South Korea, and

Panama, it doesn’t appear from my reading that we are giving away any autonomy, we are giving away any of our powers to govern ourselves.

In fact, the U.N. is far more of a threat with the concessions, particularly this administration is giving to the U.N., as far as us controlling our own destiny. Since the U.N. has become so incredibly anti-Israel, I think it’s time to look seriously about getting out. We should not be accessories to the kind of anti-Semitism and the anti-Israeli feelings, the hostility from those members of the U.N. that have so much more control, it appears, than we do, who encourage, basically, the wiping out of Israel and of the Jewish population.

In the meantime, on the homefront, we have people still claiming that the President’s tried and failed methods of helping the economy should be tried yet again. There’s the old story about a guy beating his head with a hammer, and somebody came up and asked, “Why do you keep hitting yourself in the head with a hammer?”

He said, “Because it feels so good when I stop.”

For heaven’s sake, it is time to stop hitting ourselves and hurting our own country, hurting our own economy with the crony capitalism that has come to bear here in this country. And it does not serve as a defense that Paulson started it under George W. Bush. That’s not a defense. It was wrong for Paulson, and it’s wrong now, and especially, the longer this country struggles to get back on its economic feet. And any time you engage in crony capitalism where those closest to an administration reap the biggest benefits, you hurt the economy. So when you have a company like General Electric that is so close to this administration, the head of GE certainly has the President’s ear as the trusted adviser, and that adviser has caused thousands and thousands of jobs to be sent overseas, then you can anticipate that with him advising the President, we’re going to have more and more jobs sent overseas.

And then we keep being told yes, the true answer is in green jobs. Green jobs are our future. How long is it going to take for us to stop hurting this country in the name of green jobs? We have sent thousands and thousands of great union jobs overseas in the name of greenery. And yet it shouldn’t take anybody past an elementary education to realize when you send manufacturing jobs from this country to China, South America, Latin America, where they pollute so many more times doing the same job than what the output was here, that the world would be better off with those jobs here. Pure and simple.

And then, of course, we’ve been treated to the fiasco which is Solyndra. And as a former judge who saw cases where people acted against the interests that they were hired and sworn to protect, we call that fraud. And so it sure sounds like we’re having the beginning

of a fraud case emerge, potentially against people in our own government, because we know that the law said that these loans could be given to these so-called green companies, but there could not be another lender that had priority over the Federal Government in lending that money.

Well, that means that if someone within this administration, which appears to be what's coming out, actually advocated and actually made sure it happened that the United States taxpayers, the United States Government, that they were hired to protect, subverted the position as first lender to Solyndra to the detriment of hundreds of millions of dollars, somebody ought to be going to prison. I mean, I had people come before my court having committed felonies, pull a gun, rob somebody, maybe they didn't get \$100, and they went to prison. How about somebody that causes the theft of hundreds of millions of dollars? Well, we sure have to look at it.

And just when people thought it couldn't get any worse, then we get word this week about a new entity called SunPower, another one of these wonderful green companies that were going to set the world ablaze with power and light with their clean green energy. This article from [biggovernment.com](http://biggovernment.com) by Mike Flynn, says, The Department of Energy bragged about giving a \$1.2 billion loan guarantee to SunPower, a politically connected solar energy company to create "10-15 permanent jobs," raising critical questions as to whether California SunPower is the next Solyndra in the ongoing Cronygate scandal.

□ 1440

Unlike Solyndra, which went bankrupt receiving the loan from the government, leaving taxpayers on the hook, SunPower's deal is more complicated. Many questions are being raised about how the company was able to obtain the loan and what they did after they got the money. Questions include: How could the Department of Energy give a loan to a company that was under a shareholder suit alleging securities fraud and misrepresentations?

This says that the son of Representative GEORGE MILLER from California was paid \$178,000 to lobby on behalf of the company representing SunPower as a lobbyist. Why did Representative GEORGE MILLER tour the SunPower facility, which is outside his congressional district? And what other official action did Representative MILLER take on behalf of the company that is represented by his lobbyist son? Did the company's hefty political contributions to the Obama campaign and the DCCC play a role in the deal? Did U.S. taxpayers help pay for the company to open a facility in Mexico after the announcement of the loan? Was the U.S. Government aware that company executives were in the process of selling a portion of the company to a French

company, an action that was undertaken 2 weeks after the loan was awarded? Did the loan allow insiders to cash out, leaving other investors holding onto the stock that has dropped by more than 60 percent since the loan was awarded?

In 2009, a year before the DOE awarded the loan, investors in SunPower filed a class action lawsuit against the company alleging SunPower and certain of the company's executive officers were in violation of Federal securities laws. The lawsuit alleged the company knew or recklessly disregarded and failed to disclose or indicate the following:

One, that the company made unsubstantiated accounting entries during the class period;

Two, that, as a result, the company's financial results were overstated during the class period;

Three, that the company's financial results were not prepared in accordance with the generally accepted accounting principles;

Four, that the company lacked adequate internal and financial controls;

Five, as a result of the above, the company's financial statements were materially false and misleading at all relevant times.

Despite the questions about potential violations of Federal securities law, the Department of Energy approved the loan guarantee in 2010, all to create 10 to 15 permanent jobs. That's not only some silly estimate, it's what the Department itself thought would result from the billion-dollar loan. Our Department of Energy intentionally invested over \$1 billion in order to create 10 to 15 jobs. At best, that's around \$80 million from our government to create one job.

Now, there are a lot of folks in government that have never been in business, but I'm betting just about anybody in this body could do a better job of creating good-paying jobs if they were given \$80 million to create each job. I bet if we auctioned that off, we might even get as low as \$50 million to create one job.

For those in Washington I've found that don't understand sarcasm, I am prone to sarcasm.

Very tragic. At a time when this country can ill afford to be squandering vast amounts of money, that's what we're doing. It's also no comfort that in the President's so-called jobs bill there are numerous references to wanting to get more money to these green companies to help out our country.

And when you see that the President's so-called jobs bill is not about jobs at all—there's only a tiny fraction that goes for infrastructure, so forget about all your bridges being fixed. It's not about that at all. It's about more government control. In fact, as we have seen since this President took office, especially the first 2 years under the control of Speaker PELOSI and Leader REID, it seemed like most everything

we took up was all about the GRE. The GRE, the Government Running Everything. And you look at the President's so-called jobs bill and you find in there the American Infrastructure Financing Authority.

So, again, when are we going to stop beating ourselves death with the same tried-and-failed policies. So, Fannie and Freddie wasn't bad enough. Now we're getting into investing and guaranteeing billions of dollars for each financed operation instead of a hundred thousand dollars or so for homes. Yes, we've done such a great job with Fannie and Freddie nearly bringing us to the brink of ruin financially, wouldn't you next suspect that we should get into financing all the infrastructure needs of the country as a Federal Government?

But those who are suspicious and think, gee, maybe this is more about the government running everything than it actually is financing infrastructure, there would be evidence to support that idea, because the board of the American Infrastructure Financing Authority is appointed by the President. And since the current President has an affinity for people who have never been in business, never made a payroll—he actually put people on the auto task force that didn't own cars. Most of them never had anything to do with the auto industry. So we can anticipate that if he stays true to form, we'll have people on the American Infrastructure Financing Authority that will be spending billions and billions of dollars, just like they have on Solyndra, on SunPower, and who knows how many other companies like that, they'll be doing it for infrastructure. Crony capitalism to the max.

And I have struggled as we've seen these groups like Occupy Wall Street. There's a little group down the road here on Pennsylvania. Most of them are very young. I'm guessing perhaps many of them still rely on their parents for a living, making expenses. I know some of them have indicated that. It reminded me of the female comedian on television that said, Gee, there's a study out that says our generation may be the first generation that doesn't live as well as our parents. She said, That makes no sense, it can't be, because we're all still living with our parents. So that doesn't make sense.

Well, apparently it's given some people time on their hands, since they're not working, to go create public nuisances in New York City, here, and other places. And it really is intriguing to find out they don't really have a centralized, firm position on anything. They're just out there to protest. But as a history major trying to think through history, certainly I can never recall a time in this country's history when a President of the United States ever told people to take off their bedroom slippers, put on their marching shoes, let's get out there and then encourage them. Yes, it's wonderful.



They're getting out there. They're standing up. These are great rank-and-file grassroots folks. Encouraging protesters.

I can't find another time in this country's history—so the President can be proud of this—when the President of the United States encouraged protesting the country he was leading. Most Presidents would never have had the nerve to do that because they knew they were in charge. And to encourage people to go out and protest meant you're encouraging protesting the country that you're in charge of and you're leading. So if things aren't good, it must mean you're doing a rotten job of leading. So why in the world would you encourage people to go out and protest?

For those who say the President had a great jobs bill, and Congress ought to do something, you find out when you look at the real facts that this President and Leader REID never had any intention of passing the President's jobs bill. Never.

□ 1450

The President never anticipated this Congress would pass his jobs bill. He didn't anticipate it. He didn't help it happen. He has still not helped it happen. It's why it went for so many days before anybody bothered to file that bill.

And when HARRY REID filed it in the Senate, he knew the rules. He knew that under the Constitution, any revenue-raising bill—as the President's bill raises taxes—any revenue-raising bill must originate in the House. It's part of the Constitution. He knows that because in order to get ObamaCare through, when it didn't originate in the House, he took a House bill, designed and passed here in the House to give veterans a tax credit when they bought their first home, stripped out every word and put in ObamaCare. He knew the constitutional requirement, and yet he didn't do that.

I was shocked when I told my staff, after I heard he had filed, I said, go find out what House bill he stripped out because he's playing that game again like they did on ObamaCare. And yes, I know Republicans have done it. It doesn't make it right. It doesn't matter who does it. It isn't right. That was never what was intended, but it's the game that's been played.

And Leader REID, even when he filed his amended President's jobs bill that he himself amended, he didn't bother to strip out a House bill and go through the facade, the game that has to be played for a bill like that that raises revenue to become law. He didn't even bother. He just filed it as it was. I told my staff, no, he has to—he knows. He's done this before. He has to strip out a House bill, delete every word beginning at line one, page 1, deleting every word thereafter, substituting, therefore, the whole bill. He has to have done that. If he really wants it to pass, then that's

what he's got to do. Well, since he didn't do that, we know that the President and Leader REID never intended for the President's so-called jobs bill to pass.

Well, then, for what reason would the President have gone on the road after condemning us in here for not passing a bill that didn't exist, going on the road and demanding we pass a bill that didn't exist, and then when it did exist, not even bother to pick up the phone for days and ask somebody to actually file the bill? That's why I filed the American Jobs Act. You can go online at the Clerk's office, Mr. Speaker, and find out the American Jobs Act. It's mine. And it would create hundreds of thousands of jobs if mine were passed.

And as I've said here on the floor, I'm open to negotiation. I'm not married to zero as the corporate tax rate. I think it would be best. I think it would create more jobs. And then of course there are those left-wingers that enjoy seeing billions of dollars go to companies like Solyndra and SunPower, enjoy seeing their friends being enriched and engorged with taxpayer dollars and Chinese dollars we'll have to pay back with interest. They enjoy that.

They've also said, well, gee, I must be in the pocket of corporations. No, I'm in the pocket of the American people, and I want to see jobs. And I have seen the devastation from people from all walks of life, from the manual labors to the airline pilots to the engineers who have said, This is killing me. I never dreamed of losing my job and not being able to find one. And all this administration is doing, it puts forward a disingenuous bill. It isn't going to create more jobs.

And when you see the Public Safety Broadband Corporation, what job does that create? The board is going to be appointed mainly by the President, and then the board that he appoints will appoint some others. That's not a job creator, but it is about the government running everything, the GRE. The Public Safety Broadband Corporation will be able to protect every American citizen from what they may want to look up or see through broadband because we'll then have the President's own Public Safety Broadband Corporation that this President is pushing in his bill. That's not a jobs bill.

And he says on the one hand he wants to go after excessive profits of major oil, and then you look at page 151 through 154 of his bill and you find out this doesn't hurt major oil. The things in there will devastate and drive out of business the independent oil and gas producers. Those are the people that don't have their own company sections that go in and do everything necessary to drill a well. They go out and hire people to help with the mud that goes in the well, to help with the wireline stuff, the people that will do all the—even feeding the people that work there. They hire independent contractors all over the place. Many of those people stay in hotels. They eat at

restaurants. They drive the economy. And yet this President, as we've heard from people from the Gulf of Mexico area, this President's moratorium did more to cause people to lose jobs than the horrific Deepwater Horizon explosion. That was so tragic. It was so needless.

Why in the world would this administration have allowed British Petroleum to continue to operate in the Gulf of Mexico, putting this Nation at risk, when we find out after the fact, though, Exxon was found to have, I believe it was, one willful, egregious safety violation; Sunoco had two violations, willful and egregious. The President's friends at British Petroleum had 760 willful, egregious safety violations, when others had one and two, and the administration looked the other way.

We've had hearings on that, and I've brought it up to the Director of MMS before our Natural Resources Committee: What safeguards did you have to make sure that investigators were doing the proper job, the inspectors, the offshore rig inspectors? Because, see, to me, if you're an offshore rig inspector, you're a bit like the military. You stand between us here in the continental U.S. and devastation.

So I was surprised to find out that they didn't have any problem with having unionized offshore rig inspectors. Well, if you're comfortable having offshore rig inspectors being unionized, then next you'd be comfortable with the military unionizing. Why not? They're standing between this Nation and disaster. If the offshore rig inspectors can be unionized and negotiate their hours, or whatever is all in their union contract, then why wouldn't the military be next? The trouble is there are some professions that are so important to national security you can't have contracts that limit hours. A soldier can't have an agreement that he won't work more than 8 or 12 hours and get time and a half. It doesn't work that way. They stand between us and disaster. And they, God bless them, they serve as they're required to serve to protect this country.

I was quite concerned about our United States military in the 4 years I was in the Army after Vietnam. There were times I would see what some of our troops were doing—couldn't read, couldn't write effectively, smoking lots of dope—and I would think, if the Russkies ever attack, we're in big trouble. But I get around the fine men and women of our armed services now, they're the best that's ever existed in the history of the world. But we can't allow them to unionize. Well, the Interior Department has no problem.

And the Director of MMS replied, Well, we do have a means of making sure that our offshore rig inspectors are doing their job. We send them out in pairs, so they watch each other. And if one of the rig inspectors didn't properly do their job, we know the other would report them. Because there have been stories, rumors, things alleged

about some rig operators providing benefits of all kinds and services of all kinds to rig inspectors to have them look the other way.

So I was curious, What do you do to safeguard that that doesn't happen? And the one answer, the only answer the Director had was, We send them out in pairs, and that ensures they're doing their job. She apparently was not aware that I knew that the last pair of inspectors that were sent out to the Deepwater Horizon rig to inspect it were a father and son unionized team. Some have wondered, why in the world wouldn't the administration immediately move to force BP to close that thing up?

□ 1500

And we find out later that, actually, leaders of British Petroleum were meeting with key leaders of Congress at the Senate, figuring out when they would come out and have the great day over which the President and the Democratic leaders in the Senate would rejoice in which they announced that they're a major oil company and they were supporting President's cap-and-trade bill.

Well, of course, after it was realized just how serious Deepwater Horizon was, eventually, the White House and the Senate Democratic leaders had to finally accept the fact it wouldn't be very good for PR to have BP be the one major oil company that came in and embraced the cap-and-trade bill that was attempted to be shoved down America's throats, like ObamaCare.

And then we heard the President say there are more people protecting our southern border than ever before. This story, from Yahoo news, brand new story—well, it's Wednesday, October 12: Drug smugglers are endlessly creative when it comes to inventing ways to move marijuana, cocaine, and other contraband from Mexico into the United States.

In the latest innovation uncovered by law enforcement, smugglers in the border town of Nogales, Arizona, were bringing drugs into the United States for the cost of a quarter. The parking meters on International Street, which hugs the border fence in Nogales, cost 25 cents. Smugglers in Mexico tunneled under the fence and under the metered parking spaces and then carefully cut neat rectangles out of the pavement.

Their confederates on the U.S. side would park false bottom vehicles in the spaces above the holes, feed the meters, and then wait while the underground smugglers stuffed their cars full of drugs from below. When the exchange was finished the smugglers would use jacks to put the pavement plugs back into place. The car would drive away, and only those observers who were looking closely would notice the seams in the street.

In all, U.S. Border Patrol Agents found 16 tunnels leading to the 18 metered parking spaces on International Street. The pavement is now riddled with neat symmetrical patches.

It's unbelievable, Nogales Mayor Arturo Garino told Tucson, Arizona, ABC affiliate KGUN. Those are the strides these people take to get the drugs across the border.

Past methods of smuggling have included catapults that launched bales of drugs across the border fence. The smugglers have tried everything, said Garino, and this is one of the most ingenious methods of them all.

The city, advised by Homeland Security, has agreed to remove the parking meters. Nogales stands to lose \$3,500 annually in parking revenue, plus the cost of citations.

Well, the President, I know he wouldn't have said it if he didn't believe it was true. But it isn't the most people we've ever had on our southern border, not at all. In fact, you can find this at Wikipedia, regarding General Pershing, and there are other far more detailed accounts.

In January 1914, Pershing was assigned to command the Army 8th Brigade, United States, at Fort Bliss, Texas, responsible for security along the U.S.-Mexico border. In March, 1916, under the command of General Frederick Funston, Pershing led the 8th brigade on a failed 1916-17 punitive expedition into Mexico in search of the revolutionary leader, Pancho Villa. He had met him in 1913 when he invited him to Fort Bliss.

And that's about all it says, but if you do more digging you find out, actually, after Pancho Villa and his cutthroats had come into the United States proper and killed some Americans, Woodrow Wilson ordered American troops, led by Pershing, to go into Mexico to pursue these murderers and end their killing spree, and make it clear that there would be dire consequences for coming into the United States illegally.

One report I read said there may have been as many as 100,000 or more National Guard troops put on the U.S. southern border. Pershing went in, depending on the account you believe, 10,000, 14,000 troops into Mexico pursuing Pancho Villa, killed many of his lieutenants. Never got Pancho Villa. But it ended, for a long time, anybody coming in illegally to the United States to commit a crime on U.S. soil.

Woodrow Wilson was not really considered a warmonger, as a university president. But he understood, when the Nation is under attack, whether it's from Pancho Villa or drug smugglers today, we took an oath we must follow, and supporting and defending the Constitution means providing for the common defense. And if people are bent on the destruction of this country, we must take such steps as are necessary to defend ourselves.

Mexico is in deep trouble. We can help Mexico, we can help ourselves, simply by defending ourselves and reestablishing the rule of law along our southern border. It's critical.

In the time I have left today—this is the last day of this week, at least for

about 10 more days when we come back into session, I want to take up an issue. My late mother thought I should have been either a doctor or a college professor. I do enjoy history. I love teaching. I enjoy math.

So, despite my parents' disappointment, I did go to law school. And anyway, as I told my dad, who said, you know, there are just so many lawyers that are hurting the country, it really caused me to do some soul searching. And I explained, Dad, I've thought about it, prayed about it, wrestled with it. The fact is the law is a tool, like a hammer. You can use it to build up or you can use it to tear down. It's all in whose hands the hammer is hitting.

The law is a powerful tool, but as so many of our Founders laid out, unless we serve and govern a moral nation, this form of government is entirely inadequate to protect us.

And I know our fine President has said we're not a Christian nation, and I will not debate that issue. There's plenty of evidence on both sides of that issue currently. I don't think we are anymore. But for those that continue to persist and say we were never a Christian nation, who refuse to note that a third of the signers of the Declaration, over a third, weren't just Christians, they were ordained Christian ministers.

People like Peter Muhlenberg—ended up with a statue down the hall. He was a minister who Washington made a colonel, unbeknownst to his flock and his church. His statue depicts him taking off his ministerial robe to reveal a uniform underneath, even with a saber on. He was preaching from Ecclesiastes: There's a time for every purpose under heaven. When he got to verse 8, that there's a time for war and a time for peace, he took off his robe and said, now is the time for war. He recruited men from the church to join him. They recruited men from the town to support them. And he became a general by the end of the war, all of that while a Christian minister.

But I think it's helpful to go back and look at some of those who were intimately familiar with our founding and, of course, I've read so often from Washington here on the floor, from John Adams, I thought I would read from John Quincy Adams to start off with. John Quincy Adams, our youngest diplomat. Washington appointed him to serve briefly as a diplomat at 11 years of age. Smart guy.

At the age of 77, in 1844, John Quincy Adams was not only a U.S. Congressman, but he was also the chairman of the American Bible Society.

□ 1510

These are John Quincy Adams' words:

"I deem myself fortunate in having the opportunity, at this stage of a long life drawing rapidly to its close, to bear at this place, the Capital of our national union, in the Hall of Representatives of the North American people, in

the chair of the presiding officer of the assembly representing the whole people, the personification of the great and mighty Nation, to bear my solemn testimonial of reverence and gratitude to that book of books, the Holy Bible. The Bible carries with it the history of the creation, the fall and redemption of man, and discloses to him, in the infant born at Bethlehem, the legislator and Savior of the world."

On the occasion of his 80th birthday, John Quincy Adams' words were these:

"I enter upon my 80th year with Thanksgiving to God for all the blessings and mercies which His Providence has bestowed upon me throughout a life extended now to the longest term allotted to the life of man, with supplication for the continuance of those blessings and mercies to me and mine as long as it shall suit the dispensations of His wise Providence, and for resignation to His will when my appointed time shall come." John Quincy Adams.

One of the most powerful closing arguments of any case was given by John Quincy Adams in the Amistad case just downstairs in the old Supreme Court Chamber. And toward the end of his argument he was so concerned that he might be losing, and that if he lost the argument, he lost the case in which he was representing the Africans who had been captured and had chains put on them. They were able to get loose and take over the ship and ultimately ended up in the U.S. So the lawsuit was over. Were they free people who could go where they wanted? Or were they to remain slaves? He ended up in his closing arguments by asking about where were all the Justices? He now called every one of the Justices that had ever been on the Supreme Court by name and asked where they were. Where are they? Where was the Solicitor General that argued against me last when I was here? That was back in the early 1820s. And during the course of the arguments, about 3 days in the Amistad case, one of the judges died one night. That kind of throws a crimp in your closing argument. But when they resumed the case, he was asking, "Where are the judges?" Even the judge that started the case with him wasn't in there.

In essence, he concluded by asking, "Where have they gone? They've gone to meet their Judge." And the big question about their life, he quoted from Scripture when he said, "Did they hear these words, 'Well done, good and faithful servant?'" The message was clear. You are all going to die, and when you die, do you want to go meet your Maker after having a decision that allows these free Africans to be drug out of here in chains and bondage?

He won the case. The Africans, as they should have been, were free. And they should have been. And it is an embarrassment that slavery was ever allowed in this country. But if you look at the founding, they were led by Christian Founders. If you look at the

greatest developments in civil rights, Abraham Lincoln felt called by God to run for office and bring an end to slavery. John Quincy Adams was a mentor to him during the 2 brief years he was in the House of Representatives. Adams had a massive stroke during that term, but young Abraham Lincoln, despite their difference in ages, was one of the honorary pallbearers. Adams thought a lot of Lincoln.

After Lincoln was President, he said that the most memorable thing that occurred during his time in the House of Representatives, just down the Hall here, was John Quincy Adams' powerful sermons on the evils of slavery. John Quincy Adams, as a Christian, believed he was being called. After losing the election for a second term, he believed he was being called to come into Congress, as William Wilberforce had done. Adams had corresponded with Wilberforce in England and had come into Congress as Wilberforce had come into Parliament, to fight to end slavery. And each time he was recognized on one of his bills, he preached a hellfire and brimstone sermon about, in essence, how can we expect God to keep blessing America when we treat our brothers and sisters by putting them in chains and bondage? He thought God had called him to end slavery.

He served in the United States House. He was the only person to have ever done this: After being President, he lowered himself to run for Congress and serve in the House. Of course, he told some folks he was more proud of being elected representative after being President than he was being elected President. And that seems like such a strange thing until you realize what it meant was that after he was President, his neighbors still liked him. And that is not often the case.

We know that some of the greatest debates that occurred in the House of Representatives and in the Senate were participated in by Henry Clay. He and Daniel Webster had some powerful debates. Henry Clay said this in 1829. He said, "1,800 years have rolled away since the Son of God, our Blessed Redeemer, offered Himself on Mount Calvary for the salvation of our species, and more than half of mankind still continue to deny His divine mission and the truth of His sacred Word. When we shall, as soon as we must, be translated from this into another form of existence, is the hope presumptuous that we shall behold the common Father of the whites and blacks, the great Ruler of the Universe, cast His all-seeing eye upon civilized and regenerated Africa, its cultivated fields, its coasts studded with numerous cities, adorned with towering temples dedicated to the pure religion of His redeeming Son?"

I want to make clear that the reason that we have more religious freedom in this country than any other country in the world is because we were founded on Christian principles that Jesus taught. Any nation that is based on

sharia law and follows true sharia law will not have freedom of religion. So this is the freest country that any Muslim can ever worship in. You don't have to believe exactly as the radicals do about the Koran's teaching, because you have that freedom here in this country.

And we just read this week that after we have spent hundreds of billions of dollars and lost over 1,700 precious American lives to rid Afghanistan of the Taliban and, unfortunately, try to create a central government that won't work, we now find this week that there is no longer in Afghanistan a Christian church. Not one. We also find out this week there is a report that there is only one Jew left in Afghanistan. After 10 years of battle, hundreds of billions of dollars and precious American lives, we see what we've done come to this. There is not one Christian church, war declared upon Christians, Christians killed and imprisoned, and a jihad against Christians there in a country that we saved.

We're losing some of our freedoms here because some say we should have more law that follows sharia law. The only way sharia law will be completely and freely followed and worshiped, not by some radical Islamist view of it, but by all Muslims who freely can have different interpretations, unless they're in a radical Islamic society, they can only have that here, where we were founded on Christian principles. And thank God we were.

I was a history major. I didn't read this until after I was out of school. Christopher Columbus wrote this in his own words: "It was the Lord who put into my mind, I could feel His hand upon me, the fact that it would be possible to sail from here to the Indies. All who heard of my project rejected it with laughter, ridiculing me. There is no question that the inspiration was from the Holy Spirit, because He comforted me with rays of marvelous illuminations from the Holy Scriptures, a strong and clear testimony from the 44 books of the Old Testament, from the four Gospels, and from the 23 epistles of the blessed Apostles, encouraging me continually to press forward. And without ceasing for a moment, they now encourage me to make haste."

□ 1520

Columbus said: "Our Lord Jesus desired to perform a very obvious miracle in the voyage to the Indies, to comfort me and the whole people of God."

That's evidence that God can use somebody to create a miracle, and the person being used doesn't even know what he did. Of course, there are those who say Columbus is the perfect example that you can be a huge success for all of time even if you don't know where you're going, don't know where you are when you get there, and don't know how you got there so long as you can get the government to pay for it. Unfortunately, there are too many in government today who believe that's

the key to all success—to get the government to pay for it.

Francis Scott Key, he was there on the ship in the Chesapeake Bay on September 14, 1814, in part of the War of 1812, which was when the British unmercifully bombed that small Fort McHenry. In the morning light, he saw our flag. The fourth verse of what is now our national anthem is:

“Oh! thus be it ever when freemen shall stand between their loved home and the war’s desolation!

“Blest with victory and peace, may the heaven rescued land praise the Power that hath made and preserved us a Nation.

“Then conquer we must when our cause it is just, and this be our motto: ‘In God is our trust.’

“And the star-spangled banner in triumph shall wave o’er the land of the free and the home of the brave!”

I want to conclude with one other historic reference from the Supreme Court, itself, back when the Supreme Court did not believe that the Constitution was a living, breathing document that would be subject to the whims of people appointed who brought their own biases to the Supreme Court and twisted it and turned it into whatever document pleased them.

I am also thankful to God that we have had some incredible Justices on the Supreme Court who believe the document called the “Constitution” was exactly as the Founders intended. It is not a living, breathing document that can be molded like silly-putty around somebody’s fingers and whims.

In 1892, the Supreme Court said this in the Church of the Holy Trinity vs. The United States:

“No purpose of action against religion can be imputed to any legislation, State or national, because this is a religious people.” This is historically true. “From the discovery of this continent to the present hour, there is a single voice making this affirmation. The commission to Christopher Columbus recited that it “is hoped that by God’s assistance some of the continents and islands in the ocean will be discovered.”

It goes on to read:

“The First Charter of Virginia, granted by King James, I in 1606, commenced the grant in these words:

‘In propagating of Christian religion to such people as yet live in darkness, language of similar import may be found in the subsequent charters of that colony in 1609 and 1611’; and the same is true of the various charters granted to the other colonies.

“In language more or less empathetic to the establishment of the Christian religion, declared to be one of the purposes of the grant, the celebrated compact made by the pilgrims on the Mayflower, in 1620, recites:

‘Having undertaken for the glory of God and advancement of the Christian faith a voyage to plant the first colony in the northern parts of Virginia the fundamental orders of Connecticut

under which a provisional government was instituted in 1638 and 1639 commenced with this declaration:

‘And well knowing where a people are gathered together the Word of God requires that to maintain the peace and union there should be an orderly and decent government established according to God to maintain and preserve the liberty and purity of the gospel of Our Lord Jesus, which now profess of the said gospel which is now practiced amongst us.’”

The Supreme Court went on and concluded that these, and many other matters that might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian Nation.

It may not be now, but it started that way.

Mr. Speaker, just as Martin Luther King felt a calling as a Christian minister and just as Lincoln did in ending slavery, we owe so much to the religion of Christianity that everyone can worship or not as they wish.

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

#### APPOINTMENT OF MEMBER TO CONGRESSIONAL-EXECUTIVE COMMISSION ON PEOPLE’S REPUBLIC OF CHINA

The SPEAKER pro tempore. The Chair announces the Speaker’s appointment, pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, of the following Member of the House to the Congressional-Executive Commission on the People’s Republic of China:

Mr. WALZ, Minnesota.

#### APPOINTMENT OF MEMBER TO DWIGHT D. EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker’s appointment, pursuant to 16 U.S.C. 431 note and the order of the House of January 5, 2011, of the following Member of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. BISHOP, Georgia.

#### COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 14, 2011.

Hon. JOHN BOEHNER,  
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107-306) as amended by section 701(a) (3) of the Intelligence Authorization Act for Fiscal Year 2010, I am pleased to appoint the following individuals to the National Commission for the Review of the Research and Development

Programs of the U.S. Intelligence Community.

The Honorable Rush D. Holt of New Jersey Ms. Samantha Ravich of Clark, New Jersey Ms. Ravich is appointed at the recommendation of Speaker John Boehner to ensure there is an appropriate ratio of Republican and Democratic appointees serving on the commission.

Thank you for your consideration of these recommendations.

Sincerely,

NANCY PELOSI,  
House Democratic Leader.

#### THE FEDERAL RESERVE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker.

I intend to talk about the Federal Reserve, but preliminarily, having listened to my colleague from Texas, I did want to note a little bit of a dissent.

He cited Queen Isabella of Spain and King James of England for having decided what kind of country we should be. Now, the question of the religious nature or not is obviously a legitimate one to debate, but I was a little surprised to be told that I was to be in any way bound by what Queen Isabella or what King James said hundreds of years ago. I thought one of the purposes of the American Revolution was to tell European monarchs that we would here in America make our own choices.

But I want to talk today about the Federal Reserve and particularly, frankly, about my disappointment in a debate, I guess, I’ve been having—it’s been kind of one-sided because he’s never spoken to me—with Mr. George Will.

I know it’s common advice to Members of Congress and to other political leaders not to get into an argument with the people in the media. I think that’s a great mistake. I think that respect for openness and democracy should make this a two-way street and that the notion that responding to criticism in the media that’s inaccurate is somehow inappropriate or hypersensitive is a great mistake. What I would have looked forward to was a debate, with probably Mr. Will and others, about the Federal Reserve.

I did file legislation last April to change the structure of the Federal Reserve’s Open Market Committee, which votes to set interest rates to the extent that we can, and it now consists of the seven appointees to the Federal Reserve Board of Governors who are appointed by the President and confirmed by the Senate—people selected in that democratic way but with 14-year terms to guarantee some independence. They are Presidentially appointed and confirmed by the Senate, but they serve for 14 years so that there is not, presumably, the chance for one President

to get everybody. There are built in some staggered terms there.

□ 1530

But there are also five votes that are cast by regional presidents at the Federal Reserve Bank. These five people—it's on a rotating basis. The New York president always gets it. Four others out of the remaining ones go on periodically. These are people helping setting the most important public policy in America: monetary policy, interest rates.

But they come with nothing remotely resembling public participation in the process. They are selected by the Federal Reserve boards of directors, which they in turn have largely selected; and those boards, not surprisingly it's the Federal Reserve regional system, are marginally people, more than anyone else, in the financial community.

Now it's very important for people in the financial community to be represented, and I am very glad that the regional presidents come to the meetings and should be allowed to speak, be encouraged to speak. But having people who are appointed by bankers, who then appoint new bankers to appoint new people, be 5 of the 12 votes in setting monetary policy I believe violates democratic norms.

I think it also gives a bias against the mandate the Congress has given the Federal Reserve—it's not been changed—to worry equally about inflation and unemployment, because, and the record shows this, the regional bank presidents tend to be concerned more, on the whole, about inflation than an appointment. They don't regard the two as equal. That's not surprising given whom they represent. That's a legitimate argument for debate. And I filed legislation last April to leave the regional presidents in the position of speaking but not voting.

Mr. Will differed with that, and I look forward to a debate. Mr. Will does not agree with Mr. Bernanke's policy of trying to respond to our economic troubles by increasing the availability of money, the quantitative easing. Mr. Will is apparently on the side of people who have been proven to be quite wrong factually that this is going to lead to inflation.

Mr. Bernanke's policies have, in fact, I think helped alleviate the crisis—although not doing as much as we would like, because there are limits to what monetary policy could do. Contrary to predictions, they are not costing the Federal Government money; they haven't led to inflation. I would be glad to debate that with Mr. Will. But instead he engages in a kind of snarkiness that I found unbecoming. I had thought Mr. Will to be someone who was committed to intellectual debate, but that simply wasn't there in his approach.

Let me say, and I will document this, that his response in his column, and then in a follow-up column, basically

seemed to me to be a sad combination of blatant factual inaccuracy, of logical confusion, and, sadly, I must say, of intellectual dishonesty, and, finally, great inconsistency.

Let me begin with the factual inaccuracies.

Mr. Will's thesis in this column is that I filed that bill largely because I did not agree with a vote last summer of the Federal Reserve open market committee, 7-3, in favor of Mr. Bernanke's policy. And it's true, I differed with those three. I agreed with the policy of the seven of the three, and I differed with the three. And here's what he says:

"Frank says he has 'long been troubled' from a 'theoretical democratic standpoint' by the 'anomaly' of important decisions affecting national economic policy being made by persons 'selected with absolutely no public scrutiny or confirmation.'"

That's absolutely right. I do think there is a shocking lack of respect for democracy when we are talking about fundamental powers given to people who are neither elected nor appointed and confirmed by other elected officials but are selected by a small, self-perpetuating group of people who want particular economic segments. I'm ready to debate that.

But here's what Mr. Will suggests, basically, that I was not really bothered by that. I notice that he is sort of denigrating my formulation here because what he says is, "It was not, however, until August that this affront to Frank's democratic sensibilities became so intolerable that he proposed a legislative remedy." Such snarkiness about democratic sensibilities that seem to be unbecoming to Mr. Will. But here's his fundamental point: That while I said I was troubled because we shouldn't be giving a self-selected group of private citizens of a particular economic interest governmental power, that that was sort of a cover, he's suggesting, because they didn't do anything about it until August when the vote had taken place.

There's one problem with that, Mr. Speaker. I did it in April, not August. The bill had been filed in April and I publicized it in April. It is true that in August I put out a statement noting that this 7-3 vote was an indication of what I thought was a result of having this undemocratic element. But Mr. Will's fundamental refutation of my position was that I wasn't really concerned about democracy and public participation or having a kind of guild socialism that I would have thought he would have been opposed to, of having the guild of bankers be the ones who set public policy for the banks. He said it wasn't until August that I did this, but I did it in April, and he was flatly wrong.

Now, he didn't know that I did it in April instead of August because he didn't talk to me. He didn't think it was necessary, given his lofty philosophical position, to do any fact check-

ing, and he was simply wrong. And he was not just wrong about it being April instead of August, which is not a minor error. It's fundamental.

By the way, I said "intellectual dishonesty." Let me explain what I meant by that.

I wrote a letter to The Washington Post pointing out that while April and August both start with "A," they are, in fact, several months apart, and it was kind of hard to argue that I did something in April because I knew what was going to be happening the following August. So he was simply wrong, and that was central to his argument.

Here was his acknowledgment of error. It's a correction note to a recent column, and he says, "In a recent column, I suggested that Representative BARNEY FRANK's legislation to reform the Federal Open Market Committee was introduced in August, when in fact it was introduced in April." He suggested it. Here's how he apparently suggests things.

Quote, It was not until August that he proposed a legislative remedy.

It's doesn't sound like he said I suggested. He said I said it. But even more important, the fact that it was April and not August was a central flaw in his argument. He doesn't acknowledge that in his, I think, intellectually dishonest correction. He says, oh, I suggested August when it was really April, as if that was kind of almost an incidental error. But it wasn't an incidental error. It was fundamental to his misreading of my motives.

What was also an inaccuracy was his beginning the column by saying, "Fond of diversity in everything but thought, a certain kind of liberal favors mandatory harmony (e.g., campus speech codes)."

In other words, he began, that's when he led to saying I did this in August because I was so upset about this vote, that that's the only reason I did it, not because of any concern about democratic input. He, here, is saying that this was an indication of me as one of those liberals who is opposed to free debate, and I'm for campus speech codes.

Well, in fact, you couldn't be more wrong on that one either. I've have been one of the Members of this House, I'm proud to say, most supportive of free speech. I have specifically opposed campus speech codes.

Again, this looks clearly as if this is just an example of the kind of mentality that leads meetings for campus speech codes. I have spoken against them. I have said that I do not think that the concept of hate speech is a reasonable one as far as the law is concerned. People can call it anything they want, hate speech, but, no, there shouldn't be any restrictions on it. There shouldn't be any laws against it.

I am very proud, along with my colleague from Texas Mr. PAUL and our departed colleague Mr. WU, we voted against legislation that would have prevented one of the great ranting

homophobes of our time, the Reverend Fred Phelps, from holding up vicious and obnoxious signs at the cemeteries of men and women killed in war as long as he did them so that he wasn't right in the cemetery grounds. We thought there was a free speech problem with this, and the Supreme Court agreed with us.

So Mr. Will is just again factually inaccurate and accusing me of being one of those people who is for stopping dissent. Once again, if he'd asked me about it, I would have told him, no, I have a record of opposing campus speech codes and that had nothing to do, disagreement with dissent had nothing to do with my position here.

And that leads me to his logical confusion. Those are his two great factual errors: his misdescription of me as being someone who is for campus speech codes and for curtailing speech, and his deciding that I did it in August when I did it in April, which invalidates his central thesis about my motive.

But even more shocking for me was this fundamental, logical confusion from Mr. Will, who, I had frankly expected better of in this context.

□ 1540

He conflates two very separate points. He says this is an example of my not supporting diversity of speech. I am totally for diversity of speech. This is not a case of free speech or diverse expression of opinions. This is a case of exercising government power.

I did not say that Federal regional presidents shouldn't be allowed to talk about Federal Reserve monetary policy or anything else. There was no restriction on their speech. The bill says that they shouldn't be given a vote on public policy.

I am frankly very surprised, as I said, that Mr. Will confuses the two and tries to denigrate my move to keep them from voting to make public policy as an example of being opposed to free speech. This is really quite surprising and an example, I think, of his just deciding he was going to use any argument that he could against it.

As a matter of fact, the Federal Reserve presidents are all invited to the meetings and can speak, even those who don't vote. And I'm all for that. And so this notion that this is somehow an example of liberal opposition of free speech, when I am someone who has a very good record on free speech, and when I am not in any way impinging on their right to speak, is a further disappointment.

Mr. Will clearly disagrees with the policies that Ben Bernanke is following. In the column, he suggests that my concern for protecting both sides of the Federal Reserve's mandate, unemployment and inflation, is misguided. He doesn't say that exactly, but he says, "The actual language of the mandate speaks of promoting 'maximum employment,' which is problematic: 'Maximum' means 'the highest attain-

able,' and this might depend on ignoring the other half of the mandate."

So he's sort of justifying people ignoring the employment mandate by saying the only way you can support it is to ignore the other half. That's not true. That's not supported by the record. That's not supported by logical analysis.

I'm prepared to debate with Mr. Will whether or not we should do what I think he really wants to do, which is go to a single mandate on inflation. A number of my conservative colleagues want to do that here and amend what we call the Humphrey-Hawkins Act, and do away with the Fed's concern about unemployment. I think that would be a great mistake.

I admire Mr. Bernanke because he has preached to us about the dangers of unemployment. He has pointed out that a decision to cut the budget very quickly right now rather than defer that for a later time in a 10-year period exacerbates the unemployment. He has called it a headwind for the economy. I welcome the fact that Mr. Bernanke, a George Bush appointee originally, has been so diligent in worrying both about inflation and about unemployment. And as Mr. Bernanke has pointed out, we have in fact been more successful in holding down inflation than in combating unemployment, and that I think is an appropriate thing. Again, I would be willing to debate that with Mr. Will.

But the tactics he uses of trying to denigrate my motives and falsely imputing to me an opposition of free speech, as I said is, I think, disappointing. I would have preferred to talk about this on the merits.

Mr. Will also is sneering in his reference to "cheap money." He talks about Mr. Bernanke's policy about "cheap money." That's, of course, one of these pejorative ways of talking about something that you disagree with. In fact, cheap money suggests that you are devaluing the currency. That hasn't been the case. I am prepared to debate, as I said, whether or not what Mr. Bernanke has done in quantitative easing has been good or bad. I think it has been good, and those who have been critical of it have been proven wrong factually. It hasn't cost the government money, and it hasn't led to inflation. But Mr. Will won't do that. It is, again, falsely setting up this notion in which I am an opponent of free speech, and that's why in August I decided to do this. I have been a great supporter of free speech. I did it in April and not August, and this isn't about free speech; this is about public policy.

And as I read the column in which Mr. Will wholly inadequately acknowledged his mistake by treating it as if it were almost a clerical error that he said August instead of April, I reread the column, and it struck me what a terrible inconsistency it is. This is a column in which he is attacking Elizabeth Warren. And he criticizes Ms. Warren on no basis factually once

again, and I don't think he has had much to do with her as I read this caricature of her, but he says in here: Many members of the liberal intelligentsia agree that other Americans comprise a malleable, hence vulnerable, herd. Therefore, the herd needs kindly, paternal supervision by a cohort of protective herders. And he says because such tutelary government must presume the public's incompetence, it owes minimal deference to people's preferences. This convenient theory licenses the enlightened vanguard, the political class, to exercise maximum discretion in wielding the powers of the regulatory state.

Mr. Speaker, he has just described the practice whereby bankers get to pick Federal Reserve presidents to vote on the open market committee. I don't know many people who believe that. That's Mr. Will's defense, in effect, and the point is this: he writes one column criticizing me, sneering in a way, at my objection to there being banker-selected votes on the open market committee on the grounds, among others, that this is, in my judgment, a violation of democratic norms. That's clearly not my real reason, and it's almost as if he understands why anyone would think that. In fact, here's Mr. Will, who on the one hand says these preferences are not really theirs. This convenient theory licenses the enlightened vanguard, the political class, to exercise maximum discretion. And it says that the public should not be able to do this.

So here's Mr. Will denigrating and attributing to liberals this notion that an enlightened vanguard ought to make the decisions as opposed to the public. That's what he says we think.

Here is Mr. Will in defense of the system by which it happens that I'm trying to change: Heavy representation of the economy's financial sector in the governance of the Central Bank does not seem bizarre. Oh, yeah, I think it is in the governance. In the discussion and the input of policy. So Mr. Will is critical of me because I did not think that the banks ought to be picking the people who vote on policy that is so central to the banks. That's his position when it comes to the Federal Reserve. But when he gets a chance to attack Elizabeth Warren unfairly, he takes exactly the opposite position. On the one hand, he is defending a kind of corporatist—I said the socialist, but it is kind of a corporatist position that, as he says, means "heavy representation of the economy's financial sector in the governance of the Central Bank"—he's for that, as opposed to my view that nobody should be voting on monetary policy who hasn't either been elected or appointed by people who are elected, preferably as I propose, not those directly elected, but with 14-year terms so you get the independents.

So I'm for a system in which, if you're going to vote on monetary policy, and if you're going to regulate the

banking system, you have this ultimate democratic input. He says no, let's have heavy representation of the economy's financial sector in the governance of the Central Bank. But then when it comes to, I don't know, consumer protection, he is accusing liberals of being the ones who are against the preferences of the public. He says, we, the liberals, believe that we owe minimal deference to people's preferences and instead governance should be from an enlightened vanguard. Well, the enlightened vanguard, in the case of the Federal Reserve, are the bankers.

So to make his particular substantive conservative point, Mr. Will is very flexible in his argument. I wish he would have simply said this: that he does not think—because I think this is what he believes, it sort of comes out here—that he doesn't think we should have the Federal Reserve equally concerned with employment and inflation. A number of conservatives think that. I think that's wrong. I think Ben Bernanke has been very helpful in doing both. I think that's been shown. The argument is that if you worry about employment, you'll sacrifice anti-inflation. In fact, it's the other way around. It's not a sacrifice, but we've been more successful in fighting inflation than with regard to employment. But that's a debatable issue.

Whether or not, given even in monetary policy you should have quantitative easing, whether in a time of severe economic slowdown the monetary policy ought to be eased, Mr. Will thinks that's "cheap money," and he sides with the three Federal Reserve presidents, apparently, who inaccurately predicted it would be inflationary. Again, those are legitimate policy decisions, but that's not what Mr. Will has done.

He has, just to summarize, inaccurately described my position as that of a liberal who is against free speech. I'm not. I have a record of which I am proud in defending free speech.

□ 1550

Free speech means, by the way, you defend the right of obnoxious people to say hateful things. Because if you're not an obnoxious person and say hateful things in this country, you don't try to shut them up. I do believe that free speech means that people should be able to do that. People should be able to say offensive things. And I've got a record of supporting it.

But he claims that it's because I don't like dissent in the sense of free speech that in August, after a certain number of votes on the Federal Open Market Committee, I introduced my bill. So he's wrong about my views on free speech. He's wrong. I did it in April instead of August. And he was forced to acknowledge that—it was such a blatant factual error—not by saying, oh, I made a mistake by making this assumption of his motives because I thought he did it in August, but

simply throwing it off as if it was kind of a clerical error.

Then, in the whole article he confuses free speech with government policymaking power. I am very much in favor of free speech. Everyone has a right in this country to unrestrained speech. Everyone does not have a right to exercise governmental power. To me, governmental power should be rooted in the democratic system.

Mr. Will disagrees with that with regard to the Federal Reserve because he wants bankers—he thinks it's fine for bankers to have that great role in government; but when he comes to attacking the liberalism in general, he suddenly reverts to the opposite position and he denigrates those who aren't ready to respect the people's preferences and is critical of those who want an enlightened vanguard to go forward.

I should add that he's not the only defender there who, sadly, to me, won't stand with legitimate arguments. There is a former Federal Reserve Governor Frederic Mishkin, who was very critical of my position that the regional president of the Federal Reserve ought to be able to speak on policy but not vote on it. What he says is, among other things, that this will cause a loss of prestige for the Federal Reserve system and you won't get good people to be there.

I am shocked at Mr. Mishkin's denigration of people in the Federal Reserve. He describes being the president of a regional Federal Reserve bank is a very important job with significant regulatory power, none of which I would diminish.

Then he says because they couldn't vote every couple of years on the Open Market Committee, it wouldn't have enough prestige for him to serve. He cheapens them, it seems to me. He also claims that I'm trying to undermine independence and subject them to short-term considerations.

I want to stress again, the people in whose hands I would leave monetary policy are appointed by a President, confirmed by the Senate—hardly an easy process, as we know, these days—and then appointed for a 14-year term. So these are not people who are subject to short-term whims. Of course, a 14-year term goes over three Presidential terms.

We then have Mr. Fisher, one of the regional presidents, who in a particularly arrogant way, here's what he has to say. We are being attacked—we, the Federal Reserve—from the right and from the left, and I don't see much difference between a certain Congressman from Texas named RON PAUL and a certain Congressman from Massachusetts named BARNEY FRANK.

Well, the whole language, he doesn't see any difference between myself and RON PAUL.

Mr. PAUL and I worked together on a number of things. We both think we are way overextended militarily, that we should be bringing the troops home

from Afghanistan and Iraq. We both opposed restrictions on free speech and we think that people ought to be gambling with their own money on the Internet. But we disagree fundamentally on economic policy. We disagree on the Federal Reserve. I have been in favor of quantitative easing. Mr. PAUL has been against it. Those are legitimate issues for debate.

But you get this smearing, a certain Congressman here and a certain Congressman there, and he doesn't see any difference. If this man really can't see any difference between the positions of myself and RON PAUL on economic matters, then he's hardly competent to be doing anything, much less voting on Open Market Committee policy.

Once again, what we get is a refusal to debate the merits. And there are debates to be had. Should we have an equal concern at the Federal Reserve with unemployment and with inflation? I think we should. Has the policy of Mr. Bernanke, supported by many others from appointees of both Presidents and some Federal Reserve regional presidents, to increase the money supply in the face of this terrible slowdown that we've been dealing with, has that been a good thing or a bad thing? I think it's been a good thing. That's debatable. But they won't debate it.

Instead, we get this collection of illogic, of inconsistency, and of factual error rallying around the notion of the Federal Reserve system as being unsailable. Well, too many people made that mistake when Mr. Greenspan was in charge, and we should not be making it again.

Mr. Speaker, I will continue to press forward. And I hope on the part of those on the other side we can now debate whether or not it's appropriate in a democracy for us to do as Mr. Will proposes and to give the financial community such an important role in the governance of their own industry or whether we should go for a more appropriately democratic one; whether Mr. Bernanke's policy has been good for the economy in terms of quantitative easing; and whether or not we should abolish the mandate of the Federal Reserve to care equally about unemployment and inflation. I look forward to debate those, but I hope in better terms.

THE SELECTION OF VOTING MEMBERS TO SERVE ON THE  
FEDERAL OPEN MARKET COMMITTEE

CONGRESSMAN BARNEY FRANK, SEPTEMBER 12, 2011

I have long been troubled by the anomaly of having officials—selected with absolutely no public scrutiny or confirmation—voting on some of the most important decisions the federal government makes. Therefore, I introduced H.R. 1512, which eliminates the role of the Federal Reserve's regional presidents as voting members of the Federal Open Market Committee. The Federal Reserve (Fed) regional presidents, 5 of whom vote at all times on the Federal Open Market Committee, are neither elected nor appointed by officials who are themselves elected. Instead, they are part of a self-perpetuating group of private citizens

who select each other and who are treated as equals in setting federal monetary policy with officials appointed by the President and confirmed by the Senate.

For some time this has troubled me from a theoretical democratic standpoint. But several years ago it became clear that their voting presence on the FOMC was not simply an imperfection in our model of government based on public accountability, but was almost certainly a factor, influencing in a systematic way the decisions of the Federal Reserve. In particular, it seems highly likely to me that their voting presence on the Committee has the effect of skewing policy to one side of the Fed's dual mandate—specifically that they were a factor moving the Fed to pay more attention to combating inflation than to the equally important, and required by law, policy of promoting employment.

In 2009, I asked staff of the Financial Services Committee to prepare an analysis of FOMC voting patterns. It confirmed two points. First, the great majority of dissents, 90 percent—from FOMC policy before 2010—came from the regional presidents. Second, the overwhelming majority of those dissents were in the direction of higher interest rates. In fact, vote data confirmed that 97 percent of hawkish dissents came from the regional bank presidents and 80 percent of all dissenting votes in the FOMC over the past decade were from a hawkish stance.

When I raised my objection to the inclusion of the regional presidents as voting members, I was given two responses by defenders of the current system. Alan Greenspan argued that it was important to have first-rate people agree to be regional bank presidents and that giving them votes on the FOMC was an important inducement to getting them to accept that position. Secondly, others argued that it would be wrong to have only Federal Reserve governors based in Washington voting on these things and that there needed to be a diversity of views from other parts of the country.

The first of these does not seem to me to have much weight. Being the regional bank president is an important and prestigious job, and I simply do not believe that we could not find people willing and able to carry out its responsibilities if they were not rewarded with a vote on a central matter of economic policy. As to the second argument, for diversity, it needs to be analyzed further.

It is true that having the regional presidents' vote provides geographic diversity but it provides far less diversity in every other way than presidential appointments. In particular, the notion—which I did hear in opposition to my legislation—that the Federal Reserve Bank presidents are representative of various segments of our economy is flatly wrong. The presidents are, of course, selected by the board members of the regional banks, a majority of whom are selected by member banks, making this a wholly self-perpetuating operation.

So the important question then is "Who are the directors of the regional banks?" Do they ensure a degree of diversity in the decision making of the FOMC? The answer is "No." Not surprisingly, given all the factors involved, the members of the board of directors are overwhelmingly representative of business, and particularly financial industry representatives. That is, not only are the regional presidents appointed and reappointed by people, a

majority of whom are elected by the member banks of each regional bank, they are not in any way representative of the American economy. They in fact, represent the very particular segment that elected them. Of the 5 regional presidents who are currently voting members of the FOMC, all of them were selected by boards where representatives of private and financial institutions account for the majority of board members.

Until recently, the tenor of Federal Reserve deliberations was one that promoted consensus. And while it is clear from the voting patterns that the regional bank presidents exercise some influence in the direction of focusing concern more on inflation than unemployment, it is very unlikely that was a significant factor until recently. But things have changed. In particular, the Federal Reserve has been affected by the disdain for consensus and the contentiousness that has affected our politics in general. It is also the case that the Federal Reserve has been, for a variety of reasons, thrust more centrally into policy making than it had been previously. First with the events of 2008 and thereafter in dealing with the financial crisis, and since then in being forced to bear the lion's share of federal economic policy making in the light of stalemate on the fiscal side.

What all this means is that the voting presence of the regional presidents on the FOMC has now become a significant constraint on national economic policy making. The 7-3 vote of the FOMC in August in favor of keeping interest rates low is stark evidence of how much of a constraint this is. Obviously it is not a matter of pulling a switch and achieving a guaranteed physical result. How people in the financial community react to the decisions has a major effect, and a 7-3 decision is clearly less effective in influencing other's decisions—which is the way in which the decisions are executed—than a 10-0 vote.

Those who are critical of the Federal Reserve for not doing more—and I have been one of them—should take this into account and make sure that their criticisms are not of Ben Bernanke, who in my view has been trying hard to deal with the situation responsibly, but rather of a structure over which he presides and where he confronts people appointed by business interests who do not share the commitment to equal consideration of the full employment section of the Federal Reserve's dual mandate.

It is not at all surprising that those appointed by Presidents—Republican or Democratic—are more supportive of taking action to focus equally on both mandates, than are those who come from the collection of business interests who appoint the regional presidents. And the proof of that is that the record of greater dissents coming from the regional presidents than from governors is equally the case whether the governors were appointed by Democratic or Republican presidents.

Finally, one other factor of our current degraded political atmosphere exacerbates this. That is the refusal of the Republicans in the Senate to do their constitutional duty and treat the confirmation process as it is supposed to be treated—namely by looking at the merits of each individual nominee. The influence of the regional bank presidents is obviously great when there are seven governors and five presidents voting on the FOMC. In the current situation, we have an equal vote between the

presidents and the governors and that greatly adds not simply to the influence that presidents have, but to their ability to effectively constrain or veto items such as further use of unconventional tools to promote growth.

I have finally taken into account the argument that some diversity from a geographic standpoint would be a good thing, as would diversity from an occupational or institutional point of view. Just as I think it is helpful that Members of Congress commute between Washington where we talk mostly to each other and our districts where we talk to everybody else, I believe following the British model of having voting members of the Committee setting interest rates from outside the capital is a good idea. Soon I will be submitting a new version of the bill in which the President will be required to appoint seven governors subject to Senate confirmation as today, but also to appoint four representatives from regions outside of Washington to come to Washington for FOMC meetings and vote, also subject to Senate confirmation, but not otherwise employed by the Federal Reserve system. This will ensure important policy makers are either elected or appointed by elected officials, and give geographic and occupational diversity to the views that shape the decisions that are made.

#### THE BARRIO BOYS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. REYES) is recognized for 30 minutes.

Mr. REYES. I would like to pay tribute to a group of young men that won the 1949 baseball championship in Texas and overcame many, many obstacles and overcame the odds that at the time existed. When I read their story, you will appreciate their accomplishment.

This is from a story written by Alexander Wolff from Sports Illustrated that appeared in the June 27, 2011, edition. It's entitled, "The Barrio Boys."

In 1949, El Paso's Bowie Bears, a team of poor Hispanic players who were too unworldly to be intimidated by their more affluent Anglo opponents, came from nowhere to win Texas' first high school baseball championship.

You'd saw off a broomstick for a bat. For a ball, you'd beg spools of thread from the textile plant, enough wrap to create a wad that you could seal with carpenter's tape. You'd go back to the factory for cloth remnants to sew together for a glove, which you'd stuff with cotton you picked at the ranch on the fringe of the barrio. That's what you did as a kid of Mexican blood in El Paso during the 1940s to play the game that, more than anything else, the traditional American game which would make you an American—baseball.

But to become a champion at that game, to beat all Anglo comers in a world that belonged to them, how could you possibly do that?

Borders are shape-shifting things—sometimes barriers, sometimes membranes, sometimes overlooks from



which one people take the measure of another. If you were to transport yourself to the El Paso of 1949 and take up a position as far south as possible by the north shore of the Rio Grande, in a nether land not wholly of the U.S. but not of Mexico either, you'd be a cutoff throw from Bowie High School, the only public secondary school in the U.S. then dedicated to educating Mexican Americans.

The people of south and east El Paso dealt every day with two kinds of borders. The geographical one at their backs reminded them of their Mesoamerican heritage. The aspirational border just to the north, which was an east-west highway through downtown, was a tantalizing gateway to their country of choice.

Andy Morales, a member of the 1949 Bowie High School baseball team, used to walk the eight blocks from his home up to Alameda Avenue, which was the local stretch of U.S. Highway 80, the artery that ran from San Diego, California, to the Georgia coast. Beyond the avenue lay the Anglos' turf, where a Mexican American would think twice before entering that space. Instead, they focused on the road. My friends and I, we'd compete counting out-of-State license plates on Alameda Avenue. Morales, says: I set the record one Saturday, counting 39 in a 2-hour period. Plate-spotting gave Morales and his buddies a chance to glimpse the energy of a country ready to burst after the end of World War II, a place where they gradually came to believe they belonged.

They would owe the awakening in large part to the game they loved. Bowie High School didn't field a baseball team until 1946, when a wiry, energetic man of not quite 5 feet, 6 inches tall arrived from San Antonio. He started the first team. Three years later, the Bowie team included: Morales, the wisecracking second baseman who never took a book home from school because there simply wasn't enough light to read in his home; Javier "Lefty" Holguin, the pitcher with a knuckleball that was so crazy that nobody would play catch with him; Jose "Rocky" Galarza, the smoky-eyed third baseman to whom Bowie coeds dedicated yearbook pages; and Ramon Camarillo, the catcher whose hunches came to him in his dreams.

□ 1600

Despite the poverty that made them scrounge for equipment and wonder if they'd ever have enough food to eat, and despite discrimination that subjected them to stinging slurs and other indignities from Anglos, these boys and the other 11 players on the 1949 Bowie Bears would win the first Texas high school baseball tournament ever staged.

Bowie High sat in El Paso's Second Ward, or Segundo Barrio, which was home to the city's leach field and sewage treatment plant. A smelting oper-

ation, stockyards, and a meatpacking company further fouled the air. Nowhere in the U.S. did more babies die of diarrhea. The barrio had no paved streets, much less sidewalks, streetlights, or parks, and 50,000 people packed themselves into less than 1 square mile in this part of El Paso. This is about twice the population density of New York City.

Those not living in adobe hovels were warehoused in presidios like the ones in which Camarillo and Bowie first baseman Tony Lara grew up in, where as many as 175 families—at least 700 people—were shoehorned into a single block of two-story tenement buildings with one communal cold-water commode serving each row of two-room apartments. Compared with Anglo El Paso, the Second Ward was, as Camarillo would say, "like another country."

One might have expected Bowie's '49ers to be cowed by their more affluent, better equipped Anglo opponents, but, Lara says, "We were so dumb, we didn't know how to be intimidated." This obliviousness was carefully calculated. Bowie's baseball coach made sure his players didn't wallow in want and ethnic victimization, diverting them instead with such requirements as daily classroom attendance, executing the hit-and-run, and mastering the nuances of English by speaking nothing else around him.

"With Nemo, there were no heroes," says Gus Sambrano, a shortstop on the 1949 team. "He was the leader. His message was, 'You have leadership; follow.' We were the followers."

William Carson "Nemo" Herrera was a fronterizo, a child of the borderland like his players, and he probably knew them better than their parents did. He was born in Brownsville, Texas, in 1900. His father, Rodolfo, had immigrated after losing his landholdings in the political unrest that would lead to the Mexican Revolution. And his mother, Carolina, had roots in the Canary Islands. The family moved to San Antonio when Nemo was 7, and by the age of 13, he had become the bat boy of the San Antonio Broncos of the Texas league. He steeped himself in the game. His speed and tenacity served him well in basketball as well as baseball while he attended Brackenridge High School. He would excel at both sports at Southwestern University in Georgetown and play semipro baseball during summers.

After graduating, he became the head basketball coach and assistant football coach at Beaumont, Texas High School. For a year, he worked as the coach before joining Gulf Oil's subsidiary in Tampico, Mexico. There, he progressed from pipeline work to payroll department while playing second base on the company team.

In July of 1927, during his fourth year in Tampico, Herrera was spiked during an industrial league game and wound up in the town's American hospital. Within a month, he had married the head nurse on the floor, Mary Leona

Hatch, an Anglo who had been orphaned as a girl near Opelousas, Louisiana. A year later, Herrera took a job as baseball and basketball coach at Lanier High School in San Antonio's west side barrio, where he would spend 18 years, including all of the Depression.

His basketball teams rarely had much size, so much so that he introduced what later generations would recognize as a full-court press. "Only we called it a man-to-man, all-over-the-court defense," one player would say later.

Herrera would say five times his teams reached the State final four, winning titles in 1943 and 1945. He acquired enough of a reputation for Texas A&M to offer him its basketball coaching job. However, he turned it down for the stability of public school work. And in 1946, Bowie High School came calling, offering a better salary and the benefits of a desert climate, which Mary Leona, who suffered from hay fever, and Bill, one of their two sons who also had asthma, benefited from.

Herrera's new high school belied the squalor of the Segundo barrio. When the city expanded the school in 1941 onto what had once been a slag heap, a complex of athletic fields girdled by cottonwoods and elms bloomed in the floodplain of the Rio Grande. Signs throughout the school warned students to speak only English, and special pronunciation classes walked them through phonemes and diphthongs. "I once asked the girl sitting in front of me for a piece of paper in Spanish," Sabrano recalls. "I got suspended, and my mom and dad said that was the first and last time that you will be guilty of speaking Spanish."

La Bowie, as it was called, was a temple of assimilation. When President Franklin D. Roosevelt federalized the all-Hispanic Company E of the Texas National Guard's 141st Infantry Regiment late in 1940, half of the soldiers had been Bowie Bears. Forty former Bowie students gave their lives during World War II, most of them as members of Company E, whose ranks were steadily thinned through the Italian campaign, from Salerno to San Pietro to the slaughter at the Rapido River, where over 2 days in January of 1944 German soldiers killed, wounded, or captured virtually every GI not swept to his death by the current.

At the outset of the 1948-1949 school year, Bowie dedicated a memorial to its fallen 40 and an ROTC color guard concluded each day with a retreat ceremony, lowering the flag that flew above the school.

Herrera worked to make baseball one of Bowie's tools of Americanization. He set up a summer league in the barrio and placed kids on American Legion and commercially sponsored teams. Then he bird-dogged the games, nudging prospects he liked to go out for the Bowie varsity the following spring. A decade later, after *Brown v. Board of Education* forced El Paso to close all-black Douglas High School, Herrera enticed a bilingual African American kid

from the south side to enroll at Bowie. This was the future NCAA-champion basketball coach Nolan Richardson, who would also be a star for Nemo in hoops as well as in baseball.

El Paso was a military town, much as it is today, and eventually Nemo took his guys to play teams at Fort Bliss and Biggs Field, where they often outperformed their older, bigger, and stronger hosts. "We went out there on the field against those base teams not knowing any better," says Morales, attributing many of Bowie's boys' victories to Herrera's enforced obliviousness. Always the Bears ate at the mess. And Morales remembers fondly, "Those were the only days we'd get three square meals."

The school newspaper, *The Growler*, could have taken its name from the sound in a Bowie student's stomach. Mary Leona Herrera would send her husband off to work each day with extra sandwiches and burritos, which he left in plain sight so they could be "stolen" by his famished boys. As their stomachs filled up, so did their heads. Molding his baseball team in the image of basketball squads, Herrera played small ball before it, too, had a name. "We used to work on some plays for hours and hours," says Morales. "We won games on details, not because we hit the ball out of the park."

Herrera spent Saturday mornings chasing down truants. He'd say to me, "I'm gonna kick their butts if they're not back in school on Monday," remembers Bill Herrera, who today is 77, and who would accompany his dad on those rounds. But back at Bowie, Nemo would just as doggedly plead the cases of those same kids to Principal Frank Pollitt.

The coach treated his baseball diamond like a drawing room carpet, picking stray pebbles off the infield. And he encouraged teasing for its democratizing effect. One day, first baseman Lorenzo Martinez showed up at practice with a new glove which he had bought across the river in Juarez. "It smelled like a dead salmon," Morales recalls. "Nemo said, 'You paid for that?' The madder Martinez got, the more Nemo encouraged us to razz him because that made him a better player."

□ 1610

"Nemo had a wide nose with huge nostrils, and when he got mad, he looked liked a raging bull. We used to joke that we should all get toreador capes." One day, as a few of the Bowie Bears nursed beers in a Juarez cantina, Herrera walked in. They literally, and figuratively reached for their capes. Nemo, in typical fashion, said, "I'll tell you the truth boys; I'd rather see you guys drink beer than soda pop. Soda pop will ruin your health."

If a Bear took only one thing from his coach it was a credo that became an incantation, and it read, "It's not who you are or where you come from," Nemo would say, "it's who you be-

come." The last of those words synched with the striving of the postwar generation, with the American Dream, with all those cars whizzing east and west on Highway 80.

By the spring of 1949, the new coach's spadework had begun to pay off. A San Antonio sportswriter noted "the wonderful spirit" of the Bowie baseball team, "the way the pitchers bear down, the sharp fielding and baserunning reminiscent of the old St. Louis Gas-house Gang."

The Aztec, which was the Bowie yearbook, had already gone to press by the time the Bowie Bears edged El Paso High, which was the Anglo school on the North Side. There they won the district title. So beneath a team photo the editors of the Aztec had written, "Good luck to you, team, and when these Aztecs reach you, may you have lived up to those early-season forecasts."

When the Bears reached Lamesa, Texas, for the best-of-three bi-district playoffs against Lamesa High School, their appearance on the sidewalks caused gawkers to pour out of storefronts. "You'd think that the circus had come to town," Sambrano recalls. Some people made cracks like, "Why don't you speak English?" And "Remember the Alamo," while others called the players "hot tamales" and "greasy Mexicans."

Herrera found a restaurant that would serve the team, but not in its largely empty dining room. Tables and chairs were hastily set up in the kitchen. The Bears' coach rarely brought up the discrimination that his boys faced, for fear they might be tempted to use it as an excuse. Herrera regarded prejudice as the problem of the prejudiced, Sambrano says, best met with an even temper and devotion to the task at hand.

Bowie's Ruben Porras three-hit Lamesa to win the series opener 9-1. The next day, Trini Guillen scattered five hits in an 8-0 shutout that clinched the bi-district title. "Those guys were big," Sambrano remembers, "but we had what they didn't: speed." Against the Golden Tornados, the El Paso Herald-Post reported the Bears "made a race track out of the diamond." In the first inning of each game, Bowie scored a run on a lone hit and either an error or a walk. By sweeping Lamesa, Bowie earned a trip to Austin for the single elimination quarterfinals of the state tournament. "If memory serves me right," Lara recalls today, "there were eight teams and we were rated 10th to win it all." Large odds by anybody's calculation.

Racial segregation still prevailed in Texas during the 1940s, but Mexican Americans confounded the easy dichotomies of black and white. In Lubbock, where the team made a rest stop on the way to Austin, a sign in one window read No Dogs or Mexicans. "I remember seeing two drinking fountains, one marked Colored and the other marked White," Morales says.

"Me being brown, I didn't know which was for me. So I asked a husky Anglo guy which one I was supposed to use." Morales took the man's reply ("I don't give a s—") as permission to use the white one.

In Austin, while most of the other visiting teams stayed in hotels, the Bowie Bears had to sleep on Army cots that were set up beneath the stands of Memorial Stadium, the football field on the Texas campus, and they had to make the long slog across the field to the Longhorns' field house to use the bathroom. But to Herrera's naive boys, the unusual accommodations only heightened their adventure. They lined the cots up like hurdles and ran races. When Hispanic businesses and social organizations back home sent telegrams of support, the Bears delighted in seeing the spectacle of a Western Union messenger driving his motorcycle up the stadium ramp for deliveries.

One day, four players ventured downtown to see a movie, and they were bewildered when they were told, "Mexican have to sit upstairs." So what did they do? They waited for the usher to turn the corner, and then they scrambled into the seats of the orchestra in the dark. They recalled that they watched *The Streets of Laredo* with William Holden.

Facing Stephenville High in the quarterfinals, Bowie made another display of first-inning resourcefulness, scoring three runs on two hits. The press had expected Herrera to start his ace, Guillen, who was 7-0 for the season. One reporter wondered why the Bowie coach, instead, gambled with his number two pitcher.

In typical Herrera fashion, he said, "Number one, number two, who can tell?" leaving unsaid that Guillen had just spent 4 days in the hospital with strep throat. Porras, "the dark-skinned right hander," as the American-Statesman described him, struck out six, while limiting Stephenville to two hits in the 5-1 victory.

The wisdom of using his ace sparingly became clear the next day in the semifinals against Waco High School. The game lasted three hours. Guillen held up until the fourth, when Waco touched him for two runs. And that's when Herrera brought in Porras as relief.

With the score tied at two in the sixth, Rodriguez stole third, then sprinted home on a long fly ball. "I would have scored easily tagging up and that would have won us the game," Rodriguez remembers. "But me, like a dummy, forgot that there was only one out. The ball was caught and I got doubled up. Nemo almost strangled me, he was so mad." He always reminded us, "Keep your head in the game. Pay attention to details."

The score remained tied at two until the 10th, when Waco loaded the bases with nobody out. Suddenly, Herrera yelled in Spanish, "Watch the guy on third. He's gonna steal." Camarillo

called for a pitchout, and they picked the runner off. It was the only time that any '49er of the Bowie Bears can remember Herrera addressing his players in Spanish. Camarillo then cut down another runner trying to advance to third, and during the rundown, the next batter was caught trying to steal second.

In the following inning, Bowie center fielder Fernie Gomez, his back to home plate, preserved the tie by running down a long drive with a catch that his teammates would recognize later as Willie Mays' famous World Series play 5 years later.

But in the top of the 12th, Waco took a 3-2 lead on a double and Morales' two-base error. That might have doomed the Bowie Bears had Morales not delivered a reversal of fortune in the bottom of that inning. With Bears on second and third, Morales hit a grounder that eluded the Waco second baseman to tie the game. Then the fates squared accounts with Rodriguez, too: His quailing single dropped into short center field to send Gomez home for the game-winner.

Neither of El Paso's daily newspapers sent a reporter to the tournament, so people back home followed Bowie's progress through the collect calls that Herrera placed to the local radio station, KTSM. His boys, Herrera said in his call after the Waco game, "just don't know when to quit. They're eating well and hitting that ball, and that wins ball games." Surely it's one of the few times that a coach has ever credited a victory to eating well.

In the final, Austin's Stephen F. Austin, had the tournament's number one seed. They enjoyed more than a home field advantage. The Maroons, as they were called, hadn't lost to a single high school all season, even beating the Longhorns' freshman team. They had swept Robstown in their bi-district series by a combined score of 36-1, and in the semifinals eliminated Denison 12-0. The Boston Braves would soon sign the Maroons' ace, right hander Jack Brinkley, to a \$65,000 bonus. Brinkley had allowed only one hit in his quarter-final start, a 2-0 win over Lubbock.

In the final, Herrera intended to counter Brinkley by pitching Guillen, but before game time he asked his catcher, Camarillo, for his thoughts. Camarillo nominated Lefty Holguin, arguing that the knuckleballer would keep the Maroons off balance. Camarillo later confessed that he volunteered Holguin because he had dreamed that the Bears could win the title with him on the mound.

□ 1620

Herrera agreed—Guillen could still barely speak—and Perras had pitched 15 innings in 2 days—with the proviso that Holguin would get the hook if he became wild. "When you've got just one left," Herrera would say later, "that's who you pitch."

During Austin's half of the first inning, each Maroons hitter returned to

the dugout with the same verdict: Holguin was "just a good batting-practice pitcher," as one told his coach, according to the Austin American-Statesmen. They always said, "we'll get him next inning."

The next inning came, and the next, and the next, yet Austin couldn't muster a hit off Holguin. Meanwhile, Bowie seized a 1-0 lead in the usual fashion, jumping on a couple of first-inning errors. But after Holguin walked two Maroons in the fourth, Herrera was true to his word, lifting Lefty for Guillen. In the sixth inning, Bears right fielder Ernesto Guzman tripled, and two infield errors on a grounder by Lara allowed both Bears to cross, putting Bowie up 3-0.

In the last inning, Austin finally kindled to life. Brinkley, the pitcher, led off with a single hit and advanced to second on a walk. Guillen struck out the next man, but Brinkley scored after Galarza misplayed a slow roller, leaving runners on second and third. The next Austin hitter sent a single to right to knock in a second run, and as the Maroons' third base coach waved the tying run home, the favorites looked like they were going to seize their chance.

That's when all of Bowie's preparation—the harping on details, the numbing repetition, the many games against the military-base teams around El Paso—paid its biggest dividend. From right, Guzman sent the ball on a line. Morales, the cutoff man, let it go through to Camarillo, who fixed a tag on the Maroons' base runner for the second out.

On the play at the plate, another Maroon, also representing the tying run, made his way to second base. An infield hit edged him to third, whereupon the next Austin hitter slapped a sharp ground ball.

At least some of the 2,700 fans there that night must have wondered what the Bowie shortstop was thinking, dropping to one knee. He simply explained, "I was ready to block it, just in case," Rodriguez says. "I said, 'This damn ball's not going through me.'" He caught the ball cleanly, stood up and whipped it across the diamond. Cradled safely in Lara's borrowed glove, the ball made the urchins of El Paso lords of all of Texas.

True to form, there was no celebration when it was over, Morales recalls. "We took it as part of how Nemo raised us. We just picked up our belongings and walked out of there."

The Bowie players don't recall ever shaking hands with their opponents. Their opponents simply walked away from them. And though the Bears received a trophy—"I mean, it must be about 3 feet high," Herrera marveled in his collect call that night—there was no formal presentation or other official act recognizing Bowie for having won Texas' inaugural baseball championship. The Bears had scratched out nothing but unearned runs to win the final, and to a typical Texan of that

time, it must have seemed that an alien team had seized the title by alien means. The Austin American-Statesman reacted as if Pancho Villa had just led a raid over the border: "Amigo, the Bowie Bears have come and gone. And they have taken with them the State baseball championship. They took it Wednesday night through a weird assortment of hits, errors, jinxes and other sundry items which ultimately meant Bowie 3, Austin 2."

After the Bears had packed up for the ride home, much to their surprise, a few rocks hit their bus. "There were two cops there who didn't do anything," Rodriguez recalls. When a restaurant near Fort Stockton, which was 240 miles away from home, wouldn't serve the Bowie party, Herrera ferried food from the restaurant to the bus.

Around noon the following day, as the team rumbled along Highway 90 over the El Paso County line, a sheriff's deputy on a motorcycle flashed his lights to pull the bus over. One player wondered if they'd hit somebody. When the officer stepped aboard, it was to inform the driver and the students that Bowie students were affixing a State champ's banner to the side of the bus and that he'd be providing a police escort to the terminal. "As the bus approached downtown, there were people lining both sides of the street," Latta recalls. Remarkably, "a lot of Anglos were cheering for us as well."

Later, the minor league team El Paso Texans threw a Bowie Night that weekend, and the Bears were feted with several banquets the following week. "We can't give them anything," one city official told the local paper, "but we can sure feed them."

Still, the Bears sensed that even in their hometown, they were given a second-class celebration. Instead of the mayor meeting them at the bus station, as had been announced, an alderman did the honors. "At the depot, some guy came up to Nemo and gave him a box with a shirt in it," Morales remembers. "When El Paso's Austin High won the district in football, their coach got a brand new car."

None of the players stopped by the terminal's baggage room to claim luggage. "We all carried paper bags with our stuff off the bus," Morales says. "I walked a mile, hopped the streetcar, then walked the eight blocks home."

The night before the team had left for Austin, students in a Bowie home economics class stayed up late preparing hard-boiled eggs for the players to eat on the trip. The Bears had won, one of those coeds would say at a Bowie reunion years later, "porque jugaron con huevos." Because they played with eggs—that is, with balls.

Sixty years would pass before another team from El Paso County claimed a state baseball title. In 2009, Socorro High, a school with a Hispanic enrollment of more than 95 percent, ventured to the Austin suburb of Round Rock to beat Austin Westlake and Lufkin for the Class 5A crown. Early in the semifinal a knot of Westlake supporters unfurled a Confederate flag, chanted "We speak English!" and waved their ID's. "If we can have something like that

in our day and age," says Jesus Chavez, Bowie's current principal and a former Socorro administrator, "I can't even imagine what they went through in 1949."

A month after their victory the Socorro players visited Bowie to present championship rings—not awarded in 1949—to the eight surviving Bears. A new Bowie High sits on an old melon field that in '49 was part of Mexico but in 1963 passed into the U.S. as part of the Chamizal Settlement between the two countries.

If the borderland remains its protean self, in one respect it's as hard as a barrier can be: While Juárez becomes an ever more Hobbesian hell of drug violence, in which more than 8,000 people have been murdered over the past three years, El Paso remains virtually immune. Bowie nonetheless serves the second-poorest zip code in the U.S. The annual median income in the Segundo Barrio languishes below \$20,000, and 68.8 percent of the children in Bowie's catchment area are considered at risk. Chavez says, "This school is about facing adversity, moving forward and beating the odds."

The 1949 Bears and their young counterparts from Socorro gathered near the commemorative display in Bowie's Fine Arts Building, where a visitor can punch up audio of Nemo Herrera's collect calls back to KTSM Radio. The 400 people on hand included Peter Contreras, assistant athletic director of the state's University Interscholastic League, the high school sanctioning body that hadn't seen fit to properly lodge or honor the Bears 60 years earlier. That Contreras is Hispanic is only one of uncountable examples of how times have changed. As for the old slights, the '49ers were "always very restrained how they responded," says Reyes Mata, the South Side native who helped organize the event. "They always maintained their dignity."

What did they become, Nemo Herrera's barrio boys from El Paso and San Antonio? Judges and produce barons and big-city postmasters. Mechanics and firefighters and civil servants. Opticians and claims adjusters and veterans, many of them decorated. An out-sized number chose Nemoesque professions: teaching, educational administration, coaching.

Rocky Galarza, the old third baseman, put an open-air boxing ring behind his South Side tavern. He plucked kids off the streets, and if the streets pulled them back, as they briefly did eventual WBF lightweight champ Juan (Ernie) Lazcano, Galarza would simply wait until they returned, wiser, to the sanctuary of his ring. The best ones ultimately made their way to L.A. or Dallas or Houston, where someone else cashed in on them; Galarza, in cowboy boots and jeans, his black hair flowing as he worked a guy out, simply turned to the next kid to save. One night in 1997 one of Galarza's barmaids shot and killed him in his sleep. Seven years later, on the eve of a title fight in Las Vegas, Lazcano told Bill Knight of the El Paso Times, "Sometimes, when I'm asleep, I still see him, still hear him. He's telling me, 'Come on, Champ, don't give up. Feint. Don't just stand there. Move your feet.' It's nice to know, isn't it, that if you do something special for people the way Rocky did, that you live on through them?"

Andy Morales, the license-plate-spotting second baseman, also "went Nemo," as the old Bears put it. After winning a football scholarship to New Mexico and serving in Korea

with the Navy, he became baseball coach at El Paso's Austin High. There, in the early '70s, he taught the game to an Anglo kid named Chris Forbes, who grew up to coach Socorro to that 2009 state title. Morales followed the Bulldogs as they made a familiar way east through the draw, to Midland and greater Austin, as excited as he had been as a Bowie Bear. He was amazed that a dozen spirit buses would make the trip from El Paso for the final.

As for Herrera himself, he remained at Bowie until 1960. "The [Bowie] boys knew little of fundamentals," he said upon leaving, "and I was told I couldn't teach them. But I did." He took a post at another barrio high school, Edgewood of San Antonio. After one year Herrera—by now known as *el viejo*, the old man—returned to El Paso to coach baseball at Coronado High, a new, largely Anglo school on the outskirts of town. "I couldn't get those guys to do a damn thing," he would say. "They had a car in the parking lot and a gal on their arm."

Upon reaching the mandatory retirement age of 70, he returned one last time to San Antonio, working as director of civilian recreation at Kelly Air Force Base for 10 years before retiring again. He died in 1984. Herrera remains the only Texas high school coach to have won state titles in two sports, and his name can be found throughout the barrios of the two cities: on a scholarship fund, an elementary school and a baseball field in El Paso; and on a scholarship fund, a basketball court and the Kelly Air Force Base civilian rec center in San Antonio. "It's almost a competition between the two cities to see who can honor Nemo the most," says his son Charles, 75.

Of the eight members of the 1949 Bowie Bears still living, the five in El Paso gather for breakfast every few months at a Mexican restaurant on the East Side. Listen in, and you'll hear the sounds of baseball: chatter, needling, kibitzing, stories that reach across the years and often involve their old coach. Not that it matters particularly, but the banter is much more likely to be in English than in Spanish. And just so you know, Morales says, "For 60 years we've never lost a conversation."

I know my time is up, Mr. Speaker.

I wanted to read the story of the 1949 Bowie Bears into the RECORD to celebrate Hispanic Heritage Month. This is the end of Hispanic Heritage Month, and I thought that would be an appropriate way to end the month.

I thank you for your indulgence.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KILDEE (at the request of Ms. PELOSI) for today on account of his wife's surgery.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on October 13, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 2944. To provide for the continued performance of the functions of the United

States Parole Commission, and for other purposes.

H.R. 3078. To implement the United States-Colombia Trade Promotion Agreement.

H.R. 3079. To implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. To implement the United States-Korea Free Trade Agreement.

H.R. 2832. To extend the Generalized System of Preferences, and for other purposes.

#### ADJOURNMENT

Mr. REYES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 18, 2011, at 11 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3495. A letter from the Director, Program Development & Regulatory Analysis, Department of Agriculture, transmitting the Department's final rule — Expansion of 911 Access; Telecommunications Loan Program (RIN: 0572-AC24) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3496. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin [Docket No.: APHIS-2010-0075] received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3497. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Golden Nematode; Removal of Regulated Areas [Docket No.: APHIS-2011-0036] received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3498. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Phytosanitary Treatments; Location of and Process for Updating Treatment Schedules; Technical Amendment [Docket No.: APHIS-2008-0022] (RIN: 0579-AC94) received October 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3499. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3500. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8199] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3501. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems [Docket No.: NHTSA-2011-0140] (RIN: 2127-AL02) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3502. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards, Child Restraint Systems [Docket No.: NHTSA-2011-0139] (RIN: 2127-AJ44) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3503. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-AA98) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3504. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Alternative to Minimum Days Off Requirements [NRC-2011-0058] (RIN: 3150-AI94) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3505. A communication from the President of the United States, transmitting Notification That Approximately 100 U.S. Military Personnel Have Been Deployed To Central Africa To Act As Advisors To Partner Forces Against The Lord's Resistance Army And Its Leader; (H. Doc. No. 112-64); to the Committee on Foreign Affairs and ordered to be printed.

3506. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2011-12 Late Season [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3507. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3508. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations [Docket No.: FWS-R9-MB-2011-0014] (RIN: 1018-AX34) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3509. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Postponement of Effective Date (RIN: 1205-AB61) received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3510. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209-AA14) received October 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 258. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; with an amendment (Rept. 112-245, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1904. A bill to facilitate the effective extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; with an amendment (Rept. 112-246). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 818. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District (Rept. 112-247). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2011. A bill to require the Secretary of the Interior to conduct an assessment of the capability of the Nation to meet our current and future demands for the minerals critical to United States manufacturing competitiveness and economic and national security in a time of expanding resource nationalism, and for other purposes; with amendments (Rept. 112-248). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2150. A bill to amend the Naval Petroleum Reserves Production Act of 1976 to direct the Secretary of the Interior to conduct an expeditious program of competitive leasing to oil and gas in the National Petroleum Reserve in Alaska, including at least one lease sale in the Reserve each year in the period 2011 through 2021, and for other purposes (Rept. 112-249). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2170. A bill streamlining Federal review to facilitate renewable energy projects; with an amendment (Rept. 112-250). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2171. A bill to promote timely exploration for geothermal resources under existing geothermal leases, and for other purposes; with an amendment (Rept. 112-251). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2173. A bill to facilitate the development of offshore wind energy resources; with an amendment (Rept. 112-252). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 258 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CUMMINGS (for himself, Mr. LANDRY, Mr. THOMPSON of Mississippi, Mr. KING of New York, Mrs. MILLER of Michigan, Mr. LOBIONDO, Ms. BROWN of Florida, Ms. HIRONO, Mr. RAHALL, and Mr. LARSEN of Washington):

H.R. 3202. A bill to amend title 46, United States Code, to require the Maritime Administrator, in making determinations regarding the non-availability of qualified United States flag capacity to meet national defense requirements, to identify any actions that could be taken to enable such capacity to meet some or all of those requirements, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mrs. BLACKBURN, Mr. LANCE, Mr. BURGESS, Mr. PAULSEN, Mrs. CAPPS, Mr. GUTHRIE, Mr. HUNTER, Mr. DENT, Mr. STEARNS, Mr. LATTA, and Mr. SHIMKUS):

H.R. 3203. A bill to amend section 513 of the Federal Food, Drug, and Cosmetic Act to expedite the process for requesting de novo classification of a device; to the Committee on Energy and Commerce.

By Mr. GUTHRIE (for himself, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. PAULSEN, and Mr. LATTA):

H.R. 3204. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure public participation in the drafting and issuance of Level 1 guidance documents, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAULSEN (for himself, Mr. ALTMIRE, Mr. KINZINGER of Illinois, Mr. GUTHRIE, Mr. CASSIDY, Mr. SHIMKUS, Mrs. MCMORRIS RODGERS, Mrs. BLACKBURN, Mr. LATTA, Mr. KLINE, Mrs. BACHMANN, Mr. CRAVAACK, Mrs. BONO MACK, and Mr. BILBRAY):

H.R. 3205. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to persons who, with respect to devices, are accredited to perform certain reviews or inspections; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. CASSIDY, Mr. BILBRAY, Mr. GINGREY of Georgia, Mr. PAULSEN, Mr. GUTHRIE, Mrs. BLACKBURN, Mr. SHIMKUS, and Mr. LATTA):

H.R. 3206. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to appointments to advisory committees and conflicts of interest; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. PAULSEN, Mr. LATTA, and Mrs. BLACKBURN):

H.R. 3207. A bill to amend the Public Health Service Act to create a pathway for premarket notification and review of laboratory-developed tests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. GINGREY of Georgia, Mr. GUTHRIE, Mr. LANCE, Mrs. BLACKBURN, Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. BURGESS, Mr. BARTON of Texas, Mr. PAULSEN, Mr. CASSIDY, and Mr. LATTA):

H.R. 3208. A bill to reaffirm the Safe Medical Devices Act of 1990 by requiring that the Secretary of Health and Human Services establish a schedule and issue regulations as required under section 515(i) of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. GINGREY of Georgia, Mr. GUTHRIE, Mr. ALTMIRE, Mr. LANCE, Mrs. BLACKBURN, Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. BURGESS, Mr. BARTON of Texas, Mr. PAULSEN, Mr. CASSIDY, and Mr. LATTA):

H.R. 3209. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide predictability, consistency, and transparency to the premarket review process; to the Committee on Energy and Commerce.

By Mr. COOPER (for himself, Mrs. BONO MACK, and Mrs. BLACKBURN):

H.R. 3210. A bill to amend the Lacey Act Amendments of 1981 to limit the application of that Act with respect to plants and plant products that were imported before the effective date of amendments to that Act enacted in 2008, and for other purposes; to the Committee on Natural Resources.

By Mr. BASS of New Hampshire (for himself, Mr. ROGERS of Michigan, Mr. LANCE, Mrs. BLACKBURN, Mr. GUTHRIE, Mr. PAULSEN, Mr. LATTA, and Mr. SHIMKUS):

H.R. 3211. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve humanitarian device regulation; to the Committee on Energy and Commerce.

By Mr. THORNBERRY (for himself, Mr. DONNELLY of Indiana, and Mr. ROSS of Arkansas):

H.R. 3212. A bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program; to the Committee on Ways and Means.

By Mr. FINCHER (for himself, Mr. GARRETT, Mr. GRIMM, Mr. HENSARLING, Mr. DOLD, Mr. HUIZENGA of Michigan, Mr. QUAYLE, Mr. WESTMORELAND, Mr. NEUGEBAUER, Mr. STIVERS, Mr. RIGELL, Mr. DESJARLAIS, Mr. MCHENRY, and Mr. LUTKEMEYER):

H.R. 3213. A bill to amend the Sarbanes-Oxley Act of 2002 to provide additional exemptions from the internal control auditing requirements for smaller and newer public companies; to the Committee on Financial Services.

By Mr. ROGERS of Michigan (for himself, Mrs. MYRICK, Mrs. BLACKBURN, Mrs. McMORRIS RODGERS, Mr. GUTHRIE, Mr. SHIMKUS, Mrs. BONO MACK, Mr. LATTA, and Mr. PAULSEN):

H.R. 3214. A bill to amend the Food and Drug Administration's mission; to the Committee on Energy and Commerce.

By Ms. CASTOR of Florida (for herself and Mr. NUGENT):

H.R. 3215. A bill to prevent identity theft and tax fraud; to the Committee on Ways and Means.

By Mr. BENISHEK (for himself and Mr. BILIRAKIS):

H.R. 3216. A bill to amend title 38, United States Code, to establish an ophthalmologic service and Director of Ophthalmologic Services in the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. BROWN of Florida:

H.R. 3217. A bill to improve and provide increased access to the Railroad Rehabilitation and Improvement Financing program; to the Committee on Transportation and Infrastructure.

By Mr. BUCSHON (for himself and Mr. HUELSKAMP):

H.R. 3218. A bill to amend section 1343 of the Patient Protection and Affordable Care Act to ensure the privacy of individually identifiable health information in connection with risk adjustment; to the Committee on Energy and Commerce.

By Mr. CHABOT:

H.R. 3219. A bill to amend the Small Business Investment Act of 1958 with respect to small business investment companies, and for other purposes; to the Committee on Small Business.

By Mr. CRAVAACK (for himself, Mr. KLINE, Mr. PAULSEN, Mrs. BACHMANN, Mr. PETERSON, Mr. WALZ of Minnesota, Ms. MCCOLLUM, and Mr. ELLISON):

H.R. 3220. A bill to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the "Master Sergeant Daniel L. Fedder Post Office"; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself, Mr. CARNAHAN, Ms. WOOLSEY, Mr. COURTNEY, Ms. SCHAKOWSKY, Mr. OLVER, Mr. GRIJALVA, Mr. CONYERS, and Mr. WELCH):

H.R. 3221. A bill to authorize the Secretary of Energy to provide loan guarantees for energy efficiency upgrades to existing buildings; to the Committee on Energy and Commerce.

By Mr. DICKS:

H.R. 3222. A bill to designate certain National Park System land in Olympic National Park as wilderness or potential wilderness, and for other purposes; to the Committee on Natural Resources.

By Ms. FOX:

H.R. 3223. A bill to direct the Army Corps of Engineers to allow certain entities to use a portion of collected recreational user fees for administrative expenses and for the operations, maintenance, development of recreational facilities or management of natural resources; to the Committee on Transportation and Infrastructure.

By Mr. HIGGINS:

H.R. 3224. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. RYAN of Ohio, Ms. MOORE, Ms. NORTON, Ms. RICHARDSON, Ms. JACKSON LEE of Texas, and Mr. JACKSON of Illinois):

H.R. 3225. A bill to promote and enhance community agricultural production and technology in nontraditional communities through the establishment of a new office in the Department of Agriculture to ensure that Department authorities are coordinated more effectively to encourage local agricultural production and increase the availability of fresh food in nontraditional communities, particularly underserved communities experiencing hunger, poor nutrition, obesity, and food insecurity, and for other purposes; to the Committee on Agriculture.

By Ms. LEE of California:

H.R. 3226. A bill to restore the TANF Emergency Contingency Fund to further support our Nation's jobless workers; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself, Mr. SMITH of New Jersey, Mr. LANCE, and Mr. FRELINGHUYSEN):

H.R. 3227. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on portions of the Outer Continental Shelf located off the coast of New Jersey; to the Committee on Natural Resources.

By Mr. LYNCH:

H.R. 3228. A bill to require Federal law enforcement agencies to report to Congress serious crimes, authorized as well as unauthorized, committed by their confidential informants, to amend title 28, United States Code, with respect to certain tort claims arising out of the criminal misconduct of confidential informants, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. HOLT):

H.R. 3229. A bill to amend the Outer Continental Shelf Lands Act and the Mineral Leasing Act to require the Secretary of the Interior to issue regulations to prevent or minimize the venting and flaring of gas in oil and gas production operations in the United States, and for other purposes; to the Committee on Natural Resources.

By Mrs. McMORRIS RODGERS (for herself, Mr. LANCE, Mr. GUTHRIE, Mrs. BLACKBURN, Mr. PAULSEN, Mr. BASS of New Hampshire, Mr. LATTA, and Mr. SHIMKUS):

H.R. 3230. A bill to direct the Food and Drug Administration, with respect to devices, to enter into agreements with certain countries regarding methods and approaches to harmonizing certain regulatory requirements; to the Committee on Energy and Commerce.

By Mr. MEEHAN (for himself, Mr. CONNOLLY of Virginia, Mr. CARNEY, and Mr. STIVERS):

H.R. 3231. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. WELCH, Ms. HOCHUL, and Mr. HANNA):

H.R. 3232. A bill to improve the H-2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERS (for himself, Mr. MCGOVERN, Mr. ISRAEL, Mr. KILDBEE, Mr. DINGELL, Mr. ELLISON, Ms. TSONGAS, Mr. STARK, Ms. LEE of California, Mr. OLVER, Mr. ANDREWS, Mr. CONYERS, Mr. LEVIN, Mr. MORAN, Mr. CARSON of Indiana, Mr. DEUTCH, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. WATT, Mr. VAN HOLLEN, Mr. ACKERMAN, Mr. BOSWELL, Mr. CONNOLLY of Virginia, Ms. DELAURO, Ms. EDWARDS, Mr. HOLT, Mr. BLUMENAUER, Mr. TONKO, Ms. PINGREE of Maine, Ms. RICHARDSON, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. COURTNEY, Mr. WELCH, Ms. WOOLSEY, Mr. COHEN, Mr. PERLMUTTER, Mr. CARNAHAN, and Mr. LUJÁN):

H.R. 3233. A bill to amend the Food and Nutrition Act of 2008 to exclude the value of vehicles used for household transportation, or to obtain or continue employment, from the resource limitation applicable to determine eligibility to receive supplemental nutrition assistance; to the Committee on Agriculture.

By Mr. PLATTS (for himself and Mr. LYNCH):

H.R. 3234. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from pension plans for unemployed individuals who have exhausted their rights to unemployment compensation; to the Committee on Ways and Means.

By Mr. TIPTON:

H.R. 3235. A bill to amend the Mineral Leasing Act to require that a portion of amounts deposited into the general fund of the Treasury from sales, bonuses, royalties, and rentals from new mineral and geothermal lease authority be paid to States for use for the education of students in kindergarten through grade 12 and at institutions of higher education, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota (for himself and Mr. FORTENBERRY):

H.R. 3236. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AMASH (for himself, Mr. BUCSHON, Mr. CAMPBELL, Mr. DUNCAN of South Carolina, Mr. GARDNER, Mr. GOSAR, Mr. LIPINSKI, Mr. MULVANEY, Mr. POLIS, Mr. WOODALL, Mr. LABRADOR, Mr. WALBERG, Mr. GOWDY, Mr. WALSH of Illinois, Mr. POMPEO, Mr. GRAVES of Georgia, Mr. QUIGLEY, Mr. LOEBBACH, Mr. SHULER, Mr. RIBBLE, Mr. MICHAUD, Mr. HUELSKAMP, Mr. SCHRADER, Mr. SOUTHERLAND, Mr. ROKITA, Mr. YODER, Mr. STUTZMAN, Mr. NUGENT, Mr. BURTON of Indiana, Mr. CULBERSON, and Mr. MORAN):

H.J. Res. 81. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DEUTCH:

H.J. Res. 82. A joint resolution proposing an amendment to the Constitution of the United States authorizing regulation of any expenditure in connection with an election; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H. Res. 438. A resolution recognizing the importance of the property rights granted by the United States Constitution; affirming the duty of each Member of this body to support and defend such rights; and asserting that no public body should unlawfully obtain the property of any citizen of the United States for the benefit of another private citizen or corporation; to the Committee on the Judiciary.

By Mr. CROWLEY:

H. Res. 439. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Foreign Affairs.

By Mr. ENGEL (for himself and Mr. RIVERA):

H. Res. 440. A resolution congratulating H.H. Dorje Chang Buddha III and the Honorable Ben Gilman on being awarded the 2010 World Peace Prize; to the Committee on Foreign Affairs.

By Mr. FORBES (for himself, Mr. THORNBERRY, Mr. AKIN, Mr. WILSON of South Carolina, Mr. TURNER of Ohio, Mr. WITTMAN, Mr. WEST, Mrs. HARTZLER, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. WALBERG, Mr. BISHOP of Utah, Mrs. MYRICK, Mr. BROUN of Georgia, Mr. SCHILLING, Mr. CRAVAACK, Mr. MILLER of Florida, Mr. PALAZZO, Mr. PLATTS, Mr. JONES, Mr. CONAWAY, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. GERLACH, Mr. HECK, Mr. SHUSTER, Mr. HUNTER, Mrs. ROBY, Mr. KLINE, Mr. LOBIONDO, Mr. FLEMING, Mr. ROONEY, Mr. RIGELL, Mr. GRIFFIN of Arkansas, and Mr. ROGERS of Alabama):

H. Res. 441. A resolution expressing the sense of the House of Representatives that further reductions to core national security funding will cause significant harm to United States interests; to the Committee on Armed Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H. Res. 442. A resolution recognizing the necessity and urgency of job creation, extending unemployment assistance, expand-

ing education and job training programs, and investing in improving and modifying the Nation's infrastructure; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CUMMINGS:

H.R. 3202.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have Power To . . . provide for the common Defence and general Welfare of the United States.

The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BILBRAY:

H.R. 3203.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution which states that Congress has the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. GUTHRIE:

H.R. 3204.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations and among the several States, and with the Indian Tribes

By Mr. PAULSEN:

H.R. 3205.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. BURGESS:

H.R. 3206.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3 which states that Congress has the authority "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"

By Mr. BURGESS:

H.R. 3207.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3 which states that Congress has the authority "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"

By Mr. SHIMKUS:

H.R. 3208.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. SHIMKUS:

H.R. 3209.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. COOPER:

H.R. 3210.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. BASS of New Hampshire:

H.R. 3211.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. THORNBERRY:

H.R. 3212.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. FINCHER:

H.R. 3213.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. ROGERS of Michigan:

H.R. 3214.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes"

By Ms. CASTOR of Florida:

H.R. 3215.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Section 8 of Article 1.

By Mr. BENISHEK:

H.R. 3216.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The Congress shall have Power to . . . provide for common Defence

By Ms. BROWN of Florida:

H.R. 3217.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BUCSHON:

H.R. 3218.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. CHABOT:

H.R. 3219.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 clause 3 "To regulate commerce with foreign nations, and among the several states and with the Indian tribes;"

By Mr. CRAVAACK:

H.R. 3220.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Ms. DELAURO.

H.R. 3221.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

By Mr. DICKS:

H.R. 3222.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3.

By Ms. FOX:

H.R. 3223.

Congress has the power to enact this legislation pursuant to the following:

Clause 14 of Section 8 of Article 1 of the Constitution "To make rules for the government and regulation of the land and naval forces."

By Mr. HIGGINS:

H.R. 3224.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of this legislation lies in the power of congress to lay and collect taxes, duties, imposts and excises as described in Article 1, Section 8, Clause 1. With further support from the Sixteenth Amendment, which provides Congress the power to lay and collect taxes on incomes, from whatever sources derived.

By Ms. KAPTUR:

H.R. 3225.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I  
Clause 3 of Section 8 of Article I  
Clause 18 of Section 8 of Article I  
Clause 7 of Section 9 of Article I

By Ms. LEE of California:

H.R. 3226.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LOBIONDO:

H.R. 3227.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. LYNCH:

H.R. 3228.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I and clause 3 of Section 8 of Article I.

By Mr. MARKEY:

H.R. 3229.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mrs. McMORRIS RODGERS:

H.R. 3230.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce with foreign nations and among the several States.

By Mr. MEEHAN:

H.R. 3231.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States.

By Mr. OWENS:

H.R. 3232.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. PETERS:

H.R. 3233.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 1.

By Mr. PLATTS:

H.R. 3234.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1.

By Mr. TIPTON:

H.R. 3235.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 of the United States Constitution.

By Mr. WALZ of Minnesota:

H.R. 3236.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. AMASH:

H.J. Res. 81.

Congress has the power to enact this legislation pursuant to the following:

Article V, which provides that "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . . which shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States . . ."

By Mr. DEUTCH:

H.J. Res. 82.

Congress has the power to enact this legislation pursuant to the following:

Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. CRENSHAW, Mr. COLE, Mr. KELLY, and Mr. RIGELL.

H.R. 57: Mr. PALAZZO.

H.R. 58: Mr. SHIMKUS.

H.R. 111: Mr. SARBANES.

H.R. 205: Mr. DENHAM and Mr. HONDA.

H.R. 219: Mr. BENISHEK.

H.R. 265: Mr. STARK.

H.R. 266: Mr. STARK.

H.R. 267: Mr. STARK.

H.R. 279: Mr. HUELSKAMP.

H.R. 303: Mr. RENACCI.

H.R. 361: Mr. RYAN of Wisconsin.

H.R. 382: Mr. JACKSON of Illinois.

H.R. 420: Mr. STIVERS, Mr. MCHENRY, Mr. CHABOT, Mrs. ELLMERS, and Mr. BUCHON.

H.R. 469: Mr. ROTHMAN of New Jersey.

H.R. 583: Ms. SLAUGHTER and Mr. BISHOP of Georgia.

H.R. 605: Mr. GIBSON.

H.R. 645: Mr. SHIMKUS.

H.R. 735: Mr. BASS of New Hampshire and Mr. McCAUL.

H.R. 745: Mr. AUSTRIA.

H.R. 835: Mr. SERRANO.

H.R. 886: Mr. TIBERI, Ms. MCCOLLUM, Mr. LEWIS of California, Mr. WHITFIELD, Mr. LANKFORD, Mr. CAMPBELL, Mr. OLSON, Mr. YOUNG of Florida, Ms. SPEIER, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. HALL,

Mr. COHEN, Ms. HERRERA BEUTLER, Mr. BISHOP of Georgia, and Mr. BROUN of Georgia.

H.R. 912: Mr. GARAMENDI.

H.R. 1048: Mr. SMITH of Washington.

H.R. 1057: Mr. YARMUTH and Mr. THOMPSON of California.

H.R. 1063: Mr. BROUN of Georgia.

H.R. 1085: Mr. SMITH of Washington.

H.R. 1093: Mr. SHIMKUS, Mr. ADERHOLT, Mr. SCHWEIKERT, Mr. NEUGEBAUER, Mr. WALDEN, Mr. GOSAR, Mr. SCOTT of South Carolina, and Mr. DUNCAN of South Carolina.

H.R. 1117: Ms. PINGREE of Maine.

H.R. 1167: Mr. YODER.

H.R. 1236: Mr. KILDEE and Mr. BRADY of Pennsylvania.

H.R. 1265: Mr. GRIMM, Mr. HOLDEN, and Mr. GUTHRIE.

H.R. 1300: Mr. JOHNSON of Illinois.

H.R. 1327: Mrs. EMERSON.

H.R. 1370: Mr. GIBSON.

H.R. 1388: Mr. MARCHANT.

H.R. 1418: Mr. COHEN and Mr. PLATTS.

H.R. 1449: Mr. PAYNE.

H.R. 1451: Mr. MCGOVERN.

H.R. 1456: Ms. HIRONO and Mr. COHEN.

H.R. 1477: Ms. DELAURO.

H.R. 1489: Mr. LEWIS of Georgia.

H.R. 1505: Mr. POE of Texas.

H.R. 1515: Mr. ROTHMAN of New Jersey.

H.R. 1546: Mr. MCKINLEY and Mr. ALEXANDER.

H.R. 1558: Mr. MARCHANT and Mr. SCHILLING.

H.R. 1585: Mr. GRAVES of Georgia.

H.R. 1591: Mr. AL GREEN of Texas.

H.R. 1623: Ms. WOOLSEY.

H.R. 1633: Mr. McCAUL, Mr. FARENTHOLD, Mr. CASSIDY, and Mr. ROKITA.

H.R. 1639: Mr. WILSON of South Carolina, Mr. GUINTA, and Mr. SHUSTER.

H.R. 1656: Mr. KINZINGER of Illinois.

H.R. 1734: Mr. FINCHER.

H.R. 1738: Mr. HONDA.

H.R. 1746: Ms. ESHOO and Mr. KEATING.

H.R. 1749: Mr. TIERNEY.

H.R. 1754: Mr. BACA, Mr. MCKEON, Mr. HOLT, and Mr. CAPUANO.

H.R. 1755: Mr. ANDREWS and Mr. BERG.

H.R. 1831: Mr. SCHRADER.

H.R. 1834: Mr. RIBBLE.

H.R. 1855: Mr. CONNOLLY of Virginia.

H.R. 1897: Ms. TSONGAS, Mr. MCGOVERN, and Mr. JACKSON of Illinois.

H.R. 1904: Mr. LANDRY, Mr. BROOKS, Mr. CARTER, Mr. FLORES, Mr. REED, Mr. WALDEN, Mrs. McMORRIS RODGERS, Mr. YOUNG of Alaska, Mr. KELLY, Mr. HECK, Mr. AMODEI, Mr. SOUTHERLAND, Mr. THOMPSON of Pennsylvania, Mr. STUTZMAN, Mr. LANKFORD, and Mr. SIMPSON.

H.R. 1905: Mr. BROUN of Georgia, Mr. QUAYLE, and Mr. PEARCE.

H.R. 1957: Mr. PASTOR of Arizona.

H.R. 1971: Mr. TERRY.

H.R. 1979: Mr. FILNER.

H.R. 2016: Ms. WOOLSEY, Mr. KILDEE, Mrs. LOWEY, and Ms. BALDWIN.

H.R. 2020: Mr. COBLE.

H.R. 2028: Ms. ZOE LOFGREN of California.

H.R. 2040: Mr. WESTMORELAND, Mr. YODER, Mr. BROUN of Georgia, Mrs. MYRICK, Mr. PRICE of Georgia, and Mr. SULLIVAN.

H.R. 2047: Mr. PIERLUISI, Mr. GRIMM, and Ms. WILSON of Florida.

H.R. 2059: Mr. CHABOT, Mr. FLORES, Mr. MACK, Mr. RIGELL, Mr. GRIFFIN of Arkansas, and Mr. GRAVES of Georgia.

H.R. 2121: Mr. JOHNSON of Ohio.

H.R. 2123: Mr. MCCOTTER and Mr. COBLE.

H.R. 2131: Mrs. DAVIS of California, Mr. PIERLUISI, and Mr. BROOKS.

H.R. 2139: Mr. GRIJALVA.

H.R. 2145: Mr. CANSECO.

H.R. 2146: Ms. JENKINS and Mr. PETERSON.

H.R. 2239: Mr. JACKSON of Illinois.

H.R. 2245: Mr. DIAZ-BALART and Mr. CARNEY.



- H.R. 2248: Ms. SLAUGHTER.  
H.R. 2334: Mr. OWENS, Mr. WITTMAN, Mr. FRANK of Massachusetts, and Mr. CAMPBELL.  
H.R. 2346: Mr. CARSON of Indiana, Mr. COHEN, Mr. CUMMINGS, Mr. GONZALEZ, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. CICILLINE, Mr. CLAY, Mr. CLEAVER, Ms. HAHN, Mr. NADLER, Mr. PASTOR of Arizona, Mr. GUTIERREZ, Ms. RICHARDSON, Ms. VELÁZQUEZ, and Ms. LINDA T. SÁNCHEZ of California.  
H.R. 2369: Mr. BENISHEK, Mr. BUCSHON, Mrs. HARTZLER, Mr. HULTGREN, Mr. RIBBLE, Mr. RIGELL, Mr. STIVERS, Mr. YOUNG of Indiana, and Mr. BROOKS.  
H.R. 2371: Mr. ROE of Tennessee.  
H.R. 2376: Mr. SARBANES, Mr. MORAN, Mr. JACKSON of Illinois, and Mr. HOLT.  
H.R. 2429: Mr. GOSAR.  
H.R. 2437: Mr. SCHOCK.  
H.R. 2447: Mr. SIMPSON, Mr. GERLACH, Mr. GIBBS, Mr. LUCAS, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, and Mr. LUETKEMEYER.  
H.R. 2451: Mr. CRAVAACK.  
H.R. 2459: Mr. SESSIONS.  
H.R. 2471: Mr. LARSEN of Washington.  
H.R. 2501: Mr. AL GREEN of Texas.  
H.R. 2505: Ms. MCCOLLUM, Mr. CONNOLLY of Virginia, and Mrs. EMERSON.  
H.R. 2528: Mr. PAULSEN, and Ms. JENKINS.  
H.R. 2541: Mrs. ELLMERS.  
H.R. 2557: Mr. HINCHEY.  
H.R. 2571: Mr. PLATTS.  
H.R. 2600: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. STIVERS, Mr. BISHOP of Georgia, Mr. JONES, Mr. MCINTYRE, Mr. MCCOTTER, Mr. BILBRAY, Mr. FITZPATRICK, and Mr. GUINTA.  
H.R. 2607: Mr. GRIJALVA and Mr. FILNER.  
H.R. 2643: Ms. BASS of California.  
H.R. 2655: Mr. BACA, Mr. ALEXANDER, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. ELLISON, Mr. CHANDLER, and Mr. BISHOP of Georgia.  
H.R. 2679: Mr. STARK.  
H.R. 2680: Mrs. LUMMIS, Mr. POSEY, and Mr. BILBRAY.  
H.R. 2706: Ms. ROS-LEHTINEN.  
H.R. 2770: Ms. MCCOLLUM.  
h.R. 2778: Mr. PLATTS.  
H.R. 2829: Mr. CRAVAACK, Mr. ROYCE, Mr. YOUNG of Alaska, Mr. TIBERI, Mr. GOHMERT, Mrs. BLACK, Mr. AUSTRIA, and Mr. FLORES.  
H.R. 2830: Ms. SCHAKOWSKY.  
H.R. 2840: Mr. CRAVAACK.  
H.R. 2866: Mr. TONKO.  
H.R. 2878: Mr. POLIS.  
H.R. 2888: Mr. JACKSON of Illinois.  
H.R. 2910: Mr. CANSECO, Mr. JOHNSON of Ohio, and Mr. SCHOCK.  
H.R. 2925: Mr. DOLD and Mr. ROSKAM.  
H.R. 2938: Mr. BOREN.  
H.R. 2966: Mr. SCHILLING and Mr. BERMAN.  
H.R. 2969: Mr. CLARKE of Michigan, Ms. ZOE LOFGREN of California, and Mrs. MCCARTHY of New York.  
H.R. 2977: Mr. TONKO.  
H.R. 2995: Mr. FILNER.  
H.R. 2997: Mr. GOHMERT, Mr. GUTHRIE, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. KELLY, Mr. ROGERS of Kentucky, and Mr. WESTMORELAND.  
H.R. 2998: Mr. WITTMAN.  
H.R. 3016: Mr. MICHAUD.  
H.R. 3020: Mr. JONES, Mr. RANGEL, Mr. SABLAN, and Mr. TOWNS.  
H.R. 3039: Mr. RUPPERSBERGER and Mr. GOSAR.  
H.R. 3046: Mr. RUSH.  
H.R. 3059: Mr. DOYLE and Mr. TIBERI.  
H.R. 3086: Mr. THOMPSON of Pennsylvania.  
H.R. 3090: Mr. WALSH of Illinois and Mr. BROUN of Georgia.  
H.R. 3094: Mr. NUNNELEE, Mr. SCHOCK, and Mr. HECK.  
H.R. 3099: Mr. SMITH of Texas and Mr. LUETKEMEYER.  
H.R. 3101: Mr. AUSTIN SCOTT of Georgia, Mr. ADERHOLT, Mr. LAMBORN, and Mrs. MYRICK.  
H.R. 3102: Ms. WOOLSEY and Ms. BASS of California.  
H.R. 3104: Mr. JONES.  
H.R. 3112: Mr. WOLF.  
H.R. 3127: Mrs. HARTZLER.  
H.R. 3130: Mr. PETERSON, Mr. COLE, Mr. CANSECO, Mr. TIBERI, Mr. RIBBLE, Mr. ALEXANDER, and Mr. ROSS of Florida.  
H.R. 3134: Mr. STARK, Mr. RANGEL, and Mr. HIMES.  
H.R. 3145: Mr. COSTELLO and Ms. HIRONO.  
H.R. 3151: Mr. GRIJALVA and Mr. PAYNE.  
H.R. 3162: Mr. CARTER and Mr. LANDRY.  
H.R. 3167: Mr. FILNER.  
H.R. 3184: Mr. GRIJALVA.  
H.R. 3200: Ms. ZOE LOFGREN of California, Mr. HOLT, and Ms. WASSERMAN SCHULTZ.  
H.J. Res. 69: Mr. CHANDLER.  
H. Con. Res. 72: Ms. DELAURA.  
H. Res. 98: Mr. BOREN.  
H. Res. 111: Mr. COFFMAN of Colorado, Mr. BONNER, and Mr. HARRIS.  
H. Res. 137: Mr. HALL.  
H. Res. 220: Mr. SMITH of New Jersey.  
H. Res. 253: Mr. AKIN, Mr. RAHALL, and Mr. KLINE.  
H. Res. 356: Mr. CARTER, Mrs. MYRICK, and Mr. CRAVAACK.  
H. Res. 397: Ms. WOOLSEY.  
H. Res. 416: Mr. WILSON of South Carolina.  
H. Res. 429: Mr. KING of New York, Mr. MCCAUL, Mr. MEEHAN, Mrs. MYRICK, Mr. SESSIONS, and Ms. HOCHUL.  
H. Res. 435: Mr. CONYERS and Mr. AUSTIN SCOTT of Georgia.

---

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. CHABOT.