Mr. DOLD changed his vote from "yea" to "nay." So the Journal was approved. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION
Mr. ANDREWS. Mr. Speaker, on rollcall No. 229 on a motion to adjourn, I was not recorded because I was absent. Had I been present, I would have voted "aye.

Mr. Speaker on rollcall No. 230 on the previous question (H.R. 910), I am not recorded because I was absent. Had I been present, I would have voted "nay.

Mr. Speaker on rollcall No. 231 on H. Res. 203, I was not recorded because I was absent. Had I been present, I would have voted, "nay.

GENERAL LEAVE
Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation that we are about to take up, H.R. 910, and to insert extraneous material on the bill.

THE SPEAKER pro tempore (Mr. NUGENT). Is there objection to the request of the gentleman from Michigan? There was no objection.

ENERGY TAX PREVENTION ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 203 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 910.

[414]
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 into account, 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 recognizes 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 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 our nation’s 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. The scientific finding was based on a consensus opinion that 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 equipment 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 refineries 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’ve 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 consumers rely 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.

Thank you, 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 CO₂ as a criteria pollutant under the Clean Air Act. 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.

CO₂ 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 CO₂ under the Clean Air Act.

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 CO₂, which are greenhouse gases, are not one of those criteria pollutants.

What are the purported benefits of regulating CO₂? According to numerous
studies, in terms of the amount of reduc-
tion in CO₂ by the year 2100, which is 90 years away. We would see a reduction of about 3 parts per billion if we regulated CO₂. If we get no reduction in CO₂ 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 CO₂, we will get no reduction in parts per billion, we will get no reduction in temperature, and we will get no re-
duction 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 regu-
late sulfur dioxide, and let’s use it to regu-
late a naturally occurring compound which is necessary for life and which helps prohibit global warming.

Please vote against all the amend-
ments, 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 emis-
sions 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 pro-
posed 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 ad-
versely affect our ability to produce energy and structural materials.

According to the EPA, the regulations will have this estimated effect: “Based on the re-
analysis the results for projected atmospheric CO₂ concentrations are estimated to be re-
duced by an average of 2.9 ppm (previously 3.0 ppm), global mean temperature is esti-

mated to be reduced by 0.006 to 0.015 °C by 2100 (previously 0.016 °C) and sea-
level rise is projected to be reduced by ap-
proximately 0.06–0.14cm by 2100 (previously 0.06–0.15cm).”

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 regu-
late greenhouse gases.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to the rank-
ing member on the Energy Sub-
committee of the Energy and Com-
merce Committee, the gentleman from Illinois (Mr. Rush).

Mr. RUSH. I want to thank the gen-
tleman 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, be-
cause this bill is an extreme and exces-
sive piece of legislation, and it is sim-
ply bad public policy. This bill would

ignore the warnings from the respected scientific community simply because policymakers do not like what 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 state-
ment yesterday that the Presi-
dent would veto this bill if it ever made it to his desk.

Mr. Chairman, every respected and nearly all scientific organiza-
tions--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 agree-
ment that manmade greenhouse gases do contribute to climate change, and that these impacts can be mitigated through policy to curb these emissions. Thus, the Obama administration, many of the Nation’s top public health advoc-
cacy 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 citi-
zens and our most vulnerable communities unprotected if this bill were to become law.

As this USA Today poster here high-
lights, Mr. Chairman, there are so many more benefits in acting to ad-
dress climate change, as the science tells us we must do—including energy independence, sustainability, cleaner air and water, and a healthier, more vi-
brant, more robust populace, just to name a few. The regulations will ad-

versely affect our ability to produce energy and structural materials.

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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.

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, but we have seen that OPEC is not about 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 disappear 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 will 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.

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Vote "no" on this assault on science, on public health, and on the American economic competitiveness that allows a revolution to take off, which will 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.
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 economy 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 culminating 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 crisis and dangerous sloth, dozing in the face of disastrous pollution, slumbering while our children areridden 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 while they'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, 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 kind of leadership 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 for his leadership. It 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 now has 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 to rein in the EPA to not have this authority return to Congress. I urge my colleagues to reject 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 greenhouse gases are injurious to 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 argue 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 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.

If we suppose today, you will hear a lot of talk about CO2, 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.

Sources: National Association for the Advancement of Colored People, March 2011.

Mr. CHRISTENSEN. I thank the gentleman for yielding.

Mr. Chairman, the reduction of greenhouse gases is particularly important to the poor and 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 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 has been a leader in energy development. However, overregulation threatens 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, which affects 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 Inter-governmental 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 CDIAC, 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 threshold permitting greenhouse gas permitting only for the largest industrial sources of greenhouse gas emissions from 100,000 tons to 100,000,000 tons per year.

In response to these actions, House Energy and Commerce Committee 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 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; amend 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 the 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 discuss 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 in a way that is measured and reasonable approach to addressing climate change which makes a mockery of 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 distinguished gentleman from Oregon (Mr. BLUMENAUER).

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

Mr. Chairman, I rise in strong opposition to this legislation and the tactics that are 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 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 spare 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 delivered food to the grocery store, the backdrop of energy regulations 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. MILLUMENAUER 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, a division of government witnessed 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. GOOLITTLE).

Mr. GOOLITTLE. 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 that 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 drawn to 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, 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 1½ 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 reinvigorate 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 on 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.
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. They have 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 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 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.

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're 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. CHAIR. 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 conversationally 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 good-paying 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 other areas. Climatic 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 sees carbon dioxide global warming. I agree with that conclusion. It’s 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 they want to and that’s it. 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. RAHALL. 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 the 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, retail 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 is not 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.

Mr. RAHALL. Mr. Chairman, I have 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 in and doesn’t expeditiously 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 back-door 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 would 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 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 is a long time before a real 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.

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 got 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, may 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, he used 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. And that’s what happened. And 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 and the trend to China and India was 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 what it was believed to be. 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. CAMPBELL. 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 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 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 success, such as the efforts of 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 technologies will cause increased health care costs, 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 handing over an important emissions reduction tool 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 and irreversible. 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 will 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 green house gas emissions from 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 the cow burp.” The truth is that 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, she was asked 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. Chairman, 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 health.

Today’s House floor action is reminiscent of the Catholic Church’s response to Galileo Galilei’s publication of his famous work, Dialogue 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 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 pollutants used it to try and stop enactment of landmark environmental laws. Rolling back the EPA’s authority to limit pollution—when we do not do it, we 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 every year, thanks to regulations 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 emissions 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 administrations, 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 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. The country and House Republicans are doing just that.

I applaud the work of my colleagues in developing an all-of-the-above energy solution.
Mr. STEAK. 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 it 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 further increase our dependence on oil and other fossil fuels. This bill will take us back to an 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 shifts us toward 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. SENSENIBRER. 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 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.

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

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.

Mr. KUGMINICH. Mr. Chair, I rise in strong opposition to H.R. 910, the Dirty Air Act. That 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 every year, who are disproportionately from communities of color and a poverty.

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.
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) 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.

"(2) Air Pollutant Definition.—The definition of 'air pollutant' in section 302(g)(1) of the Clean Air Act is amended by striking the reference to 'greenhouse gas' and inserting 'carbon dioxide' in its place.

"(3) Preemption.—

"(A) IN GENERAL.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (ii) of subparagraph (B) of section 177 of the Clean Air Act, unless the Secretary of Transportation determines that such a provision is enforceable under the laws of the State in which the source emitting the greenhouse gas is located.


"(C) Implementation and enforcement of section 211(c).

"(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).


"(H) Action To Ensure Authority to Implement Title VI Permitting Programs Under the Clean Air Act Prior to the Date of Enactment of this Act, the Administrator, with the concurrence of the Secretary of Transportation, shall not be subject to amendment, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas to address climate change.

"(I) STATE ACT.—

"(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 to address climate change.

"(B) EXCEPTION.—

"(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii) is not deemed to be a part of Federal law, and

"(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 section 114 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.


"(B) ACTION By ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii)."

SEC. 3. PREVENTING 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:


"(G) Action To Ensure Authority to Implement Title VI Permitting Programs Under the Clean Air Act Prior to the Date of Enactment of this Act, the Administrator, with the concurrence of the Secretary of Transportation, shall not be subject to amendment, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas to address climate change.

"(H) ACTION By ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii)."

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 of 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 shall 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. Notice such amendments may be offered only in the order printed in the report; by a Member designated in the report, 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. The amendment is in order to consider amendment No. 1 printed in House Report 112-54.

Ms. J 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. J JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. J 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. I realize 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 responsibility, not just the EPA. This 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 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 alternatives, then the difficulties that we have in the context 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 are offering up 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 Press Statement
American Family Farmers Federation Press Statement
American Iron and Steel Institute Press Statement
Americans for Prosperity Press Statement
Americans for Tax Reform Press Statement
API-ACC Coalition Letter
American Public Power Association Press Statement
Chamber of Commerce Press Statement
Cornwall Alliance Press Statement
Freedom Action Press Release
Industrial Energy Consumers of America Press Statement
Metallcasters Alliance Press Statement
Midwest Power Coalition Press Statement
Multi-Traders Letters
NACS Press Statement
National Automotive Dealers Association Press Statement
National Association of Realtors Press Statement
National Association of Manufacturers Press Statement
National Association of Manufacturers Press Statement
National Cattlemen's Beef Association Press Statement
National Center for Public Policy Research Press Statement
National Mining Association Press Statement
National Petrochemical & Refiners Association Press Statement
National Rural Electric Cooperative Association Press Statement
NRECA Press Statement
Nucor Press Statement
Southern Company Press Statement
Steelgram—Support H.R. 910

American Forest & Paper Association
Cornwall Alliance
Freedom Action Press Release
NACS
National Automotive Dealers Association
National Association of Manufacturers
National Cattlemen's Beef Association
National Center for Public Policy Research
National Mining Association
National Petrochemical & Refiners Association
National Rural Electric Cooperative Association
NRECA Press Statement
Nucor Press Statement
Southern Company
Steelgram—Support 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–WA), and Energy and Power Subcommittee Chairman Ed Whitfield (R–KY).

"I applaud the introduction of this bi-partisan 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, 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.

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–WA), 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 ACCE.

"The bills would eliminate EPA's authority to regulate greenhouse gases 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.

The 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 2041, result in the loss of between $26 billion to $275 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 regulatory burden 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 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,

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 the Act would regulate greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, and other matters. Moreover, the regulation of greenhouse gases was not mandated by the Supreme Court 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. If 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 the right one for the country.

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,
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 are introducing to 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 the Clean Air Act thresholds are sufficient to regulate the largest emitters, GHG regulation at statutorily required thresholds holds the prospect of costly and burdensome Title V permits 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, these stakeholders 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 permits. EPA itself estimates that more than 600 farms will be subject to Title V permits, at a cost of more than $586 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 approach and places the responsibility for regulation on the legislation. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,

BOB STALLMAN, President.

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 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 get 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. CO₂ is not a pollutant under the definition of the Clean Air Act. It's not harmful to health, as I keep pointing out. As I speak, I create CO₂, and so you need CO₂ for life. Mannmade CO₂ does not significantly contribute to climate change. We do have climate change, as we always have. And always will.

But to say that CO₂ 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 CO₂ 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. Chairman Upton, May I ask how much time remains.

Mr. BILBRAY. 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. Let's 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 would 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. And I have serious doubts about the financial problems.

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 you 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 CO₂, SO₂, CO. So talk about it and all that. I talk about 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 the 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 you can 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 gentledady’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 gentledady 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 still 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 I 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 Environmental 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. The amendment also requires 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 afflicting—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 Advisor 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 standards to 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 taxpayers.

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 the 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 Climate 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 perceived which adversely 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 pollutants. The 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 my 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 to regulate greenhouse gas emissions. On April 2, 2007, the U.S. Supreme Court ruled in Massachusetts v. EPA that greenhouse gas, constitute “air pollutants” as the phrase 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 the Supreme Court ruling. As written, H.R. 910 would overturn Massachusetts v. EPA. As written H.R. 910 would overturn 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. The locations 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 Houston 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 STATES

MASSACHUSETTS 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 new 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 held 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 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 reasonable determination. 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 contribution findings for greenhouse gases under Section 202(a) of the Clean Air Act. EPA held a 60-day comment period, which ended June 23, 2009, and received over 380,000 public comments. These included both written comments 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 90-day extension of such comment period during which the Administrator may 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 other option, and I think 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 $56.5 billion in taxes, income taxes, $394 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.

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 something 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 polluters 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 want 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 don't care what you 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. We have three 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 this: 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 react to 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 to listen to 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 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 emissions, and you could talk about 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 emitters that are not toxic—carbon dioxide is not a toxic emitter. It's not nitrous oxide, it's not sulfur dioxide, it's not a particulate matter, and it's not a criterion pollutant under the EPA and the Clean Air Act. So we're saying, don't regulate emitters 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, isn't this an 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 rules, all those rules that 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 (EPA) 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)."
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. The climate 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 dramatic shifts in our ecosystem. They also cause 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. Therefore degrading 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 fortify 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 gentleman from Texas (Ms. JACKSON LEE).

The Acting CHAIR. The question is on the amendment offered by 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 amendment.

Mr. McNERNEY. I thank the gentleman.

As currently written, H.R. 910 prohibits the EPA from taking action to control greenhouse gas emissions. My amendment 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 Texas (Ms. JACKSON LEE).

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(b) 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—

(a) 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 the amendment offered by the gentleman from Texas (Mr. CUELLAR). The amendment 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 take away NHTSA 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 CO₂ 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 (Mr. OLSON) is recognized for 3 minutes.

Mr. OLSON. Thank you, Madam Chair. I yield myself such time as I may consume.

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

Mr. OLSON. There was no objection.

The Acting CHAIR. The gentleman from Texas (Mr. OLSON) is recognized for 1 minute.

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. The current 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 the 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, thank you for your courtesy in allowing me to speak. I yield myself such time as I may consume.

Madam Chair, this amendment is a good and perfecting amendment. It may be that Mr. CUELLAR’s amendment. It may be that Mr. CUELLAR’s amendment is on the same page as what they want to put language there on the amendment and support the underlying legislation.

I reserve the balance of my time.

Mr. UPTON. Madam Chair, I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR). The amendment is on the same page as what they want to put language there on the amendment and support the underlying legislation.

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 says that if a State has enacted or may adopt anything concerning the limitation of greenhouse gas emissions, including providing any data developed in accordance with the rules or actions required 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.

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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.
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. I think, is a grave statement on how that is now a subject of disagreement, and a fact that pollution was an issue which we all agree on clean air. 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 the Armageddon and the doomsday, I think, is a sad day that we're here today. I propose this amendment as a way of simply allowing States to move forward with their own systems of controlling greenhouse gases. 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 422,000 homes. We've saved an immediate 20 percent 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. What have we seen in Connecticut? We've saved an immediate 20 percent 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. It is the American job-killing amendment. This amendment is nothing more than 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 still 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. 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 have the opportunity for 10 percent reduction in carbon 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 manufacturing 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 the 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. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Connecticut has 3 minutes remaining.

Mr. MURPHY. 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. 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. 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. If this amendment does in fact 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.

Mr. SCALISE. Madam Chair, we are here today because the EPA has continued to push this forward to pass a national energy tax 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. 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.

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. Madam Chair, because I am talking specifically about the amendment. If I allowed the opportunity to continue with my comments, I have to finish a thought first before we talk specifically about the amendment.
April 6, 2011

CONGRESSIONAL RECORD — HOUSE

Mr. WAXMAN. Mr. WAXMAN. Reserving the right to object, I would plead with my chair-
man to agree to an additional minute to each side because I think that there is an important issue that is being ig-
nored in this particular amendment. Each side may not need to take up the 2 minutes that we've just agreed to, but we ask for the additional minute that we're try-
ing to close.

First of all, in a bipartisan fashion, Madam Chair, Congress has said we don't want the EPA imposing the na-
tional energy tax that cap-and-trade would propose. We don't want those millions of jobs leaving our country. Then they came back through regula-
tion, 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 Congres-

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 under-
lying 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 ab-
solutely no environmental controls that we have today, which are dramati-
cally 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 Amer-
ican 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 reg-
ulate greenhouse gases through a de facto cap-and-trade national energy tax. So I would ask that we reject this amend-
ment 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, re-
marks are to be confined to the ques-
tion 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 con-
sent that the majority and the minor-
ity each have an additional 1 minute on this amendment.

Mr. WAXMAN. I think the majority and the minor-
ity have already additional 1 minute on this amendment.

So I think we've debated it very thor-
oughly. I understand your position, and I respect the gentleman from Connectic-
t's position. I just don't agree. I think we need to preserve American jobs and let the States do what they al-
ready do such a good job of doing; but each State 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. 930, the Energy Tax Prevention Act (EPTA). This legislation is necessary to prevent EPA from regulating greenhouse gases (GHGs) from domestic sources like steel, thereby removing a regulatory uncertainty that is impeding domestic economic growth and job creation.

AISI is comprised of 25 member companies, integrated and non-integrated steel and ironmaking companies, 100+ steelmakers, and 1,000 associate and affiliate members who are suppliers to or customers of the steel industry. AISI's member compa-

ies represent approximately 80 percent of U.S. and North American steel capac-
ity. The steel industry in the U.S. has sub-
stantially reduced its GHG emissions over the past two decades. The industry has reduced its energy-intensive arc steel production in the past two decades. The industry has re-
duced its energy-intensive arc steel production by 90%, 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.

As you know, the Clean Air Act was not written to regulate greenhouse gas emis-
sions, and is therefore the wrong mechanism for EPA to use in this case. No policies have been proposed to accompany the EPA regula-
tions to address competitiveness concerns of energy-intensive, trade-exposed industries, such as steel. The result will be the "leak-
age" of emissions and manufacturing jobs to competitor nations without comparable reg-
ulations, 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 U.S. industry will be forced to adjust to yet another layer of new strict reg-

ulations and be required to obtain costly per-

missions—oversex. 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 emis-
sions, and is therefore the wrong mechanism for EPA to use in this case. No policies have been proposed to accompany the EPA regula-
tions to address competitiveness concerns of energy-intensive, trade-exposed industries, such as steel. The result will be the "leak-
age" of emissions and manufacturing jobs to competitor nations without comparable reg-
ulations, which is problematic from both the economic and environmental perspectives.

THOMAS J. GIBSON, President and Chief Executive Officer.
legitimate legislative process ahead of envi-

Democrats will put jobs, the economy, and
right,'' Kerpen concluded. ''I hope more
it is unlikely to survive the legal challenge.
being contested in court and experts predict

was twisted as a global warming bill that EPA
challenging unelected bureaucracies like the
Congress to adopt job-killing global warming
under the Clean Air Act (CAA).

no authority to regulate greenhouse gasses
EPA when they try to bypass the American
removed.''

aptions similar to the cap-and-trade bill Con-

Rahall of West Virginia—for cosponsoring
Minnesota, Dan Boren of Oklahoma and Nick

AMERICANS FOR PROSPERITY APPLAUDS REP-

\[\text{\textbf{AMERICANS FOR TAX REFORM,}}\]

\textbf{WASHINGTON, DC, March 7, 2011.}

\textbf{DEAR REPRESENTATIVE:} On behalf of Amer-

\textbf{icans for Tax Reform (ATR) and millions of tax-

PAYERS nationwide, I urge you to support Rep.

\textbf{Fred Upton's} (R-Mich.) Energy Tax Pre-

\textbf{vention Act of 2011.} If passed, this legisla-

\textbf{tion will return the obligation of setting Amer-

ica's climate policy to Congress from the En-

\textbf{vironmental Protection Agency (EPA).}

Since the chaotic and ill-conceived cap-and-trade debate, Democrats have turned to the EPA to im-

pose their radical environmental agenda on this country behind closed doors. Cap-and-trade was to force Americans to move to-

wards 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 this dubious agenda. Employing the Clean Air Act as objectives it was never in-

\textbf{tended to realize, the EPA has infringed on the legislative responsibilities of Congress.}

\textbf{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 regulators from co-opting the Clean Air Act to regulate greenhouse gases.}

\textbf{If the EPA continues on its current course, unmitigated, this cap-and-trade system will fall to unilaterally dictate ruinous economic policies. We should hold President Obama to his stated commitment to address America’s regulatory problems by the name of economic growth and fiscal responsibility. The Presi-

\textbf{dent should be reminded that the EPA’s ini-

\textbf{tiatives to regulate greenhouse gasses would raise the cost of energy, threaten the viability of our energy system, and destroy businesses and ship jobs overseas. These policies are moti-

\textbf{vated 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 imple-

\textbf{mentation of energy and environmental policy. Their bill is not a referendum on cli-

\textbf{mate change or greenhouse gases but rather who will set our country’s energy policy—

\textbf{elected Representatives or unaccountable poli-

\textbf{ticians. In the interest of preserving our economic freedom, and upholding the power of the proper authority of con-

\textbf{gress, please join me in supporting the En-

\textbf{ergy Tax Prevention Act of 2011.}

\textbf{Onward,}

\textbf{GROVER C. NORGUIST.}

\textbf{March 9, 2011.}

Re Upton-Inhofe Bill a Key Step Toward Stopping EPA Preemptive Regulations

\textbf{DEAR CHAIRMAN UPTON AND CHAIRMAN}

\textbf{WHITEFIELD:} On January 2, 2011, the U.S. En-

\textbf{vironmental Protection Agency (EPA) began regul-

\textbf{ulating greenhouse gas (GHG) emissions from sta-

\textbf{tionary sources. EPA's rules require}

\textbf{industry districts that provide power plants and other busi-

\textbf{nesses that emit GHGs above certain thresh-

\textbf{olds to apply otherwise inapplicable rules in or-

\textbf{der to build or modernize their facilities.}

\textbf{In today's fragile economy, when we need

\textbf{American businesses to be expanding at full

\textbf{speed, these rules create uncertainty and
delay.}

\textbf{We welcome the efforts of lawmakers from both parties to stop the EPA's harmful regu-

\textbf{lations that will slow growth and hiring can con-

\textbf{tinue. We applaud the leadership that you and Senator Inhofe are providing on this is-

\textbf{sue through the introduction of the En-

\textbf{ergy Tax Prevention Act of 2011.}

\textbf{This bipartisan legislation is helping to keep}

\textbf{strong, allow energy producers and consumers}

\textbf{to consider alternative energy sources, and

\textbf{help bolster our energy security.}

\textbf{For these reasons, APPA supports congres-

\textbf{sional action to preempt EPA's authority to regu-

\textbf{late GHG emissions under the CAA.}

\textbf{Instead, APPA believes Congress should ad-

\textbf{dress the issue of climate change through new

\textbf{legislation and supports efforts to do so on an economy-wide basis that properly bal-

\textbf{ances environmental goals with impacts on con-

\textbf{sippers and the economy. Such legisla-

\textbf{tion should create a new regime for reducing

\textbf{GHG emissions that is separate and apart from

\textbf{the CAA, which was created to address criteria pollutants for human health prote-

\textbf{ction.}

\textbf{Thank you for your leadership on this im-

\textbf{portant issue affecting electric utilities. I hope you will feel free to contact me or the

\textbf{APPA government relations staff with any

\textbf{questions.}

\textbf{Sincerely,}

\textbf{MARK CRISSON,}

\textbf{President & CEO.}

\textbf{Mr. SCALISE: I yield back the bal-

\textbf{ance of my time.}

\textbf{THE ACTING CHAIR.}

\textbf{The question is on the amendment offered by the gent-

\textbf{leman from Connecticut (Mr. Mur-

\textbf{phy).}

\textbf{The question was taken; and the Act-

\textbf{ing Chair announced that the noes ap-

\textbf{peared to have it.}

\textbf{Mr. MURPHY: of Connecticut. Madam

\textbf{Chair, I demand a recorded vote.

\textbf{The Acting Chair. Pursuant to clause 6 of rule XVIII, further pro-

\textbf{ceedings on the amendment offered by the
gentleman from Connecticut will be

\textbf{postponed.}

\textbf{AMENDMENT NO. 6 OFFERED BY MR. WAXMAN}

\textbf{THE ACTING CHAIR. It is now in order to con-

\textbf{sider amendment No. 6 printed in House Report 112-54.}

\textbf{Mr. WAXMAN. Madam Chair, I have an amendment at the desk.}

\textbf{The Acting Chair. The Clerk will
designate the amendment.}

\textbf{The text of the amendment is as fol-

\textbf{lows:}

\textbf{At the end of the bill, add the following

\textbf{new section:}

\textbf{SEC. 5. CONGRESSIONAL ACCEPTANCE OF SCI-

\textbf{ENTIFIC FINDINGS.}

\textbf{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 Chairman, I rise in opposition to the amendment of my time.

Mr. SENSENBRENNER. Madam Chairman, 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.”

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 1 1/2 minutes to the gentleman from Wisconsin (Mr. DOLD).

Mr. DOLD. Madam Chairman, I believe in science. I believe 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 Chairman, 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 cleaner 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 efficiency. Our children and grandchildren have a cleaner environment than we have today. I urge a “no” vote on this amendment.

Mr. WAXMAN. Madam Chairman, 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 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 solution.

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

Madam Chairman, 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 environmental 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 the threat 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 2000. Administrator Jackson herself stated before the Energy and Commerce Committee that EPA regulation will not ultimately be able to change the amount of CO2 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 30-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 Chairman, I yield back the balance of my time.

Mr. WAXMAN. Madam Chairman, 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 gentlemanwoman 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...
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 17 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 small 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 pollution from the Clean Air Act than it is cost effective to 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.

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 tract 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 hazards of 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. The gentleman from California, 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, 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 were 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. It was tracing true toxic emissions.

So what 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.

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 forest 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 Acting CHAIR. The gentleman from Colorado, Mr. POLIS.

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 would 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 they 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-
confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed online.

F. Impact of Potential Future Regulations

II. Legal Framework for This Action

A. The Statutory Framework

1. The Section 202(a) of the CAA

2. The Air Pollution Is Reasonably Anticipated To Endanger Both Public Health and Welfare

B. The Air Pollution Is Reasonably Anticipated To Endanger Public Welfare

C. Response to Key Comments on Administrator's Cause or Contribute Finding

D. The Administrator's Cause or Contribute Finding

E. Executive Order 13060: Protection of the Environment in Federal Activities by the President

F. Executive Order 13132: Federalism

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

H. Executive Order 13327: Protection of Children From Environmental Health Risks and Safety Risks

I. National Technology Transfer and Advancement Act

J. Executive Order 12866: Regulatory Planning and Review

K. Paperwork Reduction Act

L. Regulatory Flexibility Act

M. Unfunded Mandates Reform Act

N. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

O. National Technology Transfer and Advancement Act

P. Executive Order 12988: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Q. Congressional Review Act
perfluorocarbons (PFCS), and sulfur hexafluoride (SF$_6$). In this document, these six greenhouse gases are referred to as "well-mixed greenhouse gases" in this document (with the exception of "determinants of climate change" and "well mixed" provided in Section IV.A).

The Administrator has determined that the best available evidence 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 has reviewed the evidence, considering both observed and projected effects of greenhouse gases in the atmosphere, their effect on climate, and the public health and welfare 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 are equally likely to be characterized or quantified within the capacity of current science. The Administrator is using her judgment, based on existing science, to weigh the threat for each of these risks to 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 temperature, changes in extreme weather events, increases in food and water security, and associated aeroallergens. The evidence concerning adverse air quality impacts provides strong and clear support for an endangerment finding. Increases in 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 mortality and morbidity associated with increases in average temperatures, which increase the likelihood of heat waves, has been a focus of 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 and contribute to the net health impacts of events threatens human health and welfare in the United States. Such events include floods and hurricanes. Additionally, public health is expected to be adversely affected 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 change can lead to changes in allergies and associated adverse impacts. The evidence on pathogen changes associated with dioxin and other effects requires support for an endangerment finding. The Administrator acknowledges the many uncertainties in these areas. Although these effects may not support an endangerment finding, the Administrator is not placing primary weight on these factors.

Finally, the Administrator places weight on the effect of climate on children, the elderly, and the poor, who 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-reaching risks to food production and agriculture, forestry, 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.

Across the sectors, the potential serious 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. The endangerment finding is based on strong assumptions and substantial uncertainties. Strong support is also found in the evidence concerning infrastructure and settlements, as well as ecosystems and wildlife. For example, changes in coastal areas 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 longer term, 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. Therefore, 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 food market. The concern over the potential for adverse effects in certain sectors of the agriculture sector appears generally comparable to the potential for adverse effects for certain crops. 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 the spread of destructive pests and disease. For the longer term, the risk from adverse effects increases over time, such that overall climate change poses significant adverse risks for forest productivity. There is compelling reason to find that the support for a positive endangerment finding increases as one considers expectancies that pollution endangers the public welfare of both current and future generations.

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 to 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 food- and water-borne pathogens present 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 administrator has the authority to respond to an imminent and substantial endangerment to public health 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 extreme weather, pathogens, or other 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 reintstate. 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 underlying bill if the EPA determines that ground-level ozone, 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 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 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 implementing 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.

The fact is what has been proposed by EPA is a placebo under a law that was never meant to administer this.

Mr. POLIS. Is the amendment germane to the bill?

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 302, 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 fuel economy or shortfall of the fuel economy standards for motor vehicles, planes, etc.

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 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 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 reduce oil. You 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 national energy 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 yield 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 gaso-line 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, etc.

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. WAXMAN. The gentleman from Illinois has 3 1/2 minutes remaining, and the gentleman from Massachusetts has 2 minutes remaining.

Mr. SHIMKUS. I yield 1 1/2 minutes to the chairman of the Energy and Air Quality Committee, the gentleman from Kentucky (Mr. WHITFIELD).

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, and 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 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 economy if we improve the fuel economy standards. Do you now 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. Do you know who is reporting? Record profits. Do you know who is reporting? Record profits.

Mr. BARTON of Texas. I rise in opposition to the gentleman from Massachusetts, Mr. Markey. I yield myself the balance of my time.

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

Mr. BARTON of Texas. I rise in opposition to the gentleman from Texas, Mr. Barton.

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

Mr. SHIMKUS. 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 from 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.

Mr. RUSH. Madam Chair, my amendment repeals 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 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 American security interests.

Mr. RUSH. Madam Chair, my amendment repeals 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 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 American security interests.

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Mr. RUSH. Madam Chair, my amendment repeals 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 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 American security interests.
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. 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 former military leaders that 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 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 about the EPA’s inability 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 problems 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 military leaders and, 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. 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. They, 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 argumentation knowing already that the law is not going to address the problem. Getting ready for World War II, we had a truck company in Ypsilanti, Michigan, that went from manufacturing 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, if you want 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 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 actually 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.

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 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 generals 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.

An extreme 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 the EPA not 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 in 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.

Mr. ROGERS of Michigan. 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 (Mr. Rush) are postponed.
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 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) in the 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 by 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 Rule 53, 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 issue and I have talked with colleagues on the Republican side of the aisle who 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 are not in any way 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 flocked 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 leave 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 not able to get a middle ground 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 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 Chair, 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. We have come from 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 jobs leaving. There’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 there’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 smoke stack 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 lose their jobs, but we’re 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. We have 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. Mr. Chairman, yield myself 15 seconds to say to the gentleman from Pennsylvania 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 extend my voice to taking his 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 just to be 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. Today China has stopped being number one in leading the greenhouse 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 American companies can compete if they go overseas if they are forced and squeezed out of this. I think green energy future is a code word for 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. And 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, your 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. CO₂ 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 our scientists that developed the technology to be able to make fuel out of algae. But when it can’t be produced, it can’t be produced, when it can’t be produced, that’s why I hope the gentleman understands that our scientists had to leave the State and go to New Mexico, because our environmental 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, regulation issues that exist in implementation, because without casting those aside, you’ll never see that revolution.

Mr. DOYLE. Madam Chair, may I inquire as to how much time remains on both sides?

The Acting CHAIR. The gentleman from Pennsylvania has 1 3⁄4 minutes remaining.

Mr. DOYLE. I yield 1 minute to my friend, the gentleman from Washington, J AY INSEL.

Mr. INSLEE. It is deeply disappointing that our Republican colleagues are so willing, able—and apparently eager—to shut down the government, to bring our economy to a standstill, to shut 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 balanced 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 to 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 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 American companies 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.
"(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 which exceed 52,500 tons carbon dioxide equivalent per year, on a mass basis and by at least 75,000 tons carbon dioxide equivalent per year.

(2) Special rule.—Notwithstanding paragraph (1) of this subsection, 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

(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) Special rule.—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.

(4) Title V operating permits.—

(i) 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 or to operate pursuant to, a permit under title V, solely due to its status as a major source.

(ii) Exclusion from Tailing Rule.—As of July 1, 2011, the term ‘major emitting facility’ shall include a stationary source—

(A) that has greenhouse gas emissions 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.

(B) that has greenhouse gas emissions of at least 75,000 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

(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.

(9) 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 goes far. It repeals 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.

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 our health. I share their concerns, and I agree that we have to approach this issue reasonably. Still, the approach under H.R. 910 is not 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. The House passed 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 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 small 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.

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 wrong 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 the 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 public 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. As an old amendment in the nature of a substitute, this bill makes clear, is in the name of Congress, not in the halls of the EPA.

There is a button that was very popular in my district—and still is—which says, ‘Clean Air Act’ and ‘Clean Air Act’ and ‘Clean Air Act’. 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 to Congress 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 to do anything other than what the Clean Air Act was constructed to do will trigger an avalanche of regulatory requirements that will burden hundreds of thousands of previously unregulated sources, including many small entities.
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 much in favor 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 for the science of proponents, but the science of understanding of the issues.

When I 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 wood—which 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 the 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 impact it has on 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 over 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 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 have 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-ton-per-year emissions. But the question is, what happens after the year 2013? You have two conflicting parts of this Clean Air Act as if we adopt this amendment. One thing we know for certain, EPA is already involved in too many lawsuits. I believe we’re going 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 the States in meeting the climate change standards, particular 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 prevailed by voice vote.

The Acting Chair. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. Kind) are postponed, in the following order: 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 Acting Chair. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Ms. Jackson Lee) on which further proceedings were postponed and on which the noes prevailed by voice vote shall now be ordered off the calendar. The Clerk will redesignate the amendment.

The Acting Chair redesignated the amendment.

The Acting Chair. The amendment has been demanded.

The vote was taken by electronic device, and there were—aye votes 259, not voting 12, as follows:

AYES—161


Noes—220


Not voting—12

Aye votes 161, noes 220, not voting 12.
Mr. MEEHAN changed his vote from "aye" to "no". So the amendment was rejected.

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.

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. 294]
The Acting CHAIR (Mr. CALTIS, pro tempore, presiding). 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 ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Acting CHAIR (Mr. CALTIS, pro tempore, presiding). The Clerk redesignated the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. The amendment was rejected.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against.

Mr. POE of Texas, Mr. Chair, on rollover No. 235, I voted “aye” and I intended to vote “no.” (By unanimous consent, Mr. DINGELL was asked to speak out of order.)

Mr. DINGELL. Mr. Chairman, I rise to pay tribute to our good friend from West Virginia, Representative NICKY J. MCINTYRE, who will cast his first vote in this House of Representatives.

Mr. Chairman, this is a milestone event. It gives us an opportunity to recognize the hard work done by our distinguished friend and colleague from West Virginia, Mr. McINTYRE. He has served 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.

Mr. Chairman, this is a milestone event. It gives us an opportunity to recognize the hard work done by our distinguished friend and colleague from West Virginia, Mr. McINTYRE. He has served 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. The amendment was rejected.

The result of the vote was announced as above recorded.

Stated against.

Mr. POE of Texas, Mr. Chair, on rollover No. 235, I voted “aye” and I intended to vote “no.” (By unanimous consent, Mr. DINGELL was asked to speak out of order.)

Mr. DINGELL. Mr. Chairman, I rise to pay tribute to our good friend from West Virginia, Representative NICKY J. MCINTYRE, who will cast his first vote in this House of Representatives.

Mr. Chairman, this is a milestone event. It gives us an opportunity to recognize the hard work done by our distinguished friend and colleague from West Virginia, Mr. McINTYRE. He has served 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.

Mr. Chairman, this is a milestone event. It gives us an opportunity to recognize the hard work done by our distinguished friend and colleague from West Virginia, Mr. McINTYRE. He has served 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.
The Acting CHAIR. This will be a 2-minute vote. The Clerk will redesignate 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

Ackerman
Andrews
Apanathan
Baca
Baldwin
Bass (CA)
Becerra
Berkeley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bradley (PA)
Braley (IA)

CONNEXION Number: H2388

CONGRESSIONAL RECORD—HOUSE
April 6, 2011

Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Defazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (NY)
Doyle
Edwards
Ehlios
Eriquez
Eskowitz
Falchuk
Farrell
Fattah
Filer
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, AL
Green, Gene
Grijalva
Guthrie
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hincht
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inouye
Israel
Jackson (IL)

NOT VOTING—8

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 89 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.

ANNOUNCEMENT OF THE ACTING CHAIR

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

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]
At 3:34 p.m., the Chair recognized the gentleman from Illinois (Mr. RUSH) on the unfinished business, as above recorded.

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.

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 Acting CHAIR (during the vote).

The result of the vote was announced as above recorded.

So the amendment was rejected.

The vote on the amendment was demanded.

The Acting CHAIR (during the 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. 239]

AKEY—156

Ackerman Brown Miller, Gary Mulvaney Murphy (PA) Myrick Neugebauer Nunes Posey Price (GA) Rhoades Roe (TN) Royce Royce (UT) Ruble Ryan (WI) Sanchez, Loretta Schakowsky Steele Waxman White Wolf Young (IN)

NOT VOTING—10

Akin Frelinghuysen Giffords Gutierrez

ANNOUNCEMENT OF THE ACTING CHAIR

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

So the amendment was rejected.

The vote on the amendment was demanded.

The Acting CHAIR (during the 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]

AKEY—156

Ackerman Brown Miller, Gary Mulvaney Murphy (PA) Myrick Neugebauer Nunes Posey Price (GA) Rhoades Roe (TN) Royce Royce (UT) Ruble Ryan (WI) Sanchez, Loretta Schakowsky Steele Waxman White Wolf Young (IN)

NOT VOTING—10

Akin Frelinghuysen Giffords Gutierrez

ANNOUNCEMENT OF THE ACTING CHAIR

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

So the amendment was rejected.

The vote on the amendment was demanded.

The Acting CHAIR (during the 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. 239]
The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

So the amendment was rejected.

The Acting CHAIR. The amendment was rejected by a recorded vote of 173 to 250.

The Clerk redesignated the amendment.

The Acting CHAIR. A recorded vote has been demanded.

The amendment was rejected by a recorded vote of 173 to 250.

The amendment was taken by electronic device, and there were ayes 173, noes 250, not voting 9, as follows:

[Roll No. 240]

AYES—173

Noes—260

AYES—173

The Acting CHAIR. The amendment was rejected by a recorded vote of 173 to 250.

The amendment was taken by electronic device, and there were ayes 173, noes 250, not voting 9, as follows:

[Roll No. 240]

The Acting CHAIR. The amendment was rejected by a recorded vote of 173 to 250.

The amendment was taken by electronic device, and there were ayes 173, noes 250, not voting 9, as follows:

[Roll No. 240]
The Clerk redesignated the amendment in the name of Mr. KIND.

Accordingly, the Committee rises.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings on this bill will be post-poned.

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 amendment in the nature of a substitute, as amended.

The amendment was agreed to. 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 amendment in the nature of a substitute, as amended.

The amendment was agreed to. 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 amendment in the nature of a substitute, as amended.
HOUR 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.

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

(Mrs. 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 arrive late, my Republican colleagues want to extend tax breaks 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? I 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 Goldstone didn’t stipulate in his own report, but the facts of the matter are 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 terrorist organization 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 in the terror nests, but the terrorist organization Hamas build their nests and their rockets and their munitions in heavily populated areas.

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, 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 appropriated 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 step out by trying to say 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 was 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 says 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, we 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.

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.