



House on the state of the Union for the consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last November, Americans spoke with a very clear voice. They told us that we needed to get the country working again. They told us that Big Government was not the solution. They told us to lead or get out of the way on the economy, and our side got it, particularly with the cap-and-trade vote in the last Congress.

Well, Mr. Chairman, today the House has a chance again to vote for a bill that directly responds to the demands of the American people. This legislation will remove the biggest regulatory threat to the American economy. This is a threat imposed not by Congress, but entirely by the Obama Environmental Protection Agency.

We all know that this administration wanted a cap-and-trade system to regulate greenhouse gases, but Congress said no. So beginning in early 2009, EPA began putting together a house of cards to regulate emissions of carbon dioxide. The agency began with automobiles, declaring that their emissions endangered public health and welfare.

That single endangerment finding has since been used by EPA to launch an unparalleled onslaught. The result, 2 years later, is a series of regulations that will ultimately affect every citizen, every job creator, every industry, really every aspect of our economy and way of life.

Mr. Chairman, this bill is about protecting jobs. EPA regulations will hit our manufacturing sector hard, with direct limits on factory emissions, indirect costs from the higher prices to power their facilities.

It will hit small businesses hard too, because when the electricity to power your business and the gasoline to fuel your vehicles is more expensive, your profit is less and you hire fewer new employees. That's why the NFIB, the Farm Bureau, NAM, Chamber of Commerce, and others, have endorsed H.R. 910. This is a key vote with many of those different groups.

Mr. Chairman, this bill is also about energy prices for working families. Power plants will be forced to comply with strict new emission caps. You will have to purchase expensive new equip-

ment to retrofit their facilities. We all know the costs have nowhere to go except on families' and businesses' monthly utility bills.

And it is about gas prices. The refiners that turn oil into gasoline will also be caught into the web of costly regs. When it costs more to make gasoline, it costs more to buy gasoline. And with prices already at \$4 a gallon across much of the country, the last thing that our families need is government policies designed to make the price at the pump even higher.

I am from Michigan. I know what a struggling economy, indeed, looks like. And I think that it is a travesty that this government is deliberately imposing policies that are going to harm job creators and working families.

And for what, Mr. Chairman, for what? EPA Administrator Lisa Jackson herself admits that U.S. regulation of greenhouse gases will not affect global climate conditions. The only environmental impact may be to ship our jobs to countries with no environmental protections at all, so, Mr. Chairman, at the end of the day the EPA climate regime is all economic pain and no environmental gain.

So let's pass this bill today and get the American economy back on track.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself 3 minutes.

Since the Clean Air Act was adopted 40 years ago, we have made steady progress in cleaning our air and protecting the public health and welfare.

Today, however, the Clean Air Act is under attack and progress is threatened.

The Upton-Inhofe bill is a direct assault on the Clean Air Act. Its premise is that climate change is a hoax and carbon pollution does not endanger health and welfare.

But climate change is real. It is caused by pollution, and it is a serious threat to our health and welfare. We need to confront these realities, not put our heads in the sands.

American families count on the Environmental Protection Agency to keep our air and water clean. But this bill has politicians overruling the experts at the Environmental Protection Agency, and it exempts our biggest polluters from regulation.

If Upton-Inhofe is enacted, the Environmental Protection Agency's ability to control dangerous carbon pollution will be gutted.

That's why health experts like the American Lung Association are opposed to this legislation. They know it is a polluters' protection act. It is anti-science, anti-environment, and anti-health.

The Environmental Protection Agency made a scientific determination that carbon pollution endangers health and the environment. Our Nation's top scientists at the National Academy of Sciences agree with this finding and so do scientists around the world.

Yet this legislation repeals that scientific finding. That's something no Congress has ever done.

We need an energy policy based on science, not science fiction. With oil at \$100 per barrel and rising, the Middle East in turmoil and a nuclear crisis in Japan, we urgently need clean energy policies. We need more vehicles that run on electricity, natural gas, and renewable fuels. We need more wind and solar power, and we need more energy efficiency.

What we need is to work together to develop energy policies that reduce our dependence on foreign oil and protect the health of American families. Instead, we are pursuing a divisive, partisan bill that takes us in exactly the wrong direction.

This extreme legislation won't pass in the Senate and, if it did, it would be vetoed by President Obama.

It is a distraction from the imperative of developing new sources of energy that will break our dependence on foreign oil, protect our health and preserve our environment.

Americans want clean air to breathe and sensible, science-based limits on carbon pollution.

I urge all Members to oppose this legislation.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

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

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

I rise in strong support of this bill.

I would like to make a few comments. First of all, the bill before us doesn't change one sentence or one paragraph in the Clean Air Act. It doesn't change anything.

What it does do is prevent the EPA from using the Clean Air Act to regulate CO<sub>2</sub> as a criteria pollutant under the Clean Air Act. I was in Congress when we passed the Clean Air Act amendments back in 1991. I was a co-sponsor of the bill. I worked on the bill in committee, voted for it on the floor. So I am a supporter of a strong Clean Air Act.

CO<sub>2</sub> is not a criteria pollutant under the Clean Air Act. It was never intended to be. It's only because of a 5-4 Supreme Court decision that said the EPA had to make a decision whether it should be, and then a very flawed EPA endangerment finding, when President Obama became the President, that we have an EPA authority, tenuous as it is, to regulate CO<sub>2</sub> under the Clean Air Act.

□ 1450

What this bill does is take us back to the original Clean Air Act and say we're going to regulate the criteria pollutants. But greenhouse gases and CO<sub>2</sub>, which is a greenhouse gas, are not one of those criteria pollutants.

What are the purported benefits of regulating CO<sub>2</sub>? According to numerous

studies, in terms of the amount of reduction in CO<sub>2</sub>, by the year 2100, which is 90 years away, 89 years away, we would see a reduction of about 3 parts better per billion if we regulated CO<sub>2</sub> from the current 380 to 390 parts per billion. We would see a reduction in temperature by about 0.006 to 0.015 of a degree centigrade, and we would see a reduction in sea-level rise by about 0.007 of a centimeter. In other words, if we spend up to \$100 billion a year to regulate CO<sub>2</sub>, we get no reduction in parts per billion, we get no reduction in temperature, and we get no reduction in sea level. But we do get a huge cost to the economy every year.

This bill is a commonsense bill that simply says the Clean Air Act is the Clean Air Act, and let's use it to regulate sulfur dioxide, and let's use it to regulate lead and particulate matter and ozone, but let's not use it to regulate a naturally-occurring compound which is necessary for life and which helps us all.

Please vote against all the amendments, and please vote for this very commonsense bill when we get to final passage.

The Environmental Protection Agency (EPA) is proposing to regulate carbon dioxide emissions under the Clean Air Act. Reports from the U.S. Chamber of Commerce and even the Senate Committee on Environment and Public Works estimate that the cost of these proposed regulations will be about \$78 billion per year. The regulations will affect industries, farms, hospitals, office buildings, and hotels to name just a few. The regulations will adversely affect our ability to produce energy and structural materials.

According to the EPA, the regulations will have this estimated effect: "Based on the reanalysis the results for projected atmospheric CO<sub>2</sub> concentrations are estimated to be reduced by an average of 2.9 ppm (previously 3.0 ppm), global mean temperature is estimated to be reduced by 0.006 to 0.015 °C by 2100 (previously 0.007 to 0.016 °C and sea-level rise is projected to be reduced by approximately 0.06–0.14cm by 2100 (previously 0.06–0.15cm)." —Federal Register 75, page 25,495.

If we add up the yearly costs, then by the year 2100, we will have spent about \$7 trillion to possibly make us cooler by 0.015 degrees Centigrade. This doesn't seem to be much of a benefit as a result of such a high cost.

The Clean Air Act was never designed to regulate GHGs. It is time for us to come to our senses and statutorily forbid the EPA to regulate greenhouse gases.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to the ranking member on the Energy Subcommittee of the Energy and Commerce Committee, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the gentleman from California for yielding this time and recognizing me for this discussion.

Mr. Chairman, I am opposed to H.R. 910, the Upton-Inhofe dirty air act, because this bill is an extreme and excessive piece of legislation, and it is simply bad public policy. This bill would

ignore the warnings from the respected scientific community simply because policymakers do not like what that science is telling us, and it will place earnings and profits above protecting the American public.

I applaud the Obama administration for making a clear and unequivocal statement yesterday that the President would veto this bill if it ever made it to his desk.

Mr. Chairman, every respected and every notable scientific organization, including the National Academy of Sciences, the American Association for the Advancement of Science, the American Geophysical Union, the American Meteorological Society, the U.S. Global Change Research Program, as well as the Intergovernmental Panel on Climate Change, are all in agreement that manmade greenhouse gases do contribute to climate change, and that these impacts can be mitigated through policy to curb these emissions.

Additionally, Mr. Chairman, many of the Nation's top public health advocacy groups, including the American Lung Association and the American Public Health Association, as well as leading civil rights groups, such as the NAACP and the Environmental Law and Poverty Center, have all come out strongly against this bill saying that it would leave our most vulnerable citizens and our most vulnerable communities unprotected if this bill were to become law.

As this USA Today poster here highlights, Mr. Chairman, there are so many more benefits in acting to address climate change, as the science tells us we must do—including energy independence, sustainability, cleaner air and water, and a healthier, more vibrant, more robust populace, just to name a few—than the option, which is living with the status quo and hoping beyond hope that the majority of the world's scientists are just plain wrong.

Mr. Chairman, I am opposed to this bill because the science compels me to be opposed to this bill. And I urge all of my colleagues, every one of you all, to vote against this bill.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the chairman of the Energy and Power Subcommittee, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I am delighted that we have this opportunity today to debate this important legislation.

Over the last 2 years, the Environmental Protection Agency has been the most aggressive agency representing environmental causes in many, many years. Today, we have an opportunity to try to stop their unprecedented power grab. Even the longest-serving Member of this House, the distinguished Democrat from Michigan, Mr. JOHN DINGELL, whom we all respect and admire, said it would be a glorious mess if EPA ever tried to regulate greenhouse gases. Carbon dioxide, one of the things they are trying to regulate, is necessary for human life.

When we had hearings on this issue, Lisa Jackson, the administrator of EPA, came to the Congress. And she said, when asked the question, what kind of impact would their regulations have, she said it would have negligible impact on solving global warming unless other nations were willing to act as well.

Now, what this really gets down to is about coal, because coal in America produces 52 percent of our electricity. In China, coal produces about 80 percent of their electricity. Electricity is produced at the lowest rate with coal. And that is necessary if America is going to be competitive in the global marketplace. That's why today you see China expanding its coal marketing and coal utilities to produce electricity. That's why in China you see so many jobs being produced because they produce at a very low cost.

This legislation will stop EPA from driving up electricity costs in America. It will make it less likely that we are going to continue to lose jobs to China if we stop EPA. And I would remind all of you that when Gina McCarthy, the air quality director of EPA, came to Congress, she said herself that trying to regulate greenhouse gases in America just for the enforcing arms of the greenhouse gas bill, which would be every State in America, would cost the enforcing agencies \$24 billion, not including the additional cost to all of the utility companies, those people who have boilers, farmers, others, the additional costs that it would provide for them.

So if we want America to be competitive, to create jobs, to compete with China, we must stop this out-of-control EPA. And that is precisely what this legislation is designed to do. We're not changing the Clean Air Act in any way. Ambient air quality, all of those things, will still be in force.

So I would urge passage of this legislation.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

I rise in opposition to the dirty air act, which overturns the scientific finding that pollution is harming our people and our planet. But as long as Republicans are making an ideological decision to overturn scientific reality, I wonder if the Republicans could offer an amendment overturning inconvenient geological reality as well. Let's tell the United States Geological Survey that Congress doesn't believe that the United States only has 2 percent of the world's oil as well. What the Republican majority is bringing to the House floor today is almost as absurd.

Republicans want our only weapon against OPEC to be a bumper sticker slogan, "Drill, Baby, Drill." Well, I have news for my Republican friends. We are drilling, baby. U.S. oil production is at its highest level in nearly a

decade. Domestic natural gas production is at an all-time high. But we will never be able to drill our way out of this problem.

What Republicans fail to acknowledge is that a clean energy revolution is already underway. Take a look at the new electrical generating capacity we've been installing in the United States in the last 4 years—the last 4 years. Eighty percent of all new electrical-generating capacity has been natural gas, 33,000 new megawatts; and wind, 28,000 new megawatts.

□ 1500

This is the last 4 years, ladies and gentlemen. Coal is down to 10,000, but rising very quickly. Solar at nearly 2,000 megawatts; biomass at nearly 1,000 megawatts. In other words, there is a revolution that is already under way. The only problem is, there is no long-term policy or certainty that has been put on the books. All we have are the Republicans fighting as hard as they can to prevent this revolution from coming to fruition so that we can dramatically reduce the amount of greenhouse gases that warm our planet, back out the oil that OPEC wants to send us, and create a new, clean energy revolution here in America that produces jobs for Americans.

This arbitrary rejection of scientific fact will not cause the gross domestic product to rise or for unemployment to fall. But here is what their bill will do: it will lead to higher pollution levels, which will rise; oil imports, which will rise; temperatures, which will rise; job creation domestically, which will actually go down.

Vote “no” on this assault on science, on public health, and on the American economic competitiveness that allows a revolution to take off, which makes it possible for us to solve the problems of employment, national security, and a dangerously warming planet.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the chairman of the Environment and the Economy Subcommittee, the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Chairman, it is great that we have this chance to be on the floor today to really address one of the most important job-creating pieces of legislation we have brought to the floor, and that is this legislation today.

For the climate change believers, their plan is simple: price carbon fuels so we drive this new world of peace, security, and green energy. But they have forgotten one thing: they destroy jobs in doing that. These are well-known miners who lost their jobs the last time we did it. Thousands of coal miners in Illinois lost their jobs. Even in the greenhouse gas debate, it would add 50 cents to a gallon of gas. Does that create jobs? That destroys jobs. We are trying to price energy, and all costs go up.

So if you are concerned about the economy and you are concerned about jobs, this is the perfect bill to support.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to my colleague, the gentlewoman from California (Mrs. CAPPAS).

Mrs. CAPPAS. Mr. Chairman, I rise in strong opposition to the dirty air bill.

Once again the House is considering legislation that has little to no chance of becoming law. Meanwhile, the public wants us to focus on job creation. But the leadership of this House isn't listening. The only job they seem interested in is the one they want EPA not to do: protect the public's health. It is not surprising that many of our Nation's biggest polluters have asked for this bill. It lets them keep polluting.

But what is surprising is with this bill we are rejecting scientific consensus. Even George W. Bush's EPA agreed that carbon pollution threatens the public's health.

Mr. Chair, H.R. 910 will increase the pollution that triggers asthma attacks, respiratory illness, and premature deaths. It will hobble America's efforts to compete in the global energy marketplace.

Earlier this year, the President stood on this House floor and talked about winning the future, about tapping into America's genius for innovation, and he used clean energy as a central example because it will help our economy grow. It will help America compete globally and protect the health and quality of life for all Americans.

Let's not obstruct the EPA from doing its job of protecting the public's health. Let's not stick our heads in the sand about the dangers of climate change. Let's not turn away from meeting this challenge, rather, use it to build dominance in the global industry of clean energy.

I urge my colleagues to vote “no” on this terrible bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Mr. Chairman, I rise today in support of H.R. 910, the Energy Tax Prevention Act. Without this bill, the EPA is going to outsource jobs and business with greenhouse gas regulations, not to mention placing huge financial burdens on consumers who will see energy prices skyrocket as a result of compliance costs to utilities, refineries and more.

However, what I want to talk about today is how it relates to rural America and agriculture, particularly in Colorado. The EPA has time and time again said agriculture is exempt. If agriculture is exempt, then why did the Rural Electric Association in my district write to me and say it will cost farmers and ranchers in my State an additional \$1,700 a year to irrigate their land, if the carbon bill were to pass this Congress last year and be signed into law by the President; \$1,700 a year, that carbon legislation would have cost farmers and ranchers in my

State. By 2030, it would have cost them an additional \$7,000 a year for one meter to run their irrigation. That's costing agriculture. That's costing jobs.

Instead of becoming the Environmental Protection Agency, the EPA is becoming the “Everyone Pays a Lot Agency.”

Mr. WAXMAN. Mr. Chairman, that information is incorrect. I would like to see a letter that pertains to this EPA action. I think it might have been a letter related to a different piece of legislation.

I am now pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the very distinguished ranking member of the House Energy and Commerce Committee.

Mr. Chairman, I rise in very, very strong opposition to this bill, H.R. 910.

I can't help but think as I listen to what is being said on the other side that they are sitting in a car looking in the rearview mirror, and they think they see the future. There is a reason why people on this side of the aisle are opposed to this bill and call it the dirty air bill, because that's exactly what it is. And so instead of helping to create jobs for the American people, which is their top priority, their very, very top priority, what is the gift of the new majority, dirty air. That's why the American Lung Association is vehemently opposed to this bill. The American Public Health Association is vehemently opposed to this bill. Former senior military officers, environmental organizations, and scientists all strongly oppose the bill.

Now, guess who is for it. Guess who is for it, America. Big Oil because it will increase the demand for oil and do nothing to reduce what consumers spend on gasoline. This bill would put an end to future cost savings because both the EPA and States would be prohibited from updating the standards that they have already set.

One would think that during this time of rising gas prices and the turmoil in the Middle East, that we would be voting on legislation to decrease our dependence on foreign oil, voting to drive innovation in clean energy industries, and voting to ensure future security and energy independence and leave the next generation of Americans with a healthy world. Instead, we are voting on a bill to gut the Clean Air Act. I think this is all heavy evidence for Members of the House to oppose the dirty air act.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the former chairman of the Natural Resources Committee and the current ranking member on the Transportation Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the chairman for yielding the time to me, and I appreciate his and his committee's work on this legislation.

Mr. Chairman, I don't think anybody in this body is for dirty air or dirty

water or any of the adjectives that have been used to describe the supporters of this legislation. Certainly the Clean Water Act and Clean Air Act and other worthy pieces of legislation that Congress has passed over the decades have worthy goals and have achieved tremendous progress for this country. And there is not a person in this country, I dare say, that would want to renege on a lot of the positive initiatives that have been achieved under these pieces of legislation.

□ 1510

No singular government agency, however, is sufficiently positioned to tackle the complex solution required to address carbon emissions. The answer has to be multipronged. It must involve innovation and investment in addition to reductions. It must be crafted taking into account the realities of the effect that emission reductions will have on the economic recovery this country is currently experiencing and on jobs, especially in the heartland of America. These are not matters that the EPA is required to consider or equipped to address.

To simply allow the EPA to move ahead on its own in crafting a national strategy on climate change is a recipe for disaster. It assures a lopsided solution to a broad and cumbersome challenge. And, what may be worse, it does not provide for the kind of transparency and the kind of public input that is needed for a viable, long-term solution.

It is one of the eternal truths of our form of government, Mr. Chairman, that the public has to be involved, it has to be informed, and the public must be engaged. This legislation is crystal clear in its message that the EPA has gotten ahead of public opinion and that the Congress now has a responsibility to pull it back.

I support this legislation, and I urge its passage today.

Mr. WAXMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, we should oppose this dirty air act because it would suggest that we are a nation in a deep and dangerous sleep, dozing in the face of disastrous pollution, slumbering while our children are riddled with asthma. It's time for America to wake up, get up out of our comfortable beds of denial, and get to work building a new, clean economy.

It's time to wake up, America. The Chinese are not sleeping while they build five times more wind turbines than us. The Germans are not sleeping building more solar panels. The Indians are not sleeping who are restricting carbon pollution. It is time to wake up. Nobody in human history has ever won a race while asleep. And that's why it's time for a national awakening by re-

jecting this bill. It's a time to put engineers to work on clean energy. It's a time to help businesspeople to grow businesses. It's a time to help students learn new technology.

It is an irony, but it's true: You can only dream while you're asleep, but you can only realize a dream when you're awake.

We should believe in American exceptionalism. We are exceptional in innovation, exceptional in entrepreneurship, exceptional in pioneering technology. And if we do these things, the sun we see on the horizon will be a sunrise, not a sunset. It will be a sign of an awakening nation. We'll do this because we will know and America can know the profound satisfaction of building a clean energy economy and producing children free of asthma rather than increasing it like this dirty air act.

Vote "no" against this small-minded exercise in pessimism. Vote "no" and embrace the optimism that is inherent in our national character.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Chairman, I rise in support of the legislation and thank our chairman, the gentleman from Michigan, for bringing it forth and bringing forth a bill that will limit the EPA's regulatory overreach. It is important that we do. This is an issue that has been going on since 2007, when the Supreme Court gave the EPA permission to regulate greenhouse gases. At that point, I introduced a bill that would have stopped the EPA. Unfortunately, Congress didn't act and the EPA has now issued a final rule, and there will be more rules and regulations on the way if Congress does not step in and take action to stop this.

I am grateful that we are stepping forward and making certain that this authority returns to Congress. I urge my colleagues to vote for H.R. 910 and reassert Congress's authority over this issue, as it should be, and take it away from unelected bureaucrats.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to a distinguished member of our committee, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Chairman, as the representative of a district that has one of the highest greenhouse gas emission levels per square mile in the United States and the Caribbean, I rise in strong opposition to H.R. 910, appropriately known as the Dirty Air Act.

As a physician and as a person who has been trained to make decisions on sound science, I have to reject this legislation that is based wrongly on the premise that there is no science that supports the court's decision that greenhouse gases are injurious to the public health. That premise is wrong. Once again, our Republican colleagues

deny sound science in their attempt to achieve misguided and, in this case, harmful political ends. Leading scientific academies, associations, and think tanks have all clearly documented a clear connection between these gases and poorer health. They make just as clear a connection of these gases to the acceleration of climate change, which adds another dimension of health challenges, some of which we are already facing today.

My colleagues on the other side of the aisle tend to attribute the findings to the EPA administrator, but it is not she who has determined that these harm the public health. It was the scientific community, respected experts in the field.

Mr. Chairman, the reduction of greenhouse gases is particularly important to the poor and racial and ethnic minorities, as it has been shown that polluting industries are more often located in or near our communities.

In committee, and I suppose today, you will hear a lot of talk about CO<sub>2</sub>, but that is not the only greenhouse gas that we're concerned about. This harmful group of gases also includes methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

The Virgin Islands have seen dramatic increases in asthma and cancers as the presence of these gases has increased. There is no way I can support this bill. No one should support it. We have a responsibility to protect the health of the American public. I urge my colleagues to reject H.R. 910 and to vote "no" to dirty air.

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
March 23, 2011.

MEMBERS,  
*House of Representatives,*  
*Washington, DC.*

Re: NAACP Opposes H.R. 910, the Energy Tax Prevention Act of 2011

DEAR REPRESENTATIVE: On behalf of the NAACP, our nation's oldest, largest and most widely recognized grassroots-based civil rights organization, I am writing in opposition to H.R. 910, the Energy Tax Prevention Act of 2011. If enacted as written, H.R. 910 would block the ability of the U.S. Environmental Protection Agency (EPA) to reduce greenhouse gases under the authority of the Clean Air Act.

For more than 40 years, the EPA has used the authority granted to it by the Clean Air Act to protect our health and our environment. EPA actions to reduce greenhouse gas emissions are therefore appropriate, and should in fact be supported. If successful the reduction of greenhouse gases will help slow global warming, improve Americans' health and create new jobs.

The reduction of greenhouse gas emissions is especially important to racial and ethnic minorities, as we are disproportionately affected by the negative consequences of global warming socially, economically, and through our health and well-being. One need look no further than Hurricane Katrina and its tragic aftermath to see that African Americans and other communities of color are disproportionately affected by severe weather and other negative consequences of global warming. More recently, we can look to the extreme weather patterns experienced

by much of the United States this past winter, with unseasonable snow, ice and temperatures well below freezing in Atlanta, GA, and points south.

Rather than focus on legislative initiatives which would hinder our nation's progress in addressing the dangers of climate change and the resulting social, health and economic consequences, the NAACP urges the U.S. Congress to work toward the enactment of comprehensive climate protection and clean energy legislation that reduces global warming pollution. As such, the NAACP looks forward to working with you to ensure that effective actions are taken. In that vein, I hope that you will feel free to contact me should you have any questions or comments on the NAACP position.

Sincerely,

HILARY O. SHELTON,

*Director, NAACP Washington Bureau & Senior Vice President, Advocacy and Policy.*

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. BERG).

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

Mr. BERG. Mr. Chairman, this bill is a starting point to lowering energy costs. This bill encourages private sector investment and will grow jobs.

North Dakota is a leader in energy development. However, overreaching EPA regulations threaten not only energy producers but consumers as well.

The EPA's efforts to impose a cap-and-trade tax threaten to increase the price of energy for American families. These higher energy costs will also impact small business, threatening them and preventing them from growing the economy and creating jobs.

Our economy is suffering, and heaping more taxes on American families and imposing new regulations that will hurt job creation is not what our country needs to get back on track.

I firmly support the Energy Tax Prevention Act.

Mr. WAXMAN. For the purpose of a unanimous consent request, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to H.R. 910.

On April 2, 2007, the Supreme Court in *Massachusetts v. EPA* held that greenhouse gases, including carbon dioxide, are "air pollutants" under the Clean Air Act. As a result, the EPA was legally obligated to determine whether greenhouse gas emissions from motor vehicles could be reasonably anticipated to endanger public health or welfare. If the EPA made a positive finding, then it would also have to issue regulations to reduce such emissions.

On December 7, 2009, the EPA issued its endangerment finding. The finding was based on a 200-page synthesis of major scientific assessments authored by not only the Intergovernmental Panel on Climate Change, but also by the U.S. Global Change Research Program, the U.S. Navy, the U.S. Department of Agriculture, the National Research Council, NOAA, NASA, the U.S. Fish and Wildlife Service, the CDC, the U.S. Geological Survey, the National Snow and Ice Data Center, and others. The EPA's scientific basis for the finding was extensively reviewed by, among others, a

group of leading scientists from federal agencies.

In order to limit the number of industrial sources that would be subject to regulation, the EPA issued its "Tailoring Rule" last May which raised the Clean Air Act statutory thresholds to require greenhouse gas permitting only for the largest industrial sources of greenhouse gas emissions from 100/250 tons to 100,000 tons per year.

In response to these actions, House Energy and Commerce Chairman FRED UPTON introduced the Energy Tax Prevention Act to strip the EPA of its authority to regulate carbon under the Clean Air Act.

My two largest concerns with the bill is that it overturns both the Supreme Court's finding that the EPA has the authority to regulate greenhouse gases under the Clean Air Act and the EPA's scientific determination that greenhouse gases endanger human health and the environment.

By doing this, the Energy Tax Prevention Act could also: prohibit EPA from enforcing existing greenhouse gas reporting requirements; prevent EPA from taking impacts on climate change into consideration when approving alternatives to ozone depleting substances under Title VI of the Clean Air Act and the Montreal Protocol; create legal uncertainty about the status of the recent motor vehicle standards adopted by EPA; and call into question EPA's authority to implement voluntary programs to reduce greenhouse gas emissions.

I must emphasize that I am opposed to the EPA moving forward with regulations on large utilities and refineries in our country, because I believe that the Congress should be the decision maker on carbon control issues. However, we cannot discount the Supreme Court decision, say climate change is not an issue and move on with it, which is the approach the Energy Tax Prevention Act takes. Instead, we should pass a bill that would delay the EPA from moving forward with these regulations so that the Congress has time to address this issue with input from Members that represent diverse constituencies nationwide.

So I ask my colleagues on the other side of the aisle to provide leadership on this front. Let's address carbon so that we don't have to worry about what the EPA is doing and whether they will be sued by outside groups to further regulate these industries or move up already announced dates for rulemaking. This Congress has the power to be 100% in control of giving our manufacturing base the regulatory certainty it needs. Cap and Trade legislation will not pass this Congress, but I believe a solution can be found for controlling carbon emissions by using nuclear and natural gas to generate electricity.

As such, I encourage my colleagues to vote against this bill and instead, let us pass into law a bipartisan, comprehensive carbon control program that regulates emissions with the least disruption to our economy.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, I rise in strong opposition to this legislation, which makes a mockery of science, public health, international cooperation, the environment, the Supreme Court, and Congress.

The problems with this bill start with its title, the "Energy Tax Prevention Act." The bill has nothing to do with taxes. I had an amendment to actually prevent the EPA from imposing an energy tax that the Rules Committee would not allow.

□ 1520

During the rules debate, my colleague Mr. SESSIONS from Texas indicated the committee did not because my amendment was "not germane", because the bill doesn't have anything to do with taxes.

Welcome to another journey down the legislative rabbit hole. Last week, the majority pretended that you didn't have to have both Chambers of Congress to enact a law. This week, we have purposely misleading bill titles.

The rule, by the way, did waive a point of order on germaneness for a provision added in committee, but the Rules Committee refused to make in order an amendment that would actually prevent energy taxes. That's because there is no threat that the EPA will impose taxes. Instead, the agency's measured and reasonable approach to update the Clean Air Act to deal with carbon pollution will reduce health and economic costs.

The tax moniker is not the only falsehood being floated about the EPA. Supporters have also claimed this bill will prevent rising gas prices. The Pulitzer Prize-winning *PolitiFact* has rated this claim false.

My colleagues on the other side of the aisle understand that. They're taking a page from Frank Luntz' approach to environmental policymaking. They don't want to have a fact-based debate about the EPA's authority to limit carbon pollution. Instead, they're working to perfect the use of poll-tested, wildly inaccurate language to attack sound science and to undermine confidence in laws that keep us safe.

I hope my colleagues will join me in rejecting this unfortunate piece of legislation and the tactic that is being used to advance it.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the House Ag Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I rise in support of H.R. 910.

Mr. Chairman, for more than 2 years, we have watched Obama's Environmental Protection Agency try to expand its authority over American agriculture. Most telling of the EPA's irrational regulatory approach is how it has concluded that the breath we exhale and the gas that livestock expels are dangerous pollutants and should be regulated under the Clean Air Act.

During a recent Agriculture Committee hearing, the EPA Administrator said agriculture is currently exempt from the proposed regulations because the EPA has targeted only the largest greenhouse gas emitters. This doesn't provide any certainty to our farmers and ranchers, especially since, in a recent interview, Lisa Jackson was

quoted as saying that the EPA will begin looking at regulating greenhouse gases from farms as soon as 2013, which counters her own remarks at that hearing.

Additionally, a mythical exemption doesn't insulate farmers, ranchers and rural businesses from the higher energy and operating costs they'll face from other industries hit by these regulations. Whether it's the fuel in the tractor, the fertilizer for the crops or the delivery of food to the grocery store, this backdoor energy tax will increase the cost of doing business in rural America.

I urge my colleagues to join me in passing H.R. 910, the Energy Tax Prevention Act, and protect agriculture from EPA's overreach. This bill will prevent the EPA from running wild across America's farms and from subjecting our producers to more burdensome regulations that threaten to put them out of business. Rural America has never stopped being a good place to live; so it's our job to make sure it's a good place to make a living, too.

Mr. WAXMAN. Mr. Chairman, I now yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my friend from California for his leadership.

Mr. Chairman, I rise today in opposition to H.R. 910.

My friend Mr. BLUMENAUER made the point that there is a deliberate misleading title to this bill somehow cynically allowing voters to believe that this is about taxes. I had an amendment before the Rules Committee that, unfortunately, was not accepted. How about we be intellectually honest about this? Let's rename the bill the Koch Brothers Appreciation Act of 2011. At least then we could clear the air and be honest; but then again, that's what this bill is all about, not clearing the air but ensuring that it stays polluted.

Today, sadly, the other party will attempt to pass a bill that denies decades of science in order to protect the profits of a few favored corporations. Next, we may hear claims that the Earth is, indeed, flat.

When Congress passed the Clean Air Act in 1970, it directed the EPA to protect the public health and welfare from pollution that would alter weather and climate. In the last 40 years, hundreds of peer-reviewed scientific papers have found that global warming is caused by humans, is becoming worse, and poses a dire threat to our public health, national security and economic vitality.

This bill makes Congress the final arbiter of science. That is a perilous path, Mr. Chairman, to go down, and it repudiates 100 years of bipartisan efforts to craft public health legislation according to science. Not since the Scopes trial has a division of government waged such an outlandish assault on science. With H.R. 910, Republicans, sadly, have aligned themselves with that school board in Tennessee and

with the Pope who excommunicated Galileo.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding me the time and for his leadership on this issue.

I rise in strong support of this legislation.

Despite President Obama stating that he would prefer Congress to take the lead in determining how to handle greenhouse gases, what do you know? The Environmental Protection Agency has begun their own plan to regulate greenhouse gases.

American voters spoke in November, and they clearly rejected the cap-and-trade agenda that was offered in this Congress last year and that was not taken up in the United States Senate. Now we, ourselves, are faced with the need to act. So unless Congress acts to stop the EPA, this administration and the Environmental Protection Agency will enact their own cap-and-trade-like agenda.

Without action, the EPA will add more regulatory red tape onto American businesses and manufacturers, hampering the ability of companies to operate competitively in the United States. These businesses could be forced to move those jobs overseas, to locations with fewer regulatory burdens, or they could simply pass these increased costs on to American consumers. Either choice is not good for jobs in America. Without action, these regulations will be paid by anyone who turns on a light switch or who plugs in an appliance.

We must stop the EPA from continuing their spree of overregulating our economy. During this economic slow-down, we should be adopting policies that seek to rebuild our economy and create more jobs. We should be producing more energy, an all-of-the-above energy plan that I know the Energy and Commerce Committee is working on, to increase the domestic production of oil and natural gas and coal and safe nuclear power and to encourage new productions from new sources of energy.

Let's make America energy independent. Let's not raise the cost of energy and ship jobs overseas, which will cost millions of American jobs. We should be doing just the opposite. This legislation starts us on that path, and I urge my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, may I inquire as to how much time is remaining on each side?

The CHAIR. The gentleman from California has 10 minutes remaining. The gentleman from Michigan has 11½ minutes remaining.

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

Mr. UPTON. Mr. Chairman, I yield 1 minute to a cosponsor of the bill, the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in support of Chairman UPTON'S

bill, H.R. 910, a bill to prevent the EPA from regulating greenhouse gases. By passing this bill, Congress will rein in the EPA and save thousands of American jobs.

This is a very sensitive issue to me. Georgia-Pacific, a subsidiary of Koch Industries, is the largest employer in my hometown of Muskogee, Oklahoma, employing almost 1,000 Oklahomans. I am proud of the work Koch Industries brings to my district and of its record of environmental stewardship. I want to make sure that Georgia-Pacific employees keep their jobs and that Koch can continue to invest in Oklahoma.

Every Member of Congress understands the delicate balance between creating jobs and preserving the environment, but I ask my colleagues to see that the answer to America's economic and environmental challenges is not a more powerful EPA. Let's pass the Upton bill and put an end to this job-killing idea.

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

□ 1530

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), the former chairman of the House Ag Committee and now ranking member of that committee.

Mr. PETERSON. Mr. Chairman, I rise today in support of H.R. 910.

We recently held a hearing in the Agriculture Committee with folks from the EPA and from people in agriculture, and the message that we heard was pretty clear from agriculture that they believe the EPA needs to be reined in, not only as regards this bill, but other measures that are being considered within the EPA as well. What this bill will do is hit a pause button on the EPA's current efforts to regulate greenhouse gases, and that's exactly what people in agriculture think we need.

I have traveled the country, all over the country, talking to agriculture producers both in my district and other places, and they are concerned about what they see coming out of this agency, the regulations that they are seeing. And what really concerns them is that the agency does not seem to understand agriculture and, frankly, doesn't seem to want to understand agriculture.

These proposed regulations we're seeing from EPA could potentially get in the way of what agriculture producers are already doing when it comes to conservation of our natural resources. American farmers and ranchers rely on these resources to provide the world's food supply and are committed to preserving them for the next generation.

The EPA claims to be operating in an open and transparent manner, but the agency is sending mixed messages. At the recent hearing that I mentioned earlier, we were told that agriculture is currently exempt from proposed regulations, yet press reports have quoted

the administrator since as saying the EPA will begin looking at regulating greenhouse gases from farms as soon as 2013.

If Congress doesn't do something about the regulations being imposed on our farmers, ranchers and rural communities, the economic effects are going to affect everybody in America. We are being asked to feed more and more people not only in this country, but around the world. This kind of legislation, the effect is going to be to make it harder to do that and also to raise the cost on all of the consumers in this country at a time when that's the last thing that we need.

I encourage my colleagues to support H.R. 910.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my colleague from California.

For 40 years, the Clean Air Act has been successful in reducing emissions in the atmosphere, pollution that kills people. Thousands of people are alive today because of the Clean Air Act. None of them know who they are. It might be people in this Chamber, some of us. And the success of the Clean Air Act is due in large part to being enacted and strengthened based on the best science available to find effective ways to remove the worst pollutants from our air. The legislation before us today—appropriately nicknamed the “dirty air act”—would gut the Clean Air Act and prevent EPA scientists from doing their jobs.

The Clean Air Act was written wisely to allow the safeguards to grow with the scientific understanding of the dangers proposed by various chemicals in the air and with the technological means for controlling those pollutants. Carbon pollution, a couple of years ago, was determined by EPA scientists to endanger the health and welfare of the American people. EPA scientists should be allowed to continue their work. Air pollution is costly in lives and in dollars.

The Clean Air Act is successful. The legislation must be protected.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise today in support of H.R. 910, the Energy Tax Prevention Act, which would prohibit the EPA from using the Clean Air Act to regulate greenhouse gases.

Congress has already said no to a cap-and-trade tax, yet the EPA is intent on taking matters into their own hands, which will result in a bleeding of jobs. If the EPA is allowed to continue to pick winners and losers in this country, we will be seeing higher prices at the gas pump, higher utility bills, and job loss.

We should be making it easier, not harder, for small businesses to expand and hire. However, the EPA's assault on fossil fuels will result in higher domestic energy costs and push American jobs overseas.

At home in West Virginia, the EPA is making it much more expensive to turn on our lights and drive to work; that's not the way to get our economy back on track.

This legislation is of particular importance to my constituents in West Virginia. The EPA's regulations will disproportionately affect our State's economy. West Virginia powers the Nation. Our energy providers provide thousands of good-paying jobs, and coal alone provides over half of our Nation's electricity and over 95 percent of the power in my State.

I strongly urge my colleagues to vote in favor of H.R. 910 to stop the EPA's regulatory overreach and job-killing strategies.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I want to clarify some statements that have been made that are absolutely inaccurate.

There may be Members who are unhappy about EPA regulations as they hear from their constituents, but that is not what is involved in this bill today.

This bill would stop EPA from regulating as it relates to carbon emissions; and EPA has undertaken this because of a scientific finding that carbon emissions are causing a danger to public health and the environment.

EPA, under the Clean Air Act, has a wide range of possible regulations, but EPA has decided that they would restrict their regulations only to large new sources or expansion of existing sources of pollution of 100,000 tons per year, and that is all.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Chairman, I yield myself another 30 seconds.

So we heard these claims that they are going to come in and regulate in areas where they're not seeking to regulate, nor have they in fact done it. A new source, emitting 100,000 tons of pollution, is equivalent to burning a train car load of coal per day.

We hear concern from people from the coal-burning States, but they're not threatened unless there are new sources of that magnitude. The oil companies are not going to be regulated unless they are going to build a new source of that magnitude. Maybe they are fearful about other regulations, but that is no reason to support this bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the chairman of the Energy and Power Subcommittee, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. On this tailoring rule that was adopted by EPA saying that they would regulate only those emitters of 100,000 tons or more per year, that is in direct violation of the language of the Clean Air Act, which says they have to regulate anything 150 to 250 tons per year.

Lawsuits have already been filed against the EPA of violating the Clean

Air Act, and there is a strong sense that the tailoring act would be ruled illegal. And if it is, as Gina McCarthy said, they would have to regulate everything in society, including small farms, small businesses, everyone. They do not have the manpower to do it; and as she stated, it would cost the enforcing agencies alone \$24 billion, and that's not including the money that industries and others would have to spend to comply with the new regulations. So the statement that they will not be impacted is certainly not settled.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I want to refute the statements that have just been made.

There is a court doctrine allowing EPA to design regulations that are tailored according to administrative necessity, and they need not go beyond that.

The complaint on the other side is that there is a wide-ranging regulation, but there is not. And there will be an amendment offered by Representatives KIND and OWENS to restrict the regulations by law to what the EPA is implementing.

□ 1540

And I hope the gentleman that spoke just now will vote for that amendment. But whether it passes or not, EPA can tailor its regulation, and they ought not complain about a regulation that's not being proposed. They don't want even the minimal one that EPA is implementing.

If we don't legislate and we don't regulate, we are ignoring the problem and we're going to make it much, much worse and costlier to correct later on.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. Mr. Chairman, I rise in support of this legislation.

For me, this debate is not about whether or not climate change is occurring, nor is it about preventing the congressionally directed policies that Congress should have to reduce greenhouse gas emissions and allow us to have a low-carbon producing economy.

I, for one, think that climate change is real and a problem that needs to be addressed with practical solutions that have attainable goals to reduce emissions and provide certainty in our economy. I also believe that the Clean Air Act has truly benefited our Nation and should never be weakened—rather, strengthened.

However, agencies should not be able to regulate what has not been legislated. Doing so does not solve problems. It creates even more uncertainty as it opens up the agency's rules to countless legal challenges.

And I am committed to finding a workable solution to achieve clean air, help address global warming, and preserve the economic competitiveness of



the United States in the global marketplace. With my friend, Congressman MATHESON of Utah, we offered an amendment during markup that is now in the bill that states that there is established scientific concern over warming of the climate system and Congress should fulfill its role in developing policies to control greenhouse gas emissions.

I rise in support of this legislation, but I also support a meaningful solution to the carbon crisis.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 3 minutes to the Democratic whip in the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Briefly, in response to the gentleman's assertion, of course the court has said EPA does, in fact, have this authority. This is not a new authority they're making up. Rather than invest in new energy technologies, address carbon pollution, and create clean energy jobs, our friends on the other side are choosing instead to deny the problem and take away America's tools for responding to it.

This bill would overturn auto emission standards that are making our cars and trucks cheaper to drive and breaking our independence on foreign oil. This bill would not do a single thing to bring down the price of gas, but it would keep America from saving 1.8 billion barrels of oil over the lifetime of our new cars. We would not have gotten there, frankly, if some of the proponents of this bill who opposed getting to those standards had prevailed. And it would do so at a time when the turmoil in the Middle East should serve as an energy independence wake-up call.

I'm for using all of our energy that we can do so in a healthy, safe way. This bill, however, would significantly weaken the Clean Air Act over its 40-year span.

The benefits of the act: longer lives, healthier kids, greater workforce productivity, and protected ecosystems have outweighed the costs by more than 30-1. That's a pretty good return, ladies and gentlemen. Last year, according to the EPA, just one part of the Clean Air Act prevented someone 160,000 premature deaths, 130,000 heart attacks, and 100,000 hospital visits. That is a pretty good return on our investment.

And according to the American Medical Association, "If physicians want evidence of climate change, they may well find it in their own offices. Patients are presenting with illnesses that once happened only in warmer areas. Chronic conditions are becoming aggravated by more frequent and extended heat waves. Allergy and asthma seasons are getting longer."

The gentleman from New Hampshire said he doesn't doubt global warming. I agree with that conclusion. It is a shame this bill doesn't take that perspective. The Republican response is to make pollution easier, frankly.

Finally, this bill overturns scientific findings that carbon pollution endangers the environment and human health, which has been confirmed by all of the world's leading scientists.

A partisan majority can pass whatever bill it wants. I understand that. But it cannot legislate the facts out of existence, facts that as recently as a few years ago were accepted in both parties. What changed? The science or the politics?

Mr. Chairman, I urge my colleagues to oppose this bill, which recklessly endangers our air, our health, our climate, and our energy independence.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY), a member of the committee.

Mr. MURPHY of Pennsylvania. Okay. Here we go.

When we discussed the cap-and-trade bill, it worked sort of like the Seinfeld show. George Costanza comes to Jerry and says, "You know what we should do with this show, what it should be about?" Jerry says, "What?" George says, "It's about nothing."

Here's how cap-and-trade works: Factory A has something coming out of its smokestack; Factory B doesn't. So Factory B sells their "nothing" to Factory A. Factory A adds that cost to the cost of their products. Sooner or later, they raise costs of electricity, raise costs of their products. They can't make it in America any more.

America figured this out long ago, and they said we're going to see energy prices go up, we're going to see jobs and income go down. We don't want it to work this way. We want clean air, clean land, and clean water. But the way these things are working is not what's going to make it happen.

So the American people say don't export our jobs, don't export our factories, don't export our manufacturing and then end up importing emissions from other countries. It's a global problem. It's something we have to deal with. But having the EPA do this without working through Congress isn't the way to make this happen.

Let's come up with a real solution here but not continue on down this road of exporting our jobs to other countries.

Mr. WAXMAN. I continue to reserve my time.

Mr. UPTON. Mr. Chairman, if I might just enter in a brief colloquy with my friend, the gentleman from California.

Each of us has about the same amount of time left. I have allocated my time; I presume you have as well. My remaining speakers are meeting someplace, and I'm prepared to close and yield back if you are, unless somebody comes to the floor awfully fast.

Is it the same for you?

Mr. WAXMAN. I find myself in the same position. I am prepared to close and yield back my time, unless one of our Members shows up unexpectedly.

Mr. UPTON. Fine.

Mr. WAXMAN. Mr. Chairman and my colleagues, I have before me a letter

from the United States Environmental Protection Agency. We asked them very specific questions, and one was whether this would establish a backdoor cap-and-trade program. They said, one, EPA has not adopted a cap-and-trade program to address greenhouse gas emissions; two, EPA is not considering or evaluating a cap-and-trade program to address these emissions under existing Clean Air Act authority; and they further went on to say they do not anticipate that they will do a cap-and-trade program. None of the five programs that they have adopted or are considering adopting to limit harmful pollutions are cap-and-trade programs.

So when we hear Members get up and say, oh, they're about to adopt a cap-and-trade program because Jerry Seinfeld's show might lead you to that conclusion, it is not, according to Lisa Jackson, the head of EPA, their intent.

EPA, under the law, is required to look at the science. Once they determined that carbon is a pollutant that causes harm to public health and the environment, they must regulate. They could, under their powers, fashion the regulation in a modest way, which is exactly what they've done. The regulations that they are implementing can be met through greater efficiency in these new sources that would emit such large amounts of carbon. That is a reasonable thing to do because it is beneficial for the industries to be more efficient.

We have found over the years, under the Clean Air Act, when sources of pollution, industries, reduce their pollution, they become more efficient and more competitive. That's what will happen as a result of the regulations that are being implemented. Let us not tie EPA's hands and say they cannot deal with this subject.

For those who deny the science, I disagree with you. But if you're wrong, it will take a long time before any strategy will come into effect to reduce these emissions. Buy at least an insurance policy to reduce these dangerous pollutants so that we can avoid some of the terrible consequences of greenhouse gas emissions and climate change, which are already evident in this country and around the world.

I urge my colleagues to oppose this bill. Vote "no."

I yield back the balance of my time.

□ 1550

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

Mr. Chairman, we followed regular order on this bill. We had plenty of hearings. We issued a discussion draft. We had markups in both full and the subcommittee. We sought bipartisan support. In fact, we received it. Mr. PETERSON, who spoke earlier, the former chairman of the House Ag Committee, Mr. RAHALL, the former chairman of the Natural Resources Committee, are both original cosponsors.

We have different rules than the other body, the Senate. They are debating this same issue today in fact.

They have been debating it now for a couple of weeks. And it's interesting to me that a number of the amendments on the amendment tree in the Senate by different Democratic sponsors—in fact, I would confess that the EPA has run amok because they, too, though they might not be fully supportive of this legislation, they too are supporting a 2-year time-out to the EPA, to tell them to stop. They're not ready for this.

I supported, I voted for the Clean Air Act back in 1990. And I think most of my colleagues then, it was a strong majority that supported that. It allows the EPA to regulate 188 different contaminants. They do that. This bill does not weaken that work by the EPA.

There was an issue then that the Senate included in their version of the bill something that did regulate greenhouse gases. And when it went to conference with the House, JOHN DINGELL was then chairman of the conference committee, the House did not accept the Senate language. The Senate receded to the House, as the lingo goes, and in fact the Clean Air Act then ended up without regulating greenhouse gases.

We had a huge debate in the last Congress on cap-and-trade. Speaker PELOSI had an 86-vote margin here in the House. Cap-and-trade, yes, it did pass in the House. It passed by seven votes. So you switch four votes, it goes the other way. But despite that passage in June of 2009, the Senate did not take that legislation up. Didn't go through subcommittee, full committee, never got to the Senate floor, and it died with the conclusion of the 110th Congress.

What we are saying is that the Congress, elected leaders here, should decide what is regulated. We know from the testimony that we had in committee we may lose as many as 1.5 million jobs. We heard from the refineries. They know that it's going to increase costs because they're going to have additional regulation. They're going to pass those costs on. And, in fact, it will raise the price of gasoline by 20 cents to 50 cents over the next number of years. That's not what we want to see in this country.

And what's going to happen? What's going to happen to those jobs? They're going to leave this country, and they're not going to come back. And they're going to go to other places like, let's face it, India and China, where neither country has nearly the environmental laws that we have today. We are going to continue to enforce, to see the Clean Air Act enforced. This does not weaken that act. We just say we're not ready to regulate greenhouse gases, not when we have an unemployment rate where it is today—Michigan much higher than the national average—knowing that it's going to cost a lot of jobs.

So I would urge my colleagues to support this legislation. It tells the EPA, no, you are not going to do this.

We will see what happens with the Senate, as they debate this issue the rest of the day and perhaps into tomorrow. But I would urge all of my colleagues to support H.R. 910, particularly now as we get into the amendments.

Mr. CAMPBELL. Mr. Chair, I rise in support of H.R. 910, the Energy Tax Prevention Act.

In 2009, the Administration announced their "National Program" to regulate fuel economy. But if you read beyond the press releases touting the "National Program" you'd find that it wasn't one program at all. In reality, the so-called "National Program" is made up of three different fuel economy programs, administered by three different agencies—NHTSA, EPA, and the California Air Resources Board—under three different sets of rules, pursuant to three different laws.

Why on earth do we need three different agencies regulating the same thing? The truth is, we don't. H.R. 910 would end the regulatory duplication, and the millions in taxpayer dollars wasted on such redundancy by EPA.

Mr. Chair, as the old Beatles song goes, "one and one and one is three." The CAFE program plus an EPA program plus a California program adds up to three different programs. That's what we have now, but we must do better for consumers, who will ultimately have to bear the cost of all this unnecessary regulation. H.R. 910 returns the regulation of fuel economy back to one standard, with rules written by Congress, not unelected bureaucrats. I urge a "yes" vote on this important legislation.

Mr. LANGEVIN. Mr. Chair, I rise in strong opposition to H.R. 910, the Energy Tax Prevention Act or "Dirty Air Act" which will end the Environmental Protection Agency's (EPA's) ability to regulate harmful carbon pollution.

I will vote against this bill for many reasons, but one that is particularly concerning to me is related to my strong support for Science, Technology, Engineering, and Mathematics (STEM) education. I believe that STEM education is critically important to our recovering economy and to our future competitiveness and innovation. I support programs, such as the Cyber Foundations Competition, to encourage more students to pursue careers in science and technology and I believe that many of my colleagues on both sides of the aisle share this goal. But how can we ask our students to pursue careers in science and then ignore scientists when their findings are not politically convenient? This bill sets science aside and sends a dangerous message to our students pursuing studies in STEM fields.

In addition to an attack on science, this bill will stop and reverse the public health, environmental, and economic protections that have been achieved since the passage of the Clean Air Act 40 years ago. In 2010 alone, the Clean Air Act contributed to the prevention of 160,000 premature deaths, 130,000 heart attacks, and more than 100,000 hospital visits. This bill will also prevent the EPA from setting pollution standards for cars and trucks, increasing carbon emissions in our communities, and continuing our nation's addiction to foreign oil. Further, a return to outdated technology will limit new innovations in renewable and more efficient technologies and limit the job growth opportunities in these emerging manufacturing industries.

Rhode Islanders have great respect for their environment and they deserve the right to step outside and feel safe breathing the air around them. By preventing the EPA from regulating greenhouse gas emissions, we are turning back the progress we have made to protect our health under the Clean Air Act and we are halting important economic opportunities that will help make our nation a world leader in new technologies. I urge my colleagues to join me in opposing this bill and supporting responsible regulations that will keep our nation moving forward and keep our environment safe for future generations.

Mr. LEVIN. Mr. Chair, I rise in opposition to the legislation before the House, which would weaken the Clean Air Act and the ability of the Environmental Protection Agency to protect public health and the environment from carbon pollution.

The scientific community has been telling us for years, with growing urgency, that greenhouse gas emissions are contributing to changes in the climate and that the impact of these changes will be overwhelmingly negative going forward. There is a lot of room for a constructive debate on what the U.S. response should be to the buildup of heat-trapping gases in the atmosphere. Our response cannot be to simply deny the existence of the problem.

But that is exactly what the bill before the House does. This legislation rejects the scientific consensus that climate change is occurring and overturns EPA's scientific finding that carbon pollution endangers public health and the environment. In a word, this bill would take a fundamentally anti-science dogma and enshrine it into public law. It is the legislative equivalent of sticking our heads in the sand.

We've heard a lot of overheated rhetoric by the proponents of this bill that protecting the American people from carbon pollution amounts to some kind of job-killing tax increase that will make gasoline and electricity cost more. In fact, the rules EPA is developing seek to curb carbon pollution by the very largest emitters in this country over a period of many years. We're talking about facilities that emit more than 75,000 tons of carbon into the air each year. In most cases, the new rules will simply require these facilities to make energy efficiency improvements. As we've seen in so many other areas, investments in energy efficiency often pay for themselves and actually create jobs.

H.R. 910 is opposed by scientists, public health groups, environmentalists, sporting organizations like Trout Unlimited, as well as the UAW and the Blue/Green Alliance. This legislation should be rejected.

Mr. TERRY. Mr. Chair, I rise today in support of H.R. 910, The Energy Tax Prevention Act of 2011. This legislation will amend provisions of the Clean Air Act, to establish general rules prohibiting the Administrator of the Environmental Protection Agency (EPA) from regulating greenhouse gas emissions to address the issue of climate change.

Being from Nebraska, I meet with a number of agriculture interests, all of them very concerned about the activism that the EPA has and is demonstrating these last few years. Folks joke about greenhouse gas emissions that come from farm animals, especially cows and cattle. While on the one hand it is funny to think that this is a problem; however, on the other hand, it just demonstrates the kind of

people who are working in today's EPA and this is really serious.

When Administrator Jackson testified before the House Agriculture Committee she stated, "One notion is that EPA intends to regulate the emissions from cows—what is commonly referred to as a 'cow tax.'" "The truth is—the EPA is proposing to reduce greenhouse gas emission in a responsible, careful manner and we have even exempted agricultural sources from regulation." When the Administrator testified before the Energy and Power Subcommittee of the Energy and Commerce Committee, as a member, I asked her to clarify if she would exempt agriculture from these regulations and she said she would—twice over. I appreciate her willingness to exempt this very important industry, because not exempting agriculture would have a dramatic impact on the Nebraska economy. My concern is that Administrator Jackson does not have the legal authority to unilaterally exempt agriculture; and even if she does, that industry is only one law suit away from being regulated, due to citizen law suits. I have no doubt that the Sierra Club, PETA, the Natural Resource Defense Council, the U.S. Humane Society, or some other group will sue either individually or together with regards to greenhouse gases on farms.

The EPA's own figures on agriculture state that 37,000 farms are above the threshold of being a major source of greenhouse gas emissions. The Clean Air Act explicitly states that "major sources" must obtain a Title V operating permit. This could have a direct impact on many operations within agriculture, including corn, wheat, grain, cattle, and hog operations. This overzealous regulation will cause the cost of food production to rise and will also cause an indirect impact on bringing goods to market by helping to increase energy costs.

While I appreciate Administrator Jackson's willingness to exempt us from the cow tax, I think it is more important that we pass H.R. 910 and get it to the President for his signature, in order to guarantee that none of our energy is taxed.

Only with the passage of H.R. 910 will we end EPA's over reach on this issue.

Mr. MORAN. Mr. Chair, emboldened by their electoral victories last fall, my Republican colleagues have embarked on a campaign to weaken or repeal many of the landmark laws that have protected the public's health and the environment.

The first opening shots at the Environmental Protection Agency (EPA) were fired through amendments to legislation (H.R. 1) to complete the fiscal 2011 budget.

More than 22 anti-environmental and anti-conservation riders, that suspend agencies from taking action to implement provisions in Federal law, were added to bill on the House floor during the week of February 13th.

Fortunately, the Senate rejected the House bill, bringing us down a path to where we are today in a high stakes showdown whose outcome looks even more likely to result in a government-wide shutdown.

But, instead of sitting down to try to work out a budget, we are here on the House floor debating a bill to overturn a scientific finding.

EPA determined through its December 2009 endangerment finding that greenhouse gases endanger the public's health.

Today's House floor action is reminiscent of the Catholic Church's response to Galileo Galilei's publication of his famous work, Dia-

logue Concerning the Two Chief World Systems, which stated that the sun was the center of the universe.

It was not until October 31, 1992 when Pope John Paul II expressed his regret for how the Galileo affair was handled by the Catholic Church.

Unfortunately, climate change does not afford us the luxury of time to amend our policies decades from now.

Climate change is upon us and the longer we delay, question the science and fail to take even modest action to curb future growth, the costlier the consequences will be.

Today's legislation is a cynical attempt to pretend climate change is not occurring and restrict the one agency authorized by law to do something about it.

History will neither reflect kindly on those who reject science in the pursuit of short-term economic and political gain.

I urge my colleagues to oppose this bill.

Mr. PRICE of North Carolina. Mr. Chair. I rise in opposition to H.R. 910. While cynically called the Energy Tax Prevention Act by its sponsors, the bill could more aptly be named the "Dirty Air Act".

This legislation would overturn EPA's scientific finding that greenhouse gases endanger human health and welfare, which stemmed from a landmark 2007 Supreme Court decision, and prevent the EPA from using the Clean Air Act—now or in the future—to limit greenhouse gas pollution from power plants and other industrial sources. This reckless and misguided attack on our environment and public health will allow more pollution into the air we breathe and threaten the health of Americans across the country.

Supporters of the bill claim that setting standards for greenhouse gases under the Clean Air Act will cost jobs and undermine the competitiveness of America's manufacturers. But the argument that clean air somehow poses a hazard to the economy is as ridiculous now as it was in the 1970s, when the major polluters used it to try and stop enactment of landmark environmental laws. Rolling back the EPA's authority to limit pollution—whether it be carbon or lead—won't create a single job. It will simply undo 40 years of progress toward a cleaner environment and better public health.

In fact, the very provisions of the Clean Air Act that this bill attacks have a forty-year track record of delivering cleaner air and improved health, along with the benefits of enormous growth in the economy. In its first 20 years, the Clean Air Act prevented an estimated 200,000 premature deaths. Some 1.7 million tons of toxic emissions have been removed from our air each year since 1990. Innovations spurred by the Act have made our cars up to 95 percent cleaner today than they were in the past. EPA economists estimate that the total benefits of the Clean Air Act amount to 30 times its costs.

Passage of this bill would also mark the first time in history that Congress has approved legislation to overrule an objective scientific finding. Congress enacted the Clean Air Act precisely to require the EPA to make science-based decisions about the threats to health and welfare presented by air pollution instead of allowing such decisions to be driven by political ideology or special interests. And that is exactly what EPA's scientists have done: under both the Bush and Obama administra-

tions, objective scientific studies have found that greenhouse gases pose a real and indisputable threat.

Recently, more than 2,500 scientists—from all 50 states—sent a letter to Congress calling on Members to support EPA's updated carbon pollution standards under the Clean Air Act, noting that the "science-based law has prevented 400,000 premature deaths and hundreds of millions of cases of respiratory and cardiovascular disease during the 40 years since it was first passed—all without diminishing economic growth."

Rather than heeding the science and letting the EPA and the states do their job to protect public health and our environment, this bill would give the nation's biggest polluters a free pass to keep polluting and place the health of our nation—particularly our children, elderly citizens and other vulnerable populations—at risk. A vote for this bill is a vote against the commonsense Clean Air Act provisions that keep our air clean and protect our public health. I urge my colleagues to support science and the Clean Air Act and oppose H.R. 910.

Mr. COSTELLO. Mr. Chair, I rise in support of H.R. 910, the Energy Tax Prevention Act of 2011.

Based on the physical evidence and forecasts of most scientists, it is clear climate change is happening, man-made causes are a significant factor, and that left unaddressed, climate change poses a public health risk. I believe we must move forward from debating the science of climate change to developing balanced policies that combat its impacts.

However, I oppose the Environmental Protection Agency's (EPA's) attempt to regulate greenhouse gas emissions. I believe Congress must retain the authority to develop a climate change policy that reduces emissions, improves energy efficiency, and encourages clean energy technology, including clean coal, while also protecting and creating jobs, keeping energy costs affordable, and preserving our economic recovery. I am not convinced EPA's current path will achieve those goals.

While I do not agree with all aspects of this legislation, I support H.R. 910, to ensure Congress has the ability to develop a practical climate change policy at the appropriate time. I ask my colleagues to join me in supporting this legislation.

Mr. PENCE. Mr. Chair, I rise in support of the Energy Tax Prevention Act of 2011, which would prohibit the EPA from regulating greenhouse gas emissions under the Clean Air Act.

With gas prices averaging \$3.70 per gallon, up from \$3.50 a month ago, up nearly a dollar from a year ago, and with unemployment rates continuing at heartbreaking levels, the last thing the American people need is a national energy tax.

Yet the Obama EPA seems intent on implementing policies that will not only drive up the price at the pump, but drive even more American jobs to places like India and China. According to a study conducted by the Heritage Foundation, annual job losses will exceed 800,000 should the Congress fail to act in preventing the EPA from moving ahead with their global warming agenda.

In this difficult economy, the federal government must make affordable, domestic energy production a top priority and House Republicans are doing just that.

I applaud the work of my colleagues in developing an all-of-the-above energy solution

that will create jobs and end our dependence on foreign sources of energy.

But Congress first must stop the EPA's assault on working families, small businesses and family farms by rejecting this backdoor national energy tax.

Mr. STARK. Mr. Chair, I rise today in strong opposition to weakening the Clean Air Act and ignoring the very real threat posed by global warming. Republicans might like to teach creationism in schools and demonize science, but the fact is that climate change is man-made, is happening, and threatens our way of life. Failure to act is unacceptable.

The Obama Administration is taking small but important steps toward regulating only the largest sources of greenhouse gases. This legislation would end that progress. The Environmental Protection Agency (EPA) is exercising its Clean Air Act authority as recognized by the conservative Supreme Court in *Massachusetts v. EPA*. The Upton-Inhofe bill (H.R. 910) would not only undermine the Clean Air Act, it would also take the unprecedented step of overturning a scientific finding by the EPA that carbon pollution endangers America's health and environment.

At a time of rising gas prices and oil related conflicts around the world, this legislation would further increase our dependence on oil and other fossil fuels. This bill would take us back to a failed energy policy that has made our country addicted to fossil fuels and imported oil.

Rather than sticking our heads in the sand, Congress needs to implement a comprehensive energy policy that puts a price on carbon pollution and invests in the energy sources of the future. We could start by ending taxpayer subsidies for giant oil companies and corn ethanol, but I doubt that bill will be on the floor anytime soon.

The Republican attack on science and logic will not create a single job or protect a single American's health. All it will do is appease the radical fringe of their party. I urge all my colleagues to vote no.

Mr. SENSENBRENNER. Mr. Chair, I rise today in strong support of H.R. 910, the Energy Tax Prevention Act, which is common-sense legislation that will help economic recovery efforts and reduce energy prices.

It is troubling to see the Obama Administration continue to advocate for policies that will inhibit job creation in this country, and also raise prices of goods and services for every American. We should not move forward with imposing regulations that will slow the current economic recovery.

Over the last few months, my colleagues on the other side of the aisle have borrowed the Republican mantra from the past couple of years when the Democrats had control and asked, "Where are the jobs?" I have found this quite humorous considering that since Republicans have taken over leadership of the House, we have been actively working to rein in excess government waste and pass legislation to make it more affordable to do business in this country. But, setting that aside, we should all be able to agree that without passage of the Energy Tax Prevention Act, the answer to their question will be: not in the U.S.

We must not continue to allow the EPA to move forward in regulating all sectors of our economy. It is a simple fact that by imposing costly regulations on American businesses, it

will ultimately force these companies to reduce jobs, or in the worst case scenario, move operations overseas. Additionally, while some may feel that industries can afford to pay more to comply with the slew of EPA regulations that have already been implemented, or will soon be implemented, these extra costs will ultimately be passed onto the American consumer.

The EPA's reliance on the Intergovernmental Panel on Climate Change (IPCC) assessment reports should be cause for alarm. Given the climategate e-mail scandal, and other information that has come to light, there are many serious questions as to the legitimacy of the process used by the IPCC to base their conclusions. It would seem to me that since the EPA relied heavily on questionable conclusions by the IPCC, it is essential for Congress to pass H.R. 910 so we may go back and reexamine our greenhouse gas policy.

Like most Americans, I believe that there can and should be a proper balance between economic prosperity and environmental sustainability. Everyone wants clean air and clean water, and no one wants sky-high electric and tax bills. I have long argued that the key to our energy independence is through technological innovation. The best way for the federal government to support technological innovation is to incentivize it through research and development grants and tax credits. Excessive regulations cannot assure technological breakthroughs, especially expensive and onerous mandates like the cap-and-tax proposals in the previous Congress.

With the recent spike in gas prices, we need to do all we can to decrease the cost of doing business. H.R. 910 is the first in a series of legislative proposals that Republicans are planning on putting forward to cut energy prices and reduce the regulatory burdens that businesses and consumers face. I strongly support passage of this important legislation, and urge a "yes" vote.

Mr. CONYERS. Mr. Chair, today I rise in strong opposition to H.R. 910, the Republican Majority's so-called "Energy Tax Prevention Act." I think a more accurate title would be the "Science Ignorance Appreciation Act" or "Foreign Energy Dependence Act."

Today's measure would unilaterally invalidate the Environment Protection Agency's findings that carbon dioxide and other air pollutants pose a threat to public health and environment. Even more egregiously, the bill prohibits the EPA to regulate man-made greenhouse gases in spite of verified independent scientific research that shows that climate change poses an existential threat to our way of life.

The proposal is nothing more than censorship of government scientists who simply want to protect human and environmental health. There is an overwhelming scientific consensus that global warming is directly due to man-made behavior. In recent years we have begun to witness this science first hand, as extreme weather such as floods, droughts, blizzards, hurricanes and other natural disasters have begun to affect areas unaccustomed to such events. We cannot ignore the science and evidence.

If we pass this flawed legislation, we will lose an incredible opportunity to create the market forces necessary to stimulate innovation in clean energy technology such as wind, solar, and other clean energy programs.

The Energy Tax Prevention Act deliberately delays the day that America will be freed from its addiction to foreign oil. As we have seen with the recent instability in the Middle East, there are dramatic downsides to our current energy dependence strategy.

A "yes" vote today is a vote for unchecked pollution and global warming. It is a vote against scientific consensus and a clean energy future.

Mr. KUCINICH. Mr. Chair, I rise in strong opposition to H.R. 910, the Dirty Air Act. That this bill is taken seriously enough to receive a vote in the United States House of Representatives is embarrassing. This bill not only requires Members of Congress to ignore thousands of the world's best scientists and over four decades of peer reviewed research, but it requires Congress to assert that it is more qualified to judge the entire body of science. It is an assault on science, on reason, and on common sense. Americans expect better from their elected leaders.

No amount of fossil fuel company spin, lobbying and campaign contributions can change the fact that global warming is happening. But they can make important changes to global warming; The longer we wait to substantively and aggressively act, the faster global warming will happen, the more fiercely it will happen, and the less control we will be able to exert over it.

We are also throwing away badly needed opportunities. Failing to control global warming pollution means we fail to provide needed impetus to make the transition to clean energy. We are voting to turn our back on the opportunity to reclaim the mantle of global leader on clean energy from China and now, Germany. We are voting to turn our back on the opportunity to revitalize our manufacturing sector which has been ailing in cities like Cleveland for decades. We are voting to turn our back on the opportunity to create millions of new jobs and boost our economy. We are voting to turn our back on the opportunity to reduce air pollution that kills tens of thousands of people very year, who are disproportionately from communities of color and are of low income. We are voting to turn our back on the opportunity to strengthen our national security, which, according to the Pentagon, is threatened by global warming. We are voting to turn our back on the opportunity to inspire and lead with alternatives that would build a stronger America.

It is time for us to cast a vote in favor of future generations instead of merely invoking them to try to justify inhumane budget cuts. I urge my colleagues to vote "no" on this bill.

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

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

H.R. 910

*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 "Energy Tax Prevention Act of 2011".*

**SEC. 2. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.**

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

**“SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.**

“(a) DEFINITION.—In this section, the term ‘greenhouse gas’ means any of the following:

- “(1) Water vapor.
- “(2) Carbon dioxide.
- “(3) Methane.
- “(4) Nitrous oxide.
- “(5) Sulfur hexafluoride.
- “(6) Hydrofluorocarbons.
- “(7) Perfluorocarbons.
- “(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

“(b) LIMITATION ON AGENCY ACTION.—

“(1) LIMITATION.—

“(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

“(B) AIR POLLUTANT DEFINITION.—The definition of the term ‘air pollutant’ in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

“(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

“(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled ‘Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards’ (as published at 75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled ‘Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles’ published at 75 Fed. Reg. 74152 (November 30, 2010).

“(B) Implementation and enforcement of section 211(o).

“(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

“(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I substances or class II substances (as such terms are defined in section 601).

“(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101-549 (commonly referred to as the ‘Clean Air Act Amendments of 1990’).

“(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to permits).

“(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

“(A) ‘Mandatory Reporting of Greenhouse Gases’, published at 74 Fed. Reg. 56260 (October 30, 2009).

“(B) ‘Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act’, published at 74 Fed. Reg. 66496 (December 15, 2009).

“(C) ‘Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs’, published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning ‘EPA’s Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program’ (December 18, 2008).

“(D) ‘Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 31514 (June 3, 2010).

“(E) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call’, published at 75 Fed. Reg. 77698 (December 13, 2010).

“(F) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases’, published at 75 Fed. Reg. 81874 (December 29, 2010).

“(G) ‘Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan’, published at 75 Fed. Reg. 82246 (December 30, 2010).

“(H) ‘Action to Ensure Authority to Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 82254 (December 30, 2010).

“(I) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program’, published at 75 Fed. Reg. 82430 (December 30, 2010).

“(J) ‘Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans’, published at 75 Fed. Reg. 82536 (December 30, 2010).

“(K) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule’, published at 75 Fed. Reg. 82365 (December 30, 2010).

“(L) Except for actions listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

“(5) STATE ACTION.—

“(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

“(B) EXCEPTION.—

“(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

“(I) is not federally enforceable;

“(II) is not deemed to be a part of Federal law; and

“(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

“(ii) PROVISION DEFINED.—For purposes of clause (i), the term ‘provision’ means any provision that—

“(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

“(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

“(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).”

**SEC. 3. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.**

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

“(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for

model year 2017 or any subsequent model year new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive application of subsection (a); and

“(B) no waiver granted prior to the date of enactment of this paragraph may be construed to waive the application of subsection (a).”

**SEC. 4. SENSE OF CONGRESS.**

It is the sense of the Congress that—

(1) there is established scientific concern over warming of the climate system based upon evidence from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level;

(2) addressing climate change is an international issue, involving complex scientific and economic considerations;

(3) the United States has a role to play in resolving global climate change matters on an international basis; and

(4) Congress should fulfill that role by developing policies that do not adversely affect the American economy, energy supplies, and employment.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-54. 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 MS. JACKSON  
LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-54.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 2 and 3 of the bill, redesignate section 4 of the bill as section 3, and insert after section 1 of the bill the following section:

**SEC. 2. STUDY AND REPORT.**

(a) STUDY.—In the interest of protecting national security, the Administrator of the Environmental Protection Agency shall conduct a study to determine—

(1) the long term impacts of the Environmental Protection Agency having no authority to regulate emissions of greenhouse gases;

(2) if there are alternatives to ensure compliance with the Clean Air Act; and

(3) best practices with respect to greenhouse gas regulation under the Clean Air Act.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the results of the study under subsection (a), including any findings and recommendations.

The CHAIR. Pursuant to House Resolution 203, 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 want to thank the ranking member of the

full committee for reading a very important letter into the RECORD that the EPA has no intention to manipulate or to utilize cap-and-trade as part of their responsibilities. This is not a cap-and-trade initiative or legislation. It has nothing to do with cap-and-trade.

In fact, I think the whole concept of this Energy Tax Prevention Act is muddled and befuddled. I don't understand it. I practiced oil and gas law for almost 15 or 20 years. I come from Houston, and I recognize the difficulties that we have in the industry and understanding the industry. But I also am cognizant that this majority, my good friend on the other side that represents that, they are interested in adhering to the Constitution.

And I don't know why they have not studied the Supreme Court decision in Massachusetts versus EPA that clearly indicates, even though this was motor vehicle emissions that they were talking about, but it held that greenhouse gases, widely viewed as contributing to climate change, constitute air pollutants, and therefore that phrase as utilized under the Clean Air Act and the EPA has jurisdiction to regulate under the Clean Air Act.

I assume what we are doing is trying to bash a long-standing process rather than coming up with better ideas. I think my amendment brings about a better idea, because energy is a national security issue. And what my amendment poses to do is to ask serious questions about the impact of eliminating the EPA authority, finding a way to work through this question: What would be the long-term impact? Because the legislation that is now written by my friends on the other side of the aisle is telling the United States of America, in conflict with the United States Supreme Court decision—and let me just hold up a visual, the Constitution, which is what this majority says that they are basing their whole legislative agenda on.

Well, we have constitutional authority. And they are now telling us that we should not regulate water vapor, carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorocarbons, and any other substance. I don't hear a scream and cry of the industry. I do hear the idea that there are burdens that will come upon the industry that we should address.

So the amendment that I have that I am asking for real consideration on the basis of a national security question, How will we provide for resources that will provide for the engine economy of this Nation, the long-term impact of the Environmental Protection Agency having no authority to regulate emissions of greenhouse gases? Also, if there are alternatives to ensure compliance with the Clean Air Act, if you have a better alternative. And best practices with respect to greenhouse gas regulation under the Clean Air Act, which the Supreme Court decision clearly dictates that it has the author-

ity to regulate it. But we need to collaborate and cooperate and understand how we balance the needs of an energy policy.

Might I also say that energy recognizes all forms of energy. And energy companies that are in oil and gas are looking at alternatives. They have whole sections that are addressing the question of alternative fuels. Why are we raising a bill that has no sense of direction in what it is trying to do and to eliminate an oversight that is protecting the American public in their quality of life and also doesn't speak to how we work with the industry to actually make sure that we check these emissions but as well provide the opportunity for domestic growth and domestic energy growth?

I ask my colleagues to support this amendment.

I reserve the balance of my time.

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

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

Mr. UPTON. I just want to say to my friend from Texas that with regard to the hue and cry of folks that support this legislation, not a lot of business folks, I have a whole series of letters of support for our legislation from the American Electric Power to the Farm Bureau, the Iron and Steel Institute, Americans for Tax Reform, American Public Power, Business Roundtable, Chamber of Commerce, Metalcasters Alliance, Multi-Traders Letters, auto dealers, Realtors, manufacturers, National Association of Manufacturers, cattlemen, Mining Association, petrochemical, Rural Electrical Cooperative, and on and on.

#### LETTERS OF SUPPORT

AF&PA Press Statement  
 American Coalition for Clean Coal Electricity Press Statement  
 American Electric Power  
 American Farm Bureau Federation  
 American Iron and Steel Institute  
 Americans for Prosperity Press Statement  
 Americans for Tax Reform  
 API-ACC Coalition Letter  
 American Public Power Association  
 Business Roundtable Letter  
 Chamber of Commerce  
 Cornwall Alliance  
 Freedom Action Press Release  
 Industrial Energy Consumers of America Press Statement  
 Metalcasters Alliance  
 Midwest Power Coalition  
 Multi-Traders Letters  
 NACS  
 National Automobile Dealers Association  
 National Association of Realtors  
 National Association of Manufacturers  
 National Association of Manufacturers Press Statement  
 National Cattleman's Beef Association  
 National Center for Public Policy Research  
 National Mining Association Press Statement  
 National Petrochemical & Refiners Association  
 National Rural Electric Cooperative Association  
 NRECA Press Statement  
 Nucor Letter  
 Southern Company  
 Steelgram—Support H.R. 910

Tesoro Corporation  
 The Brick Industry  
 The Fertilizer Institute  
 Valero Energy Corporation

AMERICAN FOREST &  
 PAPER ASSOCIATION,  
 Washington, DC.

AF&PA STATEMENT ON THE ENERGY TAX  
 PREVENTION ACT (H.R. 910)

WASHINGTON.—American Forest & Paper Association President and CEO Donna Harman today issued the following statement regarding the Energy Tax Prevention Act (H.R. 910) as introduced in the U.S. House of Representatives by Energy and Commerce Committee Chairman Fred Upton (R-MI), Agriculture Committee Ranking Member Collin Peterson (D-MN), Transportation and Infrastructure Committee Ranking Member Nick Rahall (D-WV), and Energy and Power Subcommittee Chairman Ed Whitfield (R-KY).

"I applaud the introduction of this bipartisan legislation to bring a halt to regulation of greenhouse gases through the Clean Air Act. There is broad agreement that the Clean Air Act is the wrong tool to regulate greenhouse gases. The rule serves to impose high costs and business uncertainty related to new investments in the manufacturing sector. Congress, not EPA, should decide energy policy; in particular, issues related to investments in renewable energy, including biomass.

"The Greenhouse Gas regulations are the latest example of those that would hamper job growth and put obstacles in the way of American business to compete in the global marketplace. Inexplicably, this is happening as other parts of the Administration are promoting the need for more exports and job creation.

"I commend Energy and Commerce Committee Chairman Fred Upton (R-MI), Agriculture Committee Ranking Member Collin Peterson (D-MN), Transportation and Infrastructure Committee Ranking Member Nick Rahall (D-WV), and Energy and Power Subcommittee Chairman Ed Whitfield (R-KY) for introducing this legislation. We look forward to working with Congress on this very important issue."

AMERICAN COALITION FOR  
 CLEAN COAL ELECTRICITY,  
 Alexandria, VA.

HOUSE, SENATE INTRODUCE LEGISLATION TO  
 STOP EPA REGULATIONS

ALEXANDRIA, VA.—The American Coalition for Clean Coal Electricity today praised the introduction in the U.S. House and Senate of bipartisan legislation that would ensure the authority to regulate emissions of greenhouse gases rests with Congress, and not the EPA. The bills were introduced by House Energy and Commerce Committee Chairman Fred Upton and Senate Environment and Public Works Ranking Member James Inhofe.

"The EPA's sweeping regulations will affect the lives of millions of Americans, from their electricity bills to the economy as a whole. Given this wide-ranging impact, it is important that Congress—not the EPA—address greenhouse gas emissions in a manner that takes into consideration both environmental and economic impacts," said Steve Miller, president and CEO of ACCCE.

The bills would eliminate EPA's authority to regulate greenhouse gas emissions under the Clean Air Act, which is ill-suited for that task. The legislation introduced today would leave in place all of the essential provisions of the Clean Air Act.

EPA's proposed regulations on greenhouse gas emissions could have a dramatic impact

on jobs and the economy. A recent analysis by the American Council for Capital Formation concluded that uncertainty caused by these regulations could, by 2014, result in the loss of between \$25 billion to \$75 billion in investment in the economy and that this could result in the loss of between 476,000 and 1.4 million jobs.

"At a time when Americans are struggling with high energy costs, the EPA's proposed regulations could make electricity more expensive. The affordability of coal-fueled electricity has helped moderate increases in energy costs, and continued reliance on coal can help the U.S. recover economically and American businesses to compete globally," said Miller. "We thank Chairman Upton and Senator Inhofe for their leadership on this critical issue as well as Members of Congress from both parties who have agreed to be initial co-sponsors of the bill."

AMERICAN ELECTRIC POWER,  
Columbus, OH, March 3, 2011.

Hon. FRED UPTON,  
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing today to express my strong support for the Energy Tax Prevention Act of 2011.

When the Clean Air Act was originally enacted, it was not the expectation of Congress that this Act be applied to greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, among other matters. Moreover, the regulation of greenhouse gases was not mandated by the Supreme Court ruling and therefore is not necessarily required by the Clean Air Act.

It is clear to us at American Electric Power that the issue of climate change policy should be addressed exclusively through the legislative process. The Congress of the United States is better equipped to holistically evaluate not only the environmental impacts of greenhouse gases but also the impacts of greenhouse regulation on the economy, employment, energy and international trade. I firmly believe that this approach is crucial to ensuring a sound national policy.

I again thank you for your leadership on this important matter, and AEP looks forward to working with you to enact this legislation.

Sincerely,

MICHAEL J. MORRIS,  
Chairman of the Board,  
President and Chief Executive Officer.

AMERICAN  
FARM BUREAU FEDERATION,  
Washington, DC, March 3, 2011.

Hon. FRED UPTON,  
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: The American Farm Bureau Federation (AFBF) strongly supports the Energy Tax Prevention Act of 2011 that you plan to introduce in the House of Representatives.

This bill would preempt regulation of greenhouse gases (GHG) by the Environmental Protection Agency (EPA) based on climate change considerations. The bill would not affect previously enacted or proposed rules regarding emissions from mobile sources.

The regulation of GHG does not fit within the current framework of the Clean Air Act. Unlike other regulated pollutants, where Clean Air Act thresholds are sufficient to regulate the largest emitters, GHG regulation at statutorily required, thresholds holds the prospect of costly and burdensome permit requirements on farms, ranches, schools, hospitals and some large residences.

Farmers and ranchers will be particularly disadvantaged under such a regulatory scheme. The costs incurred by utilities, refiners and manufacturers to comply with GHG regulations will be passed along to their customers, including farmers and ranchers, increasing their fuel, fertilizer and energy costs. Unlike other types of businesses, farmers and ranchers have much less ability to pass along such costs. Additionally, under the thresholds set by the Clean Air Act, many farmers and ranchers would eventually be required to obtain costly and burdensome Title V operating permits or New Source Review/Prevention of Significant Deterioration permits. EPA itself estimates that more than 37,000 farms will be subject to Title V permits, at a cost of more than \$866 million.

While the costs of compliance may be high, the environmental benefits from EPA regulation are marginal at best. Unless and until an international agreement is reached, unilateral action by EPA will have little or no environmental impact. EPA Administrator Jackson has acknowledged this fact in testimony before Congress.

The president has stated that congressional action is a better way to address the issue than EPA regulation. We agree. The Energy Tax Prevention Act recognizes this as well and places the responsibility for regulating GHGs where it belongs—with Congress. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,

BOB STALLMAN,  
President.

I yield 4 minutes to the gentleman from Texas (Mr. BARTON.)

□ 1600

Mr. BARTON of Texas. I thank the distinguished chairman for the time.

Well, let me say something positive about my good friend from Houston, Texas's amendment before I say something negative. If it were to pass, it would at least force the EPA to do a real study, which is more than I can say they did before they issued their endangerment finding.

If you look at the endangerment finding that they actually did to satisfy the requirement of the Supreme Court, they didn't do any scientific analysis. They didn't do any independent analysis. They basically took regurgitated research and press clippings and apparently some student's thesis as the justification for coming up with their endangerment finding.

If we accept the gentlelady from Houston's amendment, you do really gut this bill, which, if you are opposed to it, that's probably a good outcome. But if you are supportive of it, it's not a good outcome.

We don't need to do a study. CO<sub>2</sub> is not a pollutant under the definitions of the Clean Air Act. It's not harmful to health, as I keep pointing out.

As I speak, I create CO<sub>2</sub>, and so you need CO<sub>2</sub> for life. Manmade CO<sub>2</sub> does not significantly contribute to climate change. We do have climate change, as we always have and always will.

But to say that CO<sub>2</sub> emissions made by man somehow are causing all these catastrophic changes is simply not true. What the bill before us does is say

we protect the Clean Air Act, we want to enforce the Clean Air Act, but we want it to be in force for the criteria pollutants that it was intended for, and we do not believe that CO<sub>2</sub> is one of the pollutants that it was intended to regulate.

So we don't need a study, and I would oppose my good friend from Houston's amendment and encourage all Members to also oppose it.

Mr. UPTON. May I ask how much time remains.

The Acting CHAIR (Mrs. EMERSON). The gentleman from California has 2¾ minutes remaining.

Mr. UPTON. I yield the balance of my time to the gentleman from California (Mr. BILBRAY), a member of the committee.

Mr. BILBRAY. I appreciate that.

Let's talk science, ladies and gentlemen. Everyone wants to talk about the threat of climate change, but no one wants to address the fact that what EPA has proposed, by the admission of the administrator, cannot even indicate what percentage of greenhouse gases those regulations could reduce. And not one scientist, not one expert in our committee, or I have seen anywhere else, has ever said what is being proposed by EPA, that is going to cost at least \$200 million, will not avoid the problem of climate change. So the question is this, what are the American people getting for their \$200 million.

Now, I'm sorry, some of us have worked on air pollution issues. I know the precursors to ozone. If they are saying that the problem is it's a precursor to ozone, believe me, it is so small and minute that those of us that are working in non-attainment areas never even gave a second glance at CO<sub>2</sub>. So don't talk about it being a health risk based on a precursor to ozone. Look at what we are getting for the money.

What we are actually talking about here is not allowing EPA to go out and implement programs that the administrator admits that she cannot tell us what the American people are going to get for their dollars.

If you want to do a study, then let's do a study on what would have to be done to address this issue the way that some of us think it should be addressed. But let's not say that somehow that by holding up a program that is admitted not to be able to deliver any tangible benefits, that holding up that program is somehow going to be a threat to public health.

So let's just get back down to the real science, and that is no one in this establishment is talking about addressing the climate change issue. Some people are saying it doesn't exist and others are trying to sell an environmental placebo that makes you look good because you are doing something, but spends huge amounts of money, has a great impact, and does not address the problem and would not avoid the problem.

One thing we have got to make clear. Don't talk to me about incrementalism

when we talk about climate change. You talked to the same scientists that you say are telling us about climate change, and they say if we don't get the job done within the next decade or two, forget about it. It's over with.

The fact is that climate change will happen. And, sadly, what I have seen in the last 2 years about this issue, I have come to the conclusion this body really should be talking about what we need to do to mitigate the impact, because you are not doing anything to avoid it, and we shouldn't tell the American people that we are.

Ms. JACKSON LEE of Texas. May I ask the remaining time.

The Acting CHAIR. The gentlewoman from Texas has 1 minute remaining.

Ms. JACKSON LEE of Texas. I yield 30 seconds to my good friend from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you very much.

I just want to point out, Mr. BARTON, my very good friend who used to be chairman of the committee and was ranking member when I asked him to work with us on a bipartisan energy bill policy, he said, I don't believe there is such a thing as global warming. It doesn't exist, it's not a problem. Why spend any effort or money to find the solution?

And now, while the gentlelady's amendment is saying at least study what will happen if you don't do anything in this area, and he said that's not needed either. I think at least we ought to know what the gentlelady is suggesting, and that is, what would be the long-term impact if we do nothing.

I support the Jackson Lee amendment.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman for all of his work.

I come as a peacemaker, Madam Chair. Houston, by the American Lung Association, is the seventh most ozone-polluted city in the Nation. The Supreme Court clearly said under the Clean Air Act that it authorized the EPA to regulate greenhouse gases as it makes a judgment that it impacts on climate change. At the same time there are industries that happen to be oil and gas that can sit down and benefit from a real study that will talk about best practices and also have the engagement that we need to have.

It is reckless to talk about what scientists have said. The Members are not scientists, and I believe you cannot rid the EPA of its jurisdiction.

I would ask my colleagues to be thoughtful, along with the industry, and let's have a reasonable study. This impacts national security.

I ask my colleagues to support my amendment.

Madam Chair, I rise today to offer an amendment to H.R. 910, "Energy Tax Prevention Act of 2011." H.R. 910 prematurely eliminates the responsibilities of the Environmental Protection Agency to regulate greenhouse gas emissions. My amendment would require an assessment of the industry by the Environ-

mental Protection Agency (EPA) to ensure accurate consideration of how proposed regulations would affect energy production levels, feasibility of implementation on the industry, as well as the adverse environmental effects of delaying implementation of proposed regulations. My amendment would also ensure the Environmental Protection Agency retains its ability to regulate greenhouse gas emissions under the authority provided by the Clean House Act.

I cannot envision any American living in a polluted area wanting to support a permanent ban on the Environmental Protection Agency's ability to regulate greenhouse gases. The potential negative impact of greenhouse gases is supported by the scientific community. The National Academy of Sciences reported in 2010: "Climate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases already affecting—a broad range of human and natural systems." It is clear that quality of our air impacts the quality of our health. The Clean Air Scientific Advisory Committee, EPA's independent science advisors, reviewed evidence from roughly 1,700 studies in the scientific research of the health impact of ozone. They unanimously concluded that the EPA needs ozone standards. This would ensure an adequate margin of safety for the public as required by law. This is about protecting our nation's health, industry, and our environment.

As a Houstonian the affects of H.R. 910 are of particular concern to me. A study conducted by the American Lung Association ranked Houston as the 7th most ozone-polluted city in the country. Children, teens, senior citizens, and people with lung diseases like asthma, chronic bronchitis, emphysema and others are particularly vulnerable to poor air quality and are at risk for developing irreversible lung damage. A rise in poor air quality has the potential to increase emergency room visits and hospital admissions for respiratory problems which increases the cost of healthcare to tax payers.

In Houston-Baytown-Huntsville, TX, over a million children under the age of 18 will be negatively impacted if air quality continues to decline. Children exposed to air pollution suffer stunted long growth, as well as development of asthma, and increased respiratory infections.

According to the American Lung Association, researchers have also concluded that prenatal exposure to air pollution harms children, and increase the risk of babies being born with low birth weight.

We owe it to our children to provide clean, healthy air. We have an agency that is charged with regulating our air quality. My amendment would ensure the EPA can continue to protect our nation's health by regulating greenhouse emissions.

This amendment will ensure that the EPA reports to Congress its findings on the long term negative impacts of greenhouse gases. Findings from a recent EPA study titled "Assessment of the Impacts of Global Change on Regional U.W. Air Quality: A Synthesis of Climate Change Impacts on Ground-Level Ozone" suggest that climate change may lead to higher concentrations of ground-level ozone, a harmful pollutant. Additional impacts of climate change include, but are not limited to: increase drought; more heavy downpours and flooding, and harm to water resources, agriculture, wildfire and ecosystems."

Not only would the deregulation of greenhouse gases impact the health of our citizens, it will also, have a negative impact on our ability to maintain and create new jobs. Poor health and low air quality only discourages industries from coming to an area. New industries will not be willing to move into areas that are polluted which negatively impacts job growth in those communities.

Currently there are programs in Houston such as the Energy Efficiency Incentive Program which aims to significantly reduce Houston's emissions of greenhouse gases and criteria air pollutants. The oil and gas industry is also investing alternative energy sources and improving air quality standards; such initiatives look towards the future, ensures job creation, and protects our nation's health.

I believe the Environmental Protection Agency plays an essential role in providing appropriate and balanced guidance to the industry, which in turn encourages them to have a workable timeframe to determine the appropriate measures to improve our nation's air quality. The EPA ensures that energy industries have a reasonable standard to base their operations.

My amendment requires the EPA to carefully study this issue and to determine the long term impact on health, the industry and the environment. I strongly urge my colleagues to support a reasonable, fair and measured response to addressing regulation of greenhouse gases.

Under current law, The Clean Air Act provides the EPA with the authority to take steps that will reduce greenhouse gas emissions. On April 2, 2007, the Supreme Court ruled in *Massachusetts v. EPA* that greenhouse gas, constitute "air pollutants" as the phrased is used in the Clean Air Act. Such pollutants may reasonably be anticipated to endanger public health or welfare. As a result, the government has the legal authority to issue standards for greenhouse gas emissions. As the Clean Air Act falls under the authority of the Environmental Protection Agency, it is therefore legitimate for the EPA to regulate greenhouse gases. My amendment ensures compliance with a U.S. Supreme Court ruling. As written, H.R. 910 would overturn *Massachusetts v. EPA*. As written H.R. 910 would overturns a ruling by the Supreme Court. Such an action is too extreme when there are other more tenable solutions available.

We cannot allow a total eradication/elimination of the responsibilities of the EPA to regulate greenhouse gases. This would impact the health of our nation, negatively impact industries, and overturns a Supreme Court ruling. The present version of H.R. 910, without amendment fails to provide a studied and measured approach when trying to find a balance between the need for our nation to maintain quality air levels and the need for our nation to continue job growth. This bill takes a sledge hammer approach that is too extreme.

The purpose behind my amendment is to reach a compromise. To ensure that fair and reasonable regulations can be implemented without adverse effects to our nation's air and our nations industry.

Madam Chair, I believe it is very important to provide the EPA with the opportunity to carefully study this matter and report back to Congress within 60 days and urge my colleagues to join me in supporting this amendment.



## HOUSTON MAYOR'S TASK FORCE ON THE HEALTH EFFECTS OF AIR POLLUTION

Thousands of tons of potentially harmful chemicals are discharged each day into Houston's atmosphere as a result of human activities, substances, and technologies. Consequently, people living in Houston are exposed routinely to a myriad of pollutants in the air they breathe. Estimated and/or measured concentrations of some of these airborne chemicals in ambient air are high enough to cause illness or injury in exposed individuals, especially those in our society who are most vulnerable, such as children and seniors. Although the available data are incomplete and uneven, the Task Force surveyed information on 179 air pollutants and identified 12 substances in Houston's air that are definite risks to human health, 9 that are probable risks, and 24 that are possible risks. Sixteen substances were found to be unlikely risks to Houstonians at current ambient levels, and 118 substances were labeled uncertain risks because there was inadequate or insufficient information to determine whether they presently pose a health threat to Houston residents.

## MASSACHUSETTS V. ENVIRONMENTAL PROTECTION AGENCY

THE U.S. SUPREME COURT SYNOPSIS  
SUPREME COURT OF THE UNITED STATESMASSACHUSETTS ET AL., PETITIONERS, V.  
ENVIRONMENTAL PROTECTION AGENCY ET AL.

Background: States, local governments, and environmental organizations petitioned for review of an order of the Environmental Protection Agency (EPA) denying a petition for rulemaking to regulate greenhouse gas emissions from motor vehicles under the Clean Air Act. The Court of Appeals for the District of Columbia Circuit, 415 F.3d 50, dismissed or denied the petitions. Certiorari was granted.

Holdings: The Supreme Court, Justice Stevens, held that:

(1) state of Massachusetts had standing to petition for review;

(2) Clean Air Act authorizes the EPA to regulate greenhouse gas emissions from new motor vehicles in the event that it forms a "judgment" that such emissions contribute to climate change; and

(3), EPA can avoid taking regulatory action with respect to greenhouse gas emissions from new motor vehicles only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do.

Background: On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act. The Court held that the Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the Administrator is required to follow the language of section 202(a) of the Clean Air Act. The Supreme Court decision resulted from a petition for rulemaking under section 202(a) filed by more than a dozen environmental, renewable energy, and other organizations.

On April 17, 2009, the Administrator signed proposed endangerment and cause or contribute findings for greenhouse gases under Section 202(a) of the Clean Air Act. EPA held a 60-day public comment period, which ended June 23, 2009, and received over 380,000 public comments. These included both written com-

ments as well as testimony at two public hearings in Arlington, Virginia and Seattle, Washington. EPA carefully reviewed, considered, and incorporated public comments and has now issued these final Findings.

Ms. JACKSON LEE of Texas. 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. Madam Chair, I demand a recorded vote.

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

## AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-54.

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:

Strike sections 2 and 3, redesignate section 4 as section 3, and insert after section 1 the following:

**SEC. 2. CONSIDERATIONS AND PROCEDURES IN FINALIZING GREENHOUSE GAS REGULATIONS.**

In the interest of properly considering the importance of energy to the national security of the United States, before finalizing any greenhouse gas regulation the Administrator of the Environmental Protection Agency—

(1) shall provide a notice period of no less than 30 days specifically to the affected greenhouse gas producers proposed to be regulated and allow industry-specific comments to be submitted to the Administrator regarding the economic impact of the proposed regulation on the regulated industry; and

(2) provide an opportunity for the regulated industry to request and receive a 60-day extension of such comment period during which the Administrator shall conduct a study to be submitted to Congress regarding—

(A) the effect of the proposed regulation on the level of greenhouse gas reduction;

(B) the effect of the proposed regulation on energy production levels;

(C) the feasibility of implementation of the regulation on the entities being regulated;

(D) the effect of the proposed regulation on the availability of energy to consumers; and

(E) the adverse environmental effects of delaying implementation of the proposed regulation.

The Acting CHAIR. Pursuant to House Resolution 203, 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 am going to take a slightly different perspective and ask my colleagues to support this amendment.

Again, I am hoping, I know there are a lot of letters that my good friend from Michigan says that he has, and

any time you put forward legislation that trade groups send word out to membership and say, this is going to save you a bucket full of money, and you better jump on the bandwagon, and there is no alternative or there is no basis of understanding the underpinnings of what we are doing, then you get that kind of praise.

I hope that many people who are with the industry, having practiced the law, and I have seen some of the mountains that all industries have to climb, I think we can find a reasonable way of functioning.

I just want to put in the RECORD that the industry, which is part of the drive of my friends on the other side, the oil and gas industry does generate 9.237 million jobs, \$1 trillion contributed to the economy, \$178 billion paid to the U.S. Treasury or to the government in royalties and bonus payments, and \$95.6 billion in taxes, income taxes, \$194 billion invested to improve the environmental performance of its products, and \$58.4 billion invested in low- and zero-carbon emission technologies from 2000 to 2008.

□ 1610

I encourage them to keep going. But the way that you keep going is not to eliminate the oversight body, but you work with it. And my amendment is very clear. I create a pathway for the industry to be engaged on any rulemaking. It shall provide a notice period of no less than 30 days specifically to the affected greenhouse gas producers—and this is a sort of pipeline for the industry—proposed to be regulated and allow industry-specific comments to be submitted to the administrator separate and apart from the public comment period and to discuss the economic impact of the proposed regulation; provide for an opportunity for the regulated industry to request and receive a 60-day extension. And we should take into consideration the effect of the proposed regulation on greenhouse gas emissions.

These companies have employees living in our community. And it is noted that Houston, the Houston area to Huntsville has some of the largest pollutants in the air. We should also consider the effect of the proposed regulation has on energy production, the feasibility of the implementation of the regulation on the entities being regulated, the effect of the proposed regulation on the availability of energy to consumers, and the adverse environmental effects of delaying implementation of the proposed regulation.

It allows a discussion that may not be at the level that we would like it today. I can't imagine, and I guess my friend on the other side of the aisle will come up and show me all the letters that he's saying that are supporting legislation that completely obliterates the opportunity for any governmental oversight. I disagree. I want to know the question of whether or not we have had the kinds of discussions that warrant a deliberative process and to bring

about a concept of listening to industry and industry listening on the question of air pollutants.

I hold up the mayor's task force on the health effectiveness. It talks about Houston. But I'm not going to narrow this to Houston. Wherever there are companies that are refineries, as they so discussed, we are not trying to undermine that work. But does anyone want to live in China with the air pollutants that they have?

Let me just say that what we are addressing is a question of balance. My amendment provides input by the industry and by the EPA collaborating on how this will impact going forward. I would like you to support my amendment.

I reserve the balance of my time.

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

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

Mr. WHITFIELD. I would like to yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the chairman of the Environment and the Economy Subcommittee.

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

Mr. SHIMKUS. I would like to thank my colleague from Kentucky for the time, and I appreciate this opportunity to really talk about this.

I rise reluctantly to oppose my friend from Houston. I know she has a lot of her constituents who work in the fossil fuel industry and the refining industry and the refinery section, but parts of the amendment do some disastrous things to the bill.

First of all, it strikes most of the base text. We are here today—and I understand her position of wanting industry to listen, we want EPA to listen. The whole debate, why we're down here, is we want EPA to listen. And so as we address this debate, her amendment would strike most of the base text. And the whole reason why we're here is to get the attention of the EPA and respond to the people who sent us here to not hurt and harm job creation.

My friends, Ranking Member WAXMAN and MARKEY, their bill did not pass the legislative process. It didn't go through both Chambers and did not get signed by the President. Why? Because we understood what would have happened. We successfully argued the debate that energy costs go up. If you price carbon, you raise the cost of electricity. If you price carbon, you raise the cost of manufacturing. If you price carbon, you raise the cost of gasoline. Now in this recessionary economy, do we want to do that? And do we want to give the Environmental Protection Agency the sole authority without our doing the process that I think the legislative process allows us to do, to talk about the winners and the losers, the give and take?

What was decided in the last Congress was the legislative process could

not pass this because it was too controversial and it would affect jobs. It would affect jobs. And this is what we are all concerned about.

The last round of the Clean Air Act where you could really talk about toxic emittents cost thousands of jobs in southern Illinois, cost thousands of jobs in Kentucky and cost thousands of jobs in the Ohio Valley. Again, you go back to the basic premise if you price carbon.

So what my colleague's amendment does is it says let's keep the EPA pricing of emittents that are not toxic—carbon dioxide is not a toxic emittent. It's not nitrous oxide, it's not sulfur dioxide, it's not a particulate matter, and it's not a criteria pollutant under the EPA and the Clean Air Act. So we're saying, don't regulate emittents that aren't toxic; don't put a price on carbon that will cost jobs. So that's why we need to reject this.

Now, in debates on the other amendments, this isn't the only attack on the fossil fuel industry. Greenhouse gas is just one rule coming down. Then we've got boiler MCH, we've got mercury MCH, we've got cooling towers, we've got coal ash, we've got the transport rule, all separate rules, and these will affect the refining industry. Most of these regulations are new regulations coming down from the EPA to destroy the fossil fuel sector that raises costs and destroys jobs.

So my colleague's amendment, what it does is it doesn't change the reason why we're here. The reason why we're here is saying, EPA, stop. If it's a good enough policy, it can pass the legislative body. But do you know what? It wasn't a good enough policy to pass a Democrat-controlled Senate. And it wasn't good enough policy to get a bill to the President to sign into law.

So why is it a good policy to let unelected bureaucrats in the Environmental Protection Agency move on a process to destroy jobs? Let's be held accountable. If we want to do that, let's cast our votes. What we're casting our votes today for is to keep the cost of power low and save jobs, create jobs and grow jobs. If you want job creation, we support the underlying bill. We do not support any amendment that puts off telling the EPA to stop and desist and do no more.

Again, the basic premise of the climate debate is putting a price on carbon emission that is not toxic. And by putting a price on there, you raise the cost of energy that everybody uses. You raise the cost of home heating, automobiles, electricity and the like.

Ms. JACKSON LEE of Texas. I yield 15 seconds to the ranking member, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you for yielding to me.

This bill, the EPA does not put a price on carbon. The EPA is not setting up a cap-and-trade program. The EPA is only saying, in new facilities with large amounts of carbon emissions, put

in efficiency standards so that you can reduce those emissions. That's all.

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

My friend from Illinois, have I got an amendment for you. I'm answering your concern.

My amendment says it requires, before finalizing emission regulations on greenhouse gas producers, the EPA must provide the producer with adequate notice of at least 30 days. The provision would also allow for industry input, encouraging collaboration between EPA and energy providers during the regulation process.

Currently, the EPA does not have a minimum time requirement. It also gives another 60-day extension. This is about national security because air pollutants and then no energy, bad on one side and bad on the other. Let's get together. Because we can't dismiss any of these energy sources, but they need to be better. And how can we, since this is supposed to be the Supreme Court Constitution side, how can you dismiss the constitutional right that EPA has to regulate?

I ask my colleagues to support this amendment. This is an amendment for them.

Madam Chair, I rise today in support of my amendment No. 37 to H.R. 910, "Energy Tax Prevention Act of 2011." H.R. 910 prematurely eliminates the responsibilities of the Environmental Protection Agency to regulate greenhouse gas emissions. My amendment would protect our national security by considering industry specific energy providers that are uniquely connected to our national security. This measure would expand the opportunity to garner industry input during the rulemaking process, and would provide the Environmental Protection Agency with a timeframe to engage with the industry during the process.

Madam Chair, this amendment requires that before finalizing emissions regulations on greenhouse gas producers, the Environmental Protection Agency (EPA) must provide the producer with adequate notice of at least 30 days. This provision would also allow for industry input, encouraging collaboration between the EPA and energy providers during the regulation process. Currently, the EPA does not have a minimum time requirement.

By mandating industry engagement during the rule making process We will ensure that the proposed regulations do not negatively impact industry jobs and domestic energy. This amendment would force a discussion between the government and the industry during We rule making process so that jobs can be maintained, U.S. dependence on foreign oil can be decrease, and the Supreme Court's confirmed responsibilities of the Environmental Protection Agency will not be extinguished by short sighted legislation.

As the Representative for Houston, the nation's energy capital, I am committed to finding a balance that will support continued growth in the energy industry while protecting the environment.

My amendment to H.R. 910 provides emissions producers in the energy industry the ability to engage in discussions and studies with the EPA. The provisions in this amendment will encourage communication between

the EPA and energy providers throughout the regulation process.

Americans should not have to risk living with highly polluted air. We must not shy away from the importance of the Clean Air Act and the role of the Environmental Protection Agency. This country needs energy. We utilize on and off shore drilling exploration. We must ensure that the industries impacted are engaged in the process while simultaneously regulating the affects of green house gas. This is crucial to the daily lives of Americans.

The Clean Air Act provides the EPA with the authority to regulate emissions reduction. This authority was upheld by the Supreme Court's decision in Massachusetts v. EPA. Any attempt to strip the EPA of this responsibility would undermine the Clean Air Act and exacerbate global warming.

The EPA must be allowed to regulate the emission of greenhouse gases. The climate change caused by these emissions affects temperature, causes extreme weather and dramatically reduces air quality, resulting in asthma, respiratory disease and lung cancer. The EPA projects that continued improvements in air quality under the Clean Air Act will save more than a trillion dollars by 2020, and prevent 230,000 deaths per year. By allowing the EPA to protect our environment now, we provide security for future generations.

Prohibiting the EPA from regulating greenhouse gas emissions to ensure clean air and slow the rate of climate change will have lasting consequences. We must, however, also consider the consequence to the energy industry.

H.R. 910 simply takes the wrong approach. Instead of focusing on developing standards upon which both the Environmental Protection Agency and the affected industries agree, it attempts to remove the Environmental Protection Agency from the process. Thereby barring the industry from developing standards upon which they can all agree. It is a matter of fairness. The EPA would ensure that industries would have a minimum standard to follow. This measure would ensure the industry would be involved when determining the best practices to ensure that reasonableness of those regulations.

Madam Chair, my amendment is essential to provide greater consideration to this sensitive issue by affording an opportunity for energy providers to state the impact that the proposed rule would have on their industry. This amendment will forge important compromises between the EPA and the energy industry. I urge my colleagues to join me in supporting my amendment.

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

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

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-54.

Mr. MCNERNEY. 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:

In section 330(b)(2)(C) of the Clean Air Act, as added by section 2 of the bill, after "demonstration programs" insert "and voluntary programs".

□ 1620

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Madam Chair, I rise to offer an amendment to H.R. 910.

Let's be crystal clear about two things. The bill we are considering today, which I will call the dirty air act, is an attack on science, and it's bad policy that will harm the American people. The world's scientific experts overwhelmingly agree that climate change is happening, it's primarily caused by human activities, and it has harmful consequences.

However, despite our disagreements about the merits of H.R. 910, I am offering an amendment that I think we can all support. My amendment is pro-environment, pro-consumer, and pro-business to make sure that our country can continue to administer voluntary programs to reduce pollution, improve public health, and address climate change.

Mr. UPTON. Madam Chair, will the gentleman yield?

Mr. MCNERNEY. I yield to the gentleman from Michigan.

Mr. UPTON. We are prepared to accept the agreement.

Mr. MCNERNEY. I thank the gentleman.

As currently written, H.R. 910 prohibits the EPA from taking action to control greenhouse gas emissions. However, the bill provides a few narrow exceptions, such as allowing for the continuation of statutorily authorized research, development, and demonstration programs meant to combat climate change. My amendment simply clarifies that voluntary programs to control climate change are also exempted from the bill's prohibitions and can continue to take place.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CUELLAR  
The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-54.

Mr. CUELLAR. 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:

In section 330 of the Clean Air Act, as added by section 2 of the bill, amend subsection (a) to read as follows:

"(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

"(1) Carbon dioxide.

"(2) Methane.

"(3) Nitrous oxide.

"(4) Hydrofluorocarbons.

"(5) Perfluorocarbons.

"(6) Sulfur hexafluoride.

In section 330(b) of the Clean Air Act, as added by section 2 of the bill—

(1) in paragraph (1)—

(A) in subparagraph (A), strike "under this Act" and insert "under title I or title V of this Act"; and

(B) in subparagraph (B), strike "The definition" and insert "For purposes of title I and title V only, the definition";

(2) in paragraph (2)(A), strike "Notwithstanding paragraph (4)(B), implementation" and insert "Implementation"; and

(3) strike paragraph (4) and redesignate paragraph (5) accordingly.

Strike section 3 of the bill (and redesignate section 4 of the bill as section 3).

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, I rise today to encourage my colleagues to support my amendment.

The intent of my amendment is quite narrow. This amendment makes the underlying legislation a question of authority, not a question of science. The amendment strikes the finding of the language from the particular bill. This ensures that H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether the EPA can or cannot regulate greenhouse gas.

Also, the amendment preserves the authority of the agency to improve the efficiency of automobiles and light trucks, an issue on which there is widespread agreement. While H.R. 910 intends to exempt auto standards, the legislation would stop the EPA from improving on any future car efficiency standards. This amendment does not remove any enforcement power the EPA has previously exercised since enactment of the Clean Air Act.

At the same time, this amendment does not authorize new regulatory initiatives beyond what the agency has done for decades. For example, the agency is in no way authorized by the amendment to undertake low carbon fuel standards or new emission guidelines for permitting obligations for stationary sources.

Finally, my amendment refines the definition of H.R. 910 by removing water vapor. This is consistent with the legislation we have considered in the past of what is and isn't greenhouse gas. Water vapor is not a long-term harmful warming cause.

In short, this amendment makes the underlying legislation a question of the EPA's authority granted under the Clean Air Act.

Madam Chair, I thank you for the consideration of this amendment. I urge all of my colleagues to vote "yes" on this amendment.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Chair, I rise in opposition to the amendment.

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

Mr. BARTON of Texas. I rise in opposition to my good friend from Texas, Mr. CUELLAR's amendment. It may be well intentioned, but it is poorly drafted. He may not have intended it, but if we were to accept it, by allowing the EPA to regulate anything under title 2, he would give the EPA authority not only to regulate tailpipe emissions from cars and trucks, but also authority to regulate trains, planes, and any other mobile source. I don't know that that was his intent, but that is certainly the effect of the amendment.

We oppose the amendment for that reason, for the drafting reason. We also oppose the amendment because it is the majority's opinion that we need, after 2017, to have one regulator for mobile sources, and that regulator is NHTSA, the National Highway Transportation Safety Administration. This amendment would have three regulators: NHTSA, EPA, and the State of California.

We have been very careful in the drafting of the underlying bill to make sure that the existing standards for tailpipe emissions stay in place. This bill does not change that. It would prevent EPA from issuing regulations for CO<sub>2</sub> emissions for tailpipes, but the underlying bill does not prohibit regulating the various emissions under NHTSA and the State of California for tailpipe emissions that actually affect fuel economy.

The only thing even without this bill that the EPA would have the ability to regulate are the emissions out of the coolant of the air conditioning systems. They have absolutely no effect on fuel economy. So we oppose the amendment.

With that, I yield the balance of my time to the gentleman from Texas (Mr. OLSON), and I ask unanimous consent that he be allowed to control that time.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 3 minutes.

There was no objection.

Mr. OLSON. I thank the chairman of the committee.

Madam Chair, I rise in opposition to this amendment. H.R. 910 was carefully written to provide the auto industry with greater certainty by streamlining the regulatory process with only one fuel economy regulator—NHTSA—from 2017 onward.

This amendment would remove that provision by requiring that we continue to have three separate regulators—the EPA, NHTSA, and California—setting fuel economy standards. This is wasteful and duplicative spending at a time when government should be more efficient and providing greater certainty for customers.

This amendment would allow the EPA to set low carbon fuel standards

that would equate to nothing more than a carbon tax at the pump. In a weak economy, this administration has disregarded studies which have concluded that greenhouse gas regulations will increase energy costs and destroy jobs.

An AP headline today read: "Rising Oil Prices Beginning to Hurt U.S. Economy." These regulations will only force Americans to pay more. Furthermore, it is Congress, not the EPA, that has constitutional authority to decide if or how greenhouse gases should be regulated.

My home State of Texas has improved its air quality and increased its energy production even as we are having the largest population growth in America.

Our legislation allows America to find commonsense solutions that provide an affordable, reliable energy supply for our Nation, as well as providing much-needed certainty to an unstable job market.

I urge my colleagues to oppose this amendment and support the underlying bill, H.R. 910.

I reserve the balance of my time.

Mr. CUELLAR. Madam Chair, I thank my colleague from Houston and my colleague from Dallas also. Just because we drafted this doesn't mean it was poor drafting. With all due respect, if they have a problem with whether they want to put language there on science, that is one thing. My amendment is on the same page as what they are trying to do. My amendment just strikes the findings. What we want to do is H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether EPA can or cannot regulate greenhouse gas.

This should not be a question of science. I think this should be a question of authority. We are on the same page, but I see that the majority wants to keep the findings, and I can understand that. I just ask, Madam Chairwoman, the support of this particular amendment.

I reserve the balance of my time.

Mr. UPTON. Madam Chair, I think we have the right to close. How much time is remaining on each side?

The Acting CHAIR. The gentleman from Texas (Mr. OLSON) does have the right to close and has 1 minute remaining, and the gentleman from Texas (Mr. CUELLAR) has 2½ minutes remaining.

□ 1630

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

Madam Chair, again, my amendment is just about saying that H.R. 910 should be article I of the Constitution. The question is, does Congress have the right to regulate or do we let the bureaucrats decide? This is what my amendment does. It just says that we, the Members of Congress, should decide whether the EPA can or cannot regulate greenhouse gas. Again, this is a question of authority and should not be a question of science.

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

Mr. OLSON. I yield the balance of my time to my colleague from Michigan (Mr. UPTON).

Mr. UPTON. Madam Chair, I would just urge again my colleagues to vote "no" on this amendment.

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

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-54.

Mr. MURPHY of Connecticut. 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 10, line 6, after subparagraph (C), insert the following new subparagraph:

"(D) TECHNICAL ASSISTANCE.—Nothing in this section shall be construed to limit the authority of the Administrator to provide technical assistance to States or groups of States for the implementation of regulations those States have adopted or may adopt concerning the limitation of greenhouse gas emissions, including providing any data developed in accordance with the rules or actions repealed by subsection (b)."

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I yield myself such time as I may consume.

Madam Chair, this amendment is fairly simple. While the underlying bill, though, I think very wrongly prevents the EPA from going forward on regulating greenhouse gases, my amendment affirms that state-run greenhouse gas programs will not be affected by the underlying legislation.

My amendment simply clarifies that language, by keeping in practice the longstanding tradition whereby the EPA will be able to continue providing technical assistance for States like mine who have taken action on their own to combat climate change. I think this is a good and perfecting amendment. Unfortunately, it doesn't do enough to allow me to support this legislation.

I can't support this legislation, because, as many have said before, it is simply an affront, an attack on science, on 99 percent of peer reviewed articles which have supported the idea that the United States needs to do something as 5 percent of the world's population and 25 percent of the world's pollution. We have 230,000 deaths that have been prevented by the Clean Air Act, and the economic benefits outweigh the costs of it by a 3-to-1 margin.

But even if you set aside the scientific debate, there are dozens of other reasons why we should be supportive of the United States and the

EPA taking a strong role on the issue of regulating greenhouse gases. It is an affront to the millions of unemployed workers in this country who are asking for leadership from this Congress on developing a new economy in the area of clean energy, to allow the EPA the ability to join other nations around the world in putting a downward pressure on carbon emissions so that we can have an upward pressure on the number of new clean energy jobs that this country can create. But even if you set aside that argument, even if you set aside the science, set aside the jobs argument, from a national security perspective, we need to go forward with these EPA regulations, or, in the absence, we need to be passing legislation here in the United States Congress.

We continue to send abroad American dollars to petro-dictators who use it to funnel money to the very people that are seeking to attack this nation. From a national security standpoint, we need to be moving forward with a greenhouse gas strategy.

I am proposing this amendment, though, because for all of the naysayers, for all of the people who talk about doomsday and Armageddon if these EPA regulations are to go into effect, I'd like them to come to Connecticut, I'd like them to come to the 10 States that are part of the RGGI carbon emissions regime in which we have seen what smart regulation of carbon can do. We have set an aggressive standard in our RGGI system whereby we are seeking a 10 percent reduction in carbon, and we're doing it through the dreaded cap-and-trade regime that many on the other side have talked about for years.

What have we seen in Connecticut? The jury is in, the results are in, and we have in the 10 RGGI States saved enough energy to equal the cumulative input of 442,000 homes. We've saved an immense amount of energy. Now by doing that, what's happened to cost? Well, guess what? Cost has plummeted. We have saved \$744 million for consumers in Connecticut. Why? We've decreased demand for energy, and so we have decreased cost. We have saved energy and we have decreased cost through a system of carbon control not dissimilar to ones we've talked about in this Congress and not dissimilar to what we are looking at at the EPA today. I propose this amendment as a way of simply allowing States to move forward with what I think have been very beneficial carbon reduction regimes in the absence of Federal control.

I think it's a sad day that we're here talking about this today. It used to be that Republicans and Democrats could at the very least agree on clean air. We could at the very least agree on the fact that pollution was an issue which we should address. And the fact that that is now a subject of disagreement, I think, is a grave statement on how far the Republican Party has come over the last decade.

I reserve the balance of my time.

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

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

Mr. SCALISE. I yield 2½ minutes to the gentleman from Kansas (Mr. POMPEO).

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

I heard my colleague speak. He talked about it being a sad day, a day when Republicans and Democrats cannot agree about the importance of environmental safety and clean air. I could not disagree more. Those of us on our side care deeply to make sure we've got clean air and clean water and safe drinking water. We care deeply about that. It is not a sad day.

I've been here in Congress for 90 days. Yesterday marked 3 months on station. The Democrats have been talking about jobs bills. Where are the jobs bills? Well, here's one. Here's the first of many. If we can begin to peel away the burden and the disaster that are the regulations that EPA is beginning to place on our country, then we will once again create an environment where the private sector can create jobs, where we can once again create manufacturing jobs.

Until January 5 of this year, I was in the manufacturing sector. I was making things in the private sector. And I watched as government got in the way and made it expensive, drove up the cost of energy so that our products were not competitive. We are now, beginning with H.R. 910, to peel that back, to take on the task of restoring opportunity for Americans once again to manufacture here in our country, for those folks who are struggling to begin once again to afford energy for themselves, for their families, and for our small businesses.

I oppose the Murphy amendment because it guts what we're trying to do in H.R. 910, which is to once again put America back on a course that says we're going to have safe air, we're going to have clean drinking water, but we're going to do it in a way where the private sector can create jobs, we can grow our economy, and we will not have to have the unemployment rate that we have struggled through for the last 2½ years.

Mr. MURPHY of Connecticut. May I inquire as to how much time is remaining.

The Acting CHAIR. The gentleman from Connecticut has 30 seconds remaining, and the gentleman from Louisiana has 3 minutes remaining.

Mr. MURPHY of Connecticut. I yield myself the balance of my time.

I would inquire of the gentleman as to how he thinks this amendment guts the underlying legislation. All this amendment does is simply allow for the EPA to continue working with States on their own systems. I think the hyperbole has gotten a little out of

control from the Republican side. This is simply seeking to assist States in the work that they are continuing to do today. It does absolutely nothing to gut the underlying legislation, and it just adds clarifying language to allow States to move forward with their own systems of controlling greenhouse gases.

I yield back the balance of my time.

□ 1640

Mr. SCALISE. Madam Chair, we are here today because the EPA has continued to push this effort to pass a national energy tax. It was tried through cap-and-trade over the last year and a half. That bill went through the legislative process and was defeated in a bipartisan way. This is not a Republican or a Democrat issue when we're talking about preventing the EPA from running millions of jobs out of our country, and that is literally what's at stake here.

Believe me, as people look through the letters of support and as we comb through the days of testimony that we've had on this over the last 2 years with regard to this concept of the EPA's regulating greenhouse gases, Madam Chair, we are talking about a proposal by the EPA that, according to the National Association of Manufacturers, would run 3 million jobs out of our country.

Now, we should all be here working feverishly to create jobs. In fact, our legislation, the National Energy Tax Prevention Act, will create jobs because it will remove the uncertainty that exists today where so many employers, so many of our job creators, are scared to death of the threat now of regulation coming over; because, again, Congress rejected their proposal for the national energy tax through cap-and-trade in a bipartisan way.

Mr. WAXMAN. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIR. Does the gentleman from Louisiana yield to the gentleman from California for that purpose?

Mr. SCALISE. If the gentleman has a parliamentary inquiry, I don't think that comes out of my time.

Mr. WAXMAN. Parliamentary inquiry.

The Acting CHAIR. If the gentleman from Louisiana yields for the parliamentary inquiry it will come out of his time.

Mr. SCALISE. I yield for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. WAXMAN. Madam Chair, my inquiry is: Must the debate be on the pending amendment or can the debate be on a broader bill?

Mr. SCALISE. I reclaim my time, Madam Chair, because I am talking specifically about the amendment. If I am allowed the opportunity to continue with my comments, I have to finish a thought first before we talk specifically about the amendment.

First of all, if you look at what happened by legislation, they tried legislation, and the legislation failed. A bipartisan vote defeated that legislation. Then they came back with regulation. So this proposed regulation is being addressed by our bill, the underlying bill.

The amendment by the gentleman from Connecticut proposes to create a loophole to continue to allow the EPA to get their nose back under that tent to regulate greenhouse gases. You can just look at the language to see that it allows for that loophole that we're trying to close.

First of all, in a bipartisan fashion, Madam Chair, Congress has said we don't want the EPA imposing the national energy tax that cap-and-trade would propose. We don't want those millions of jobs leaving our country. Then they came back through regulation, and they said, Well, we'll just do it through regulation, a de facto cap-and-trade energy tax, because they couldn't get it passed through Congress.

Of course, anyone who has taken civics knows you're supposed to go through the legislative process if you want to change policy. So, if our underlying bill passes the House, then they won't be able to go through regulation; but the gentleman's amendment would actually say that there would be a loophole even though Congress would say, No, you don't have the authority to do that. You can't run those jobs to places like China where they have absolutely no environmental controls that we have today, which are dramatically better than those they have in China and India and in some of the other countries, countries which would be happy to take the millions of American jobs that would flee this country if they were able to get away with it.

We have to reject this amendment and take that loophole away. Don't give them that loophole to continue to regulate greenhouse gases through a de facto cap-and-trade national energy tax. So I would ask that we reject this amendment and pass the underlying bill.

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

In response to the gentleman from California's parliamentary inquiry, remarks are to be confined to the question under debate.

Mr. WAXMAN. Madam Chair, I ask unanimous consent that we expand the debate by 2 minutes on each side on this particular amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. UPTON. One and one. Why don't we do 1 minute each.

Mr. WAXMAN. Two and two. Let's do 2 minutes each.

Mr. UPTON. We can accept one and one.

Madam Chair, I ask unanimous consent that the majority and the minority each have an additional 1 minute on this amendment.

Mr. WAXMAN. Reserving the right to object, I would plead with my chairman to agree to an additional minute to each side because I think that there is an important issue that is being ignored in this particular amendment. Each side may not need to take up the 2 minutes.

Mr. UPTON. We're working against the clock a little bit; so I would prefer that we just do one and one and end it there on this amendment.

Madam Chair, I ask unanimous consent that each side have 1 additional minute on this amendment.

Mr. WAXMAN. I ask unanimous consent that each side have 1½ minutes.

The Acting CHAIR. Is there objection to the request of the gentleman from Michigan for 1 minute for each side?

There was no objection.

The Acting CHAIR. The gentleman from Louisiana (Mr. SCALISE) and the gentleman from Connecticut (Mr. MURPHY) each will control 1 extra minute.

Mr. MURPHY of Connecticut. I yield the balance of my time to the gentleman from California (Mr. WAXMAN).

The Acting CHAIR. The gentleman from California is recognized for 1 minute.

Mr. WAXMAN. I thank the majority for their graciousness in allowing for a clarification.

This amendment simply says all that you suggest in your bill would become law, if it were passed, with the exception that we would continue to allow the EPA to give technical information to the States. It does not replace the other restrictions on EPA. It only allows them to give technical information to the States, which they do already without regulating greenhouse gases, under the United Nations Framework Convention on Climate Change, which was ratified by the Senate in 1992 after submittal by President Bush. Because of this international agreement, we try to keep track of what's going on, and the States should be able to talk to the EPA and to get expert advice from the EPA unless you think the States should not be allowed to do anything on their own, which would be something beyond the scope of this amendment.

So I would urge my colleagues who support their bill not to be against this amendment.

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

Mr. SCALISE. I appreciate the offer of the gentleman from California, but I cannot adhere to a United Nations framework. I cannot adhere to the ability for the EPA to continue to keep their nose under the tent to provide whether it's called "technical assistance" or whether they try to continue to push things, because the EPA does interact with States on other issues, and I surely would not want to see some kind of situation where the EPA is going to try to hold something else over a State's head and use this threat, because they really do want the chance to regulate greenhouse gases and impose an energy tax.

So I think we've debated it very thoroughly. I understand your position, and I respect the gentleman from Connecticut's position. I just don't agree. I think we need to preserve American jobs and let the States do what they already do such a good job of doing; but we need to tell the EPA that "no" means "no." They've got their own role to play, and it's not regulating greenhouse gases.

AMERICAN IRON AND STEEL INSTITUTE,  
Washington, DC, March 9, 2011.

Hon. FRED UPTON,  
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building,  
Washington, DC.

DEAR CHAIRMAN UPTON: On behalf of the American Iron and Steel Institute (AISI), I am pleased to offer our support for H.R. 910, the Energy Tax Prevention Act (EPTA). This legislation is necessary to prevent EPA from regulating greenhouse gases (GHGs) from stationary sources under the Clean Air Act, thereby removing a regulatory uncertainty that is impeding domestic economic growth and job creation.

AISI is comprised of 25 member companies, including integrated and electric furnace steelmakers, and 140 associate and affiliate members who are suppliers to or customers of the steel industry. AISI's member companies represent approximately 80 percent of both U.S. and North American steel capacity. The steel industry in the U.S. has substantially reduced its GHG emissions over the past two decades. The industry has reduced its energy-intensity by 30% since 1990, and reduced while GHG emissions by 35% over the same time period. The industry has well exceeded the Kyoto Protocol targets, is committed to continued improvement, and hasn't waited for Congress or EPA to act.

The domestic steel industry is both energy-intensive and subject to substantial international competition. In particular, this competition comes from nations such as China, where no similar CO<sub>2</sub>-reduction legislation or regulatory policies exist. In the absence of an international agreement on GHG emissions reductions, EPA regulation of stationary sources will only transfer emissions—and high-value manufacturing jobs—overseas. This will have a negative impact on domestic industry and will not result in a net emissions reduction worldwide.

As you know, the Clean Air Act was not written to regulate greenhouse gas emissions, and is therefore the wrong mechanism for EPA to use in this case. No policies have been proposed to accompany the EPA regulations to address competitiveness concerns of energy-intensive, trade-exposed industries, such as steel. The result will be the "leakage" of emissions and manufacturing jobs to competitor nations without comparable regulations, which is problematic from both the economic and environmental perspectives.

If the EPA is allowed to proceed with its GHG regulations from stationary sources, plants in the steel industry will be forced to adhere to yet another level of new strict regulations and be required to obtain costly permits. This would be a devastating blow to investment and growth in the industry, not to mention the implications of coupling these regulations with the recession that has hit the country and the manufacturing economy.

Sincerely,

THOMAS J. GIBSON,  
President and Chief Executive Officer.

[From Americans for Prosperity, March 3, 2011]

AMERICANS FOR PROSPERITY APPLAUDS REPRESENTATIVES COLLIN PETERSON, DAN BOREN AND NICK RAHALL FOR SUPPORTING EPA PREEMPTION

AFP today commended three senior Democratic representatives—Collin Peterson of Minnesota, Dan Boren of Oklahoma and Nick Rahall of West Virginia—for cosponsoring the Inhofe-Upton bill to clarify that the Environmental Protection Agency (EPA) has no authority to regulate greenhouse gasses under the Clean Air Act (CAA).

"It's great to see three leading Democratic congressmen speak with such a clear voice that EPA should not be allowed to go around Congress to adopt job-killing global warming regulations," said AFP vice President for Policy Phil Kerpen. "These regulations amount to a backdoor effort to adopt restrictions similar to the cap-and-trade bill Congress and the American people already rejected."

"AFP commends free market heroes like Senator Inhofe and Congressman Upton for challenging unelected bureaucracies like the EPA when they try to bypass the American people," said president of AFP, Tim Phillips.

The Clean Air Act is so ill-suited to being twisted as a global warming bill that EPA resorted to disregarded statutory thresholds and demanding that states amend their laws to conform. This so-called Tailoring Rule is being contested in court and experts predict it is unlikely to survive the legal challenge.

"Kudos to Boren, Peterson, and Rahall for standing up to the EPA and doing what's right," Kerpen concluded. "I hope more Democrats will put jobs, the economy, and legitimate legislative process ahead of environmental extremism and join them."

AMERICANS FOR TAX REFORM,  
Washington, DC, March 7, 2011.

DEAR REPRESENTATIVE: On behalf of Americans for Tax Reform (ATR) and millions of taxpayers nationwide, I urge you to support Rep. Fred Upton's (R-Mich.) Energy Tax Prevention Act of 2011. If passed, this legislation will return the obligation of setting America's climate policy to Congress from the Environmental Protection Agency (EPA).

Since losing the Cap-and-Trade debate, Democrats have turned to the EPA to impose their radical environmental agenda on this country. The impetus behind Cap-and-Trade was to force Americans to move towards less efficient, more expensive sources of energy. Similarly, the EPA is attempting to achieve this end through the regulation of greenhouse gases.

Standing on legally precarious ground, the EPA is citing the Clean Air Act as justification for its dubious agenda. Employing the Clean Air Act for objectives it was never intended to realize, the EPA has infringed on the legislative responsibilities of Congress.

The Energy Tax Prevention Act has been introduced to put a stop to such regulatory overreach and abuse. Addressing one of the most pressing problems facing this country, the Energy Tax Prevention Act bars federal regulators from co-opting the Clean Air Act to regulate greenhouse gases.

If the EPA continues on its current course, unelected federal bureaucrats will continue to unilaterally dictate ruinous economic policies. We should hold President Obama to his stated commitment to reassess America's regulatory system in the name of economic growth and fiscal responsibility. The President should be reminded that the EPA's initiatives to regulate greenhouse gasses would raise energy prices, destroy businesses, and ship jobs overseas. These policies are motivated not by science, and not out of concern

for American industry, but by ideology alone.

Rep. Upton seeks to restore the role of the U.S. congress in the development and implementation of the nation's climate and energy policy. Their bill is not a referendum on climate change or greenhouse gases but rather who will set our country's energy policy—elected Representatives or unaccountable political appointees.

In the interest of preserving our economic freedom, and the proper authority of congress, please join me in supporting the Energy Tax Prevention Act of 2011.

Onward,

GROVER G. NORQUIST.

MARCH 9, 2011.

Re Upton-Inhofe Bill a Key Step Toward Stopping EPA's GHG Regulations.

DEAR CHAIRMAN UPTON AND CHAIRMAN WHITFIELD: On January 2, 2011, the U.S. Environmental Protection Agency (EPA) began regulating greenhouse gas (GHG) emissions from stationary sources. EPA's rules require industrial sites, power plants and other businesses that emit GHGs above certain thresholds to apply for a permit whenever they want to build or modernize their facilities. In today's fragile economy, when we need American businesses to be expanding at full speed, these rules create uncertainty and delay.

We welcome the efforts of lawmakers from both parties to stop the EPA's harmful regulations so that business growth and hiring can continue. We applaud the leadership that you and Senator Inhofe are providing on this issue through the introduction of The Energy Tax Prevention Act of 2011 (H.R. 910). This bipartisan legislation is helping to keep attention squarely focused on the issue and building momentum toward a solution.

Congress, not EPA, should be guiding America's energy policy. Without action by lawmakers, EPA's regulations will make it difficult to attract new manufacturing capacity and jobs to the United States, let alone double U.S. exports in five years, as President Obama has pledged. Moving your legislation forward is a critical first step.

We look forward to working with you to stop harmful regulations and in doing so, strengthen the economic recovery, support American manufacturing and create jobs.

Sincerely,

American Chemistry Council, American Coalition for Clean Coal Electricity, American Forest & Paper Association, American Iron and Steel Institute, American Petroleum Institute, Brick Industry Association, CropLife America, Industrial Minerals Association, National Association of Manufacturers.

National Association of Wholesaler-Distributors, National Lime Association, National Mining Association, National Oilseed Processors Association, National Petrochemical and Refiners Association, The Aluminum Association, The Fertilizer Institute, U.S. Chamber of Commerce.

AMERICAN PUBLIC POWER  
ASSOCIATION,

Washington, DC March 9, 2011.

Hon. FRED UPTON,  
Chairman, House Energy & Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. ED WHITFIELD,  
Chairman, House Energy & Power Subcommittee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON AND CHAIRMAN WHITFIELD: On behalf of the American Public Power Association, I am writing to express our support for the Energy Tax Prevention Act. APPA is the national service organiza-

tion representing the interests of over 2,000 community-owned, non-for-profit electric utilities. These utilities include state public power agencies, municipal electric utilities, and special utility districts that provide electricity and other services to over 46 million Americans.

APPA believes that the Clean Air Act (CAA) is not appropriately designed to address greenhouse gas (GHG) emissions and that the Environmental Protection Agency's (EPA) efforts to regulate such gases under the statute are causing undue uncertainty for the electric utility sector and are likely to result in unnecessarily high costs. In particular, APPA members are concerned with the application of Best Available Control Technologies (BACT) for GHG emissions under New Source Review (NSR) and the planned establishment of Section 111 New Source Performance Standards for GHGs for new, modified, and existing electric power plants. No commercially available technologies currently exist to reduce GHG emissions. APPA also believes that many states will find that they need additional time in order to implement any final EPA regulatory action given state budget cuts, staff reductions, and other administrative issues. For these reasons, APPA supports congressional action to preempt EPA's authority to regulate GHG emissions under the CAA.

Instead, APPA believes Congress should address the issue of climate change through new legislation and supports efforts to do so on an economy-wide basis that properly balances environmental goals with impacts on consumers and the economy. Such legislation should create a new regime for reducing GHG emissions that is separate and apart from the CAA, which was created to address criteria pollutants for human health protection.

Thank you for your leadership on this important issue affecting electric utilities. I hope you will feel free to contact me or the APPA government relations staff with any questions.

Sincerely,

MARK CRISSON,  
President & CEO.

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

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

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

Mr. MURPHY of Connecticut. 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 Connecticut will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-54.

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:

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

**SEC. 5. CONGRESSIONAL ACCEPTANCE OF SCIENTIFIC FINDINGS.**

Congress accepts the scientific findings of the Environmental Protection Agency that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Chair, I rise to offer an amendment, with my colleagues Representatives DEGETTE and INSLEE, that recognizes the scientific reality of climate change.

Our amendment states that Congress accepts EPA's scientific finding that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare. This simple recognition is far from enough, but it is crucially important. As long as Congress pretends that climate change isn't occurring, we can justify not addressing it.

Last month, the eminent scientific journal *Nature* wrote an editorial entitled, "Into Ignorance."

□ 1650

And I want to read from this editorial: "Republicans on the Energy and Commerce Committee have made clear their disdain for climate science. At a subcommittee hearing, misinformation was presented as fact, truth was twisted, and nobody showed any inclination to listen to scientists. There has been an embarrassing display, not just for the Republican Party, but also for Congress and the U.S. citizens it represents."

The U.S. Congress has entered the intellectual wilderness. This amendment is a step out of that wilderness. It says we accept the scientific findings of EPA—and the best scientists in our country and around the world—that climate change is a serious threat to our health and welfare. And it recognizes that while we have the power to change the laws of our Nation, we cannot rewrite the laws of nature.

It may be difficult for us to agree on a solution to climate change, but at least we should be able to agree that it is a real problem and one we need to address.

I hope my colleagues will support this amendment.

Madam Chairman, I reserve the balance of my time.

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

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

Mr. SENSENBRENNER. Madam Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Madam Chair, I believe in science. I also know that the Earth has been warming for some time. In fact, the underlying bill, H.R. 910, concludes by acknowledging there is scientific concern over the warming of the climate system and that addressing the climate change is an international issue.

I believe that human activity is also playing a role. The question is how big

a role. This amendment would have Congress adopt intentionally vague language on human involvement and the risks associated with climate change without defining the size and scope of human behavior and the risk to the environment.

Madam Chair, I believe that we must reduce our dependence on foreign oil and expand research and development of clean energy sources and ensure that future generations of Americans have a clean and healthy environment. But I do not believe in the notion that the Waxman amendment puts forward that states that Congress shall only accept the scientific findings of the EPA. We should encourage open, transparent scientific studies, not limit our scientific findings to one government agency.

We must work together in a bipartisan manner to promote clean energy and encourage greater energy efficiencies to guarantee that our children and grandchildren have a cleaner environment than we have today.

I urge a "no" vote on this amendment.

Mr. WAXMAN. Madam Chair, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I appreciate my Republican colleague's statement, but the clear fact of this bill is, if it passes, what does it do? It basically says that Sir Isaac Newton, Albert Einstein, and Thomas Edison didn't know what they were talking about because this bill, in rather clear form, caters to a narrow sector of a narrow political interest to ignore clear science. And there is no way you can get around this or sweet-talk your way around this clear rejection of science.

Now, this isn't just us. Who has cleared and said this statement that we seek to put in this bill is correct? Only the National Academy of Sciences, NOAA, the Department of Defense, the Centers for Disease Control, the American Meteorological Society, the American Geophysical Union, the Geological Society of America, the American Association for the Advancement of Science, the American Institute of Physics, and the American Chemical Society. But one side of the aisle thinks that the tea party has greater scientific credibility, and that's who you are catering to when you refuse to adopt this amendment.

Let's have a bipartisan statement of the problem so that we can have a bipartisan statement of the solution.

Mr. SENSENBRENNER. Madam Chair, I am the only speaker left, and I believe that I have the right to close. So if the gentleman from California could use the remainder of his time.

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

The gentleman from Wisconsin has 3½ minutes remaining; the gentleman from California has 2 minutes remaining.

Mr. SENSENBRENNER. Madam Chair, I yield myself the balance of my time.

Madam Chair, this is an amendment that attempts to reverse the entire thrust of this legislation. In effect, it gives the proxy to the EPA to make determinations that will have vast impact on our economy without going through the usual legislative process. This is our job to make a determination on whether the Clean Air Act is the proper vehicle to deal with issues related to greenhouse gases.

This is not a debate on the underlying science of climate change, and I think that has to be made clear. But if we do want to talk about the EPA's ability to mitigate climate change, let's focus on their own projections.

EPA's analysis of the current rule states that it will only result in 1/100 of a degree of lowering of the Earth's average temperature by the year 2100. Administrator Jackson herself stated before the Energy and Commerce Committee that EPA regulation will not ultimately be able to change the amount of CO<sub>2</sub> that is accumulating in the atmosphere if other nations do not agree also to limit emissions. And they aren't, and they won't.

So, regardless of whether or not Congress issues a scientific finding based upon a 10-minute amendment debate, we are faced with the indisputable fact that EPA greenhouse gas regulations will lead to billions upon billions of dollars leaving our economy with absolutely zero environmental benefit. This amendment flunks the cost-benefit analysis. It ought to be rejected.

We are here today about protecting the economy, job creation, and stopping energy prices from skyrocketing. That's what will happen if this amendment is adopted. It should be rejected in the name of jobs and a healthy economy.

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

Mr. WAXMAN. Madam Chair, to close, I yield the balance of my time to my colleague, who is a cosponsor of this legislation along with myself and Mr. INSLEE, the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. I thank the ranking member for allowing me to close.

This amendment gives Members of the House what should be a very simple choice: recognize the overwhelming science or vote to deny the overwhelming science.

We in Congress can certainly change the laws of this country, but last I heard we cannot change the laws of nature. There is no serious disagreement on the science of climate change. In fact, the findings have been confirmed by all leading scientific academies around the world. The National Academy of Sciences last year issued a series of comprehensive reports that are unambiguous. It says, for example, "Climate change is occurring. It is caused largely by human activities, and in many cases it is already affecting a broad range of human and natural systems." And even a team of scientists from UC Berkeley, who were



told to try to disprove global climate change, just reported last week to a congressional committee that in fact global climate change is occurring.

This is simple. This is clear. H.R. 910 represents an effort to deny and run away from science and reality. It ignores one of the chief drivers behind our need for a clean and modernized energy policy: massive and growing human consumption of carbon-based fuels.

Last Congress, and again today, I chose to be on the side of those who acted to address a climate disaster and put into place the framework for an energy policy which this country so painfully goes without and so little can afford. I urge my colleagues to do the same.

Vote "yes" on this amendment. Vote "no" on the underlying bill and stand with science.

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.

□ 1700

AMENDMENT NO. 7 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-54.

Mr. QUIGLEY. 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:

**SEC. 5. GAO REPORT.**

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of a study of health care costs in the United States as affected by the elimination of Environmental Protection Agency regulation under this Act, as compared to health care costs in the United States as would be affected by the Environmental Protection Agency proceeding with regulation in its role as determined in *Massachusetts v. EPA* (549 U.S. 497 (2007)).

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Madam Chair, my amendment would require that the GAO report to Congress the results of a study of health care costs in the U.S. as affected by the elimination of EPA regulation under this act. Further, the report would also detail health care costs in the U.S. proceeding under the EPA's current regulatory authority as determined in 2007 in *Massachusetts v. EPA*.

It is science, hard facts, and figures that have led hundreds of scientists to confirm that global warming is real. Despite the other numbers you may have heard, the most convincing one is that there are over 200 peer reviewed scientific studies that have determined that global warming is real and that man contributes to that, and exactly zero that have proved or shown evidence to the contrary.

It was science that led the Congress to pass the Clean Air Act, the act which designated the EPA as the body charged with overseeing, adapting, and implementing these regulations. It was science that led the Supreme Court to rule in 2007 that the Environmental Protection Agency does in fact have the authority to regulate greenhouse gases.

My amendment is simple. It directs the GAO to report the cost of health care under the Clean Air Act, and then to report the costs of health care with this bill passing as it modifies the amendment.

In 2010 alone, the EPA reported the reduction in fine particulate and ozone pollution from the Clean Air Act prevented more than 160,000 premature deaths, 130,000 heart attacks, 13 million lost workdays, and 1.7 million asthma attacks. These are serious health issues that burden the government with serious bills.

We face serious budgetary times. We may be out of a recession, but we are far from recovered. If we are committed to making the government more efficient and effective to cutting waste, fraud, and abuse, we must acknowledge that spending a smart dollar up front saves many dollars on the back end.

I encourage my colleagues to support this amendment that will allow the experts at the GAO to show us a world with the Clean Air Act and a world without. My estimation is that a world with less mercury in our water and less ozone in our air will cost far less in dollars and deaths than the opposite, but I will defer to the experts and look forward to their report on this subject.

I reserve the balance of my time.

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

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

Mr. HARPER. This amendment filed by the gentleman from Illinois would require a GAO study to be completed, 1 year, analyzing how health care costs are affected if EPA does not proceed with regulation in its role as determined in *Massachusetts v. EPA*.

You know, this case did not determine whether or how EPA should regulate greenhouse gases. To the contrary, it did not mandate that EPA move forward with global warming regulations, and it certainly did not direct the EPA to begin regulating tens of thousands or millions of stationary sources across the United States economy.

In any event, no GAO study is needed because the EPA, itself, has already

concluded that greenhouse gases pose no direct adverse health effects.

Here's what the EPA has stated: "Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effects, such as respiratory or toxic effects."

So even if the EPA had concluded that there were direct health impacts, EPA's own administrators concluded that the agency's greenhouse gas rules are not going to be effective in appreciably reducing temperatures or global emissions.

Administrator Jackson has said: "We will not ultimately be able to change the amount of CO<sub>2</sub> that is accumulating in the atmosphere alone." If anything, EPA's global warming rules will cause global emissions to increase as U.S. manufacturing and industry goes to countries with much less stringent environmental laws.

I urge my colleagues to vote "no" on this amendment.

I reserve the balance of my time.

Mr. QUIGLEY. Madam Chair, I guess my response is, with all due respect, prove me wrong. If there is no health care risk, let the GAO independent analysis prove us wrong.

But there's a lot at stake here, and I would defy anyone to say that greenhouse gases are not in and of themselves—putting aside the issue of global warming—dangerous because many of them are precursors to ozone. I live in Chicago, which is the morbidity and mortality capital of the United States for people who are afflicted with asthma, and there is a dramatic and direct impact of what ozone does to those people suffering from asthma.

So prove me wrong. Show me how we're wrong on this. Let there be a study which goes to this, because if I'm wrong, no damage done. But if there is some danger here and we have decided that it is not worth our study, then we have done a grave disservice to the American public and put their lives at risk.

I yield back the balance of my time.

Mr. HARPER. I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Chair, I want to thank the chairman of the Energy and Commerce Committee, Mr. UPTON, and the gentleman from Mississippi (Mr. HARPER) for yielding time for me to speak on this amendment.

I rise in strong opposition to the Quigley amendment because it represents an unnecessary use of case law in *Massachusetts v. EPA*. Some of what I say is repetitive. Mr. HARPER has just said it, but it bears repeating, Madam Chair.

This amendment requires the GAO to conduct a study analyzing how health care costs will be affected if the EPA does not proceed with regulation in its role as determined in *Massachusetts v. EPA*.

Madam Chair, I would like to remind the author of the amendment, Mr.

QUIGLEY, that Massachusetts v. EPA did not determine whether or how the EPA should regulate greenhouse gases. Furthermore, a GAO study on this matter is not necessary because the EPA has already concluded that greenhouse gases have no adverse health effect.

Specifically, the EPA has stated: "Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effects, such as respiratory or toxic effects."

Opponents of this legislation have tried unsuccessfully to assert that the underlying bill will block the EPA from safeguarding public health from the effects of air pollution and will result in increased asthma attacks or other respiratory illnesses. Nothing could be further from the truth.

Madam Chair, H.R. 910 does not affect the EPA's ability and responsibility to protect the public from hazardous air pollution. Regardless of whether or not EPA imposes these cap-and-trade regulations, the agency will continue to have the authority to regulate all of the high-priority pollutants that raise public health concerns.

As an original cosponsor of H.R. 910, I strongly support the underlying bill to prohibit the Environmental Protection Agency from using the Clean Air Act to regulate greenhouse gases.

By avoiding these harmful regulations, H.R. 910 will save countless numbers of jobs and prevent the implementation of an energy tax that would cost our economy literally tens of billions of dollars when we can least afford it.

Madam Chair, I urge my colleagues to reject this amendment and support the underlying bill.

Mr. BILBRAY. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman from California.

Mr. BILBRAY. Madam Chair, I want to point out the comment was made about the precursor to ozone. Thirty years of air pollution regulations. Ask the South Coast Air Basin in Los Angeles. It never regulated CO<sub>2</sub> as a precursor to ozone because it was so miniscule that there are so many other issues that are absolutely essential to address that you didn't even look at that.

And if you didn't think those of us in California, that we're working on air pollution, air quality, our county in San Diego went from "severe" down to "serious" because we were successful. And it wasn't chasing ozone. I mean, not chasing CO<sub>2</sub>. It was tracing true toxic emissions.

So when you talk about implementing these plans, understand you're talking about sacrificing efforts that are at true risk.

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

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

The amendment was rejected.

□ 1710

AMENDMENT NO. 8 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-54.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 330 of the Clean Air Act, as proposed to be added by section 2 of the bill, insert after subsection (a) the following (and redesignate the subsequent subsections accordingly):

"(b) TEMPORARY SUSPENSION FOR PUBLIC HEALTH EMERGENCIES.—The Administrator may by rule, after public notice and comment, temporarily suspend the provisions of this section if—

"(1) a detailed analysis and review by the Administrator of the latest credible and peer-reviewed science shows ground level ozone will pose significant dangers to public health;

"(2) extreme weather events pose significant danger to public health;

"(3) an increase in food and waterborne pathogens pose significant danger to public health; or

"(4) there are other significant threats to public health.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, this amendment is simple, and I appreciate the rule making it in order. It allows the Environmental Protection Agency to continue protecting the American people from the greatest public health and environmental challenge in global history, global climate change.

The overwhelming scientific evidence suggests that greenhouse gases and carbon pollution, if left unchecked, pose a significant threat to public health. This is not a scientific conclusion that anybody in the investigative community desires or wants. It is an unfortunate reality. I simply want the administrator to have the ability to temporarily unlock the handcuffs on the bill if there is a significant threat to the public health.

Let's walk ourselves through what this bill does. The bill tells the EPA, EPA, you have done your homework just like the Supreme Court told you to do, and every inch of credible science is telling you there is a danger to America's health. Yet, we here in Congress know better. We will pretend like there is not a danger to the American health. We won't allow you, the EPA, that we set up and charged with this, to pay attention to the warnings or protect Americans from the dangers.

To me, that's a very dangerous directive, telling the EPA they can't act even though they know we are in danger. If there was a meteor hurtling towards us, I would hope that this body wouldn't pass a bill that tells NASA to ignore it, to step away from the tele-

scope, specifically forbids them from telling people to get out of the way. Yet that's exactly what this bill does with the very real and present danger.

I, for one, want the EPA to be able to protect me, and my family and my constituents and all American families when the overwhelming warning signs say they should do just that. But if this body sends a message to the contrary, at the very least we should be smart enough to include a temporary escape hatch, a safety valve that my amendment provides.

Madam Chair, I am going to vote today to put America's health before big polluters. The other side of the aisle likes to skew the facts. And instead of paying attention to the warning signs, they protect their big polluter friends by confusing the facts. It's critical that we provide a safety valve that when there is a clear and present danger to the health of the American people we don't hamstring the very agency that we have set up to protect the health of the American people, and enable them to move forward to protect us.

This endangerment finding, the title of the EPA's research on dangers to our health, was based on sound science and found that as climate change increases, so does ground ozone level, air- and water-borne pathogens, and mold and pollen allergens that affect and make health problems worse like asthma, respiratory irritation, and heart disease. We cannot oversimplify a very serious problem with no easy answers.

[From the Federal Register, Tuesday, Dec. 15, 2009]

PART V—ENVIRONMENTAL PROTECTION AGENCY

40 CFR CHAPTER I—ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(a) OF THE CLEAN AIR ACT; FINAL RULE

ENVIRONMENTAL PROTECTION AGENCY  
40 CFR Chapter I  
[EPA-HQ-OAR-2009-0171; FRL-9091-8]  
RIN 2060-ZA14

Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Administrator finds that six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations. The Administrator also finds that the combined emissions of these greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas air pollution that endangers public health and welfare under CAA section 202(a). These Findings are based on careful consideration of the full weight of scientific evidence and a thorough review of numerous public comments received on the Proposed Findings published April 24, 2009.

DATES: These Findings are effective on January 14, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2009-0171. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g.,

confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at EPA's Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Jeremy Martinich, Climate Change Division, Office of Atmospheric Programs (MC-6207J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9927; fax number: (202) 343-2202; e-mail address: [ghgendangerment@epa.gov](mailto:ghgendangerment@epa.gov). For additional information regarding these Findings, please go to the Web site <http://www.epa.gov/climatechange/endorsement.html>.

#### SUPPLEMENTARY INFORMATION: Judicial Review

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by February 16, 2010. Under CAA section 307(d)(7)(B), only an objection to this final action that was raised with reasonable specificity during the period for public comment can be raised during judicial review. This section also provides a mechanism for us to convene a proceeding for reconsideration, "[i]f the person raising an objection can demonstrate to EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of this rule." Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, Environmental Protection Agency, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20004, with a copy to the person listed in the preceding FOR FURTHER INFORMATION CONTACT section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

ACUS Administrative Conference of the United States  
ANPR Advance Notice of Proposed Rulemaking  
APA Administrative Procedure Act  
CAA Clean Air Act  
CAFE Corporate Average Fuel Economy  
CAIT Climate Analysis Indicators Tool  
CASAC Clean Air Scientific Advisory Committee  
CBI Confidential Business Information  
CCSP Climate Change Science Program  
CFCs chlorofluorocarbons  
CFR Code of Federal Regulations  
CH<sub>4</sub> methane  
CO<sub>2</sub> carbon dioxide  
CO<sub>2</sub>e CO<sub>2</sub>-equivalent  
CRU Climate Research Unit  
DOT U.S. Department of Transportation  
EO Executive Order  
EPA U.S. Environmental Protection Agency

FR Federal Register  
GHG greenhouse gas  
GWP global warming potential  
HadCRUT Hadley Centre/Climate Research Unit (CRU) temperature record  
HCFCs hydrochlorofluorocarbons  
HFCs hydrofluorocarbons  
IA Interim Assessment report  
IPCC Intergovernmental Panel on Climate Change  
MPG miles per gallon  
MWP Medieval Warm Period  
N<sub>2</sub>O nitrous oxide  
NAAQS National Ambient Air Quality Standards  
NAICS North American Industry Classification System  
NASA National Aeronautics and Space Administration  
NF<sub>3</sub> nitrogen trifluoride  
NHTSA National Highway Traffic Safety Administration  
NOAA National Oceanic and Atmospheric Administration  
NOI Notice of Intent  
NO<sub>x</sub> nitrogen oxides  
NRC National Research Council  
NSPS new source performance standards  
NTTAA National Technology Transfer and Advancement Act of 1995  
OMB Office of Management and Budget  
PFCs perfluorocarbons  
PM particulate matter  
PSD Prevention of Significant Deterioration  
RFA Regulatory Flexibility Act  
SF<sub>6</sub> sulfur hexafluoride  
SIP State Implementation Plan  
TSD technical support document  
U.S. United States  
UMRA Unfunded Mandates Reform Act of 1995  
UNFCCC United Nations Framework Convention on Climate Change  
USGCRP U.S. Global Climate Research Program  
VOC volatile organic compound(s)  
WCI Western Climate Initiative  
WRI World Resources Institute

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Pursuant to CAA section 202(a), the Administrator finds that greenhouse gases in the atmosphere may reasonably be anticipated both to endanger public health and to endanger public welfare.

Specifically, the Administrator is defining the "air pollution" referred to in CAA section 202(a) to be the mix of six long-lived and directly-emitted greenhouse gases: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs),

perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). In this document, these six greenhouse gases are referred to as “well-mixed greenhouse gases” in this document (with more precise meanings of “long lived” and “well mixed” provided in Section IV.A).

The Administrator has determined that the body of scientific evidence compellingly supports this finding. The major assessments by the U.S. Global Climate Research Program (USGCRP), the Intergovernmental Panel on Climate Change (IPCC), and the National Research Council (NRC) serve as the primary scientific basis supporting the Administrator’s endangerment finding. The Administrator reached her determination by considering both observed and projected effects of greenhouse gases in the atmosphere, their effect on climate, and the public health and welfare risks and impacts associated with such climate change. The Administrator’s assessment focused on public health and public welfare impacts within the United States. She also examined the evidence with respect to impacts in other world regions, and she concluded that these impacts strengthen the case for endangerment to public health and welfare because impacts in other world regions can in turn adversely affect the United States.

The Administrator recognizes that human-induced climate change has the potential to be far-reaching and multidimensional, and in light of existing knowledge, that not all risks and potential impacts can be quantified or characterized with uniform metrics. There is variety not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each of the identifiable risks, to weigh the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food- and water-borne pathogens, and changes in aeroallergens. The evidence concerning adverse air quality impacts provides strong and clear support for an endangerment finding. Increases in ambient ozone are expected to occur over broad areas of the country, and they are expected to increase serious adverse health effects in large population areas that are and may continue to be in nonattainment. The evaluation of the potential risks associated with increases in ozone in attainment areas also supports such a finding.

The impact on mortality and morbidity associated with increases in average temperatures, which increase the likelihood of heat waves, also provides support for a public health endangerment finding. There are uncertainties over the net health impacts of a temperature increase due to decreases in cold-related mortality, but some recent evidence suggests that the net impact on mortality is more likely to be adverse, in a context where heat is already the leading cause of weather-related deaths in the United States.

The evidence concerning how human-induced climate change may alter extreme weather events also clearly supports a finding of endangerment, given the serious adverse impacts that can result from such events and the increase in risk, even if small, of the occurrence and intensity of events such as hurricanes and floods. Additionally, public health is expected to be adversely af-

ected by an increase in the severity of coastal storm events due to rising sea levels.

There is some evidence that elevated carbon dioxide concentrations and climate changes can lead to changes in aeroallergens that could increase the potential for allergic illnesses. The evidence on pathogen borne disease vectors provides directional support for an endangerment finding. The Administrator acknowledges the many uncertainties in these areas. Although these adverse effects provide some support for an endangerment finding, the Administrator is not placing primary weight on these factors.

Finally, the Administrator places weight on the fact that certain groups, including children, the elderly, and the poor, are most vulnerable to these climate-related health effects.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public welfare by evaluating numerous and far-ranging risks to food production and agriculture, forestry, water resources, sea level rise and coastal areas, energy, infrastructure, and settlements, and ecosystems and wildlife. For each of these sectors, the evidence provides support for a finding of endangerment to public welfare. The evidence concerning adverse impacts in the areas of water resources and sea level rise and coastal areas provides the clearest and strongest support for an endangerment finding, both for current and future generations. Strong support is also found in the evidence concerning infrastructure and settlements, as well as ecosystems and wildlife. Across the sectors, the potential serious adverse impacts of extreme events, such as wildfires, flooding, drought, and extreme weather conditions, provide strong support for such a finding.

Water resources across large areas of the country are at serious risk from climate change, with effects on water supplies, water quality, and adverse effects from extreme events such as floods and droughts. Even areas of the country where an increase in water flow is projected could face water resource problems from the supply and water quality problems associated with temperature increases and precipitation variability, as well as the increased risk of serious adverse effects from extreme events, such as floods and drought. The severity of risks and impacts is likely to increase over time with accumulating greenhouse gas concentrations and associated temperature increases and precipitation changes.

Overall, the evidence on risk of adverse impacts for coastal areas provides clear support for a finding that greenhouse gas air pollution endangers the welfare of current and future generations. The most serious potential adverse effects are the increased risk of storm surge and flooding in coastal areas from sea level rise and more intense storms. Observed sea level rise is already increasing the risk of storm surge and flooding in some coastal areas. The conclusion in the assessment literature that there is the potential for hurricanes to become more intense (and even some evidence that Atlantic hurricanes have already become more intense) reinforces the judgment that coastal communities are now endangered by human-induced climate change, and may face substantially greater risk in the future. Even if there is a low probability of raising the destructive power of hurricanes, this threat is enough to support a finding that coastal communities are endangered by greenhouse gas air pollution. In addition, coastal areas face other adverse impacts from sea level rise such as land loss due to inundation, erosion, wetland submergence, and habitat loss. The increased risk associated with these adverse impacts

also endangers public welfare, with an increasing risk of greater adverse impacts in the future.

Strong support for an endangerment finding is also found in the evidence concerning energy, infrastructure, and settlements, as well as ecosystems and wildlife. While the impacts on net energy demand may be viewed as generally neutral for purposes of making an endangerment determination, climate change is expected to result in an increase in electricity production, especially supply for peak demand. This may be exacerbated by the potential for adverse impacts from climate change on hydropower resources as well as the potential risk of serious adverse effects on energy infrastructure from extreme events. Changes in extreme weather events threaten energy, transportation, and water resource infrastructure. Vulnerabilities of industry, infrastructure, and settlements to climate change are generally greater in high-risk locations, particularly coastal and riverine areas, and areas whose economies are closely linked with climate-sensitive resources. Climate change will likely interact with and possibly exacerbate ongoing environmental change and environmental pressures in settlements, particularly in Alaska where indigenous communities are facing major environmental and cultural impacts on their historic lifestyles. Over the 21st century, changes in climate will cause some species to shift north and to higher elevations and fundamentally rearrange U.S. ecosystems. Differential capacities for range shifts and constraints from development, habitat fragmentation, invasive species, and broken ecological connections will likely alter ecosystem structure, function, and services, leading to predominantly negative consequences for biodiversity and the provision of ecosystem goods and services.

There is a potential for a net benefit in the near term for certain crops, but there is significant uncertainty about whether this benefit will be achieved given the various potential adverse impacts of climate change on crop yield, such as the increasing risk of extreme weather events. Other aspects of this sector may be adversely affected by climate change, including livestock management and irrigation requirements, and there is a risk of adverse effect on a large segment of the total crop market. For the near term, the concern over the potential for adverse effects in certain parts of the agriculture sector appears generally comparable to the potential for benefits for certain crops. However, The body of evidence points towards increasing risk of net adverse impacts on U.S. food production and agriculture over time, with the potential for significant disruptions and crop failure in the future.

For the near term, the Administrator finds the beneficial impact on forest growth and productivity in certain parts of the country from elevated carbon dioxide concentrations and temperature increases to date is offset by the clear risk from the observed increases in wildfires, combined with risks from the spread of destructive pests and disease. For the longer term, the risk from adverse effects increases over time, such that overall climate change presents serious adverse risks for forest productivity. There is compelling reason to find that the support for a positive endangerment finding increases as one considers expected future conditions where temperatures continue to rise.

Looking across all of the sectors discussed above, the evidence provides compelling support for finding that greenhouse gas air pollution endangers the public welfare of both current and \* \* \*

I reserve the balance of my time.

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

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

Mr. BURGESS. At this point, I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY), and I ask unanimous consent that he be allowed to control that time.

The Acting CHAIR. Without objection, the gentleman from Georgia will control the time.

There was no objection.

Mr. GINGREY of Georgia. I want to thank my friend from Texas (Mr. BURGESS) for yielding and again thank the chairman of the Energy and Commerce Committee and the chairman of the Energy and Power Subcommittee, Messrs. Upton and Whitfield, for again allowing me to speak on this amendment.

Much like the previous amendment, I rise again in strong opposition, opposition at this time to the Polis amendment because it seeks to give a duplicative authority to the EPA. This amendment would temporarily suspend H.R. 910 if the EPA administrator has ruled that ground-level ozone, extreme weather events, or an increase in food- and water-borne pathogens presents a significant danger to the public health, or that there are other significant threats to public health.

Madam Chair, under section 303 of the Clean Air Act, the EPA already has the authority to respond to any imminent and substantial endangerment to public health or welfare, or the environment. Therefore, this amendment is wholly unnecessary. Furthermore, the Polis amendment would give the EPA administrator the authority to move forward with a cap-and-trade agenda if the administrator believed that there were threats to public health from ozone, extreme weather, pathogens, or there are other significant threats to public health, which could be completely unrelated to greenhouse gases.

I wholeheartedly believe that this amendment is literally a hammer in search of a nail. The EPA already has the authority to address the concerns raised by this amendment and my friend from Colorado. I would urge my friend from Colorado to consider withdrawing this amendment; but if he doesn't, I would urge all of my colleagues to oppose it and continue to support the underlying legislation.

I reserve the balance of my time, Madam Chair.

Mr. POLIS. I thank the gentleman from Georgia. My concern is that the underlying bill removes some of the authority under these conditions that this amendment would reinstate. If this amendment merely restates this, I would hope that we can clarify the bill by specifically allowing the EPA the authority to suspend the prohibitions in the bill if a detailed analysis demonstrates that ground-level ozone, or extreme weather events, or food- and water-borne pathogens are a significant threat to public health. And, of

course, we would hope that under their charge the EPA would then proceed if given this authority with regard to protecting the public health.

To the extent that this clarifies something that was consistent with the intent of the original bill, I would hope that the gentleman would accept it. If it is contrary to a small element of the bill, we would hope to reestablish that authority in the case of a significant threat to public health, again, with the additional burden and requirement of a detailed analysis under the law.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Madam Chair, I want to point out to my colleague that the EPA, as I think I previously said, but just let me repeat it, the EPA has already concluded that greenhouse gases pose no public health emergency. And they stated: "Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effect such as respiratory or toxic effects."

I yield such time as he may consume, Madam Chair, to the gentleman from California (Mr. BILBRAY).

The Acting CHAIR. The gentleman from California is recognized for up to 2½ minutes.

Mr. BILBRAY. Let's be clear: We are not talking about greenhouse gases here because the regulations that have been proposed by the EPA do not address climate change. They don't address climate change. We are not talking about climate change here. We are talking about EPA proposing regulations that admitted by the administrator does not have any projections of what reductions you will have here. Remember, the minimum that we need to do to address the threat of climate change is 17 percent within 9 years. So let's be up front. This is not about climate change.

This is about proposed regulations by a bureaucracy in a field of law that was never meant to address this issue at all. And I say that as somebody who worked for over a decade at implementation of the Clean Air Act. All I have to say to the colleague, with the problems that you are pointing out, they are legitimate issues. But what is being proposed as an answer to a problem has not only nothing to do with and will not affect climate change, but it also will not affect the issues that you have raised.

So in reality, your amendment is not germane because the issues that you are concerned about don't exist. Because when you do nothing, you can't change anything.

□ 1720

And the fact that it is keeping somebody from selling a placebo does not solve the problem, or it does not aggravate the problem. The fact is what has been proposed by EPA is a placebo under a law that was never meant to administer this.

So let's not be concerned about if the placebo is not available to the public somehow there may be a concern with these items. They are legitimate items. But the EPA and the underlying bill does not affect those issues.

PARLIAMENTARY INQUIRY

Mr. POLIS. Madam Chair, I have a point of parliamentary inquiry.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. POLIS. Is the amendment germane to the bill?

The Acting CHAIR. Under the circumstances that calls for an advisory opinion, which the Chair will not render.

The gentleman from Colorado has 1 minute remaining.

Mr. POLIS. Well, again, the Rules Committee found, and I believe the Parliamentarian advised, that the amendment was germane, and I have not been informed otherwise other than by the gentleman from California.

Does the gentleman want to appeal the ruling of the Parliamentarian? I believe that it is germane.

The Acting CHAIR. The amendment is pending. There is no occasion for a ruling on whether it is germane.

Mr. POLIS. The amendment is pending; that's correct. Well, again, if the rule does waive this, we discussed in Rules Committee yesterday, and I believe that all the non-germane amendments were not included under this rule.

Mr. BILBRAY. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California.

Mr. BILBRAY. As I said, it's not germane to the issue.

Mr. POLIS. Reclaiming my time, there might be a different use of the word "germane" by the gentleman. I would encourage all of us to try to be on the same page with regard to the word "germane."

It is germane to the bill, the topic.

Again, all my amendment does is say that if the EPA sees the danger they should act. It's a safety valve. The amendment respects the finding of the Supreme Court in the Massachusetts vs. EPA case that ensures that the Clean Air Act still has the ability to protect the public and that it is not removed under the underlying bill.

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

Mr. POLIS. The underlying bill tells the EPA in this case to perhaps ignore some science. My amendment says that the science shouldn't be ignored if it means you are risking people's lives.

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

Mr. POLIS. It's an important clarification and I urge support of the amendment.

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

Mr. GINGREY of Georgia. Madam Chair, this amendment would, in short, be an avenue for the EPA to move forward with back-door global warming

regulations regardless of any relevant facts and circumventing the will of Congress and the public.

EPA should not be authorized to move forward with back-door global warming regulations. I urge my colleagues to vote against this amendment.

I yield the balance of my time to my colleague from Texas (Mr. BURGESS).

Mr. BURGESS. Just finally, I do want to underscore that greenhouse gases do not have a health impact. But in the odd event that someone were sprayed in the face with a greenhouse gas such as methane, the emergency powers exist under section 303 of the Clean Air Act to respond to the imminent and substantial endangerment of public health.

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

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

Mr. POLIS. 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 Colorado will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-54.

Mr. MARKEY. Madam Chair, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

**SEC. 5. REDUCING DEMAND FOR OIL.**

Notwithstanding any limitation on agency action contained in the amendment made by section 2 of this Act, the Administrator of the Environmental Protection Agency may use any authority under the Clean Air Act, as in effect prior to the date of enactment of this Act, to promulgate any regulation concerning, take any action relating to, or take into consideration the emission of a greenhouse gas to address climate change, if the Administrator determines that such promulgation, action or consideration will reduce demand for oil.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Madam Chair, I rise in support of my amendment.

My amendment is quite simple. It just says that nothing, nothing that the Republicans are proposing today should put a limitation on the ability of the EPA to reduce the demand for importing oil from OPEC, which should be the number one objective in our country.

You know, we only have 2 percent of the world's oil reserves, and we consume 25 percent on a daily basis. That

is our Achilles' heel, and there is nothing we can do about it.

So the only way in which we can solve the problem is if we reduce consumption by increasing the efficiency of the vehicles which we drive, of the boats which we use, of the planes that we ride in, of the other sources that consume the oil that we use in our country.

And what they are going to do, the Republicans, is tie the hands of the EPA to back out the 5 million barrels of oil that we import from OPEC on a daily basis.

OPEC is not afraid of the Foreign Affairs Committee. OPEC is not afraid of the Armed Services Committee. It is the Energy Committee that they are afraid of.

They are afraid that one day we will actually have a policy that backs out their imported oil, that denies them the \$150 billion or \$200 billion a year that we send over to them that allows them to continue their dictatorships. That's what they are afraid of.

And what the Republicans are doing today is tying the hands of our country to be able to tell OPEC we don't need their oil anymore than we need their sands. That's the message that they are sending here today. That's the message the Republicans are sending to OPEC.

Have a good night's sleep. Don't worry. We are going to tie the hands of the EPA to back out that imported oil. That's why this amendment goes right to the heart of the national security of our country, right to the heart of our economic independence, as well as reducing greenhouse gases. The national security of our country is at stake in this amendment.

I reserve the balance of my time.

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

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

Mr. SHIMKUS. Madam Chair, my colleague just said the only way is to reduce demand. Well, that is not the only way.

Republicans continue to move on all-of-the-above energy strategies that increase supply. You know what happens when you increase supply? You increase jobs.

I brought this down numerous times over the past couple of years. Look what we could do. We could open up the OCS. Thousands and thousands of jobs could be created by oil and gas exploration. Look what we could do. We could take hundreds of years of supply of coal and turn it into liquid fuel.

Look what we could do. We could open up the pipelines and bring oil sands from Canada down.

We can be independent on transportation fuels. We cannot be, based upon allowing the EPA to price carbon.

The only way my colleagues want to get us to driving less is to make gasoline so high that no one can drive.

Now, that's okay when you live in major metropolitan areas, but when

you live in rural southern Illinois, where you have got to drive long distances to get to school, to get to hospitals, to get to church, every time you raise the price of gasoline, it hurts the poor and the middle class of rural America. So my colleague is just wrong.

I reserve the balance of my time.

Mr. MARKEY. I yield 1 minute to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. The important thing about this amendment is that we reduce the demand for oil, which is the primary area where we are dependent upon OPEC countries. And to do that, we have tighter fuel efficiency standards.

Without the Markey amendment, the EPA would not be able to continue with those tight fuel efficiency standards for motor vehicles, planes, et cetera.

According to Lisa Jackson from the EPA, who testified before our committee, this bill "would forfeit many hundreds of millions of barrels of oil savings at a time when gas prices are rising yet again." I cannot for the life of me understand why anyone would vote to massively increase America's oil independence.

I urge all Members to support the Markey amendment so we don't massively increase our oil dependence.

Mr. SHIMKUS. Madam Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Illinois has 3½ minutes remaining, and the gentleman from Massachusetts has 2 minutes remaining.

Mr. SHIMKUS. I yield 1½ minutes to the chairman of the Energy and Air Quality Committee, the gentleman from Kentucky (Mr. WHITFIELD).

□ 1730

Mr. WHITFIELD. I'm actually surprised the gentleman has offered an amendment related to oil because our bill that we have on the floor today completely preserves in every way the car rule under which EPA sets greenhouse gas emission standards for passenger cars and trucks for model year 2012 through 2016. That was agreed to by the Obama administration, the automobile industry, environmentalists, EPA and everyone; and that is preserved in this bill.

But let's talk about the electricity side. If we allow EPA to regulate greenhouse gases, we're going to skyrocket the cost of electricity which is going to make us less competitive in the global marketplace; we're going to lose more jobs to China and more jobs to India because those two countries are burning more coal because coal produces the lowest-cost electricity. And that's why we are opposed to this amendment of the gentleman because we've already preserved the car rule that the gentleman is concerned about.

Mr. MARKEY. I yield myself 1 minute.

And let me say this to you, the Republicans: I had an amendment out here to increase fuel economy standards from 25 to 35 miles per gallon in 2001, 2003, 2005. You voted against it every time. You said that it will ruin the auto industry if we improve the fuel economy standards. Do you know who ruined the auto industry? You did. In 2009, General Motors had to declare bankruptcy.

Now we have fuel economy standards at 35 miles per gallon. Do you want to know what they are reporting? Record profits. Do you know what Ford is reporting? Record profits and record hiring. Do you know who is opposed to your bill here today? The United Auto Workers oppose you. They believe it's going to undermine the efficiency and the job creation which is now possible. The United Auto Workers oppose you.

So, ladies and gentlemen, if you're looking for jobs or national security in this bill, make sure you vote for the Markey amendment because they are so historically so far off base with this bill that it cannot begin to be measured.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chairman, I now yield 1½ minutes to the former chairman, the gentleman from Texas, JOE BARTON.

Mr. BARTON of Texas. I rise in opposition to my good friend, Mr. MARKEY's, amendment. He must think EPA stands for "Energy Punishment Agency" as opposed to "Environmental Protection Agency." EPA's role is not to regulate the oil and gas industry. It's not to set an oil import fee. It's not to set quotas. It's to protect the environment. And the bill before us today does that. It restricts the Clean Air Act to its original intention, which is to regulate the criteria pollutants for which it was intended when it was passed in the early 1990s.

We are trying to segregate greenhouse gases from regulation under the Clean Air Act. That's all this bill does. It's not affecting fuel efficiency standards that NHTSA regulates and will continue to regulate. It doesn't have anything to do with that. We are simply saying that greenhouse gases should not be regulated under the existing Clean Air Act. We disagree with the Supreme Court decision that gave the EPA the authority to make a decision, and we definitely disagree with the endangerment finding, which I think was fatally flawed.

We can do a lot on decreasing oil imports both by supply increases in the United States and letting the market operate in an efficient fashion. We don't need the EPA to have some sort of a stranglehold on oil production in the United States of America.

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

What the Republicans are doing in their bill is stripping the EPA of their authority to regulate the fuel efficiency of vehicles that we drive in our country, of the planes, the trains and

the boats where we put the petroleum. That's what their bill does. That's what the Supreme Court gave them as authority.

The gentleman says, EPA is misnamed. Well, let me just tell you under the Republicans, EPA stands for "Every Polluter's Ally." Under the Democrats, it stands for "End Petroleum Addiction." That's what the Markey amendment does. It gives the EPA the authority to back out this imported oil and to tell them that we're going to use the Oklahoma oil, the Texas oil and the Louisiana oil; but we don't need that oil coming out of the Persian Gulf any more than we need to send 100,000 young men and women over there.

Let's set a new policy path here today, ladies and gentlemen. Let's give those OPEC ministers a few sleepless nights. Let's not allow them to look at the Congress, once again ignoring the strength of our country, which is our technological genius, to be able to invent the new technologies that make us less dependent. And what did the Republicans do one month ago? They zeroed out all of the loan guarantees for solar and wind. They zeroed them out of the legislation. That's their all-of-the-above legislation.

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

Madam Chairman, just to put things back on the table, H.R. 910 completely preserves the car rule under the EPA, emissions standards for passenger cars and trucks for model years 2012 to 2016. We had this debate in the committee, the subcommittee and the full committee. It's still there. And, unfortunately, you are acting as if it doesn't.

This is a really simple debate. This is a debate about whether we want more supply or less supply, whether we want more jobs or less jobs, whether we want higher energy prices or less energy prices. When you allow the EPA to regulate greenhouse gases, which is not a toxic emission, they do it by setting a price; and that price will drive our country into slowing economic growth, more job loss and higher costs.

So that's why we're here today. We're very excited about this debate today. It's about time we got to the floor and had a chance to vote on whether we want the EPA without legislative language to raise the cost of energy in this country. We say, no, reject the Markey amendment.

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. 10 OFFERED BY MR. RUSH

The Acting CHAIR. It's now in order to consider amendment No. 10 printed in House Report 112-54.

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:

At the end of the bill, add the following:

**SEC. 5. LIMITATION ON APPLICABILITY.**

The provisions of this Act, and the amendments made by this Act, shall not apply until the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Defense, certifies that the consequences of climate change, including its potential to create sustained natural and humanitarian disasters and its ability to foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize security interests of the United States at home or abroad.

The Acting CHAIR. Pursuant to House Resolution 203, 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 revokes the provisions of this act from going into effect until the EPA administrator, in consultation with the Secretary of Defense, certifies that the consequences of not regulating greenhouse gas emissions, and its subsequent impact on climate change, including the potential to create sustained natural and humanitarian disasters and the ability to likely foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize American security interests at home or abroad.

Madam Chair, the overwhelming majority of respected scientists and scientific organizations worldwide all agree that manmade greenhouse gases do contribute to climate change, and these impacts can be mitigated through policy to curb these emissions.

Just recently, a study by the National Academy of Science, conducted at the request of the U.S. Navy, concluded that climate change will pose a major challenge for the United States Navy in the emerging Arctic frontier.

One of the most serious threat analyses was done by a dozen of the country's most respected retired generals and admirals, in the 2007 CNA report, the "National Security and the Threat of Climate Change Report." In this study, Madam Chair, these retired generals and admirals concluded that climate change poses a serious threat to America's national security and that the national security consequences of climate change should be fully integrated into national security and national defense strategies. The report goes on to say that climate change, national security, and energy independence all pose a related set of challenges for our military; and these threats should not be ignored or pushed down the road for future action.

□ 1740

Unfortunately, this Upton-Inhofe bill does exactly that. It pushes the challenges of regulating greenhouse gases, which contribute to climate change, further down the road for action at some later date far into the future.

I do not believe it is in America's best interest to delay acting on these threats that we know are currently endangering our health and way of life.

Madam Chair, I encourage all of my colleagues to support this amendment so we are not ignoring the warnings from our most esteemed military men, and we are proactive in fighting the threat of climate change before we are past the tipping point.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chair, I rise in opposition to the amendment.

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

Mr. ROGERS of Michigan. Madam Chair, I can't think of anything more disconnected from national security than this amendment.

To speak on that, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chair, I regretfully rise in opposition, not because the intention of this amendment isn't appropriately placed, but the science doesn't reflect the concern that the gentleman has pointed out. I say that with the understanding that the science, not talking about the concern about climate change, but the lack of science behind the proposed regulations that EPA has even discussed. There is no one who has been before our committee, as the gentleman knows, that has said that the proposed changes that EPA is bringing forth today or in the future is going to address or solve the problem.

The fact is that the problems that the gentleman is concerned about may be out there somewhere, but no one is saying that what the EPA is doing is going to avoid those problems. So by not having the EPA implement a program that nobody in the scientific community says will address the problem doesn't mean that somehow this will de facto cause the problem to be implemented or not avoided.

Basically I guess it says, again, what is being proposed by the EPA is an agency that was not designed to address climate change, with plans that not only were not designed, and using a vehicle that was not designed regarding this problem, but by the own admission of the administrator does not even know, and can't give us even a slight percentage of what reduction we would have.

So I just have to say to my dear colleague from Illinois that I appreciate his concern, but his concern should not be us telling EPA not to implement rules that they admit will not address the problem and will not solve the problem. Our issue ought to be talking about how do we address those prob-

lems down the pike, because let's be very frank about it. The problems you are talking about are going to happen, and it is not because anyone on this side is denying the science; it is because people are trying to take advantage and exploit a crisis rather than address it.

I ask the gentleman again to be concerned but make sure that when you propose an action, let's make sure that those actions have a possibility of addressing the issues that you so sincerely are concerned about.

Mr. RUSH. Madam Chair, I yield myself 30 seconds.

Madam Chair, I am really astounded by the remarks of my friend from California. It seems that first of all they deny the scientists that have come before the committee, the many scientific organizations throughout the world who say that climate change is a reality. They deny this science and these scientists saying we are reaching a tipping point. Now, Madam Chair, they are denying the opinion and the warnings from the command shelter of our American military. I just don't know who will convince them.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chair, I yield myself 2 minutes.

I appreciate the gentleman's passion for the issue, but I think when amendments like this hit the floor, it does a huge disservice to even the basis of their argument. You know, getting ready for World War II, we had a truck company in Ypsilanti, Michigan, that went from building pickup trucks with several thousand parts—in about 8 weeks, they converted it to building bomber airplanes with over a million parts. Only in America could that have happened to win the war. The great industrial arsenal of democracy happened in the great State of Michigan.

If you want to talk about national security issues, when you try to do this on cap and trade, what you are doing is wholesale departing manufacturing jobs and our ability to produce things in this country to places like China and India, who have laughed at cap and trade and said, we welcome those jobs.

We lost a million manufacturing jobs in our State alone. A million. Cap and trade. What you seek to do will lose 1.4 million more jobs.

Admiral Mullen said the greatest threat to our national security is our debt. When people aren't working, when America can't produce things, I am telling you, we will do more to harm our national security than anything I can think of.

We are going to lose just in Michigan over 100,000 jobs in the next 25 years. So guess what? You want to talk about national security, someone who is unemployed and not paying taxes to help solve the debt problem is a national security threat, when you want to make unreasonable expectations.

I want clean water, and I want clean air. I don't want the EPA shutting down factories that produce and actu-

ally produced the largest middle class in the history of the world. Why we would attack that and label that as a national security interest defies even the greatest of imaginations, Madam Chair.

I reserve the balance of my time.

Mr. RUSH. Madam Chair, I yield the balance of my time to the gentleman from California (Mr. WAXMAN) to close.

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

The problem of national security is threatened in two ways by the Inhofe-Upton bill. It increases our oil dependence because we take away the tools for addressing this oil dependence by not allowing EPA to set tighter efficiency standards which reduce our demand for oil.

Secondly, it takes away our tools to deal with the problem of climate change itself.

Former senior military officers wrote to us and asked that we not undermine the Clean Air Act. They are concerned this will increase our dependence on oil, and that such dependence is truly dangerous. In 2009, 10 retired general and admirals described how our oil dependence funds terrorism. It puts large sums of money in the hands of unfriendly regimes like Iran and Venezuela. Iran provides weapons to Hezbollah and supports insurgents in Iraq.

And climate change itself, according to the State Department, is going to bring about more migrant and refugee flows, more conflicts over resources, drought and famine, and catastrophic natural disasters. That is a threat to our national security, and the Rush amendment will allow EPA to address it.

Mr. ROGERS of Michigan. Madam Chair, I thank the gentleman for making our point for us. When you shut down production of oil and natural gas into the United States, we have to import more because we are still driving more. We have absolutely put ourselves at the mercy of a whole region of the world that is inflamed in trying to figure out who they are. And it has raised our prices. It went from \$1.83 2 years ago to \$4 a gallon.

If you want to be serious about getting this right, let the EPA do what it does best—clean air, clean water—and let the national security folks keep us safe and increase production so that for goodness sake, somebody can afford to drive to work.

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.



□ 1750

AMENDMENT NO. 11 OFFERED BY MR. DOYLE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-54.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill add the following:

**SEC. 5. STUDY ON EFFECT OF EPA CLIMATE CHANGE REGULATIONS ON INTERNATIONAL COMPETITIVENESS OF UNITED STATES PRODUCERS OF ENERGY-INTENSIVE PRODUCTS.**

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) conduct a study to determine, with respect to the period beginning on such date of enactment and ending on December 31, 2016, the extent to which the regulations of the Environmental Protection Agency under the Clean Air Act to address climate change, if not repealed or otherwise made unauthorized by section 2 of this Act, would—

(A) cause greenhouse gas leakage; and

(B) reduce the international competitiveness of United States producers of energy-intensive products; and

(2) submit a report on the results of the study to the Congress, including recommendations for legislative, administrative, or other actions to mitigate—

(A) any greenhouse gas leakage identified pursuant to paragraph (1)(A); and

(B) any reduction in international competitiveness identified pursuant to paragraph (1)(B).

(b) DEFINITIONS.—In this section:

(1) The term “energy-intensive product” means—

(A) iron, steel, aluminum, cement, bulk glass, paper and pulp, chemicals, or industrial ceramics; or

(B) any other manufactured product which the Administrator of the Environmental Protection Agency determines—

(i) is sold in bulk for purposes of further manufacture; and

(ii) generates, in the course of the manufacture of the product, direct and indirect greenhouse gas emissions that are comparable (on an emissions-per-dollar basis) to emissions generated in the manufacture or production of products identified in subparagraph (A).

(2) The term “greenhouse gas leakage” means an increase in greenhouse gas emissions abroad because of the movement of the production of economic goods from the United States to other countries.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Pennsylvania (Mr. DOYLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DOYLE. I yield myself 2 minutes.

Madam Chair, I sit on the Energy and Commerce Committee and on the Energy and Power Subcommittee, which has primary jurisdiction of H.R. 910. As such, I have been at several hearings on this bill where my colleagues on the Republican side of the aisle have claimed that the pending EPA regulations on greenhouse gases will cause our industries to pack up and move

overseas, taking with them our jobs and our carbon emissions.

At a committee hearing on this bill held in March of this year, our chairman told us, “We live in a global economy with global competition, and nations like China absolutely have no intention of similarly burdening their industries. Manufacturing will leave this country unless the EPA is stopped.”

Madam Chair, unfortunately, my colleagues on the Republican side of the aisle have forgotten to check with the Chinese. Just 2 days ago, a report came out saying China to Tax Energy Usage of Energy-Intensive Industries. The report says that China will impose a tax on energy usage of eight industrial sectors, including iron and steel, aluminum and cement. Xie Zhenhua, vice chairman of National Development and Reform, said that China has launched pilot carbon emission trading schemes in some of their provinces. So much for this idea that all these jobs are going to China because there's no taxing there or that they're not looking at a trading scheme.

While I dispute the claims of my colleagues that China has no intention of addressing climate change, what I am more concerned about is the varying claims that these regulations will ship jobs overseas. What we have as an amendment here is to address that very question: Are these industries here in America that utilize energy-intensive processes and have special trade pressures, what will the effect of these regulations be on those types of industries?

In the last Congress, I worked with Congressman INSLEE to develop and address job and carbon leakage issues when we did the American Clean Energy Security Act. We were able to develop a fair system of distributing these allowances. This amendment proposes to do the same thing.

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

Mr. DOYLE. Thank you.

I will reserve the balance of my time.

Mr. KINZINGER of Illinois. I rise in opposition to the amendment.

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

Mr. KINZINGER of Illinois. Madam Chairman, this is an interesting amendment. This is an amendment to a bill to study the cost of regulations that if this bill goes through, regulations won't exist. I don't get it, but okay.

We don't need another study. We need jobs. I come from the 11th Congressional District in Illinois. We have high unemployment. Where I come from is an industry base, a manufacturing base. Americans are hurting. We have high unemployment. Statistics show that jobs are leaving at a record pace.

There is no longer any question about whether the EPA's climate change regulations would actually hurt international competitiveness and affect American companies. We already

know they would. We already know that. I talked to a factory in my district that said when cap-and-trade was going to be passed, or this de facto cap-and-trade that's being looked at, if that passes, that will definitely result in them leaving. There's no benefit. It's a higher cost of doing business. It makes us uncompetitive in the free world, especially in areas affected where we have an ability to trade with other countries.

Now here's the very interesting part about that, though. We're concerned about the environment, and we're very concerned about the environment. When you add cost to doing business in a country that already well regulates what is put out of an industry's smokestack and you add cost to that, you drive those businesses overseas into areas where they have far less environmental regulation. So not only are we losing jobs here in the United States, not only is the middle class continuing to be squeezed again by not having their manufacturing jobs, but now we've hurt the environment.

This is backwards. This isn't what we want to do. This isn't the kind of America that we strive to come back to, to get a middle class that's vibrant and producing things and exporting them overseas and people are getting a good paycheck. This amendment studies something that will not exist if we pass this bill.

We heard from a wide cross-section of energy producers and manufacturers on the Energy and Commerce Committee who testified as to the harm these regulations will do in steel and chemical and refineries. The fact that China, India and other industrial competitors have no intention of imposing similar regulations is further evidence that such regulations are costly and economically damaging.

I reserve the balance of my time.

Mr. DOYLE. Madam Chair, I yield myself 15 seconds to say to the gentleman that maybe he wasn't here when I just read the fact that China is imposing a tax on their industries, is looking at cap-and-trade.

I would also say to the gentleman who says why we want a study for a bill that is going to abolish these regulations, your bill is never going to become law. This bill has a veto threat. We need to do a study to see what the implications are on our industries.

I would now like to yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman from Pittsburgh.

I would just like to lend my voice to taking this and studying this, because there are issues here. There will be a transition. We want our businesses to be aware of what the actual statistics are, to study these regs, what they're going to be and what the effects are going to be. But in no way, shape or form does this diminish mine or I don't think anyone else's support for a green energy future that we need in the United States.

I have been sitting here listening and you have several Members over there saying, "China isn't going to do cap-and-trade." The fact is they're starting to do it. "China is never going to tax carbon." The fact is they're starting to do it. And now we have dropped from first place in leading the green revolution to second, now to third, behind China, Germany, and now the United States.

These are manufacturing jobs. Tons and tons of steel go into a windmill; 8,000 component parts. They manufacture them in Illinois, in Ohio, in Pennsylvania. These are jobs for our people. Why else would the United Steelworkers of America be against this and be for the green revolution? We're making this happen, and we have to get out of our own way while we do it.

Mr. KINZINGER of Illinois. I yield myself 15 seconds to say that China is not the only other country. There are hundreds of countries, hundreds of opportunities for American companies to go overseas if they are forced and squeezed out of this. I think green energy future is a code word for a no manufacturing jobs future.

With that, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chair, I always enjoy my colleague MIKE DOYLE because I have a good friend, Mike Doyle, who was actually the first world champion surfer; so I always remind him of that connection.

But let me just say to my colleagues, I hope you're not under some illusion that China is even considering reducing their greenhouse gas emissions by 17 percent within this decade. I hope you don't have that illusion.

But let's point out what we really need to address with this issue. You do not need a study, Congressman, about the impacts. Your State is sitting at 8 percent. My State is sitting at 12 percent unemployment. If you really want to see what happens if you're not careful about the impacts and the costs of going green, which we have, we've had a great breakthrough. Our air has been cleaned up a lot more. But there are challenges of going beyond that and going into things that are not cost effective.

Let me remind you, the great successes we've had with cleaning up our air in California is we always gave priority to those emissions that had the greatest health risk. We didn't go after one that wasn't even on the scale. CO<sub>2</sub> is not even on the health risk scale.

Let me just give you a good example. I'm a big supporter of algae. Our scientists in California developed algae fuel. Our State institutions and our educational institutions had the scientists that developed the technology to be able to make fuel out of algae. But when it came time to produce it, when it came time to create the jobs, I hope the gentleman understands that our scientists had to leave the State and go to New Mexico, because our en-

vironmental regulations were such that it didn't allow us to implement our green revolution.

So, I hope all of those that are talking about a green revolution today are willing to take on the environmental, regulatory, and oversight problems that exist in implementation, because without casting those aside, you'll never see that revolution.

□ 1800

Mr. DOYLE. Madam Chair, may I inquire as to how much time remains on both sides?

The Acting CHAIR. The gentleman from Pennsylvania has 1¾ minutes remaining, and the gentleman from Illinois has 15 seconds remaining.

Mr. DOYLE. I yield 1 minute to my good friend, the gentleman from Washington, JAY INSLEE.

Mr. INSLEE. It is deeply disappointing that our Republican colleagues are so willing, able—and apparently eager—to shut down the government. This bill fundamentally shuts down the government. It shuts down the ability of the Environmental Protection Agency to help lead us into a clean energy future.

Why shut down an agency that can help develop these biofuels that we were just talking about? Why do they want to shut down the engine of innovation? Why do they want to shut down our effort to find a solution for energy-intensive industries? The steel industry, the aluminum industry, the cement industry, the paper pulp industry need solutions to this. We offered one. Yet the Republicans have no solutions.

Shutting down the government is not a solution. Shutting down the EPA is not a solution. Shutting down American innovation is not a solution. This is an amendment that makes a statement that we ought to study science and economics and come up with a solution in a bipartisan way.

Mr. KINZINGER of Illinois. I yield myself the balance of my time.

I only have 15 seconds.

I heard two crazy things. Number one, this doesn't change the Clean Air Act at all. This prevents them from going outside of the legislative will of the American people and implementing a legislative idea. By the way, if we're looking at a government shutdown, it's not because we haven't tried on this side; it's because no budget was passed last year.

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

Mr. DOYLE. I would like to yield 15 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I just want to make two points because we hear a lot from the other side about Ronald Reagan, and I know they burn incense and light candles for Ronald Reagan. In the 1980s, it was President Reagan who used cap-and-trade for leaded gasoline, and it was George Herbert Walker Bush who used cap-and-trade for sulfur.

This is something that can be done if we put a price on this stuff. Lead the world, not be led.

Mr. DOYLE. Madam Chair, let me just close by saying to my colleagues that all we're asking for is to put some good data behind this. Let's study it. Let's have the EPA take a look at this. Let's see what the effects are on our energy-intensive industries, because this is an issue we're going to have to deal with eventually, and we want to have good data behind it. Let's not have all the stories be anecdotal. Let's have the agency study this, and let's work together to find solutions to protect our industries while we clean up our environment for our kids and our grandkids.

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

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

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

Mr. DOYLE. 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 Pennsylvania will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. KIND

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-54.

Mr. KIND. 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:

Strike all after the enacting clause and insert the following:

**SECTION 1. PROHIBITIONS AGAINST REGULATION OF GREENHOUSE GASES.**

The Clean Air Act (42 U.S.C. 7401 and following) is amended by adding the following new section after section 329:

**"SEC. 330. PROHIBITIONS AGAINST REGULATION OF GREENHOUSE GASES.**

“(a) NEW SOURCE REVIEW.—

“(1) GENERAL RULE.—

“(A) EXCLUDING GREENHOUSE GAS EMISSIONS FROM PERMITTING APPLICABILITY DETERMINATIONS.—

“(i) For purposes of determining whether a stationary source is a ‘major emitting facility’ pursuant to section 169(1), such determination shall not be based on emissions of any air pollutant subject to regulation solely on the basis of such pollutant’s contribution to global climate change.

“(ii) For purposes of determining whether a stationary source has undertaken ‘construction’ pursuant to section 165(a), such determination shall not be based on an increase in the amount of any air pollutant subject to regulation solely on the basis of such pollutant’s contribution to global climate change, nor be based on resulting emissions of such an air pollutant not previously emitted.

“(B) EXCLUDING SMALL GREENHOUSE GAS SOURCES FROM PERMITTING REQUIREMENTS.— No requirement of sections 160 through 169 shall apply with respect to any greenhouse gas unless such gas is subject to regulation under this Act for reasons independent of its effects on global climate change or the gas is emitted by a source that is—

“(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in an amount of at least 75,000 tons carbon dioxide equivalent per year; or

“(ii) an existing major emitting facility that undertakes construction which increases the amount of greenhouse gases, or which results in emission of greenhouse gases not previously emitted, on a mass basis and by at least 75,000 tons carbon dioxide equivalent per year.

“(2) SPECIAL RULE.—Notwithstanding paragraph (1), as of July 1, 2011, for purposes of section 160 through 169, the term ‘major emitting facility’ shall include a stationary source—

“(A) that is—

“(i) a new stationary source that will emit, or have the potential to emit, greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013); or

“(ii) an existing stationary source that emits greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013) and that undertakes a physical change or change in the method of operation that will result in an emissions increase of greenhouse gases of at least 75,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 75,000 set by the Administrator by regulation effective no earlier than July 1, 2013); and

“(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year mass emissions.

“(3) NONPROFIT INSTITUTIONS.—For purposes of section 169(1), no provision in this subsection shall include within the term ‘major emitting facility’ any new or modified facility which is a nonprofit health or educational institution which has been exempted by the state in which it is located.

“(b) TITLE V OPERATING PERMITS.—

“(1) GENERAL RULE.—Notwithstanding any provision of this title or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely due to its status as a major source of greenhouse gases that are subject to regulation under this Act solely on the basis of their effect on global climate change.

“(2) SPECIAL RULE.—As of July 1, 2011, the provisions of paragraph (1) of this subsection shall not apply to any stationary source that emits or has the potential to emit at least 100,000 tons per year carbon dioxide equivalent (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013).

“(c) DEFINITION OF GREENHOUSE GAS.—For purposes of this section, the term ‘greenhouse gas’ means the following:

“(1) Carbon dioxide.

“(2) Methane

“(3) Nitrous oxide.

“(4) Sulfur hexafluoride.

“(5) Hydrofluorocarbons.

“(6) Perfluorocarbons.

“(7) Nitrogen trifluoride.

“(8) Any other anthropogenic gas if the Administrator determines that one ton of such gas has the same or greater effect on global climate change as does one ton of carbon dioxide.”.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Madam Chair, the bill that we are debating today just goes too far. It reveals a scientific finding and represents an aggressive assault on the Clean Air Act, a bipartisan law originally implemented by President Nixon that has successfully protected the public health for over 40 years.

I represent a rural district in western Wisconsin that has approximately 180,000 rural electric co-op members that are concerned about possible new EPA regulations and their impact on them. I share their concerns, and I agree that we have to approach this issue reasonably. Still, the approach under H.R. 910 isn't the right one. There is a middle ground that can be found, which is why I, along with my friend and colleague from New York (Mr. OWENS), am offering, really, an amendment in the nature of a substitute today. This amendment would permanently protect farms, small businesses and small- and medium-sized stationary sources from greenhouse gas regulation by codifying the Environmental Protection Agency's Tailoring Rule.

The Tailoring Rule, itself, represents a compromise. Despite being court-ordered to regulate greenhouse gases, the EPA took into account our fragile economy, and proposed a narrow rule that would exempt the vast majority of stationary sources from any regulation. Through the rule, the EPA takes the appropriate approach to regulating greenhouse gases by only requiring very large, new and expanded emitters to seek permits. My friends on the other side of the aisle, however, believe that the EPA intends to go even further than the Tailoring Rule, and will ultimately implement a tax on energy just as China is beginning to today; but voting for this amendment will prevent the EPA from doing this.

Some fear that farms or businesses will be regulated under this rule. Our amendment prevents this from ever occurring. Under the Tailoring Rule, the EPA has not identified even one farm that would meet the regulation threshold. That's because you'd have to have over 116,000 beef cattle or 152 million broiler chickens on a single farm to trigger the regulation. There isn't a farm in the United States, let alone western Wisconsin, that fits that definition. Further, this amendment will provide the utility industry with the certainty that they have requested. Industry will know precisely what will trigger permit requirements, and will be able to plan accordingly.

H.R. 910 takes an extreme approach to the EPA regulation of these carbon emissions by repealing a scientific finding so compelling that even the Bush administration determined that they were unable to ignore it. The science is clear: Climate change is real, and greenhouse gases pose a serious threat to human health.

I think we can all agree that we'd rather have Congress act to curb greenhouse gas emissions, and I would certainly prefer that approach, but we haven't been able to get our act together in this body. What we can do is protect public health and local economies by codifying the Tailoring Rule.

I urge my colleagues to support this amendment because it is a common-sense solution that accepts the scientific evidence that greenhouse gases are dangerous to human health, and it enacts a workable solution that will protect human health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements.

I reserve the balance of my time.

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

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

Mr. WHITFIELD. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. I would like to thank the gentleman for bringing this amendment.

Madam Chair, the EPA has passed this so-called “Tailoring Rule” without there being any authority in the Clean Air Act to do so. The proper place for this type of debate, as the underlying bill makes clear, is in the Halls of Congress, not in the halls of the EPA.

There is a button that was very popular in my district—and still is—which reads, “Who elected the EPA?” The answer is no one; but we know who elects us. The people of the United States elect us, and they elect us to make the laws. This amendment makes it clear that this is where it belongs; thus, we should pass the bill. The amendment should be defeated. The bill should be passed.

It also makes clear that the EPA is overreaching and that they had to come up with a Tailoring Rule because, as they say, without it, it creates an absurd result, but those absurd results flow from the EPA's determination to reach these greenhouse gases as if they were harmful pollutants.

Now, ladies and gentlemen, this amendment, contrary to its patron's assertions, does not shield small businesses or farms, because it does not block the avalanche of additional greenhouse gas rules that come under various clean air programs. The EPA's greenhouse gas regulations will drive up the prices of gasoline, electricity, food, goods and services; and the cost of these regulations will be passed on to everyone, including to small businesses.

That's why the National Federation of Independent Business supports H.R. 910. A vote in favor of H.R. 910 will be scored as a major vote for the NFIB. The NFIB has said that using the Clean Air Act as a framework will trigger an avalanche of regulatory requirements that will burden hundreds of thousands of previously unregulated sources, including many small entities.

I ask that you reject the amendment.  
 Mr. KIND. Madam Chair, I would like to yield 1½ minutes to the coauthor of this amendment, my friend from New York (Mr. OWENS).

□ 1810

Mr. OWENS. I thank the gentleman. I would like to point out that my predecessor, a respected Member of the other side of the aisle, Mr. McHugh, was very supportive of regulation of mercury and acid rain because it negatively impacted the New York 23rd. I think we need to act responsibly in each of these situations, and we need to make sure that we are working off, not the science of proponents, but the science of understanding of the issues.

When we look at my district, it has taken great strides in terms of moving forward with green and renewable energy. We have wood—which we have plenty of in the Adirondacks—we have wind energy, and we have hydro, all of which are contributing to jobs and making our economy a green and sustainable economy.

I think it is very important to understand that what this legislation does is, in fact, eliminate regulation for the small businesses and farms in my district. I urge my colleagues to support this amendment and to reject the underlying legislation.

The Acting CHAIR. The gentleman from Kentucky has 3 minutes remaining; the gentleman from Wisconsin has 30 seconds remaining.

Mr. WHITFIELD. Madam Chair, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I apologize, but I have to say to the gentleman, you know, wood burning, under oxygen-deprived environment, is a terrible particulate pollutant. So I don't think anybody involved in air pollution issues would ever point out that wood burning is something we want to point to. It may be renewable—and I appreciate you saying that, and I think it's very good that you said that because I think we mix renewable with clean all the time. But there are those renewable sources that are very, very bad for the air pollution issue. I just wanted to make sure we went by and didn't point at that.

In California, we have actually tried to outlaw wood-burning stoves because of the problems with the air pollution and the toxin emissions that are caused by the particulate problem with it.

Mr. KIND. Madam Chair, I yield the balance of my time to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

The Acting CHAIR. The gentleman is recognized for 30 seconds.

Mr. WAXMAN. The advocates of the underlying bill have said that EPA is going to regulate a lot of other sources. What this Kind-Owens amendment does is says that EPA will not be allowed to regulate farms, small businesses, and

other small and medium-size sources of pollution. This makes sense, and it deals with the problem that has been raised about EPA. It is a commonsense solution. We ought to support it and make sure that the tailoring rule is all that would be applicable for EPA to do.

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

Well, I would say to you that EPA adopted this tailoring act because they bit off more than they could chew, initially. That's why a lawsuit has been filed against them, because they violated the clear language of the Clean Air Act that says if anything emits more than 150 tons per year, or 250 tons per year, it must be regulated if they've had an endangerment finding, as they did in this case.

And so this amendment would simply gut the entire bill and place the tailoring law there in its place. Under this tailoring rule, they would be able to go down to 50-tons-per-year emissions. But the question becomes, what happens after the year 2013? You have two conflicting parts of this Clean Air Act as a result if we adopt this amendment.

One thing we know for certain, EPA is already involved in too many lawsuits. In fact, we're trying to find out now exactly how many lawsuits. We feel like this bill that we are trying to pass in the Congress today, H.R. 910, is simply Congress reasserting itself into the Clean Air Act because for too long decisions have been made by unelected bureaucrats at EPA; lawsuits are being filed. Almost every time anyone applies for a permit EPA runs and enters into a consent decree, and then the Federal judge will award legal fees to the plaintiffs. We think it's time to reassert ourselves into this process.

This is a good bill, H.R. 910. It says that it was never the intent of Congress for EPA to regulate greenhouse gases. We do not in any way interfere with their ability to regulate ambient air quality standards, particulate matter, the hazardous air pollutants—we have about 200 or so of those listed—acid rain, any of those things.

This is a great bill. Let's defeat this amendment. I urge passage of H.R. 910.

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

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

Mr. KIND. 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 Wisconsin 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 112-54 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. JACKSON LEE of Texas.

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 5 by Mr. MURPHY of Connecticut.

Amendment No. 6 by Mr. WAXMAN of California.

Amendment No. 8 by Mr. POLIS of Colorado.

Amendment No. 9 by Mr. MARKEY of Massachusetts.

Amendment No. 10 by Mr. RUSH of Illinois.

Amendment No. 11 by Mr. DOYLE of Pennsylvania.

Amendment No. 12 by Mr. KIND of Wisconsin.

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

AMENDMENT NO. 1 OFFERED BY 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 vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 233]

AYES—161

Ackerman	Edwards	Loebsack
Andrews	Ellison	Lofgren, Zoe
Baca	Engel	Lowey
Baldwin	Eshoo	Lujan
Bass (CA)	Farr	Lynch
Becerra	Fattah	Maloney
Berkley	Filner	Markey
Berman	Frank (MA)	Matsui
Bishop (NY)	Fudge	McCarthy (NY)
Blumenauer	Garamendi	McCollum
Boswell	Gonzalez	McDermott
Brady (PA)	Green, Al	McGovern
Braley (IA)	Green, Gene	McNerney
Brown (FL)	Grijalva	Michaud
Butterfield	Gutierrez	Miller (NC)
Capps	Hanabusa	Miller, George
Capuano	Hastings (FL)	Moran
Carnahan	Heinrich	Murphy (CT)
Carney	Higgins	Nadler
Carson (IN)	Himes	Napolitano
Castor (FL)	Hinchee	Neal
Chu	Hinojosa	Owens
Cicilline	Hirono	Pallone
Clarke (MI)	Holt	Pascrell
Clarke (NY)	Hoyer	Pastor (AZ)
Clay	Inslee	Payne
Cleaver	Israel	Pelosi
Clyburn	Jackson (IL)	Peters
Cohen	Jackson Lee	Polis
Connolly (VA)	(TX)	Price (NC)
Conyers	Johnson (GA)	Quigley
Cooper	Johnson, E. B.	Reyes
Courtney	Kaptur	Richardson
Crowley	Keating	Richmond
Cummings	Kildee	Rothman (NJ)
Davis (CA)	Kind	Roybal-Allard
Davis (IL)	Kissell	Ruppersberger
DeFazio	Kucinich	Rush
DeGette	Langevin	Ryan (OH)
DeLauro	Larsen (WA)	Sánchez, Linda
Deutch	Larson (CT)	T.
Dicks	Lee (CA)	Sarbanes
Dingell	Levin	Schakowsky
Doggett	Lewis (GA)	Schiff
Doyle	Lipinski	Schwartz

Scott (VA)  
Scott, David  
Serrano  
Sherman  
Sires  
Slaughter  
Speier  
Stark  
Sutton  
Thompson (CA)

Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Walz (MN)  
Wasserman  
Schultz

Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

Cantor  
Costa  
Critz  
Frelinghuysen

NOT VOTING—12  
Giffords  
Honda  
Meeks  
Moore

Olver  
Pingree (ME)  
Rangel  
Sanchez, Loretta

Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas

Van Hollen  
Velázquez  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman

Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

## NOES—259

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggert  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Cravaack  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)

Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Heller  
Hensarling  
Herger  
Herrera Beutler  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Crawford  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee

Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Perlmutter  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
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  
Schradler  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Wujal  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Mr. MEEHAN changed his vote from "aye" to "no."

Ms. BALDWIN, Messrs. CARNEY, BERMAN, Ms. SCHAKOWSKY and Mr. CLEAVER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR (Mr. WESTMORELAND). 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 157, noes 266, not voting 9, as follows:

[Roll No. 234]

AYES—157

Ackerman  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Brady (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel

Eshoo  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchev  
Hinojosa  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebsock  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui

McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Polis  
Price (NC)  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggert  
Billbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Costello  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Farr  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Gardner  
Garrett

## NOES—266

Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Heller  
Hensarling  
Herger  
Herrera Beutler  
Hirono  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lofgren, Zoe  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)

Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Issa  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schradler  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf

Womack Yoder Young (FL)  
Woodall Young (AK) Young (IN)

NOT VOTING—9

Costa Gutierrez Pingree (ME)  
Frelinghuysen Meeks Rangel  
Giffords Oliver Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining in the vote.

□ 1847

Ms. CHU and Mr. YARMUTH changed their vote from "no" to "aye."  
So the amendment was rejected.  
The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. MURPHY) 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 182, noes 240, not voting 10, as follows:

[Roll No. 235]

AYES—182

Ackerman	DeLauro	Lance
Andrews	Deutch	Langevin
Baca	Dicks	Larsen (WA)
Baldwin	Dingell	Larson (CT)
Barrow	Doggett	Lee (CA)
Bass (CA)	Donnelly (IN)	Levin
Bass (NH)	Doyle	Lewis (GA)
Becerra	Edwards	Lipinski
Berkley	Ellison	Loeb
Berman	Engel	Lofgren, Zoe
Bishop (GA)	Eshoo	Lowe
Bishop (NY)	Farr	Lujan
Blumenauer	Fattah	Lynch
Boswell	Filner	Maloney
Brady (PA)	Frank (MA)	Markley
Braley (IA)	Fudge	Matheson
Brown (FL)	Garamendi	Matsui
Butterfield	Gonzalez	McCarthy (NY)
Capps	Green, Al	McCollum
Capuano	Green, Gene	McDermott
Cardoza	Grijalva	McGovern
Carnahan	Gutierrez	McNerney
Carney	Hanabusa	Michaud
Carson (IN)	Hastings (FL)	Miller (NC)
Castor (FL)	Heinrich	Miller, George
Chabot	Higgins	Moore
Chandler	Himes	Moran
Chu	Hinchee	Murphy (CT)
Cicilline	Hinojosa	Nadler
Clarke (MI)	Hirono	Napolitano
Clarke (NY)	Holt	Neal
Clay	Honda	Owens
Cleaver	Hoyer	Pallone
Clyburn	Inlee	Pascrell
Cohen	Israel	Pastor (AZ)
Connolly (VA)	Jackson (IL)	Payne
Conyers	Jackson Lee	Pelosi
Cooper	(TX)	Perlmutter
Courtney	Johnson (GA)	Peters
Crowley	Johnson, E. B.	Poe (TX)
Cuellar	Kaptur	Polis
Cummings	Keating	Price (NC)
Davis (CA)	Kildee	Quigley
Davis (IL)	Kind	Rahall
DeFazio	Kissell	Reichert
DeGette	Kucinich	Reyes

Richardson	Scott, David	Tsongas
Richmond	Serrano	Van Hollen
Ross (AR)	Sewell	Velázquez
Rothman (NJ)	Sherman	Visclosky
Roybal-Allard	Shuler	Walz (MN)
Ruppersberger	Sires	Wasserman
Rush	Slaughter	Schultz
Ryan (OH)	Smith (WA)	Watt
Sánchez, Linda	Speier	Waxman
T.	Stark	Weiner
Sarbanes	Sutton	Welch
Schakowsky	Thompson (CA)	Wilson (FL)
Schiff	Thompson (MS)	Woolsey
Schrader	Tierney	Wu
Schwartz	Tonko	Yarmuth
Scott (VA)	Towns	

NOES—240

Adams	Goodlatte	Nugent
Aderholt	Gosar	Nunes
Alexander	Gowdy	Nunnelee
Altmire	Granger	Olson
Amash	Graves (GA)	Palazzo
Austria	Graves (MO)	Paul
Bachmann	Griffin (AR)	Paulsen
Bachus	Griffith (VA)	Pearce
Barletta	Grimm	Pence
Bartlett	Guinta	Peterson
Barton (TX)	Guthrie	Petri
Benishek	Hall	Pitts
Berg	Hanna	Platts
Biggert	Harper	Pompeo
Bilbray	Harris	Posey
Bilirakis	Hartzler	Price (GA)
Bishop (UT)	Hastings (WA)	Quayle
Black	Hayworth	Reed
Blackburn	Heck	Rehberg
Bonner	Heller	Renacci
Bono Mack	Hensarling	Ribble
Boren	Herge	Rigell
Boustany	Herrera Beutler	Rivera
Brady (TX)	Holden	Roby
Brooks	Huelskamp	Roe (TN)
Broun (GA)	Huizenga (MI)	Rogers (AL)
Buchanan	Hultgren	Rogers (KY)
Bucshon	Hunter	Rogers (MI)
Buerkle	Hurt	Rohrabacher
Burgess	Issa	Rokita
Burton (IN)	Jenkins	Rooney
Calvert	Johnson (IL)	Ros-Lehtinen
Camp	Johnson (OH)	Roskam
Campbell	Johnson, Sam	Ross (FL)
Canseco	Jones	Royce
Cantor	Jordan	Ryunan
Capito	Kelly	Ryan (WI)
Carter	King (IA)	Scalise
Cassidy	King (NY)	Schilling
Chaffetz	Kingston	Schmidt
Coble	Kinzinger (IL)	Schock
Coffman (CO)	Kline	Schweikert
Cole	Labrador	Scott (SC)
Conaway	Lamborn	Scott, Austin
Costello	Landry	Sensenbrenner
Cravaack	Lankford	Sessions
Crawford	Latham	Shimkus
Crenshaw	LaTourrette	Shuster
Critz	Latta	Simpson
Culberson	Lewis (CA)	Smith (NE)
Davis (KY)	LoBiondo	Smith (NJ)
Denham	Long	Smith (TX)
Dent	Lucas	Southerland
DesJarlais	Luetkemeyer	Stearns
Diaz-Balart	Lummis	Stivers
Dold	Lungren, Daniel	Stutzman
Dreier	E.	Sullivan
Duffy	Mack	Terry
Duncan (SC)	Manzullo	Thompson (PA)
Duncan (TN)	Marchant	Thornberry
Ellmers	Marino	Tiberi
Emerson	McCarthy (CA)	Tipton
Farenthold	McCaul	Turner
Fincher	McClintock	Upton
Fitzpatrick	McCotter	Walberg
Flake	McHenry	Walden
Fleischmann	McIntyre	Walsh (IL)
Fleming	McKeon	Webster
Flores	McKinley	West
Forbes	McMorris	Westmoreland
Fortenberry	Rodgers	Whitfield
Fox	Meehan	Wilson (SC)
Franks (AZ)	Mica	Wittman
Galleghy	Miller (FL)	Wolf
Gardner	Miller (MI)	Womack
Garrett	Miller, Gary	Woodall
Gerlach	Mulvaney	Yoder
Gibbs	Murphy (PA)	Young (AK)
Gibson	Myrick	Young (FL)
Gingrey (GA)	Neugebauer	Young (IN)
Gohmert	Noem	

NOT VOTING—10

Akin	Meeks	Sanchez, Loretta
Costa	Olver	Waters
Frelinghuysen	Pingree (ME)	
Giffords	Rangel	

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1850

Mr. MCINTYRE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POE of Texas. Mr. Chair, on rollcall No. 235, I voted "aye" and I intended to vote "no."  
(By unanimous consent, Mr. DINGELL was allowed to speak out of order.)

RAHALL CASTS 20,000TH VOTE

Mr. DINGELL. Mr. Chairman, I rise to pay tribute to our good friend from West Virginia, Representative NICKY JOE RAHALL, who will cast in this next vote his 20,000th vote in this House of Representatives.

Mr. Chairman, this is a milestone event. It gives us an opportunity to recognize the great work done by our distinguished friend and colleague from Beckley, West Virginia. He is always serving his constituents and doing so well. He also strives to work across the aisle, and he is the kind of Member I believe we all feel we should be.

Mr. Chairman, I ask my colleague, Mr. RAHALL, to rise so that we may all join together in paying tribute to our friend and colleague on the occasion of his 20,000th vote.

AMENDMENT NO. 6 OFFERED BY MR. WAXMAN

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 184, noes 240, not voting 8, as follows:

[Roll No. 236]

AYES—184

Ackerman	Bishop (NY)	Carney
Altmire	Blumenauer	Carson (IN)
Andrews	Boswell	Castor (FL)
Baca	Brady (PA)	Chandler
Baldwin	Braley (IA)	Chu
Barrow	Brown (FL)	Cicilline
Bass (CA)	Butterfield	Clarke (MI)
Becerra	Capps	Clarke (NY)
Berkley	Capuano	Clay
Berman	Cardoza	Cleaver
Bishop (GA)	Carnahan	Clyburn

Cohen  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Critz  
 Crowley  
 Cuellar  
 Cummings  
 Davis (CA)  
 Davis (IL)  
 DeFazio  
 DeGette  
 DeLauro  
 Deutch  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Edwards  
 Ellison  
 Engel  
 Eshoo  
 Fattah  
 Filner  
 Frank (MA)  
 Fudge  
 Garamendi  
 Gonzalez  
 Green, Al  
 Green, Gene  
 Grijalva  
 Gutierrez  
 Hanabusa  
 Hastings (FL)  
 Heinrich  
 Higgins  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Insole  
 Israel  
 Jackson (IL)

Jackson Lee  
 (TX)  
 Johnson (GA)  
 Johnson, E. B.  
 Kaptur  
 Keating  
 Kildee  
 Courtney  
 Kind  
 Kissell  
 Kucinich  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Levin  
 Lewis (GA)  
 Lipinski  
 Loeb sack  
 Lofgren, Zoe  
 Lowey  
 Lujan  
 Lynch  
 Maloney  
 Markey  
 Matheson  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 McIntyre  
 McNerney  
 Michaud  
 Miller (NC)  
 Miller, George  
 Moore  
 Moran  
 Murphy (CT)  
 Nadler  
 Napolitano  
 Neal  
 Owens  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Payne  
 Pelosi  
 Perlmutter  
 Peters  
 Polis  
 Price (NC)  
 Quigley

Lungren, Daniel  
 E.  
 Mack  
 Manzullo  
 Marchant  
 Marino  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCotter  
 McHenry  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meehan  
 Mica  
 Miller (FL)  
 Miller (VA)  
 Scott, David  
 Serrano  
 Sewell  
 Sherman  
 Shuler  
 Sires  
 Slaughter  
 Smith (WA)  
 Speier  
 Stark  
 Olson  
 Palazzo  
 Paul  
 Paulsen  
 Pearce  
 Pence  
 Peterson  
 Petri

NOT VOTING—8  
 Frelinghuysen  
 Giffords  
 Latham  
 Meeks  
 Olver  
 Pingree (ME)  
 Rangel  
 Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR  
 The Acting CHAIR (during the vote).  
 There is 1 minute remaining on this vote.

□ 1857

So the amendment was rejected.  
 The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. POLIS  
 The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) 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 168, noes 257, not voting 7, as follows:

[Roll No. 237]

AYES—168

NOES—240  
 Adams  
 Aderholt  
 Akin  
 Alexander  
 Amash  
 Austria  
 Bachmann  
 Bachus  
 Barletta  
 Bartlett  
 Barton (TX)  
 Bass (NH)  
 Benishek  
 Berg  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (UT)  
 Black  
 Blackburn  
 Bonner  
 Bono Mack  
 Boren  
 Boustany  
 Brady (TX)  
 Brooks  
 Broun (GA)  
 Buchanan  
 Bucshon  
 Buerkle  
 Burgess  
 Burton (IN)  
 Calvert  
 Camp  
 Campbell  
 Canseco  
 Cantor  
 Capito  
 Carter  
 Cassidy  
 Chabot  
 Chaffetz  
 Coble  
 Coffman (CO)  
 Cole  
 Conaway  
 Cravaack  
 Crawford  
 Crenshaw  
 Culberson  
 Davis (KY)  
 Denham  
 Dent  
 DesJarlais  
 Diaz-Balart  
 Dold  
 Dreier  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Emerson  
 Farenthold  
 Fincher  
 Fitzpatrick  
 Flake  
 Fleischmann  
 Fleming  
 Flores  
 Forbes  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Gallegly  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs  
 Gibson  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Griffitt (AR)  
 Griffith (VA)  
 Grimm  
 Guinta  
 Guthrie  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Jordan  
 Kelly  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 Lamborn  
 Lance  
 Landry  
 Lankford  
 LaTourette  
 Latta  
 Lewis (CA)  
 LoBiondo  
 Long  
 Lucas  
 Luetkemeyer  
 Lummis

Ackerman  
 Andrews  
 Baca  
 Baldwin  
 Bass (CA)  
 Becerra  
 Berkeley  
 Berman  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Brady (PA)  
 Brady (IA)  
 Brown (FL)  
 Butterfield  
 Capps  
 Capuano  
 Carnahan  
 Carney  
 Carson (IN)  
 Castor (FL)  
 Chu  
 Cicilline  
 Clarke (MI)  
 Clarke (NY)  
 Clay  
 Cleaver  
 Clyburn  
 Coffman (CO)  
 Cohen  
 Conolly (VA)  
 Conyers  
 Cooper  
 Courtney  
 Crowley  
 Cummings  
 Davis (CA)  
 Davis (IL)  
 DeFazio  
 DeGette  
 DeLauro  
 Deutch  
 Dicks  
 Dingell  
 Doggett

Doyle  
 Edwards  
 Ellison  
 Engel  
 Eshoo  
 Farr  
 Fattah  
 Filner  
 Frank (MA)  
 Fudge  
 Garamendi  
 Gonzalez  
 Green, Al  
 Grijalva  
 Gutierrez  
 Hanabusa  
 Hastings (FL)  
 Heinrich  
 Higgins  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Holt  
 West  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)  
 Lee (CA)  
 Levin  
 Lewis (GA)  
 Lipinski  
 Loeb sack  
 T.  
 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  
 Owens  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Payne  
 Pelosi  
 Perlmutter  
 Peters  
 Polis  
 Price (NC)  
 Roybal-Allard  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Sanchez, Linda  
 T.  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schrader  
 Schwartz  
 Scott (VA)  
 Scott, David  
 Serrano  
 Sewell  
 Sherman  
 Shuler  
 Sires  
 Slaughter  
 Smith (WA)  
 Speier  
 Stark  
 Sutton  
 Thompson (CA)  
 Thompson (MS)  
 Tierney  
 Tonko  
 Towns  
 Tsongas  
 Van Hollen  
 Velazquez  
 Vislosky  
 Walz (MN)  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wilson (FL)  
 Woolsey  
 Wu  
 Yarmuth

NOES—257

Adams  
 Aderholt  
 Akin  
 Alexander  
 Altmire  
 Amash  
 Austria  
 Bachmann  
 Bachus  
 Barletta  
 Barrow  
 Bartlett  
 Barton (TX)  
 Bass (NH)  
 Benishek  
 Berg  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (UT)  
 Black  
 Blackburn  
 Bonner  
 Bono Mack  
 Boren  
 Boswell  
 Boustany  
 Brady (TX)  
 Brooks  
 Broun (GA)  
 Buchanan  
 Bucshon  
 Buerkle  
 Burgess  
 Burton (IN)  
 Calvert  
 Camp  
 Campbell  
 Canseco  
 Cantor  
 Capito  
 Cardoza  
 Carter  
 Cassidy  
 Chabot  
 Chaffetz  
 Chandler  
 Coble  
 Cole  
 Conaway  
 Costa  
 Costello  
 Cravaack  
 Crawford  
 Crenshaw  
 Critz  
 Cuellar  
 Culberson  
 Davis (KY)  
 Denham  
 Dent  
 DesJarlais  
 Diaz-Balart  
 Dold  
 Donnelly (IN)  
 Dreier  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Emerson  
 Farenthold  
 Fincher  
 Fitzpatrick  
 Flake  
 Fleischmann  
 Fleming  
 Flores  
 Forbes  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Gallegly  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs  
 Gibson  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Green, Gene  
 Griffin (AR)  
 Griffith (VA)  
 Grimm  
 Guinta  
 Guthrie  
 Hall  
 Hanna  
 Harper  
 Harris  
 Hartzler  
 Hastings (WA)  
 Hayworth  
 Heck  
 Heller  
 Hensarling  
 Herger  
 Herrera Beutler  
 Holden  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Jordan  
 Kelly  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 Lamborn  
 Lance  
 Landry  
 Lankford  
 Latham  
 LaTourette  
 Latta  
 Lewis (CA)  
 LoBiondo  
 Long  
 Lucas  
 Luetkemeyer  
 Lummis  
 Mack  
 Manzullo  
 Marchant  
 Marino  
 Matheson  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCotter  
 McHenry  
 McIntyre  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meehan  
 Heller  
 Hensarling  
 Herger  
 Herrera Beutler  
 Holden  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Jordan  
 Kelly  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 Lamborn  
 Lance  
 Landry  
 Lankford  
 Latham  
 LaTourette  
 Latta  
 Lewis (CA)  
 LoBiondo  
 Long  
 Lucas  
 Luetkemeyer  
 Lummis

Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci

NOT VOTING—7

Frelinghuysen  
Giffords  
Meeks

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1902

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated against:

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 237 I inadvertently voted “yea” when I intended to vote “nay.”

AMENDMENT NO. 9 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 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 156, noes 266, not voting 10, as follows:

[Roll No. 238]

AYES—156

Ackerman  
Andrews  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield

Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen

Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Doggett

Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Green, Al  
Grijalva  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Lewis (GA)

NOES—266

Adams  
Aderholt  
Alexander  
Altmire  
Amash  
Austria  
Baca  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Buchson  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Cansaco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Costello  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar

Lipinski  
Loeb sack  
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  
Owens  
Pallone  
Pastorell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Polis  
Price (NC)  
Quigley  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush

Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dingell  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Heller  
Hensarling  
Herger

Ryan (OH)  
Sánchez, Linda T.  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Woolsey  
Wu  
Yarmuth

NOT VOTING—10

Akin  
Frelinghuysen  
Giffords  
Gutierrez

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1905

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 10 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 will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 260, not voting 7, as follows:

[Roll No. 239]

AYES—165

Ackerman  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano

Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings

Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)

Meeks  
Oliver  
Pingree (ME)  
Rangel  
Sanchez, Loretta  
Wilson (FL)





Petri	Ros-Lehtinen	Stutzman	Johnson, E. B.	Murphy (CT)	Serrano	Rehberg	Schilling	Tiberi
Pitts	Roskam	Sullivan	Kaptur	Nadler	Sewell	Reichert	Schmidt	Tipton
Platts	Ross (FL)	Terry	Keating	Napolitano	Sherman	Renacci	Schock	Turner
Poe (TX)	Royce	Thompson (PA)	Kildee	Neal	Shuler	Ribble	Schrader	Upton
Pompeo	Ryunan	Thornberry	Kind	Owens	Sires	Rigell	Schweikert	Walberg
Posey	Ryan (WI)	Tiberi	Kucinich	Pallone	Slaughter	Rivera	Scott (SC)	Walden
Price (GA)	Scalise	Trice	Langevin	Pascrell	Smith (WA)	Roby	Scott, Austin	Walsh (IL)
Quayle	Schakowsky	Turner	Larsen (WA)	Pastor (AZ)	Speier	Roe (TN)	Sensenbrenner	Walz (MN)
Rahall	Schilling	Upton	Larson (CT)	Payne	Stark	Rogers (AL)	Sessions	Waters
Reed	Schmidt	Walberg	Lee (CA)	Pelosi	Sutton	Rogers (KY)	Shimkus	Webster
Rehberg	Schock	Walden	Levin	Perlmutter	Thompson (CA)	Rogers (MI)	Shuster	West
Reichert	Schweikert	Walsh (IL)	Lewis (GA)	Peters	Thompson (MS)	Rohrabacher	Simpson	Westmoreland
Renacci	Scott (SC)	Webster	Lipinski	Petri	Tierney	Rokita	Smith (NE)	Whitfield
Ribble	Scott, Austin	West	Loeb sack	Polis	Tonko	Rooney	Smith (NJ)	Wilson (SC)
Richmond	Sensenbrenner	Westmoreland	Lofgren, Zoe	Price (NC)	Towns	Ros-Lehtinen	Smith (TX)	Wittman
Rigell	Sessions	Whitfield	Lowe y	Quigley	Tsongas	Roskam	Southerland	Wolf
Rivera	Shimkus	Wilson (SC)	Lujan	Reyes	Van Hollen	Ross (AR)	Stearns	Womack
Roby	Shuster	Wittman	Lynch	Richardson	Velázquez	Ross (FL)	Stivers	Woodall
Roe (TN)	Simpson	Wolf	Maloney	Richardson	Visclosky	Royce	Stutzman	Yoder
Rogers (AL)	Smith (NE)	Womack	Markey	Rothman (NJ)	Wasserman	Runyan	Sullivan	Young (AK)
Rogers (KY)	Smith (NJ)	Woodall	Matsui	Royal-Allard	Schultz	Ryan (WI)	Terry	Young (FL)
Rogers (MI)	Smith (TX)	Yoder	McCarthy (NY)	Ruppersberger	Watt	Scalise	Thompson (PA)	Young (IN)
Rohrabacher	Southerland	Young (AK)	McCollum	Rush	Waxman	Schakowsky	Thornberry	
Rokita	Stearns	Young (FL)	McDermott	Ryan (OH)	Weiner			
Rooney	Stivers	Young (IN)	McGovern	Sánchez, Linda T.	Welch			
			McNerney	Sarbanes	Wilson (FL)			
			Michaud	Schiff	Woolsey			
			Miller (NC)	Schwartz	Wu			
			Miller, George	Scott (VA)	Yarmuth			
			Moore	Scott, David				
			Moran					

NOT VOTING—9

Brady (TX)	Gohmert	Pingree (ME)
Frelinghuysen	Meeks	Rangel
Giffords	Olver	Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1912

Mr. CONYERS changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. KIND

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) 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 160, noes 264, not voting 8, as follows:

[Roll No. 241]

AYES—160

Ackerman	Clarke (NY)	Fattah
Andrews	Clay	Filner
Baca	Cleaver	Frank (MA)
Baldwin	Clyburn	Fudge
Bass (CA)	Cohen	Garamendi
Becerra	Connolly (VA)	Gonzalez
Berkley	Conyers	Green, Al
Berman	Cooper	Grijalva
Bishop (GA)	Costa	Hanabusa
Bishop (NY)	Courtney	Hastings (FL)
Blumenauer	Crowley	Heinrich
Brady (PA)	Cummings	Higgins
Braley (IA)	Davis (CA)	Himes
Brown (FL)	Davis (IL)	Hinche y
Capps	DeGette	Hinojosa
Capuano	DeLauro	Hirono
Cardoza	Deutch	Honda
Carnahan	Dingell	Hoyer
Carney	Doyle	Inslee
Carson (IN)	Edwards	Israel
Castor (FL)	Ellison	Jackson (IL)
Chu	Engel	Jackson Lee
Cicilline	Eshoo	(TX)
Clarke (MI)	Farr	Johnson (GA)

NOES—264

Adams	Donnelly (IN)	King (IA)
Aderholt	Dreier	King (NY)
Akin	Duffy	Kingston
Alexander	Duncan (SC)	Kinzinger (IL)
Altmire	Duncan (TN)	Kissell
Amash	Ellmers	Kline
Austria	Emerson	Labrador
Bachmann	Farenthold	Lamborn
Bachus	Fincher	Lance
Barletta	Fitzpatrick	Landry
Barrow	Flake	Lankford
Bartlett	Fleischmann	Latham
Barton (TX)	Fleming	LaTourette
Bass (NH)	Flores	Latta
Benishek	Forbes	Lewis (CA)
Berg	Fortenberry	LoBiondo
Biggett	Fox	Long
Bilbray	Franks (AZ)	Lucas
Billrakis	Galleghy	Luetkemeyer
Bishop (UT)	Gardner	Lummis
Black	Garrett	Lungren, Daniel E.
Blackburn	Gerlach	Mack
Bonner	Gibbs	Manzullo
Bono Mack	Gibson	Marchant
Boren	Gingrey (GA)	Marino
Boswell	Gohmert	Matheson
Boustany	Goodlatte	Gosar
Brady (TX)	Gowdy	McCaul
Brooks	Granger	McClintock
Broun (GA)	Graves (GA)	McCotter
Buchanan	Graves (MO)	McHenry
Bucshon	Green, Gene	McIntyre
Buerkle	Griffin (AR)	McKeon
Burgess	Griffith (VA)	McKinley
Burton (IN)	Grimm	McMorris
Butterfield	Guinta	Rodgers
Calvert	Guthrie	Meehan
Camp	Gutierrez	Mica
Campbell	Hall	Miller (FL)
Canseco	Hanna	Miller (MI)
Cantor	Harper	Miller, Gary
Capito	Harris	Mulvaney
Carter	Hartzer	Murphy (PA)
Cassidy	Hastings (WA)	Myrick
Chabot	Hayworth	Neugebauer
Chaffetz	Heck	Noem
Chandler	Heller	Nugent
Coble	Hensarling	Nunes
Coffman (CO)	Herger	Nunnelee
Cole	Herrera Beutler	Olson
Conaway	Holden	Palazzo
Costello	Holt	Paul
Crawford	Huelskamp	Paulsen
Crenshaw	Huizenga (MI)	Pearce
Critz	Hultgren	Pence
Cuellar	Hunter	Peterson
Culberson	Hurt	Pitts
Davis (KY)	Issa	Platts
DeFazio	Jenkins	Poe (TX)
Denham	Johnson (IL)	Pompeo
Dent	Johnson (OH)	Posey
DesJarlais	Johnson, Sam	Price (GA)
Diaz-Balart	Jones	Quayle
Doggett	Jordan	Rahall
Dold	Kelly	Reed

NOT VOTING—8

Dicks	Meeks	Rangel
Frelinghuysen	Olver	Sanchez, Loretta
Giffords	Pingree (ME)	

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1917

Ms. WASSERMAN SCHULTZ changed her vote from “no” to “aye.” 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. RIVERA) having assumed the chair, Mr. WESTMORELAND, 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. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes, and, pursuant to House Resolution 203, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings on this bill will be postponed.

HOOR OF MEETING ON TOMORROW

Mr. CRENSHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

□ 1920

#### H. RES. 187, NATIONAL PUBLIC HEALTH WEEK RESOLUTION

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

Ms. ROYBAL-ALLARD. Mr. Speaker, the first week of April is National Public Health Week.

This year's theme, "Safety is No Accident: Live Injury-Free," highlights the fact that, each year, nearly 30 million people in our country are injured severely enough to require emergency room treatment. Of those injured, 150,000 die from these unintentional and often preventable injuries, which are ranked among the top 10 causes of death of those between the ages of 1 and 44. In addition to the devastating impact on families and communities, these injuries account for 12 percent of annual medical spending in the United States, totaling as much as \$65 billion each year.

These statistics highlight a critical public health challenge for the 21st century. For that reason, I introduced H. Res. 187, which recognizes the first week of April as National Public Health Week, and it calls on all Americans to take a proactive approach to addressing injuries in our country. I urge my colleagues to cosponsor H. Res. 187.

#### A REVERSE ROBIN HOOD

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

Ms. BROWN of Florida. Mr. Speaker, just yesterday, the Veterans Affairs' Committee held a hearing where the Deputy Secretary of the Department of Veterans Affairs stated, because of the budget cuts that the Republicans are advocating and a likely government shutdown, veterans' pension checks may not go out on time.

Believe it or not, this is not April Fool's.

At the same time that the veterans' checks may arrive late, my Republican colleagues want to extend tax breaks for millionaires and billionaires. Just last December, we were forced to vote on extending the Bush tax cuts for millionaires and billionaires, adding \$700 billion to the deficit. The Republican plan for the FY11 budget, as well as the new budget plan they just released, are nothing more than a reverse Robin Hood—taking from the poor and middle

class people to give huge tax breaks to the rich.

You know, Mr. Speaker, you can fool some of the people some of the time, but you can't fool all of the people all of the time. The American people will wake up.

#### THE GOLDSTONE REPORT IS A LIE

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

Mr. ENGEL. Mr. Speaker, about a year ago, the United Nations passed the infamous Goldstone Report. Thankfully, this Congress on the floor of the House had a debate, and we rejected the Goldstone Report.

Well, guess what happened last week? Judge Goldstone said that his report was erroneous. What did the Goldstone Report say? The Goldstone Report said that Israel deliberately targeted civilians in Gaza.

That has now been proven not to be true. Of course, the people in the U.N. who bash Israel all the time will continue to pretend that Judge Goldstone didn't repudiate his own report, but the fact of the matter is he did.

The truth is that it is Hamas, the terrorist group, that took over the Gaza Strip. They target Israeli civilians all the time. Israel tries to protect its own citizens in going and destroying the terrorist nests, but the terrorists of Hamas build their nests and their rockets and their munitions in heavily populated areas. So, if civilians die, it is their fault.

The Goldstone Report is a lie. The United Nations should kill it once and for all, and we should be leading the way.

#### NO APPROPRIATED FUNDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Thank you, Mr. Speaker.

These are interesting times we live in, and as we sit here this evening, we have a lot of things that are kind of up in the air about what's going to happen to our country and about what's going to happen to our ability to fund the government for the rest of our time. Unfortunately, we don't have answers to that question. I wish we did, but we don't. Yet there are some things that are happening that we ought to talk about because the American people are concerned about what's going on. In some ways, they're confused.

As we sit here today, we are looking at the possibility on Friday night, at midnight, of there being no more appropriated funds for the operation of the government. Some people call that shutting down the government, but that's the real term. We have no appro-

priated funds that are available for the operation of the government.

There's already the blame game going on up here. This blame game is confusing to most Americans, so I think it's kind of important that we start off by trying to explain what's going on up here. I'm going to give you a quick synopsis of what I think has gone on recently.

Let's start off with the fact that the Republicans fully funded the troops and the rest of the Federal Government through FY 2011, which would be the 1st of October of this year, with H.R. 1 in March. The Democrats refused that submission. The Republicans are ready again this week with a submission, that we will do today, to fully fund our troops through FY 2011, and we're ready to come back next week to debate the rest of the budget. It seems we're hearing a message that the Democrats will refuse. The House and Senate Republicans have a bill, H.R. 1297, that simply guarantees that our troops get their pay without any budget agreement. So far, the Democrats have refused. That's a bill that was put together by Congressman LOUIE GOHMERT and Congressman JACK KINGSTON.

So I guess we can say that—or I would at least offer this as a submission—it seems that the Democrats want to hold our fighting men and women's pay hostage so that they can continue their runaway Federal spending, because, really, the debate here in this House today and in the Senate, which is down the way from us, is:

Are we going to continue to spend like drunken sailors, as usual, or are we going to take a hard look at what this government is doing, and are we going to turn this ship of state to a ship of state that is moving in the direction of saving the American people from this runaway spending?

The President has submitted to us a budget proposal which carries in it almost \$1.5 trillion of deficit spending. What this House is trying to do is to change the mood and the attitude of where this Congress sits on the issue of spending, and it's time for us to take a long, hard look. I would argue, if people could have taken the time and watched the debate when we sent our first submission over to the Senate, which was H.R. 1, they would have seen an extensive debate that went on for hours and hours and hours on the floor of this House, with both sides participating, as to what we would and would not submit in the way of cutting certain amounts of spending, and there were multiple, multiple votes.

□ 1930

This was after this same idea had been vetted in other forms, like our committee system. And yet when it was sent to the Senate it was dead on arrival, and the only thing they could offer as an alternative to the submission we gave them was \$6 billion worth of cuts, which they even voted down.