

this new requirement. So that is the one area of disagreement we have.

I compliment the staff, the ranking member's, Ms. JOHNSON—I don't see her here today—Mr. OBERSTAR, and the gentleman from Arkansas (Mr. BOOZMAN) for their leadership on this issue, and I hope we can proceed. And I hope that even if this does pass today with that provision, that we can work with the other body and make the basic provisions of this legislation the law of the land and improve our infrastructure.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a former member of the Committee on Transportation and Infrastructure, an adjunct member of the committee.

Mr. BLUMENAUER. I prefer, Mr. Chairman, to think of myself as an associate member of the committee. It is a source of great pride and interest for me to have served under your leadership for 12 years on that committee and with EDDIE BERNICE JOHNSON on this subcommittee.

I rise in support of this bill today. I take modest exception to my good friend from Florida talking about the problems of prevailing wage. We have only to look at Louisiana and New Orleans, and the post-Katrina debacle where we suspended Davis-Bacon. What happened? The work was done for people literally who were working in many cases for barely minimum wage, there was all sorts of money involved went to subcontracts and we had a lot of shoddy workmanship.

In my State, the voters took this on directly, voting 60/40 to have a State prevailing wage. This protects working men and women and helps provide better quality of workmanship on these critical projects. We need the best workmanship, and we need this bill.

Our Nation's water infrastructure has grown while funding has declined. The American Society of Civil Engineers came out with their 5-year report card, and guess what—water infrastructure: D-minus. And some would say they were grading on a curve.

We have massive needs in the foreseeable future, and the Water Quality Investment Act is an important step towards meeting those needs. It recognizes the challenges we face and will provide communities with new tools to cope with them.

I particularly appreciate the support for green infrastructure and the general movement towards a more sustainable system, both fiscally and environmentally. Green infrastructure often involves nonstructural approaches that can have added environmental and quality-of-life benefits that save communities money.

I worked for 10 years in Portland as Commissioner of Public Works on cleaning up the Willamette River that flows through the heart of our city. We had to spend \$1 billion on a big pipe, because it rains all the time in Port-

land, and any time it rained more than two-tenths of an inch in 2 hours, we were having overflow into that river. But we also worked on nonstructural approaches. We found that green infrastructure reduced peak flows by 80 to 85 percent. We disconnected almost 50,000 downspouts at \$53 per downspout. It cost less than \$3 million but reduced over 1.2 billion gallons of runoff. If we had tried to do that only with big pipes, it would have cost far, far more, literally hundreds of millions of dollars.

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

Mr. OBERSTAR. I yield the gentleman another 1 minute.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, because there is one area that I hope to work on with him and the committee, and that is how we make sure we are focusing on clean water infrastructure that makes repairs and enhancement as a priority. In some places we have to go to new construction, but most of the threats to our communities, from Detroit to Cincinnati to Portland, is the existing infrastructure that is in sad need of repair. I hope, as this works its way through the legislative process, that we might be able to fine-tune that a little bit to give priority to fixing it first where there is the greatest impact and the greatest hope.

I deeply appreciate the leadership of the committee once again, and look forward to working with people on both sides of the aisle to get this important legislation passed and to realize these benefits in a way to make all our communities more livable and our families safer, healthier, and more economically secure.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. DRIEHAUS) assumed the chair.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1127. An act to extend certain immigration programs.

The message also announced that pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105-275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), the Chair, on behalf of the Republican leader, announces the appointment of the following Senator as member of the Senate National Security Working Group for the One Hundred Eleventh Congress:

The Senator from South Carolina (Mr. GRAHAM).

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Republican Leader, announces the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 100-696, the Chair, on behalf of the President pro tempore, appoints the Senator from Alaska (Ms. MURKOWSKI) as a member of the United States Preservation Commission.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### WATER QUALITY INVESTMENT ACT OF 2009

The Committee resumed its sitting.

Mr. BOOZMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I appreciate the bill here today, and I would just like to highlight the issue that, as we commit taxpayers' funds to addressing the environmental issues that face this country, that we recognize that outcome is what really matters when we talk about spending money to clean up the environment.

Chairman OBERSTAR has worked with me for years on a problem that we have got to address, and I am not saying we as my district, I am saying nationally; that we have sent funds all over the country and looked at process, rather than how a city or a community may impact the environment.

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A good example is the fact that you may have a city of Chicago that was outrageous in saying they were worried about polluting Lake Michigan, because they were polluting their own water. But they built a canal so they can dump the water into the Illinois River and pollute all the waters of the Mississippi.

I think one of the things that we have got to recognize is being smart with our money and addressing the fact that these funds should go to where is the best environmental benefit. And a good example would be the fact that there are certain areas where the treatment of the sewage at its existing level has no net negative impact, but there are other areas which have highly sensitive environments that are being polluted, even though the Federal law technically is being protected, things like the secondary mandate, where we should be putting our resources into tertiary and reclamation, where you end up having areas like deep-water discharge places, where right now scientists will tell you there is no net degradation.

So I would just ask the majority to take a look at when we focus these funds, that we focus it where the most benefit to the environment can be given, much like we have done in California. We have gone beyond the process issue and gone to the outcome-

based environmental review, the Clean Oceans Project, so that we spend every cent in a manner that protects the environment and not just fulfill a regulatory problem. And so I think it is absolutely essential that we avoid situations like we have run into in southern California, where the environmental impact report says that—

The CHAIR. The time of the gentleman has expired.

Mr. BOOZMAN. I yield the gentleman another 2 minutes. I think he makes some excellent points.

Mr. BILBRAY. The example is, Mr. Chairman, where you have got an environmental impact report that says that if you execute the letter of the law, you would be hurting the environment. And no one ever meant that to happen. I want to make sure that as we move forward that the letter of the law reflects protection for the environment first, not just following a regulation blindly. The law should always be reminded that it is here to protect the environment first, not just blindly move forward in spending taxpayers' funds.

And that is where I would ask that the committee take a look at these situations. I think Hawaii is in a situation where we may be sending funds to Hawaii to build facilities that do not have a net positive impact on the environment. I don't think any of us ever meant for clean water funds to be diverted into an area that is not helping the environment when you have areas that desperately need these funds.

And that is one of those things I think we have to recognize, the environmental community, the days of just caring being enough, are over. It is essential that those of us who want to protect the environment need to be smart and make sure that every cent spent, both local and Federal, go toward helping the environment, not just fulfilling a regulatory guideline and not just providing a threshold that somehow looks good on paper but doesn't protect the environment.

And I look forward to working with the chairman and making sure that every dollar spent in this program helps the environment, cleans up the environment, and does it in a manner that we maximize the benefit, because there are not enough funds to go around to waste it. And that is why I look forward to working with the chairman in making sure that every dollar does the best it can for the American people and the environment we live in.

Mr. OBERSTAR. I yield myself 5 seconds to thank the gentleman from California for his enthusiasm and assure him that we will work for full funding.

I yield 2 minutes to the distinguished gentleman from New Mexico (Mr. TEAGUE), a member of the committee.

Mr. TEAGUE. I rise today in support of Chairman OBERSTAR's manager's amendment to H.R. 1262, the Water Quality Investment Act. The man-

ager's package includes my amendment to the bill, the Teague-Green wastewater amendment.

My amendment is simple. It allows wastewater utilities to use resources from the Clean Water State Revolving Funds to implement renewable energy production and energy-efficient projects in their plants.

Wastewater treatment plants are large consumers of power. Along with drinking water facilities, they consume approximately 35 percent of the energy used by municipalities. Together, they constitute 3 percent of national energy consumption, sending approximately 45 million tons of greenhouse gases into the atmosphere each year.

We need to give our wastewater infrastructure an energy makeover. With my amendment to the eligible activities associated with the Clean Water SRF, the revolving funds can become prime motivation for energy conservation and energy generation at wastewater plants across the country. Employing resources from the SRF, plants can generate power from in-circuit hydro turbines, biogas produced through anaerobic digesters, and solar panels and wind turbines, all offsetting electricity purchased from the grid.

The Teague-Green Wastewater Amendment will reduce the amount of energy consumed by wastewater plants, create green jobs, reduce greenhouse gas emissions and save money for taxpayers. It is what I like to call common sense.

I want to thank the chairman for including my amendment in the manager's package and for crafting this excellent piece of legislation.

Mr. BOOZMAN. Does the gentleman have any more speakers?

Mr. OBERSTAR. We have no more speakers. I will close on our side if the gentleman is prepared to close.

Mr. BOOZMAN. Mr. Chairman, I wanted to associate myself with the remarks of our ranking member, Mr. MICA, in regard to Davis-Bacon. I have some real concerns with the extension there. But I do rise in support of the bill. I believe the underlying bill is a very, very good bill.

I was visiting with former Member John Paul Hammersmith, one of my predecessors who was here for many, many years with Mr. OBERSTAR. I had lunch with him. And he asked me what was on the agenda. And we talked about the water issues and things. And he, like Mr. OBERSTAR, gave me the history and again related how hard you all had worked together, Mr. OBERSTAR, to get these things done. And we do thank you for your very hard work for many, many years really laying the groundwork. So we have a tremendous amount to do, but we need to get it done. So we do appreciate that, Mr. Chairman.

The other thing is I would like to thank Mr. EHLERS for his hard work in the Great Lakes. Again, he has dealt with this for many, many years. And as you said, this truly is a model for this

type of bill. The other thing I would like to do is thank Ms. JOHNSON for her leadership as my chairman on Water Resources, for her shepherding this through committee and now shepherding it through the House. And then, as always, Mr. MICA in his position as ranking member, again, for doing the same thing. I also want to thank the staffs for their hard work on both sides. They do a tremendous job. And we appreciate their efforts.

I do support the bill and urge its passage.

And I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of time on our side.

I appreciate the reflection of the gentleman from Arkansas about Mr. Hammersmith. He was one of the giants of this House, a truly distinguished person. He approached every issue thoughtfully, reflecting on the substance of the matters, never a tone of partisanship in his presentation in committee or on the floor. And a particularly touching experience for me was some years ago, Mr. SHUSTER was chair of the full committee, and we moved the first authorization of EDA in years. And as the bill was moving toward final passage on the floor, I got a message from the Republican cloakroom that Mr. Hammersmith was on the phone. So with trepidation in my heart, I marched into the Republican cloakroom and picked up the phone. And John Paul Hammersmith was on the other end of the line laughing. And he said, "I have always wanted to get you over here in our cloakroom. Congratulations on passage of the bill." It was so typical of John Paul Hammersmith. He cared about the substance, and still does, of our work here, as does his successor, Mr. BOOZMAN.

Mr. Chairman, this package of legislation is not a jobs bill, although it follows on the Economic Recovery Act, which provides funding for these projects for water, for sewer and sewage treatment facilities, and water infrastructure financing. This isn't a list of projects from the State of Minnesota. I have one here for wastewater infrastructure needs for the State of New York. There are thousands, thousands—6,900 such projects—by the various water infrastructure agencies across the Nation that are ready to go, ready to be built. Minnesota has prioritized these in the Minnesota Public Facilities Authority from 1 through 261 on wastewater projects.

And the need is enormous. We have 12.5 million people out of work in the United States. Of that number, 2 million in the construction trades are out of work. And the unemployment rate of 8.1 percent nationwide for February is the highest in 25 years. By passing this legislation and putting to work the funding that the administration has indicated in its budget for the fiscal year that starts in October, we can make a serious dent in the unemployment numbers that I just cited, along with

what will be accomplished with the roughly \$5.6 billion in stimulus, half of which is in grant money and half of which is in loan funds. But we will create jobs in both packages, both this legislation and the stimulus need.

As to Davis-Bacon, I will save my remarks for the amendment to be offered by the gentleman from Florida (Mr. MACK). Suffice it to say that at a time of high unemployment, of desperate need across this country, an economy that needs people with income and ability to spend, to buy and to stimulate this economy, why would you tell folks, work for less? Why would you tell people, work for just at or below the minimum wage? Prevailing wage is not the union wage. Robert Reich, former Secretary of Labor, said in a radio statement just the night before last, "right now we need people working at union wages. We need people with money in their pocket to buy, to stimulate this economy." And with the stimulus package, we will be putting people to work, paying them for work, not paying them unemployment checks for not working. We will discuss that at more length.

I now urge the passage of H.R. 1262.

Ms. JACKSON-LEE of Texas. Mr. Chair, I rise today with great enthusiasm for H.R. 1262, the "Water Quality Investment Act of 2009", which renews the Federal commitment to addressing our nation's substantial needs for wastewater infrastructure by investing \$18.7 billion over five years in wastewater infrastructure and other efforts to improve water quality. H.R. 1262 increases investment in wastewater infrastructure, reduces the cost of constructing and maintaining that infrastructure, and promotes energy- and water-efficiency improvements to publicly owned treatment works to reduce the potential long-term operation and maintenance costs of the facility.

Mr. Chair, from my perch as Chairwoman of the Subcommittee on Transportation and Infrastructure Protection I have promoted shoring up our water infrastructure. Indeed, in the last Congress I introduced Chemical Facility Security Improvement Act of 2007, which prohibits federal funds from being used by the Secretary of Homeland Security to approve a site security plan for a chemical facility unless the facility meets or exceeds security standards and requirements to protect it against terrorist acts established by the state or local government for the area where it is located.

Although much progress has been made in achieving the ambitious goals that Congress established more than 35 years ago to restore and maintain the physical, chemical, and biological integrity of the nation's waters, longstanding problems persist, and new problems have emerged. Water quality problems are diverse, ranging from pollution runoff from farms and ranches, city streets, and other diffuse or "nonpoint" sources, to "point" source discharges of metals and organic and inorganic toxic substances from factories and sewage treatment plants. And many of these problems need funding—and frankly cannot wait. The quality of our water supply is at stake.

My bill also amended the Department of Homeland Security Appropriations Act, 2007 to: (1) repeal a provision prohibiting the Sec-

retary from disapproving a site security plan based on the presence or absence of a particular security measure; (2) require vulnerability assessments and site security plans to be treated as sensitive security information; and (3) repeal a provision limiting to the Secretary any right of action against a chemical facility owner or operator to enforce security measures. The connection is that water facilities use chemicals to ensure safety and eliminate harmful elements.

The main law that deals with polluting activity in the nation's streams, lakes, estuaries, and coastal waters is the Federal Water Pollution Control Act, commonly known as the Clean Water Act, or CWA. It consists of two major parts: regulatory provisions that impose progressively more stringent requirements on industries and cities to abate pollution and meet the statutory goal of zero discharge of pollutants; and provisions that authorize federal financial assistance for municipal wastewater treatment plant construction.

Both parts are supported by research activities, plus permit and enforcement provisions. Programs at the federal level are administered by the Environmental Protection Agency (EPA); state and local governments have major responsibilities to implement CWA programs through standard-setting, permitting, and enforcement.

The water quality restoration objective declared in the 1972 act was accompanied by statutory goals to eliminate the discharge of pollutants into navigable waters by 1985 and to attain, wherever possible, waters deemed "fishable and swimmable" by 1983.

Although those goals have not been fully achieved, considerable progress has been made, especially in controlling conventional pollutants (suspended solids, bacteria, and oxygen-consuming materials) discharged by industries and sewage treatment plants.

I have noted that progress has been mixed in controlling discharges of toxic pollutants (heavy metals, inorganic and organic chemicals), which are more numerous and can harm human health and the environment even when present in very small amounts—at the parts-per-billion level. Moreover, efforts to control pollution from diffuse sources, termed nonpoint source pollution (rainfall runoff from urban, suburban, and agricultural areas, for example), are more recent, given the earlier emphasis on "point source" pollution (discharges from industrial and municipal wastewater treatment plants). Overall, data reported by EPA and states indicate that 45% of river and stream miles assessed by states and 47% of assessed lake acres do not meet applicable water quality standards and are impaired for one or more desired uses. In 2006 EPA issued an assessment of streams and small rivers and reported that 67% of U.S. stream miles are in poor or fair condition and that nutrients and streambed sediments have the largest adverse impact on the biological condition of these waters. Approximately 95,000 lakes and 544,000 river miles in the United States are under fish-consumption advisories (including 100% of the Great Lakes and their connecting waters), due to chemical contaminants in lakes, rivers, and coastal waters, and one-third of shellfishing beds are closed or restricted, due to toxic pollutant contamination. Mercury is a contaminant of growing concern—as of 2003, 45 states had issued partial or statewide fish or shellfish consumption advisories because of elevated mercury levels.

The last major amendments to the law were the Water Quality Act of 1987. These amendments culminated six arduous years of congressional efforts to extend and revise the act and were the most comprehensive amendments since 1972. Authorizations of appropriations for some programs provided in P.L. 100-4, such as general grant assistance to states, research, and general EPA support authorized in that law, expired in FY1990 and FY1991.

Authorizations for wastewater treatment funding expired in FY1994. None of these programs has lapsed, however, as Congress has continued to appropriate funds to implement them. EPA, states, industry, and other citizens continue to implement the 1987 legislation, including meeting the numerous requirements and deadlines in it.

The Clean Water Act has been viewed as one of the most successful environmental laws in terms of achieving its statutory goals, which have been widely supported by the public, but lately some have questioned whether additional actions to achieve further benefits are worth the costs.

Criticism has come from industry, which has been the longstanding focus of the act's regulatory programs and often opposes imposition of new stringent and costly requirements. Criticism also has come from developers and property rights groups who contend that federal regulations (particularly the act's wetlands permit program) are a costly intrusion on private land-use decisions. States and cities have traditionally supported water quality programs and federal funding to assist them in carrying out the law, but many have opposed CWA measures that they fear might impose new unfunded mandates.

Many environmental groups believe that further fine-tuning is needed to maintain progress achieved to date and to address remaining water quality problems.

I am committed to ensuring that I continue to do my part as the Chairwoman of the House Homeland Security Subcommittee on Transportation and Infrastructure Protection.

Mr. COSTELLO. Mr. Chair, I rise today in strong support of H.R. 1262, the Water Quality Investment Act. We must provide means for local communities to address wastewater treatment needs. H.R. 1262 seeks to provide \$13.8 billion over five years for the clean Water State Revolving Fund and provides low interest loans to communities for wastewater infrastructure. The bill also provides \$250 million in grants over five years for alternative water source projects and authorizes \$1.8 billion over five years in grants to municipalities and states to control sewer overflows.

This legislation is critically needed to help meet America's clean water needs.

H.R. 1262 also renews Davis-Bacon on projects, which requires that contractors and subcontractors that receive federal funds on wastewater treatment projects be paid at least the prevailing local wage rate.

I firmly believe it is necessary that the Davis-Bacon prevailing wage requirement applies to all construction projects with federal funds.

I commend Chairman OBERSTAR and Chairwoman JOHNSON for reestablishing what Congress clearly intended.

Davis-Bacon is as important now as it was in the 1930s. It prevents competition from "fly-by-night" firms that undercut local wages and working conditions and compete, unfairly, with local contractors for federal work.

It helps stabilize the industry to workers and to employers. In addition, Davis-Bacon may help ensure better craftsmanship and it may reduce both the initial cost of federal construction through greater efficiency and decrease the need for repair and/or rehabilitation.

I oppose any such motion to strike the Davis-Bacon provisions and strongly urge my colleagues to do the same.

With that, Mr. Chair, H.R. 1262 is very important to our communities because it is another avenue for them to use for improving water quality across the country. Again, I strongly support H.R. 1262 and urge my colleagues to do as well.

Mr. MITCHELL. Mr. Chair, I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009.

This is an important bill that will help close the approximately \$3.2 to \$11.1 billion gap between our nation's wastewater infrastructure needs and our current levels of federal assistance.

This bill is especially important for Arizona, because it will finally begin to address a grossly inequitable funding formula that long plagued our state.

Inexplicably, and unfairly, the formula used to distribute federal assistance to State Clean Water Revolving Funds (SRFs) remains linked to Census data from 1970.

While, obviously, this is not a problem for states that have lost population, or whose population has remained stable, it's a huge problem for states like Arizona, whose population has grown dramatically.

Since 1970, Arizona's population has more than tripled.

As a result, we've been getting massively short-changed.

Arizona ranks 9th in the nation in terms of need, but we rank 37th in receipt of federal funding for SRFs. On a per capita basis, Arizona ranks 53rd. Even the territories do better than we do.

This is a disparity that belies any pretence of fairness, and it needs to change.

If enacted, the Water Quality Investment Act of 2009 will begin that process.

I want to thank Chairman OBERSTAR for his leadership on this issue, and for his continued commitment to fairness.

I urge my colleagues to support H.R. 1262, and I look forward to its final passage.

Mrs. MCCARTHY of New York. I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009.

The legislation makes important investments in our nation's water systems and strengthens the environmental protections of our waterways.

I want to thank Chairman OBERSTAR and the Transportation Committee staff for working with me to include my amendment in the manager's amendment to the bill.

I also want to thank Representatives BALDWIN, SCHWARTZ, and INSLEE for joining with me as cosponsors on the amendment and for their continued efforts to work with me to make our waters safe.

Our waterways provide a source of recreation and impact the food supply for all Americans.

And, perhaps most importantly, our waterways are the source of our drinking water.

In 2008, the Associated Press found pharmaceuticals in the drinking water supplies of approximately 46 million Americans.

In my state of New York, health officials found heart medicine, infection fighters, estrogen, mood stabilizer and a tranquilizer in the upstate water supply.

Six pharmaceuticals were found in the drinking water right here in Washington, D.C.

We don't know how the pharmaceuticals enter the water supply.

It is likely that some enter the water supply through human waste, runoff from agricultural operations, and the improper disposal of unused pharmaceuticals.

In addition to antibiotics and steroids, EPA has identified over 100 individual pharmaceuticals and personal care products in environmental samples and drinking water.

As a nurse, I am concerned that the presence of the pharmaceuticals in our nation's waters may have negative effects on human health and wildlife.

This amendment requires EPA to conduct a study on the sources of pharmaceuticals and personal care products in our waters and the effect that they have on the environment and human health.

Upon completion of this study, EPA is required to issue a report detailing their findings.

The study also requires that EPA identify methods that can be used to treat the water and remove the pharmaceuticals if we need to, and to prevent them from entering the water in the first place.

Pharmaceuticals and personal care products include prescription and over-the-counter therapeutic drugs, fragrances, lotions, and cosmetics, as well as products used to enhance growth or health of livestock.

The results of this study will prompt responses from the scientific community which can help form the basis for future research.

The report from the study will be used as part of the government's efforts to better understand the effects that pharmaceuticals in our waters have on human health and wildlife and to craft appropriate legislation that addresses the issue in a responsible manner.

I want to stress that this effort is not intended to make any presumptions or accusations.

We are just looking for more information so that we can make better informed choices and eventually move forward on sensible policies.

Hopefully, the study will give us more information about the presence, source, and effects of pharmaceuticals in our waters so that we can begin efforts to ensure that the water is safe.

We must begin to better understand the impact pharmaceuticals have on our environment and on our health. It is especially important that we make sure that our constituents can feel confident that they are drinking clean, safe water.

We need to find out how these contaminants got in the water, what the risks are and what steps we need to take to solve the problem.

It is vital that Congress take up and champion the cause of keeping our waterways and drinking water safe.

This is a public health issue, an environmental issue, and an economic issue.

I urge my colleagues to support the manager's amendment and the underlying bill.

Ms. MATSUI. Mr. Chair, I would like to begin my remarks today by thanking Chairman OBERSTAR for his work on this critical issue.

He has been a champion for our country's infrastructure.

Whether it is wastewater, roads, bridges, dams, or levees, Chairman OBERSTAR has been the one to fight for the funding we need to keep our country running smoothly.

When it is working properly, our wastewater system is not something that we think about very often.

But the minute something goes wrong, wastewater instantly becomes the most important issue of all.

In my hometown of Sacramento, the city has invested hundreds of millions of dollars to upgrade the combined sewer system in our central city.

Using funding provided from the Federal Government, Sacramento has renovated older pumps, built treatment plants, and increased storage.

The price of clean water and healthy ecosystems is high, Mr. Chair. But the benefits they provide to our society are even greater.

And that is why I am so supportive of the legislation before us today.

It authorizes \$13.8 billion worth of wastewater infrastructure projects that will help keep my district's streets and waterways free of sewage and sludge.

This funding will help make Sacramento even more livable than it already is.

It will also create quality jobs in my district which are sorely needed.

For too long, we have lived off the infrastructure built in decades past.

Now it is our turn to invest in the future of our infrastructure, in the health of our communities, and in the quality of our water.

I urge support for the rule and for the underlying bill.

Mr. CUELLAR. Mr. Chair, I rise today to encourage my colleagues to support the manager's amendment to the Water Quality Investment Act of 2009.

The manager's amendment I support builds upon the strong nature of this bill, and addresses several additional needs.

I thank the distinguished Chairman for including 2 of my amendments in the manager's amendment. These important amendments will go a long way towards helping communities along the southern border.

My first amendment, included in this manager's amendment, authorizes the EPA to Study wastewater treatment facilities that discharge into the Rio Grande River, develop recommendations for improving monitoring, information sharing, and cooperation between the United States and Mexico.

Last EPA study of pollutants in the Rio Grande River took samples from November 1992 to December 1995.

Since 1992 Laredo alone has doubled in population.

I applaud inclusion of this requirement because knowing the dangers that exist in pollution in the River is the first step in protecting a national treasure.

I also wish to offer my support for the Manager's amendment's recognition of the ongoing crisis that exists on the United States' southern border with impoverished families living in Colonias.

Colonias can be found in Texas, New Mexico, Arizona and California, but Texas has both the largest number of colonias and the largest colonia population.

According to the State of Texas, about 400,000 Texans live in border colonias.

The development of Texas colonias dates back to at least the 1950s, when developers

created unincorporated subdivisions using agriculturally worthless land or land that lay in floodplains or in other rural properties.

They divided the land into small lots, put in little or no infrastructure, and then sold them to low-income individuals seeking affordable housing.

The manager's amendment includes my plan to direct the Government Accountability Office to present to Congress a blueprint to properly address the problems that exist in these low income communities.

Mr. Chair, I applaud you on this important Manager's amendment, and I urge all my colleague to vote "yes."

Ms. HIRONO. Mr. Chair, I rise in strong support of H.R. 1262, the Water Quality Investment Act. I commend my House Transportation and Infrastructure Committee Chairman JAMES OBERSTAR for introducing this vital legislation that makes much-needed investments to improve water quality and better ensure safe, clean water for communities throughout the country.

The central focus of the bill is reauthorization of the Clean Water State Revolving Fund, which provides low-interest loans and grants to local communities for construction of wastewater treatment facilities and other water pollution abatement projects. The Clean Water State Revolving Fund was last reauthorized in 1987, although the program has been funded every year, albeit at inadequate levels. For years, the amount of available funding has been far below the demand for funds from local governments.

Much of the clean water infrastructure in our nation is rapidly approaching or has already exceeded its projected life. This aging infrastructure must be repaired or replaced soon. The gap between wastewater infrastructure needs and current levels of spending has been estimated at between \$3.2 billion to \$11.1 billion a year.

If the authorized levels of funding provided in this bill are appropriated, Hawaii will see a four-fold increase in the annual level of funding received under the Clean Water State Revolving Fund—from \$5.3 million in FY2009 to an estimated \$21 million each year from FY2010 to FY2014. In addition to improving our infrastructure, this amount of funding could create or sustain some 700 jobs a year in Hawaii.

This funding is critically needed in our state. Just this week, I met with members of the four county councils in my district. All have concerns about the condition of wastewater infrastructure in their districts and the inability of local governments to fund the level of investment that is urgently needed. Lack of this funding is having serious environmental consequences and, in some areas, is actually preventing development of much-needed housing.

I urge my colleague to support this bill, which will stimulate employment and all of our local economies while protecting the environment.

Mr. CLEAVER. Mr. Chair, H.R. 1262, The Water Quality Investment Act, renews the Federal commitment to addressing our nation's substantial needs for wastewater infrastructure. Several provisions in the bill provide federal assistance for improving this capability—through grants, subsidies, loans, and other assistance. Part of the impetus behind this assistance is the current severe economic situation that communities of all sizes across the nation are facing.

Jackson County, Missouri, in my district, is one example of a community caught between a rock and a hard place. The County is trying to provide services for its constituents at two lakes—Longview and Blue Springs—while balancing its dwindling budget. The Army Corps of Engineers built both lakes in the 1980s to help control flooding issues in the Little Blue River region, watershed run-off, wetlands restoration, and to provide a recreational benefit to the public. The Corps entered into a lease contract with Jackson County, Missouri with a 50 year repayment contract (1986–2035). The County, during these tough economic times, is having a significant problem paying back the interest plus the regular principal each year.

These lakes, though owned by the Corps, are operated and maintained by Jackson County. Both Lakes are in need of significant repairs, maintenance, and upgrades to bring them up to standards of today's use. The properties critically need repairs to infrastructure like roads, electrical upgrades, facility repairs, and needed silt control along the watersheds feeding into the Lakes. The County is struggling during this economic downturn, to make the payments as well as make the necessary repairs and upgrades that the Lake property needs for continued use by the public.

The following are examples of the capital improvement needs identified by Jackson County in their 5 year Capital Improvements Plan (CIP): Marina Renovation, upgrades and maintenance—\$858,980; Roof repairs—\$125,000; Road repairs—\$589,962; Shelter house repairs, upgrades and maintenance—\$215,240; Campground upgrades, replace pads and electrical capacity upgrades—\$1,023,093; Sediment, spillway and watershed control and improvements—\$433,304; Trail replacement, repairs and upgrades—\$1,132,000; Maintenance facility upgrades and repairs—\$2,264,000; Playground upgrades and replacement—\$414,400; Beaches improvements and upgrades—\$226,400.

This is why I was proud to submit this week an amendment for consideration to H.R. 1262 that would have allowed the County to alleviate the strains on its budget, while maintaining its commitment to the Army Corps as well as its commitment to citizens using the Lakes, plus providing jobs for making the improvements. My amendment would have modified the leases for Longview Lake & Blue Springs Lake to allow the County to reinvest 50 percent of its outstanding payments over the rest of the lease for capital improvements on the property. This is not a default or forgiveness, but rather a reinvestment in lieu of payment so that they can continue to function in both their flood control and recreational capacities.

Even with the redirection, the plan would provide the Army Corps with over \$6.5 million (\$6,504,447.80) in surplus over the course of the lease. From this reinvestment, Longview Lake would receive \$5.3 million (\$5,294,483.88) of redirected payments and Blue Springs Lake would receive \$4.3 million (\$4,302,127.74) as part of the plan. The Corps of Engineers would be fully reimbursed for its initial outlay of funds with interest, and the County would be able to re-invest some of the funds it is contractually obligated to pay into these two greats Jackson County assets.

Mr. Chair, though my amendment was deemed to have a budgetary impact, I wanted to raise this issue. This is a national issue, hit-

ting many communities and counties during these difficult economic times and they deserve Congress's help. The idea makes a great deal of sense and I look forward to working with my fellow Members and my local County Executive as we continue to think outside the box to make this idea work.

Mr. LUJAN. Mr. Chair, the Water Quality Investment Act is a renewed commitment to address our nation's substantial needs for water and wastewater infrastructure. The ability of cities, rural water systems and tribal communities to ensure water quality for our nation's families is critical to the health of our country and will help create jobs. Today, our business in this House is to transform the way we think about water.

All living systems need water. People need it. The climate needs it. Plants and wildlife need it. We are all part of the same living system, and we all need water.

I know the importance of water to rural economies across America. Without a reliable water supply, we cannot improve human health, preserve natural ecosystems, or grow economies. It is a critical prerequisite for life, and we must ensure proper drinking water and wastewater systems will be available to every community in America. The absence of adequate water infrastructure in a community creates enormous health disparities, but also entrenches the severe poverty that is already widespread in these communities.

Tribes across the nation have many difficulties ensuring water quality for their communities. Often water and wastewater systems are hard to construct or maintain due to a lack of availability of funding for tribal governments. Language I proposed, which was included in Chairman OBERSTAR's manager's amendment, will authorize new grants for technical assistance on water and wastewater infrastructure to the tribal communities and people who so desperately need it.

I urge all my colleagues to support this bill.

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

The CHAIR. All time for general debate has expired.

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

The text of the committee amendment is as follows:

H.R. 1262

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *IN GENERAL.*—This Act may be cited as the "Water Quality Investment Act of 2009".

(b) *TABLE OF CONTENTS.*—

1. Short title; table of contents.
2. Amendment of Federal Water Pollution Control Act.

**TITLE I—WATER QUALITY FINANCING**  
**Subtitle A—Technical and Management Assistance**

1101. Technical assistance.
1102. State management assistance.
1103. Watershed pilot projects.

**Subtitle B—Construction of Treatment Works**  
**1201. Sewage collection systems.**  
**1202. Treatment works defined.**

**Subtitle C—State Water Pollution Control Revolving Funds**  
**1301. General authority for capitalization grants.**

- 1302. Capitalization grant agreements.
- 1303. Water pollution control revolving loan funds.
- 1304. Allotment of funds.
- 1305. Intended use plan.
- 1306. Annual reports.
- 1307. Technical assistance; requirements for use of American materials.
- 1308. Authorization of appropriations.

Subtitle D—General Provisions

- 1401. Definition of treatment works.
- 1402. Funding for Indian programs.

Subtitle E—Tonnage Duties

- 1501. Tonnage duties.

TITLE II—ALTERNATIVE WATER SOURCE PROJECTS

- 2001. Pilot program for alternative water source projects.

TITLE III—SEWER OVERFLOW CONTROL GRANTS

- 3001. Sewer overflow control grants.

TITLE IV—MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS

- 4001. Monitoring, reporting, and public notification of sewer overflows.

TITLE V—GREAT LAKES LEGACY REAUTHORIZATION

- 5001. Remediation of sediment contamination in areas of concern.
- 5002. Public information program.
- 5003. Contaminated sediment remediation approaches, technologies, and techniques.

SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

TITLE I—WATER QUALITY FINANCING

Subtitle A—Technical and Management Assistance

SEC. 1101. TECHNICAL ASSISTANCE.

(a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) make grants to nonprofit organizations—

“(A) to provide technical assistance to rural and small municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, such municipalities in the planning, developing, and acquisition of financing for eligible projects described in section 603(c);

“(B) to provide technical assistance and training for rural and small publicly owned treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the requirements of this Act; and

“(C) to disseminate information to rural and small municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking “and (6)” and inserting “(6)”;

(2) by inserting before the period at the end the following: “; and (7) not to exceed

\$100,000,000 for each of fiscal years 2010 through 2014 for carrying out subsections (b)(3), (b)(8), and (g), except that not less than 20 percent of the amounts appropriated pursuant to this paragraph in a fiscal year shall be used for carrying out subsection (b)(8)”.

(c) SMALL FLOWS CLEARINGHOUSE.—Section 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

(1) in the first sentence by striking “\$1,000,000” and inserting “\$3,000,000”; and

(2) in the second sentence by striking “1986” and inserting “2011”.

SEC. 1102. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the semicolon at the end of paragraph (2) and inserting “; and”; and

(3) by inserting after paragraph (2) the following:

“(3) such sums as may be necessary for each of fiscal years 1991 through 2009, and \$300,000,000 for each of fiscal years 2010 through 2014;”.

SEC. 1103. WATERSHED PILOT PROJECTS.

(a) PILOT PROJECTS.—Section 122 (33 U.S.C. 1274) is amended—

(1) in the section heading by striking “WET WEATHER”; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking “wet weather discharge”; and

(B) in paragraph (2) by striking “in reducing such pollutants” and all that follows before the period at the end and inserting “to manage, reduce, treat, or reuse municipal stormwater, including low-impact development technologies”; and

(C) by adding at the end the following:

“(3) WATERSHED PARTNERSHIPS.—Efforts of municipalities and property owners to demonstrate cooperative ways to address nonpoint sources of pollution to reduce adverse impacts on water quality.

“(4) INTEGRATED WATER RESOURCE PLAN.—The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water, and stormwater resources on a watershed or sub-watershed basis to meet the objectives, goals, and policies of this Act.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 122(c)(1) is amended by striking “for fiscal year 2004” and inserting “for each of fiscal years 2004 through 2014”.

(c) REPORT TO CONGRESS.—Section 122(d) is amended by striking “5 years after the date of enactment of this section,” and inserting “October 1, 2011,”.

Subtitle B—Construction of Treatment Works

SEC. 1201. SEWAGE COLLECTION SYSTEMS.

Section 211 (33 U.S.C. 1291) is amended—

(1) by striking the section heading and all that follows through “(a) No” and inserting the following:

“SEC. 211. SEWAGE COLLECTION SYSTEMS.

“(a) IN GENERAL.—No”;

(2) in subsection (b) by inserting “POPULATION DENSITY.—” after “(b)”;

(3) by striking subsection (c) and inserting the following:

“(c) EXCEPTIONS.—

“(1) REPLACEMENT AND MAJOR REHABILITATION.—Notwithstanding the requirement of subsection (a)(1) concerning the existence of a collection system as a condition of eligibility, a project for replacement or major rehabilitation of a collection system existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(1) and meets the requirement of paragraph (3).

“(2) NEW SYSTEMS.—Notwithstanding the requirement of subsection (a)(2) concerning the existence of a community as a condition of eligibility, a project for a new collection system to

serve a community existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(2) and meets the requirement of paragraph (3).

“(3) REQUIREMENT.—A project meets the requirement of this paragraph if the purpose of the project is to accomplish the objectives, goals, and policies of this Act by addressing an adverse environmental condition existing on the date of enactment of this paragraph.”.

SEC. 1202. TREATMENT WORKS DEFINED.

Section 212(2)(A) (33 U.S.C. 1292(2)(A)) is amended—

(1) by striking “any works, including site”;

(2) by striking “is used for ultimate” and inserting “will be used for ultimate”; and

(3) by inserting before the period at the end the following: “and acquisition of other lands, and interests in lands, which are necessary for construction”.

Subtitle C—State Water Pollution Control Revolving Funds

SEC. 1301. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) (33 U.S.C. 1381(a)) is amended by striking “for providing assistance” and all that follows through the period at the end and inserting the following: “to accomplish the objectives, goals, and policies of this Act by providing assistance for projects and activities identified in section 603(c).”.

SEC. 1302. CAPITALIZATION GRANT AGREEMENTS.

(a) REPORTING INFRASTRUCTURE ASSETS.—Section 602(b)(9) (33 U.S.C. 1382(b)(9)) is amended by striking “standards” and inserting “standards, including standards relating to the reporting of infrastructure assets”.

(b) ADDITIONAL REQUIREMENTS.—Section 602(b) (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (6)—

(A) by striking “before fiscal year 1995”;

(B) by striking “funds directly made available by capitalization grants under this title and section 205(m) of this Act” and inserting “assistance made available by a State water pollution control revolving fund as authorized under this title, or with assistance made available under section 205(m), or both,”; and

(C) by striking “201(b)” and all that follows through “513” and inserting “211 and 511(c)(1)”;

(2) by striking “and” at the end of paragraph (9);

(3) by striking the period at the end of paragraph (10) and inserting a semicolon; and

(4) by adding at the end the following:

“(11) the State will establish, maintain, invest, and credit the fund with repayments, such that the fund balance will be available in perpetuity for providing financial assistance in accordance with this title;

“(12) any fees charged by the State to recipients of assistance that are considered program income will be used for the purpose of financing the cost of administering the fund or financing projects or activities eligible for assistance from the fund;

“(13) beginning in fiscal year 2011, the State will include as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient—

“(A) has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title, and has selected, to the extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, and conservation, and energy conservation, taking into account the cost of constructing the project or activity, the cost of operating and maintaining the project or activity over its life, and the cost of replacing the project or activity; and



“(B) has considered, to the maximum extent practicable and as determined appropriate by the recipient, the costs and effectiveness of other design, management, and financing approaches for carrying out a project or activity for which assistance is sought under this title, taking into account the cost of constructing the project or activity, the cost of operating and maintaining the project or activity over its life, and the cost of replacing the project or activity;

“(14) the State will use at least 10 percent of the amount of each capitalization grant received by the State under this title after September 30, 2010, to provide assistance to municipalities of fewer than 10,000 individuals that meet the affordability criteria established by the State under section 603(i)(2) for activities included on the State’s priority list established under section 603(g), to the extent that there are sufficient applications for such assistance;

“(15) a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State); and

“(16) the requirements of section 513 will apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title, or with assistance made available under section 205(m), or both, in the same manner as treatment works for which grants are made under this Act.”.

#### SEC. 1303. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Section 603(c) (33 U.S.C. 1383(c)) is amended to read as follows:

“(c) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance—

“(1) to any municipality or intermunicipal, interstate, or State agency for construction of publicly owned treatment works;

“(2) for the implementation of a management program established under section 319;

“(3) for development and implementation of a conservation and management plan under section 320;

“(4) for the implementation of lake protection programs and projects under section 314;

“(5) for repair or replacement of decentralized wastewater treatment systems that treat domestic sewage;

“(6) for measures to manage, reduce, treat, or reuse municipal stormwater, agricultural stormwater, and return flows from irrigated agriculture;

“(7) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse; and

“(8) for the development and implementation of watershed projects meeting the criteria set forth in section 122.”.

(b) EXTENDED REPAYMENT PERIOD.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A) by striking “20 years” and inserting “the lesser of 30 years or the design life of the project to be financed with the proceeds of the loan”; and

(2) in subparagraph (B) by striking “not later than 20 years after project completion” and inserting “upon the expiration of the term of the loan”.

(c) FISCAL SUSTAINABILITY PLAN.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is further amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by inserting “and” at the end of subparagraph (D); and

(3) by adding at the end the following:

“(E) for any portion of a treatment works proposed for repair, replacement, or expansion, and eligible for assistance under section 603(c)(1), the recipient of a loan will develop and implement a fiscal sustainability plan that includes—

“(i) an inventory of critical assets that are a part of that portion of the treatment works;

“(ii) an evaluation of the condition and performance of inventoried assets or asset groupings; and

“(iii) a plan for maintaining, repairing, and, as necessary, replacing that portion of the treatment works and a plan for funding such activities.”.

(d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: “, \$400,000 per year, or 1/5 percent per year of the current valuation of the fund, whichever amount is greatest, plus the amount of any fees collected by the State for such purpose regardless of the source”.

(e) TECHNICAL AND PLANNING ASSISTANCE FOR SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following:

“(8) to provide grants to owners and operators of treatment works that serve a population of 10,000 or fewer for obtaining technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, equipment replacement, repair schedules, and other activities to improve wastewater treatment plant management and operations, except that the total amount provided by the State in grants under this paragraph for a fiscal year may not exceed one percent of the total amount of assistance provided by the State from the fund in the preceding fiscal year, or 2 percent of the total amount received by the State in capitalization grants under this title in the preceding fiscal year, whichever amount is greatest; and

“(9) to provide grants to owners and operators of treatment works for conducting an assessment of the energy and water consumption of the treatment works, and evaluating potential opportunities for energy and water conservation through facility operation and maintenance, equipment replacement, and projects or activities that promote the efficient use of energy and water by the treatment works, except that the total amount provided by the State in grants under this paragraph for a fiscal year may not exceed one percent of the total amount of assistance provided by the State from the fund in the preceding fiscal year, or 2 percent of the total amount received by the State in capitalization grants under this title in the preceding fiscal year, whichever amount is greatest.”.

(f) ADDITIONAL SUBSIDIZATION.—Section 603 (33 U.S.C. 1383) is amended by adding at the end the following:

“(i) ADDITIONAL SUBSIDIZATION.—

“(1) IN GENERAL.—In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans—

“(A) to benefit a municipality that—

“(i) meets the State’s affordability criteria established under paragraph (2); or

“(ii) does not meet the State’s affordability criteria if the recipient—

“(1) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;

“(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance the project or activity for which assistance is sought; and

“(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

“(B) to implement a process, material, technique, or technology to address water-efficiency goals, address energy-efficiency goals, mitigate stormwater runoff, or encourage environmentally sensitive project planning, design, and construction.

“(2) AFFORDABILITY CRITERIA.—

“(A) ESTABLISHMENT.—On or before September 30, 2010, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under section 603(c)(1) if additional subsidization is not provided. Such criteria shall be based on income data, population trends, and other data determined relevant by the State.

“(B) EXISTING CRITERIA.—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A), the State may use the criteria for the purposes of this subsection. For purposes of this Act, any such criteria shall be treated as affordability criteria established under this paragraph.

“(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

“(3) PRIORITY.—A State may give priority to a recipient for a project or activity eligible for funding under section 603(c)(1) if the recipient meets the State’s affordability criteria.

“(4) SET-ASIDE.—

“(A) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation more than \$1,000,000,000 for the purposes of this title, a State shall provide additional subsidization under this subsection in the amount specified in subparagraph (B) to eligible entities described in paragraph (1) for projects and activities identified in the State’s intended use plan prepared under section 606(c) to the extent that there are sufficient applications for such assistance.

“(B) AMOUNT.—In a fiscal year described in subparagraph (A), a State shall set aside for purposes of subparagraph (A) an amount not less than 25 percent of the difference between—

“(i) the total amount that would have been allotted to the State under section 604 for such fiscal year if the amount available to the Administrator for obligation under this title for such fiscal year had been equal to \$1,000,000,000; and

“(ii) the total amount allotted to the State under section 604 for such fiscal year.

“(5) LIMITATION.—The total amount of additional subsidization provided under this subsection by a State may not exceed 30 percent of the total amount of capitalization grants received by the State under this title in fiscal years beginning after September 30, 2009.”.

#### SEC. 1304. ALLOTMENT OF FUNDS.

(a) IN GENERAL.—Section 604(a) (33 U.S.C. 1384(a)) is amended to read as follows:

“(a) ALLOTMENTS.—

“(1) FISCAL YEARS 2010 AND 2011.—Sums appropriated to carry out this title for each of fiscal years 2010 and 2011 shall be allotted by the Administrator in accordance with the formula used to allot sums appropriated to carry out this title for fiscal year 2009.

“(2) FISCAL YEAR 2012 AND THEREAFTER.—Sums appropriated to carry out this title for fiscal

year 2012 and each fiscal year thereafter shall be allotted by the Administrator as follows:

“(A) Amounts that do not exceed \$1,350,000,000 shall be allotted in accordance with the formula described in paragraph (1).

“(B) Amounts that exceed \$1,350,000,000 shall be allotted in accordance with the formula developed by the Administrator under subsection (d).”.

(b) **PLANNING ASSISTANCE.**—Section 604(b) (33 U.S.C. 1384(b)) is amended by striking “1 percent” and inserting “2 percent”.

(c) **FORMULA.**—Section 604 (33 U.S.C. 1384) is amended by adding at the end the following:

“(d) **FORMULA BASED ON WATER QUALITY NEEDS.**—Not later than September 30, 2011, and after providing notice and an opportunity for public comment, the Administrator shall publish an allotment formula based on water quality needs in accordance with the most recent survey of needs developed by the Administrator under section 516(b).”.

#### **SEC. 1305. INTENDED USE PLAN.**

(a) **INTEGRATED PRIORITY LIST.**—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

“(g) **PRIORITY LIST.**—

“(1) **IN GENERAL.**—For fiscal year 2011 and each fiscal year thereafter, a State shall establish or update a list of projects and activities for which assistance is sought from the State's water pollution control revolving fund. Such projects and activities shall be listed in priority order based on the methodology established under paragraph (2). The State may provide financial assistance from the State's water pollution control revolving fund only with respect to a project or activity included on such list. In the case of projects and activities eligible for assistance under section 603(c)(2), the State may include a category or subcategory of nonpoint sources of pollution on such list in lieu of a specific project or activity.

“(2) **METHODOLOGY.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this paragraph, and after providing notice and opportunity for public comment, each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall establish a methodology for developing a priority list under paragraph (1).

“(B) **PRIORITY FOR PROJECTS AND ACTIVITIES THAT ACHIEVE GREATEST WATER QUALITY IMPROVEMENT.**—In developing the methodology, the State shall seek to achieve the greatest degree of water quality improvement, taking into consideration the requirements of section 602(b)(5) and section 603(i)(3), whether such water quality improvements would be realized without assistance under this title, and whether the proposed projects and activities would address water quality impairments associated with existing treatment works.

“(C) **CONSIDERATIONS IN SELECTING PROJECTS AND ACTIVITIES.**—In determining which projects and activities will achieve the greatest degree of water quality improvement, the State shall consider—

“(i) information developed by the State under sections 303(d) and 305(b);

“(ii) the State's continuing planning process developed under section 303(e);

“(iii) the State's management program developed under section 319; and

“(iv) conservation and management plans developed under section 320.

“(D) **NONPOINT SOURCES.**—For categories or subcategories of nonpoint sources of pollution that a State may include on its priority list under paragraph (1), the State shall consider the cumulative water quality improvements associated with projects or activities in such categories or subcategories.

“(E) **EXISTING METHODOLOGIES.**—If a State has previously developed, after providing notice and an opportunity for public comment, a meth-

odology that meets the requirements of this paragraph, the State may use the methodology for the purposes of this subsection.”.

(b) **INTENDED USE PLAN.**—Section 606(c) (33 U.S.C. 1386(c)) is amended—

(1) in the matter preceding paragraph (1) by striking “each State shall annually prepare” and inserting “each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall annually prepare and publish”;

(2) by striking paragraph (1) and inserting the following:

“(1) the State's priority list developed under section 603(g);”;

(3) in paragraph (4)—

(A) by striking “and (6)” and inserting “(6), (15), and (17)”; and

(B) by striking “and” at the end;

(4) by striking the period at the end of paragraph (5) and inserting “; and”; and

(5) by adding at the end the following:

“(6) if the State does not fund projects and activities in the order of the priority established under section 603(g), an explanation of why such a change in order is appropriate.”.

(c) **TRANSITIONAL PROVISION.**—Before completion of a priority list based on a methodology established under section 603(g) of the Federal Water Pollution Control Act (as amended by this section), a State shall continue to comply with the requirements of sections 603(g) and 606(c) of such Act, as in effect on the day before the date of enactment of this Act.

#### **SEC. 1306. ANNUAL REPORTS.**

Section 606(d) (33 U.S.C. 1386(d)) is amended by inserting “the eligible purpose under section 603(c) for which the assistance is provided,” after “loan amounts.”.

#### **SEC. 1307. TECHNICAL ASSISTANCE; REQUIREMENTS FOR USE OF AMERICAN MATERIALS.**

Title VI (33 U.S.C. 1381 et seq.) is amended—

(1) by redesignating section 607 as section 609; and

(2) by inserting after section 606 the following:

#### **“SEC. 607. TECHNICAL ASSISTANCE.**

“(a) **SIMPLIFIED PROCEDURES.**—Not later than 1 year after the date of enactment of this section, the Administrator shall assist the States in establishing simplified procedures for treatment works to obtain assistance under this title.

“(b) **PUBLICATION OF MANUAL.**—Not later than 2 years after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist treatment works in obtaining assistance under this title and publish in the Federal Register notice of the availability of the manual.

“(c) **COMPLIANCE CRITERIA.**—At the request of any State, the Administrator, after providing notice and an opportunity for public comment, shall assist in the development of criteria for a State to determine compliance with the conditions of funding assistance established under sections 602(b)(13) and 603(d)(1)(E).

#### **“SEC. 608. REQUIREMENTS FOR USE OF AMERICAN MATERIALS.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, none of the funds made available by a State water pollution control revolving fund as authorized under this title may be used for the construction of treatment works unless the steel, iron, and manufactured goods used in such treatment works are produced in the United States.

“(b) **EXCEPTIONS.**—Subsection (a) shall not apply in any case in which the Administrator (in consultation with the Governor of the State) finds that—

“(1) applying subsection (a) would be inconsistent with the public interest;

“(2) steel, iron, and manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(3) inclusion of steel, iron, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

“(c) **PUBLIC NOTIFICATION AND WRITTEN JUSTIFICATION FOR WAIVER.**—If the Administrator determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Administrator shall—

“(1) not less than 15 days prior to waiving application of subsection (a), provide public notice and the opportunity to comment on the Administrator's intent to issue such waiver; and

“(2) upon issuing such waiver, publish in the Federal Register a detailed written justification as to why the provision is being waived.

“(d) **CONSISTENCY WITH INTERNATIONAL AGREEMENTS.**—This section shall be applied in a manner consistent with United States obligations under international agreements.”.

#### **SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.**

Section 609 (as redesignated by section 1307 of this Act) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) \$2,400,000,000 for fiscal year 2010;

“(2) \$2,700,000,000 for fiscal year 2011;

“(3) \$2,800,000,000 for fiscal year 2012;

“(4) \$2,900,000,000 for fiscal year 2013; and

“(5) \$3,000,000,000 for fiscal year 2014.”.

#### **Subtitle D—General Provisions**

##### **SEC. 1401. DEFINITION OF TREATMENT WORKS.**

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

“(26) **TREATMENT WORKS.**—The term ‘treatment works’ has the meaning given that term in section 212.”.

##### **SEC. 1402. FUNDING FOR INDIAN PROGRAMS.**

Section 518(c) (33 U.S.C. 1377) is amended—

(1) by striking “The Administrator” and inserting the following:

“(1) **FISCAL YEARS 1987–2008.**—The Administrator”;

(2) in paragraph (1) (as so designated)—

(A) by inserting “and ending before October 1, 2008,” after “1986,”; and

(B) by striking the second sentence; and

(3) by adding at the end the following:

“(2) **FISCAL YEAR 2009 AND THEREAFTER.**—For fiscal year 2009 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent and not more than 1.5 percent of the funds made available to carry out title VI.

“(3) **USE OF FUNDS.**—Funds reserved under this subsection shall be available only for grants for projects and activities eligible for assistance under section 603(c) to serve—

“(A) Indian tribes (as defined in section 518(h));

“(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and

“(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).”.

#### **Subtitle E—Tonnage Duties**

##### **SEC. 1501. TONNAGE DUTIES.**

(a) **IN GENERAL.**—Section 60301 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

“(a) **LOWER RATE.**—

“(1) **IMPOSITION OF DUTY.**—A duty is imposed at the rate described in paragraph (2) at each entry in a port of the United States of—

“(A) a vessel entering from a foreign port or place in North America, Central America, the West Indies Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering the Caribbean Sea; or

“(B) a vessel returning to the same port or place in the United States from which it departed, and not entering the United States from another port or place, except—

“(i) a vessel of the United States;

“(ii) a recreational vessel (as defined in section 2101 of this title); or



“(iii) a barge.

“(2) **RATE.**—The rate referred to in paragraph (1) shall be—

“(A) 4.5 cents per ton (but not more than a total of 22.5 cents per ton per year) for fiscal years 2006 through 2009;

“(B) 9.0 cents per ton (but not more than a total of 45 cents per ton per year) for fiscal years 2010 through 2019; and

“(C) 2 cents per ton (but not more than a total of 10 cents per ton per year) for each fiscal year thereafter.

“(b) **HIGHER RATE.**—

“(1) **IMPOSITION OF DUTY.**—A duty is imposed at the rate described in paragraph (2) on a vessel at each entry in a port of the United States from a foreign port or place not named in subsection (a)(1).

“(2) **RATE.**—The rate referred to in paragraph (1) shall be—

“(A) 13.5 cents per ton (but not more than a total of 67.5 cents per ton per year) for fiscal years 2006 through 2009;

“(B) 27 cents per ton (but not more than a total of \$1.35 per ton per year) for fiscal years 2010 through 2019, and

“(C) 6 cents per ton (but not more than a total of 30 cents per ton per year) for each fiscal year thereafter.”

(b) **LIABILITY IN REM.**—Chapter 603 of title 46, United States Code, is amended by adding at the end the following:

**“§60313. Liability in rem for costs**

“A vessel is liable in rem for any amount due under this chapter for that vessel and may be proceeded against for that liability in the United States district court for any district in which the vessel may be found.”

(c) **CONFORMING AMENDMENTS.**—Such title is further amended—

(1) by striking the heading for subtitle VI and inserting the following:

**“Subtitle VI—Clearance and Tonnage Duties”;**

(2) in the heading for chapter 603, by striking **“TAXES”** and inserting **“DUTIES”**;

(3) in the headings of sections in chapter 603, by striking **“taxes”** each place it appears and inserting **“duties”**;

(4) in the heading for subsection (a) of section 60303, by striking **“TAX”** and inserting **“DUTY”**;

(5) in the text of sections in chapter 603, by striking **“taxes”** each place it appears and inserting **“duties”**; and

(6) in the text of sections in chapter 603, by striking **“tax”** each place it appears and inserting **“duty”**.

(d) **CLERICAL AMENDMENTS.**—Such title is further amended—

(1) in the title analysis by striking the item relating to subtitle VI and inserting the following:

**“VI. CLEARANCE AND TONNAGE DUTIES ..... 60101”;**

(2) in the analysis for subtitle VI by striking the item relating to chapter 603 and inserting the following:

“603. Tonnage Duties and Light Money 60301”;

and

(3) in the analysis for chapter 603—

(A) by striking the items relating to sections 60301 and 60302 and inserting the following:

“60301. Regular tonnage duties.

“60302. Special tonnage duties.”;

(B) by striking the item relating to section 60304 and inserting the following:

“60304. Presidential suspension of tonnage duties and light money.”;

and

(C) by adding at the end the following:

“60313. Liability in rem for costs.”

**TITLE II—ALTERNATIVE WATER SOURCE PROJECTS**

**SEC. 2001. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.**

(a) **SELECTION OF PROJECTS.**—Section 220(d)(2) (33 U.S.C. 1300(d)(2)) is amended by inserting

before the period at the end the following: “or whether the project is located in an area which is served by a public water system serving 10,000 individuals or fewer”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 220(j) (33 U.S.C. 1300(j)) is amended by striking “\$75,000,000 for fiscal years 2002 through 2004” and inserting “\$50,000,000 for each of fiscal years 2010 through 2014”.

**TITLE III—SEWER OVERFLOW CONTROL GRANTS**

**SEC. 3001. SEWER OVERFLOW CONTROL GRANTS.**

(a) **ADMINISTRATIVE REQUIREMENTS.**—Section 221(e) (33 U.S.C. 1301(e)) is amended to read as follows:

“(e) **ADMINISTRATIVE REQUIREMENTS.**—A project that receives assistance under this section shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund under title VI, except to the extent that the Governor of the State in which the project is located determines that a requirement of title VI is inconsistent with the purposes of this section.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—The first sentence of section 221(f) (33 U.S.C. 1301(f)) is amended by striking “this section \$750,000,000” and all that follows through the period at the end and inserting “this section \$250,000,000 for fiscal year 2010, \$300,000,000 for fiscal year 2011, \$350,000,000 for fiscal year 2012, \$400,000,000 for fiscal year 2013, and \$500,000,000 for fiscal year 2014.”

(c) **ALLOCATION OF FUNDS.**—Section 221(g) of such Act (33 U.S.C. 1301(g)) is amended to read as follows:

“(g) **ALLOCATION OF FUNDS.**—

“(1) **FISCAL YEAR 2010.**—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2010 for making grants to municipalities and municipal entities under subsection (a)(2) in accordance with the criteria set forth in subsection (b).

“(2) **FISCAL YEAR 2011 AND THEREAFTER.**—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2011 and each fiscal year thereafter for making grants to States under subsection (a)(1) in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls identified in the most recent survey conducted pursuant to section 516.”

(d) **REPORTS.**—The first sentence of section 221(i) (33 U.S.C. 1301(i)) is amended by striking “2003” and inserting “2012”.

**TITLE IV—MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS**

**SEC. 4001. MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS.**

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) **SEWER OVERFLOW MONITORING, REPORTING, AND NOTIFICATIONS.**—

“(1) **GENERAL REQUIREMENTS.**—After the last day of the 180-day period beginning on the date on which regulations are issued under paragraph (4), a permit issued, renewed, or modified under this section by the Administrator or the State, as the case may be, for a publicly owned treatment works shall require, at a minimum, beginning on the date of the issuance, modification, or renewal, that the owner or operator of the treatment works—

“(A) institute and utilize a feasible methodology, technology, or management program for monitoring sewer overflows to alert the owner or operator to the occurrence of a sewer overflow in a timely manner;

“(B) in the case of a sewer overflow that has the potential to affect human health, notify the public of the overflow as soon as practicable but not later than 24 hours after the time the owner or operator knows of the overflow;

“(C) in the case of a sewer overflow that may imminently and substantially endanger human health, notify public health authorities and other affected entities, such as public water systems, of the overflow immediately after the owner or operator knows of the overflow;

“(D) report each sewer overflow on its discharge monitoring report to the Administrator or the State, as the case may be, by describing—

“(i) the magnitude, duration, and suspected cause of the overflow;

“(ii) the steps taken or planned to reduce, eliminate, or prevent recurrence of the overflow; and

“(iii) the steps taken or planned to mitigate the impact of the overflow; and

“(E) annually report to the Administrator or the State, as the case may be, the total number of sewer overflows in a calendar year, including—

“(i) the details of how much wastewater was released per incident;

“(ii) the duration of each sewer overflow;

“(iii) the location of the overflow and any potentially affected receiving waters;

“(iv) the responses taken to clean up the overflow; and

“(v) the actions taken to mitigate impacts and avoid further sewer overflows at the site.

“(2) **EXCEPTIONS.**—

“(A) **NOTIFICATION REQUIREMENTS.**—The notification requirements of paragraphs (1)(B) and (1)(C) shall not apply to a sewer overflow that is a wastewater backup into a single-family residence.

“(B) **REPORTING REQUIREMENTS.**—The reporting requirements of paragraphs (1)(D) and (1)(E) shall not apply to a sewer overflow that is a release of wastewater that occurs in the course of maintenance of the treatment works, is managed consistently with the treatment works’ best management practices, and is intended to prevent sewer overflows.

“(3) **REPORT TO EPA.**—Each State shall provide to the Administrator annually a summary of sewer overflows that occurred in the State.

“(4) **RULEMAKING BY EPA.**—Not later than one year after the date of enactment of this subsection, the Administrator, after providing notice and an opportunity for public comment, shall issue regulations to implement this subsection, including regulations to—

“(A) establish a set of criteria to guide the owner or operator of a publicly owned treatment works in—

“(i) assessing whether a sewer overflow has the potential to affect human health or may imminently and substantially endanger human health; and

“(ii) developing communication measures that are sufficient to give notice under paragraphs (1)(B) and (1)(C); and

“(B) define the terms ‘feasible’ and ‘timely’ as such terms apply to paragraph (1)(A), including site specific conditions.

“(5) **APPROVAL OF STATE NOTIFICATION PROGRAMS.**—

“(A) **REQUESTS FOR APPROVAL.**—

“(i) **IN GENERAL.**—After the date of issuance of regulations under paragraph (4), a State may submit to the Administrator evidence that the State has in place a legally enforceable notification program that is substantially equivalent to or exceeds the requirements of paragraphs (1)(B) and (1)(C).

“(ii) **PROGRAM REVIEW AND AUTHORIZATION.**—If the evidence submitted by a State under clause (i) shows the notification program of the State to be substantially equivalent to or exceeds the requirements of paragraphs (1)(B) and (1)(C), the Administrator shall authorize the State to carry out such program instead of the requirements of paragraphs (1)(B) and (1)(C).

“(iii) **FACTORS FOR DETERMINING SUBSTANTIAL EQUIVALENCY.**—In carrying out a review of a State notification program under clause (ii), the Administrator shall take into account the scope of sewer overflows for which notification is required, the length of time during which notification must be made, the scope of persons who must be notified of sewer overflows, the scope of enforcement activities ensuring that notifications of sewer overflows are made, and such other factors as the Administrator considers appropriate.

“(B) **REVIEW PERIOD.**—If a State submits evidence with respect to a notification program under subparagraph (A)(i) on or before the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall not begin to apply to a publicly owned treatment works located in the State until the date on which the Administrator completes a review of the notification program under subparagraph (A)(ii).

“(C) **WITHDRAWAL OF AUTHORIZATION.**—If the Administrator, after conducting a public hearing, determines that a State is not administering and enforcing a State notification program authorized under subparagraph (A)(ii) in accordance with the requirements of this paragraph, the Administrator shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw authorization of such program and enforce the requirements of paragraphs (1)(B) and (1)(C) with respect to the State.

“(6) **SPECIAL RULES CONCERNING APPLICATION OF NOTIFICATION REQUIREMENTS.**—After the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall—

“(A) apply to the owner or operator of a publicly owned treatment works and be subject to enforcement under section 309, and

“(B) supersede any notification requirements contained in a permit issued under this section for the treatment works to the extent that the notification requirements are less stringent than the notification requirements of paragraphs (1)(B) and (1)(C),

until such date as a permit is issued, renewed, or modified under this section for the treatment works in accordance with paragraph (1).

“(7) **DEFINITIONS.**—In this subsection, the following definitions apply:

“(A) **SANITARY SEWER OVERFLOW.**—The term ‘sanitary sewer overflow’ means an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Such term does not include municipal combined sewer overflows or other discharges from the combined portion of a municipal combined storm and sanitary sewer system and does not include wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned. Such term includes overflows or releases of wastewater that reach waters of the United States, overflows or releases of wastewater in the United States that do not reach waters of the United States, and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral.

“(B) **SEWER OVERFLOW.**—The term ‘sewer overflow’ means a sanitary sewer overflow or a municipal combined sewer overflow.

“(C) **SINGLE-FAMILY RESIDENCE.**—The term ‘single-family residence’ means an individual dwelling unit, including an apartment, condominium, house, or dormitory. Such term does not include the common areas of a multi-dwelling structure.”.

## TITLE V—GREAT LAKES LEGACY REAUTHORIZATION

### SEC. 5001. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.

Section 118(c)(12)(H) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(12)(H)) is amended by striking clause (i) and inserting the following:

“(i) **IN GENERAL.**—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph—

“(I) \$50,000,000 for each of the fiscal years 2004 through 2009; and

“(II) \$150,000,000 for each of the fiscal years 2010 through 2014.”.

### SEC. 5002. PUBLIC INFORMATION PROGRAM.

Section 118(c)(13)(B) (33 U.S.C. 1268(c)(13)(B)) is amended by striking “2010” and inserting “2014”.

### SEC. 5003. CONTAMINATED SEDIMENT REMEDIATION APPROACHES, TECHNOLOGIES, AND TECHNIQUES.

Section 106(b) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section—

“(A) \$3,000,000 for each of the fiscal years 2004 through 2009; and

“(B) \$5,000,000 for each of the fiscal years 2010 through 2014.”.

The CHAIR. No amendment to the committee amendment is in order except those printed in House report 111–36. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–36.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In section 1101(a)(3) of the bill, in the matter proposed to be inserted as section 104(b)(8) of the Federal Water Pollution Control Act—

(1) in subparagraph (A)—

(A) insert “and tribal governments” after “small municipalities”; and

(B) insert “and tribal governments” after “such municipalities”; and

(2) in subparagraphs (B) and (C) strike “rural and small” and insert “rural, small, and tribal”.

In section 1103(a)(2) of the bill, amend subparagraph (A) to read as follows:

(A) in the matter preceding paragraph (1)—

(i) by striking “for treatment works” and inserting “to a municipality or municipal entity”; and

(ii) by striking “wet weather discharge”;

In section 1103(a)(2)(B) of the bill, in the matter proposed to be inserted in section 122(a)(2) of the Federal Water Pollution Control Act, strike “technologies” and insert “technologies and other techniques that utilize infiltration, evapotranspiration, and reuse of storm water on site”.

In section 1103 of the bill, amend subsection (b) to read as follows:

(b) **AUTHORIZATION OF APPROPRIATIONS.**—The first sentence of section 122(c)(1) is amended—

(1) by striking “and”; and

(2) by striking the period and inserting “, such sums as may be necessary for each of fiscal years 2005 through 2009, and \$100,000,000 for each of fiscal years 2010 through 2014.”.

In section 1303(a) of the bill, in the matter proposed to be inserted in section 603(c) of the Federal Water Pollution Control Act—

(1) in paragraph (7) strike “and” after the semicolon;

(2) in paragraph (8) strike “section 122.”, the closing quotation marks, and the final period and insert “section 122; and”; and

(3) add after paragraph (8) the following:

“(9) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the energy consumption needs for publicly owned treatment works, including the implementation of energy-efficient or renewable-energy generation technologies.”.

In section 1303(f) of the bill, in the matter proposed to be inserted as section 603(i)(2)(A) of the Federal Water Pollution Control Act, strike the last sentence and insert the following: “Such criteria shall be based on income data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).”.

Amend section 1306 of the bill to read as follows:

### SEC. 1306. ANNUAL REPORTS.

Section 606(d) (33 U.S.C. 1386(d)) is amended—

(1) by striking “(d) ANNUAL REPORT.—Beginning” and inserting the following:

“(d) **ANNUAL REPORTS.**—

“(1) **STATE REPORT.**—Beginning”;

(2) in paragraph (1) (as so designated) by striking “loan amounts,” and inserting “loan amounts, the eligible purposes under section 603(c) for which the assistance has been provided.”; and

(3) by adding at the end the following:

“(2) **FEDERAL REPORT.**—The Administrator shall annually prepare, and make publicly available, a report on the performance of the projects and activities carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title during the previous fiscal year, including—

“(A) the annual and cumulative financial assistance provided to States under this title;

“(B) the categories and types of such projects and activities;

“(C) an estimate of the number of jobs created through carrying out such projects and activities;

“(D) an assessment of the progress made toward meeting the goals and purposes of this Act through such projects and activities; and

“(E) any additional information that the Administrator considers appropriate.”.

At the end of title I of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

### SEC. 1309. UNITED STATES-MEXICAN BORDER WATER INFRASTRUCTURE STUDIES.

(a) **STUDY OF INFRASTRUCTURE ALONG THE RIO GRANDE RIVER.**—

(1) **IN GENERAL.**—The Administrator of the Environmental Protection Agency shall conduct a study of wastewater treatment facilities that discharge into the Rio Grande

River and develop recommendations for improving monitoring, information sharing, and cooperation between the United States and Mexico.

(2) **CONSULTATION.**—The Administrator shall conduct the study in consultation with the Secretary of State, appropriate representatives of the Mexican government, and the International Boundary Waters Commission.

(3) **REPORT.**—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under paragraph (1).

(b) **STUDY OF WATER INFRASTRUCTURE ALONG THE UNITED STATES-MEXICO BORDER.**—

(1) **STUDY.**—The Comptroller General shall conduct a study on water infrastructure along the border between the United States and Mexico to augment current studies relating to colonias development.

(2) **CONTENTS.**—In conducting the study, the Comptroller General shall examine the comprehensive planning needs relating to water and wastewater infrastructure for colonias along the border between the United States and Mexico.

(3) **REPORT.**—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

In section 1501 of the bill, strike subsection (b) and redesignate subsections (c) and (d) as subsections (b) and (c), respectively.

In section 1501(c)(3) of the bill (as so redesignated)—

(1) in subparagraph (A) insert “and” after the semicolon;

(2) in subparagraph (B) strike “; and” and insert a period; and

(3) strike subparagraph (C).

Strike section 3001(b) of the bill and insert the following:

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 221(f) (33 U.S.C. 1301(f)) is amended to read as follows:

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$250,000,000 for fiscal year 2010, \$300,000,000 for fiscal year 2011, \$350,000,000 for fiscal year 2012, \$400,000,000 for fiscal year 2013, and \$500,000,000 for fiscal year 2014. Such sums shall remain available until expended.

“(2) **MINIMUM ALLOCATIONS.**—To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects to control municipal combined sewer overflows and sanitary sewer overflows through the use of green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities.”

At the end of title V of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

#### **SEC. 5004. GREAT LAKES WATER QUALITY.**

(a) **STUDY.**—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State and the Government of Canada, shall conduct a study of the condition of wastewater treatment facilities located in the United States and Canada that discharge into the Great Lakes.

(b) **CONTENTS.**—In conducting the study, the Administrator shall—

(1) determine the effect that such treatment facilities have on the water quality of the Great Lakes; and

(2) develop recommendations—

(A) to improve water quality monitoring by the operators of such treatment facilities;

(B) to establish a protocol for improved notification and information sharing between the United States and Canada; and

(C) to promote cooperation between the United States and Canada to prevent the discharge of untreated and undertreated wastewater into the Great Lakes.

(c) **CONSULTATION.**—In conducting the study, the Administrator shall consult with the International Joint Commission.

(d) **REPORT.**—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(2).

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

#### **TITLE VI—PHARMACEUTICALS AND PERSONAL CARE PRODUCTS**

##### **SEC. 6001. PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN WATERS OF THE UNITED STATES.**

Section 104 (33 U.S.C. 1254) is amended by adding at the end the following:

“(w) **PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN WATERS OF THE UNITED STATES.**—

“(1) **STUDY.**—The Administrator, in consultation with appropriate Federal agencies (including the National Institute of Environmental Health Sciences), shall conduct a study on the presence of pharmaceuticals and personal care products (in this subsection referred to as ‘PPCPs’) in the waters of the United States.

“(2) **CONTENTS.**—In conducting the study under paragraph (1), the Administrator shall—

“(A) identify PPCPs that have been detected in the waters of the United States and the levels at which such PPCPs have been detected;

“(B) identify the sources of PPCPs in the waters of the United States, including point sources and nonpoint sources of PPCP contamination; and

“(C) identify methods to control, limit, treat, or prevent PPCPs in the waters of the United States.

“(3) **REPORT.**—Not later than 12 months after the date of enactment of this subsection, the Administrator shall submit to Congress a report on the results of the study conducted under this subsection, including the potential effects of PPCPs in the waters of the United States on human health and aquatic wildlife.

“(4) **PHARMACEUTICALS AND PERSONAL CARE PRODUCTS DEFINED.**—In this subsection, the terms ‘pharmaceuticals and personal care products’ and ‘PPCPs’ mean products used by individuals for personal health or cosmetic reasons or used to enhance growth or health of livestock.”

The CHAIR. Pursuant to House Resolution 235, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. The manager’s amendment incorporates several important policy changes to the Clean Water Act, principally to promote transparency and accountability following on the committee’s portion of the Economic Recovery Act, in which we require across the spectrum of our

portion of the stimulus package openness, accountability reports every 30 days, the first of which will be received on April 3 by this committee from the whole range of Federal agencies and State agencies that are receiving recovery funds. We take that principle and incorporate those concepts of openness and accountability for the future of this program.

□ 1200

A review of the types and categories of projects, the activities carried out under the State Revolving Fund, the jobs estimated to be created from the funds that States will use and cities will borrow from, we want to know the jobs created, the type of project, the category of projects, activities carried out, receive that information and make it public.

We also provide additional criteria for States to determine affordability for wastewater infrastructure projects and activities, and tribal governments to be eligible for technical and management assistance for small, publicly owned sewerage agencies.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to claim the time, although I am not in opposition.

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

There was no objection.

Mr. BOOZMAN. Again, we very much support this amendment and thank the chairman for bringing it forward, and I yield back the balance of my time.

Mr. OBERSTAR. I thank the gentleman for his comments. The balance of the manager’s amendment includes proposals that we folded in from Representatives CARDOZA, CLEAVER, CUELLAR, EDWARDS of Maryland, LUJAN, MCCARTHY of New York, STUPAK and Mr. TEAGUE, and I will not go into all the details, but I will include in the RECORD under general leave my complete statement covering those provisions. I ask support for the manager’s amendment.

I yield back the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to reclaim a minute of my time.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 1 minute.

There was no objection.

Mr. BOOZMAN. I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I am not in opposition to the amendment. I think the amendment is actually appropriate. My concern about it is, and I will say this to the chairman of the committee, I totally, coming from local government, totally support the openness here. I think at a time when we still have storm water diversion going over and polluting our rivers, it is crazy that we don’t do more.

But I would ask the chairman to be aware of the fact that although we will

be able to tell the public, and the public will be able to know, where their money is going and how it is being spent, there is still that issue the American people are very upset about, what the Senate did to the stimulus package, and that is the issue that the public will not know: Are the people who are getting the jobs legally in the country? Do their Social Security names and numbers match? And will the public be able to know how many legal residents and Americans got this job as opposed to somebody who is in violation of our immigration status? The E-Verify was a great bipartisan effort here in the House. For us to abandon that as a minimum standard to allow the public to know, I disagree with that.

Mr. CLEAVER. Mr. Chair, I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009, which my good friend Chairman OBERSTAR introduced. In particular, I am very proud to support the Oberstar Amendment, containing provisions to ensure that no less than 20 percent of all sewer overflow control grants allocated through this legislation will be spent on projects that incorporate green infrastructure practices.

H.R. 1262, the Water Quality Investment Act authorizes significant federal investment aimed at reducing sewer overflows in the United States—a problem that threatens human health and the environment across the country.

Currently, most cities that have created EPA-mandated plans to reduce their sewer overflows have relied on the increase of treatment and storage capacity, and the separation of sanitary and stormwater sewers—so-called “grey solutions.” However, research and demonstration projects have shown promising results for the use of “green infrastructure” to help solve the sewer overflow problem. Green infrastructure takes nature as its guide, using plants and natural systems to infiltrate stormwater into the soil before it enters the sewers, taking pressure off of cities’ collection and treatment systems.

I was proud to contribute a provision in the Oberstar Amendment that will ensure that no less than 20 percent of grant funds made under this bill for sewer overflow control will be spent on projects that incorporate green infrastructure approaches and practices. This strikes a reasonable balance between green infrastructure and traditional control systems, as both have a role in creating a sustainable and workable solution to sewer overflows.

Green infrastructure has significant advantages over grey solutions. These strategies reduce stormwater runoff, relieving combined sewer systems of large quantities of stormwater that contribute to sewer overflows. At the same time, these natural systems can filter stormwater, removing pollutants that otherwise can be conveyed to streams and lakes. By holding stormwater runoff in the watershed where it falls, green infrastructure helps recharge groundwater sources that many cities rely on for drinking water. Green infrastructure also provides more greenspace to our concrete-covered cities. These open areas allow for recreational uses as well as reducing the urban heat island effect, which reduces energy needs. This reduced energy use combined with greater sequestration of carbon in trees

and plants helps mitigate the effects of climate change. Building and maintaining these natural systems create green jobs as well. Finally, by reducing runoff, green infrastructure can alleviate flooding issues.

Perhaps most importantly, given the size of the federal contribution that this water quality financing bill represents, green infrastructure can be more cost effective than traditional grey solutions, even without considering the ancillary benefits listed above. Numerous demonstration projects have shown that green infrastructure can achieve the same level of runoff control for less money. For example, studies of new residential developments have found that green infrastructure can control stormwater for \$3,500 to \$4,500 less per lot than traditional stormwater controls. At the same time, the developments with green infrastructure have higher property values. Moreover, retrofitting existing urban spaces for green infrastructure is competitive in cost with conventional stormwater controls, especially when viewed as a component of a coherent watershed approach. When the additional benefits of green infrastructure are included, it becomes a very attractive alternative.

No one argues that green infrastructure alone can solve the enormous sewer overflow problem. But my amendment recognizes the growing consensus that green infrastructure deserves a place among the suite of tools used by watershed managers in an increasingly environmentally conscious society. Americans are demanding that we as lawmakers account for and take steps to reduce the footprint that we make on our fragile planet. This bill is a step toward meeting those expectations.

Indeed, America’s cities are already moving in the direction of making green infrastructure an integral part of sewer overflow control strategies. Green roofs cover more than 1 million square feet in Chicago, thanks in part to grants of \$5,000 the city offers to building owners that install a green roof. Chicago is also aggressively pursuing permeable pavement along its 2,000 miles of alleyways. In the face of rising costs and economic challenges, the Metropolitan Sewer District of Greater Cincinnati in 2007 took the bold step of re-examining its EPA-mandated combined sewer overflow (CSO) control plan, proposing that an aggressive stormwater management strategy using green infrastructure be implemented to reduce the burdensome cost of conventional grey solutions in their original plan. Washington, DC has investigated the stormwater benefits of green roofs and trees, and estimated that aggressive implementation of green roofs and tree planting could reduce CSOs by 1 billion gallons annually.

Kansas City, Missouri, which I proudly represent, has decided as a community that green infrastructure must be a main component of its sewer overflow control strategy. To that end, Kansas City’s plan allocates tens of millions of dollars toward implementing green infrastructure solutions. The plan continues and expands the City’s award-winning “10,000 Rain Gardens” campaign, which educates citizens about the benefits of installing rain gardens and provides resources to residents who want to plant a rain garden. The program will be expanded to help residents disconnect their downspouts. Recognizing the economic benefits of green infrastructure to the long term local economy, Kansas City is also allocating

significant resources to developing the green collar workers that are needed to build green infrastructure. In tough times, these jobs will provide an economic stimulus to distressed areas. Finally, Kansas City has kicked off the largest demonstration of green solutions for CSO control in the nation, in the Marlborough neighborhood. Covering 100 acres, the project will be designed to store 500,000 gallons of stormwater. This project will replace the original plan for management of this area—two underground storage tanks that would have contributed no additional benefits to the neighborhood or the environment.

This bill will help cities adopt these and other innovative strategies, and it is in keeping with the New Direction this Congress has charted: one in which economic prosperity, environmental protection, and social well-being are not mutually exclusive. That is why I am proud to support H.R. 1262, particularly the amendment by my good friend Chairman OBERSTAR. I urge all my colleagues to support this vital piece of legislation.

Mr. INSLEE. Mr. Chair, the recent discovery of pharmaceuticals in our nation’s waters has increased concern over how these drugs may affect the surrounding environment. That is why I am proud to have worked with Congresswoman MCCARTHY, Congresswoman BALDWIN and Congresswoman SCHWARTZ to secure an amendment in the Water Quality Investment Act of 2009 that would require the EPA to study the presence of pharmaceuticals and personal care products in our waters. This amendment is extremely important in advancing our understanding on how to cleanup these potentially hazardous materials. I would also like to thank Chairman OBERSTAR for inclusion of this amendment in the manager’s amendment. It is my hope that Congress will continue to examine the issues surrounding the presence of pharmaceuticals in dangerous settings and work to pass the Safe Drug Disposal Act of 2009 in the near future.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MACK

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-36.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MACK:

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(14) of the Federal Water Pollution Control Act, insert “and” after the semicolon.

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(15) of the Federal Water Pollution Control Act, strike “; and” and insert a period.

In section 1302(b)(4) of the bill, strike the matter proposed to be inserted as section 602(b)(16) of the Federal Water Pollution Control Act.

The CHAIR. Pursuant to House Resolution 235, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MACK. Mr. Chairman, I would like to yield myself such time as I may consume.

I would first like to thank Chairman OBERSTAR and Ranking Member MICA for all of their efforts to promote clean water and infrastructure investment. Despite these good efforts, I find it hard to believe that the majority would include a job-killing provision known as Davis-Bacon in this legislation.

With Davis-Bacon and the majority's introduction of the Card Check legislation earlier this week, the Democrat leadership is telling big labor that they are open for business and it is time to cash in on the backs of hardworking American taxpayers.

As Members of Congress, one of our jobs is to make certain that our country has safe, accessible and modern infrastructure. It is our responsibility as legislators to foster a competitive environment that enables businesses to hire the workers they need and to meet these goals.

Sadly, this is a bill we should all be able to support. But with the poison pill of the Davis-Bacon provision, this becomes unacceptable legislation, and I in good faith cannot support it.

The Davis-Bacon Act passed in 1931 is a throw-back to failed Depression-era economic policies and is fiscally irresponsible. Davis-Bacon is basically a federally mandated super-minimum wage provision that applies to federally funded infrastructure projects. Davis-Bacon provisions force construction projects to deal with unnecessary red tape and lead to higher construction costs. It ensures that wages are artificially set by bureaucrats, not by the free-market forces.

Currently 18 States, including my home State of Florida, have no prevailing wage laws. With the inclusion of Davis-Bacon, my constituents, along with 17 other States, will see increased costs of public construction, thereby reducing the volume of projects and jobs.

Mr. Chairman, I stand up for Florida and other States today. Do not burden them with this reckless policy. This bill today represents an unprecedented expansion of Davis-Bacon. The Clean Water Investment Act mandates that any project funded even in part by the State Revolving Fund is subject to the prevailing wage requirements.

To be blunt and simple, Davis-Bacon is fiscally irresponsible policy and should not be included in this legislation. Repealing Davis-Bacon would save taxpayers billions in construction and administrative costs. These numbers may seem trivial to some of my colleagues, especially in this time when the majority has spent more than a trillion dollars in the last few months, but to my constituents, this is completely unacceptable.

If we repeal Davis-Bacon, we could use these savings to create more jobs and improve our water supply, rather than just lining the pockets of big

labor. I cannot believe that Members can sit back and allow this provision to be part of the underlying legislation. Our taxpayers deserve better.

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

Mr. OBERSTAR. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 10 minutes.

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

It is always astonishing to me, over the going on 35 years that I have served in the House, on those few occasions when prevailing wage has become an issue of discussion on the House floor, it is characterized as "job killing" and "union boss wages" and other such, not that the gentleman from Florida used such language, but it has been used on other occasions.

This is far from job killing. Good Lord, this was a provision signed into law by Herbert Hoover on March 3, 1931, in response to an appeal from contractors who said that job-stealing contractors from other parts of the country were coming into New York on Long Island, where a federally funded hospital was being built, and undercutting their wages—and that was pretty hard to do in those days, because the wage was only about 25 cents an hour—and setting up tents on the property where the construction project was underway to undercut the local contractor who then appealed to the administration for help. Didn't get any, but the local Republican member of the House, Mr. Bacon, vigorously protested that practice.

The Assistant Secretary of Commerce, Mr. Davis, left the administration, went back to Pennsylvania, was elected to the United States Senate, and in 1931 joined with Mr. Bacon, moved this legislation through the House and Senate, and Herbert Hoover signed it into law. It has not killed jobs in over 70-some years.

I reserve the balance of my time.

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of this amendment.

Inclusion of the Davis-Bacon mandate in H.R. 1262 represents both bad policy and bad process, and I support this effort to correct it.

First on process. The Education and Labor Committee, the committee with jurisdiction over Davis-Bacon, never considered the bill's Davis-Bacon provision, not in a hearing, not in a markup, not in any procedure whatsoever. If we had, we would have weighed the impact of this provision on the projects themselves, on local economies, and indeed, on the American taxpayers. That brings me to my second objection, the policy.

By inflating labor rates, Davis-Bacon typically increases the cost of Federal projects by anywhere from 5 to 38 per-

cent. Furthermore, the costs of Davis-Bacon are particularly burdensome for small businesses. This mandate can saddle private companies with literally millions of dollars in excess administrative work every year. Small, locally owned businesses can't afford this type of bureaucracy. They rarely have the resources to comply. As a result, large companies are more often rewarded government contracts, even for small projects. At a time when the economy is hurting as it is and small businesses are the ones creating jobs, give them the opportunity to do it. Federal law should not have a built-in bias against small businesses.

I urge my colleagues to support this amendment and remove the costly and burdensome Davis-Bacon requirement.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. BISHOP), a member of the committee.

Mr. BISHOP of New York. Mr. Chairman, I rise in opposition to the amendment. I rise particularly noting that Congressman Bacon at one point represented the district that I have the honor of representing.

I want to be clear on what our friends on the other side of the aisle are fighting for. The prevailing wage for a bricklayer in Lee County, Florida, is \$8.34 an hour. That is an annual rate of \$17,000 a year. The Federal poverty level for a family of four is approximately \$21,000 a year. Does this Congress really want to go on record as imposing a wage rate that consigns the hardworking people of our communities to living under the Federal poverty level? I would hope not.

The prevailing wage for a backhoe operator in Madison County, Arkansas, is \$12.17 an hour. Is that a wage that we can find indefensible? Is that a wage that is going to bankrupt the companies that hire these people? Absolutely not. An annual rate of \$25,000 a year, how do we help our families get their piece of the American dream when we consign them to wages as low as \$17,000 a year or \$25,000 a year.

So I would urge my colleagues to both reject this amendment and to make a statement that we want to support the working families of our communities. We want to see to it that they are paid a livable wage. And we want to ensure, frankly, that we don't give opportunity to unscrupulous contractors who will not be bound by Federal prevailing-wage requirements, and they will then access a workforce that is willing to accept the subsistence wages and no benefits that would go along with such a job.

Mr. MACK. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Florida for yielding.

This is an issue that will bring me to this floor every opportunity I get. I believe I would be the one Member of this Congress who has lived under the oppressive burden of the Davis-Bacon Act

the longest and been impacted by it the most.

□ 1215

There is a second-generation King Construction that is impacted by this now, not of my interest.

The gentleman from Minnesota knows how much respect I have for him. I appreciate him bringing up Herbert Hoover. Herbert Hoover did sign this Davis-Bacon Act bill. It was about the same time that he was initiating the beginnings of the old New Deal. And I don't agree with either one of those decisions of Herbert Hoover, but I will defend his legacy when he's right.

This time, Herbert Hoover was wrong, and here is the reason: that we should, as consenting adults, have a protected right to enter into an agreement of our choice. If two consenting adults sit down and decide—if I want to work for my neighbor for \$10 an hour, what business is it of this Congress to tell me and my neighbor that I can't do that job for \$10 an hour?

Under the 10th amendment, the Federalism concept, the powers that belong to the States stay with the States. This reaches across into the Constitution and it says to the States, this revolving fund, even if it's your own money, you can't make those decisions any longer at the State level, you have to let the people in Congress make that decision—which I know they're going to go back and say, well, this is a prevailing wage. Well, no, it's a union scale. If it were a prevailing wage, you wouldn't need to have the Department of Labor looking in to keep all of these records. I have had them come and ask me what are we paying our people. Sometimes it's more than union scale, sometimes it's less than union scale; it depends on where the job is. But if you report the prevailing wage as a merit shop contractor—which I have spent nearly 30 years doing—you can bet that the union organizers will show up at your door. And so for that reason, smart merit shop contractors don't submit themselves to that kind of organization. They just don't report the prevailing wage, so it becomes *de facto* union scale. That is the reality of this.

And my numbers are this—this is out of King Construction's books: The additional cost, when we go into a Davis-Bacon job, is between 8 and 35 percent. It depends on the region, and it depends on the amount of materials. This reaches down into this and tells the States, you're going to have to pay this for the remaining States that do not have many Davis-Bacon laws, like Florida, like Iowa. It imposes a Federal Davis-Bacon wage scale on all of us.

I have not heard a rational argument that upholds the side of Davis-Bacon from proponents of it. I stand in support of this amendment. We cannot take away the 10th amendment rights of our States to do business as they see fit with their money. That is a violation of the Constitution, in my view. There has to be a rational argument.

But I will add one more argument to this, and that is: Herbert Hoover may have signed the bill, but this is the last Jim Crow law that I know that's on the books, and that can't be defended.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan, a member of the committee.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this amendment because, quite simply, Davis-Bacon works.

Some might say that Davis-Bacon is nothing more than a giveaway to unions, but nothing in Davis-Bacon actually requires government contractors to hire union labor. All Davis-Bacon actually does is to require that a local prevailing wage be paid to employees who do work on government infrastructure projects. And it just so happens that in many cases, when Davis-Bacon is applied, that union labor is hired because they have outstanding training that warrants the wage that is being paid is paid to them. And in the end, most importantly, good work is done on public projects.

Let us also remember for a moment what actually happened after Hurricane Katrina when then-President Bush suspended Davis-Bacon during the emergency rebuilding. During that time, Mr. Speaker, we saw local workers turned away in favor of immigrant labor from other areas, many of them workers who were in this country illegally. It got so bad after Katrina that I joined a number of my Republican colleagues in going to President Bush to implore him to restore Davis-Bacon protections. President Bush then rescinded his earlier order and the people of the gulf coast got the jobs they needed and the rebuilding went much smoother. And I will say this: When government work is being done in Michigan, I want highly skilled Michigan building trades workers to get those jobs.

Mr. Chairman, again, very simply, Davis-Bacon works. And I would urge my colleagues to reject this amendment.

Mr. MACK. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, in listening to the arguments, earlier a gentleman spoke about Lee County, Florida. Well, let me tell you what he didn't say. He didn't talk about the thousands of people that are out of work and that would like to have a job, that lost their job maybe in the construction industry and that would like to go back to work. With the Davis-Bacon provision in this bill, we won't be able to hire as many people as we would like. That means fewer jobs and fewer opportunities for the families that live in southwest Florida and all over this country.

Mr. Chairman, at a time when we are debating solutions to jump-start our economy and the importance of job creation, the Democrat majority has incorporated a provision in this bill

that would do just the opposite. Repealing Davis-Bacon would create jobs, save money, and allow for more critical projects to be completed.

Including this provision in the bill means fewer jobs for fewer workers at a time when we want more people to have more opportunity. But Mr. Chairman, it comes as little surprise that in the same week the majority would ram through these Davis-Bacon provisions, they would introduce the Card Check bill. These reckless policies promote inefficiency and end up hammering all of our constituents. I hope this Congress will once and for all eliminate the outdated barrier to job creation.

Mr. Chairman, we need to leave Davis-Bacon and these failed Depression-era policies where they belong—in the history books.

I urge all Members to vote for my amendment to strip the Davis-Bacon provisions and to stand up for the American people, not Big Labor.

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

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the comments from my colleague from Florida, who talked about the Employee Free Choice Act in the same breath as the Davis-Bacon, because it is part and parcel of the same issue.

There has been a concerted war against organized labor for years. Workers have been discriminated against when they have tried to organize, they have been cheated, they have been fired for exercising their rights with little penalties.

And look at what happened during Katrina when the Davis-Bacon provisions were suspended. That didn't trickle down to provide more family wage jobs. It provided more minimum wage jobs, but profit all up the food chain. I invite people to look at the disaster that resulted from suspending these worker provisions.

Mr. Chairman, we in Oregon had a spirited, robust State-wide referendum on this issue. By a 60-40 vote, our citizens, supported by a conservative Republican Governor, decided they wanted these worker provisions. This protection for working people is important, and I hope we keep it.

Mr. OBERSTAR. I thank the gentleman for his statement. I yield myself the balance of the time.

This is the kind of debate we should have, based on facts, based on reality in the workplace, the deeply felt views on issues, and it's why I insisted in committee and at the Rules Committee that the gentleman from Florida be allowed to offer this amendment in place and early on in consideration of this bill. It is appropriate to have this discussion.

I have great respect for the gentleman from Iowa (Mr. KING) who spoke earlier; we have worked together on a great many issues. He, too, speaks from the heart and from his experience



on a range of business matters. And far be it from me to defend Herbert Hoover. But there are a few things in Hoover's repertoire that are worthy to note. He launched aviation security as Secretary of Commerce in 1926. He signed Davis-Bacon. He established the Reconstruction Finance Corporation. Not all of Hoover was bad, as he is associated with the Great Depression.

The gentleman from Iowa has left the floor, but I couldn't help noting that the prevailing wage in Sioux City for iron workers, \$20.95—that's not the union wage, that's prevailing wage. And for a truck driver, it is \$18.25 in Sioux City, compared to a truck driver prevailing wage in Minnesota, in my district, in Lake County, \$10.86.

The prevailing wage varies all over the country, depending on what the local labor survey shows. This is not a national wage, this is not a negotiated wage; this is the best they do in that particular area in this particular skill.

For the gentleman from Florida (Mr. MACK), a backhoe operator prevailing wage is \$11.04. A backhoe operator in northeastern Minnesota gets \$14.64. A backhoe operator in Mr. MICA's district gets \$10.35. Union wage is about double that.

These are not confiscatory wages—they are just barely staying ahead of the minimum wage. I know what it's like to work as a laborer. I worked on laborer jobs when I was going through college, carrying a hod of mud for a bricklayer, puddling concrete on a street-laying job, laying pipe for the sewage treatment plant in my hometown at \$1.25 an hour. That was below the minimum wage because we didn't have a union contractor on the job.

We ought to pay people a decent wage, a living wage. All we're asking for is the prevailing wage. And when the gentleman from Florida, the ranking member, said earlier, this is an expansion. Technically, yes, because the law expired. The Republican majority allowed this legislation, State Revolving Loan Fund, to expire. It was last authorized in 1994, and they allowed it to expire and it hasn't been authorized since then. So technically you can say, yeah, it is new, it's new legislation. We are just restoring what was.

This amendment should be defeated.

Mr. MACK. I ask unanimous consent to reclaim my 30 seconds to thank the chairman.

The CHAIR. Is there objection to the request of the gentleman from Florida? There was no objection.

Mr. MACK. Mr. Chairman, I failed to mention earlier that, in the committee, when I brought this amendment forward, Chairman OBERSTAR was gracious and kind to allow this debate to happen on the floor, and I think that shows great character. I want to thank him for his efforts to have the debate on the floor so we can let the people in the United States hear what the Congress is up to on this amendment. Thank you so much.

I would first like to thank Chairman OBERSTAR and Ranking Member MICA for all of their

efforts to promote clean water and infrastructure investment. Despite these good efforts, I find it hard to believe that the majority would include a job-killing provision known as Davis-Bacon in this legislation.

Mr. Chairman, with Davis-Bacon and the majority's introduction of the card check legislation earlier this week, the Democratic leadership is telling Big Labor that we're open for business and it's time to cash in on the backs of hardworking American taxpayers!

As Members of Congress, one of our jobs is to make certain that our country has safe, accessible, and modern infrastructure. It is our responsibility as legislators to foster a competitive environment that enables businesses to hire the workers they need to meet these goals.

Sadly, this is a bill we should all be able to support, but with the poison pill of the Davis-Bacon provision, this becomes unacceptable legislation and I in good faith cannot support it.

The Davis-Bacon Act, passed in 1931, is a throwback to failed Depression-era economic policy and is fiscally irresponsible. The act was originally passed with the intent of preventing nonunionized and immigrant laborers from competing with unionized workers for very scarce jobs. This provision forced communities to hire workers at higher prices and completely eliminated the pool of competition and competitive wages.

Davis-Bacon is essentially a federally-mandated, super-minimum wage provision that applies to federally-funded infrastructure projects. Many studies have concluded that Davis-Bacon provisions force construction projects to deal with unnecessary red tape and lead to higher construction costs.

Davis-Bacon requirements ensure that wages are artificially set by bureaucrats not by free market forces.

Currently 18 states, including my home state of Florida have no prevailing wage laws. With the inclusion of Davis-Bacon, my constituents, along with the 17 other states will see increased costs of public construction, thereby reducing the volume of projects and jobs.

Mr. Chairman, I stand up for Florida and other states today—do not burden them with this reckless policy.

In 1987, the Clean Water Act stated that Davis-Bacon rates would only apply to contracts where direct federal dollars were used.

This bill today represents an unprecedented expansion of Davis-Bacon. The Clean Water Investment Act mandates that any project funded even in part by the State Revolving Loan Fund, is subject to the prevailing wage requirements.

To be blunt and simple, Davis-Bacon is a fiscally irresponsible policy and should not be included in this legislation.

Repealing this Act would save federal taxpayers billions on construction and administrative costs. These numbers may seem trivial to some of my colleagues—especially in this era where the majority has spent more than a trillion dollars in the last month—but to my constituents this is completely unacceptable! If we repealed Davis-Bacon, we could use this savings to create more jobs and improve our water supply rather than just lining the pockets of Big Labor.

According to the Associated Builders and Contractors, Davis-Bacon has been shown to

increase public construction costs by as much as 38 percent. A recent estimate from the Beacon Hill Institute suggests Davis-Bacon costs taxpayers \$8.6 billion per year. I cannot believe that Members can sit back and allow this provision to be part of this underlying legislation.

Our taxpayers deserve better.

Mr. Chairman, at a time when we are debating the solutions to jumpstart our economy and the importance of job creation, the Democratic majority has incorporated a provision in this bill that would do just the opposite.

Repealing Davis-Bacon would create jobs, save money, and allow for more critical projects to be completed. Including this provision in this bill means fewer jobs for fewer workers at a time when we want more people to have more opportunity.

It comes as little surprise that in the same week the majority would ram through these Davis-Bacon provisions, they introduce the card check bill. These reckless policies promote inefficiency, and end up harming all of our constituents.

I hope this Congress will once and for all eliminate this antiquated barrier to job creation in the private sector.

We need to leave Davis-Bacon and these failed Depression-era policies where it belongs: in the history books!

I urge all members to vote for my amendment to strip the Davis-Bacon provisions and stand up for the American people, not Big Labor.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I strongly oppose the amendment offered by the gentleman from Florida (Mr. MACK).

This amendment would strike the language renewing Davis-Bacon prevailing wage protections for construction projects funded under the Clean Water State Revolving Fund.

Since 1931, the Davis-Bacon Act has provided a living wage for America's workers.

As the authors of the Davis-Bacon Act knew then, and as we continue to know today, the greatest way to improve the quality of life for our nation's workers and for the nation as a whole is to provide workers with an honest wage for an honest day's work.

One of the unfortunate effects of today's economy and cost-of-living is that many families find themselves struggling to make ends meet.

In fact, today, many families either have both parents working or one wage-earner working multiple jobs just to afford a decent living for themselves and their families.

I believe that is important for the Federal government to help working Americans. It has been well documented by this Committee that every \$1 billion invested in transportation and water infrastructure creates over 35,000 jobs.

In addition, the Davis-Bacon provisions have increased the numbers of minority and women construction workers nationwide, providing valuable wage protections and training opportunities for groups that might otherwise be left behind.

As of today, twenty-nine states have enacted their own prevailing wage laws for publicly funded construction projects. In some of these states, the prevailing wage laws result in even higher wages for workers than if the Federal Davis-Bacon provisions, alone, were in effect.

However, for those States without prevailing wage protections, the Davis-Bacon Act is essential to protecting America's workers.

I have heard statements from opponents of the Davis-Bacon Act who claim that the government would save money if the Davis-Bacon provisions were not included.

In fact, such a move would be penny-wise and pound-foolish, because such a move would not reduce the cost of construction projects.

Studies have shown that the prevailing wage protections offered by the Davis-Bacon Act, in fact, attract better workers with more experience and training who are more productive than less experienced, and less trained workers.

This increase in productivity often results in the completion of construction projects ahead of schedule, reducing the overall cost of the project, and offsetting any increased costs due to higher hourly wage rates.

Removing the Davis-Bacon protections would, however, have a significant downward impact on the Federal budget, since lower wages for construction workers would result in an estimate decline of \$1 billion in Federal tax revenues.

I strongly oppose this amendment, and urge my colleagues also to oppose the amendment.

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

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MACK).

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

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

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

AMENDMENT NO. 3 OFFERED BY MS. MARKEY OF COLORADO

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-36.

Ms. MARKEY of Colorado. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 Offered by Ms. MARKEY of Colorado:

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(14) of the Federal Water Pollution Control Act, strike "10 percent" and insert "15 percent".

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Colorado (Ms. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. MARKEY of Colorado. Mr. Chairman, I rise today to urge my colleagues to support my amendment to require States to use at least 15 percent of each capital grant under the State Water Pollution Control Revolving Funds for municipalities of less than 10,000 people.

The State Water Pollution Control Revolving Funds have been a successful source of capital for wastewater treatment projects. The State Revolving Funds receive Federal money in the

form of grants. Each State uses the fund to issue long-term, low-interest loans for publicly owned wastewater treatment construction. Loans are repaid to the fund, thereby ensuring a perpetual source of financing for capital projects.

According to the EPA, communities of less than 10,000 people often have a harder time building and maintaining wastewater treatment facilities due to financial limitations. This leaves small communities at a disadvantage for keeping up to date with water quality standards.

In my district, the town of Brush, Colorado, population 5,500, has a wastewater treatment facility that is 44 years old. While this facility is currently meeting water quality standards, it is in need of an overhaul to replace fatigued equipment and stay ahead of ever-changing water quality standards.

Replacement of the wastewater treatment plant is likely to cost Brush between \$16 to \$18 million. With a median household income of \$31,000, the town of Brush simply cannot afford to finance the project with the rate increases alone. Brush is seeking funding through the State Water Revolving Fund program.

The needs of Brush are not unique to small communities around the country. The town of Wray, in Yuma County, Colorado, needs to expand their current wastewater treatment facility. This project is projected to cost up to \$5 million. Wray has a population of 2,300 people, with a median household income of \$29,000.

□ 1230

My provision would help small communities like Brush and Wray have reliable access to capital loans to sustain their long-term water quality goals. The 15 percent requirement would be in place only to the extent that there are sufficient projects in need of funding. In dry States like Colorado, where every drop of water is accounted for, it is important that rural wastewater treatment facilities are given the funding they need to ensure water supplies are safe.

I urge all Members to support my amendment to H.R. 1262.

Mr. OBERSTAR. Will the gentlewoman yield?

Ms. MARKEY of Colorado. Yes.

Mr. OBERSTAR. We accept the amendment.

Mr. Chair, I rise in strong support of the amendment offered by the gentlewoman from Colorado (Ms. MARKEY) and the gentleman from Maryland (Mr. KRATOVIL).

H.R. 1262 requires States to use at least 10 percent of their Clean Water State Revolving Fund capitalization grants for small and rural communities (communities that have populations of fewer than 10,000) to the extent that there are sufficient applications for assistance. The Markey-Kratovil amendment increases this percentage from 10 percent to 15 percent.

This amendment addresses the reality that many States have small and rural commu-

nities that have demonstrated clean water needs. For instance, 19 percent of Colorado's total wastewater needs are made up of systems that serve small communities. Similarly, in Maryland, 12 percent of the total needs are for small communities. In my own state of Minnesota, the figure is a staggering 39 percent.

Given the economic straits that currently grip the nation, it is increasingly difficult for small and rural communities to generate resources on their own to address their wastewater needs. This amendment provides the tools for small communities throughout the country to repair the wastewater infrastructure that we as a nation depend on for clean water.

I urge my colleagues to join me in supporting the amendment offered by the gentlewoman from Colorado and the gentleman from Maryland.

Mr. BOOZMAN. Mr. Chair, I also ask the gentlewoman to yield.

Ms. MARKEY of Colorado. Yes, I will yield.

Mr. BOOZMAN. We also do not oppose the amendment.

Ms. MARKEY of Colorado. Thank you.

Mr. Chair, I yield such time as he may consume to the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. I would like to thank the gentlewoman from Colorado for yielding.

Mr. Chair, I rise in support of the Markey-Kratovil amendment because this Congress needs to do more to ensure that rural communities receive an equal share of the funds needed to protect our environment, reduce pollution, and provide clean water.

Of the top 15 Clean Water Fund priorities in Maryland, eight of them are located in my district, the First District. Of those eight, six serve municipalities with populations under 10,000. Despite their relatively small populations, these small towns play one of the largest roles in protecting the Chesapeake Bay, our Nation's largest estuary with a watershed spanning six States and 64,000 square miles. By increasing the percentage of funds set aside for rural communities from 10 to 15 percent, we are taking a giant step forward in the repair of aging infrastructure, improvement of failing septic systems, and prevention of nutrients entering the Chesapeake Bay. These funds not only benefit the local communities by lessening their financial burden and helping to improve their infrastructure, but they benefit every family within the expansive watershed that relies on the bay for everything from commerce to recreation.

Oftentimes larger population centers are given funding priorities with the assumption that the benefits will find their way towards smaller suburban and rural communities. In the case of the Chesapeake Bay, the funding needs to focus on smaller, more rural areas that are on the front lines of protecting our environment.

The Clean Water State Revolving Fund is especially important to the Chesapeake Bay watershed, where nitrogen pollution degrades habitat for

key plants and animals in the bay's ecosystem, including underwater grasses, crabs, and oysters. As a result of nitrogen pollution, the Chesapeake Bay now functions at barely one-quarter of its estimated potential.

The funding also plays an integral role in upgrading sewage treatment plants that receive the majority of SRF funds. Wastewater discharged from sewage plants is the second largest source of nitrogen pollution to the Chesapeake Bay. When approximately 12 million of the 16 million residents of the watershed flush their toilets, the wastewater goes to sewage treatment plants and is discharged into the Chesapeake Bay and its tributaries. To date, more than two-thirds of those plants do not use any technologies to remove nitrogen pollution, and only 10 plants are currently reducing nitrogen pollution to the state-of-the-art levels, according to the most recent data available.

The Clean Water State Revolving Fund is the primary Federal funding mechanism to reduce water pollution and some of the more rural areas, especially those in my State and district, are the primary defenders of the environment. When allocating these funds, it's important to look past population and toward priorities so that the funding is more targeted for our long-term environmental health.

The CHAIR. The question is on the amendment offered by the gentlewoman from Colorado (Ms. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-36.

Mrs. MILLER of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. MILLER of Michigan:

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

#### TITLE VI—MISCELLANEOUS

##### SEC. 6001. TASK FORCE ON PROPER DISPOSAL OF UNUSED PHARMACEUTICALS.

(a) IN GENERAL.—In furtherance of the national goals and policies set forth in section 101 of the Federal Water Pollution Control Act (33 U.S.C. 1251), the Administrator of the Environmental Protection Agency (in this Act referred to as the "Administrator") shall convene a task force (in this Act referred to as the "task force") to develop—

(1) recommendations on the proper disposal of unused pharmaceuticals by consumers, health care providers, and others, which recommendations shall—

(A) be calculated to prevent or reduce the detrimental effects on the environment and human health caused by introducing unused pharmaceuticals, directly or indirectly, into water systems; and

(B) provide for limiting the disposal of unused pharmaceuticals through treatment

works in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(2) a strategy for the Federal Government to educate the public on such recommendations.

(b) MEMBERSHIP.—The task force shall be composed of—

(1) the Administrator (or the Administrator's designee), who shall serve as the Chair of the task force;

(2) the Commissioner of Food and Drugs (or the Commissioner's designee); and

(3) such other members as the Administrator may appoint.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the task force shall submit a report to the Congress containing the recommendations and strategy required by subsection (a).

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the task force, the head of any department or agency of the United States may detail any of the personnel of that department or agency to the task force to assist in carrying out its duties under this section.

(e) TERMINATION.—The task force shall terminate 180 days after submitting the report required by subsection (c).

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, last year a constituent of the mine, Gail St. Laurent, told me of a story surrounding the passing of her mother, who had a long battle with cancer. Fortunately, her mother had very good insurance, so she was able to get many, many drugs administered to help her manage pain during the final days of her life.

Gail was there when her mother passed away, and before her mother was taken out of the room, Gail watched as an official took all of the remaining drugs that her mother had, including OxyContin, Marinal, and liquid morphine, and then this person flushed them down the toilet. Then Gail had to sign a form that she had witnessed them being flushed down the toilet. Now, not only were those drugs sent down the toilet and into our water system, but they were perfectly good, including two vials of liquid morphine delivered just that day, and could have been used to help other patients.

This is not an isolated incident. Only about 1 year ago, the Associated Press reported the results of a 5-month investigation into America's water, and their results were shocking. A vast array of pharmaceutical products were found in the water supplies and the water systems that serve millions of Americans their drinking water supply. These drugs were found in water systems all across our country, from Detroit to southern California, from San Francisco to New Jersey. These drugs, which included treatments for high cholesterol, sex hormones, and anti-depressants, have also been found to be causing havoc on our ecosystems, resulting in mutated plant and animal life.

Now, there are a number of ways pharmaceuticals can end up in our lakes or our rivers and our water supplies. But the most direct route right now is when health care facilities and individuals flush unused drugs down the toilet. As this issue began to get more attention, I learned that Federal agencies have issued varying guidelines on how to dispose of drugs that are no longer needed. The AP actually noted that the government has an inconsistency in this area, and this is a follow-up story from September of 2008, and I quote:

"Federal agencies don't have a consistent message. For example, the Fish and Wildlife Service says do not flush unused medications, while the White House, backed by the FDA and the EPA, says flush prescription drugs down the toilet if they are on the list in the special guidelines. Meanwhile, the Drug Enforcement Administration says there is no safe, secure, and reliable disposal system for some narcotics."

Mr. Chairman, if we are to begin the process of cleaning up our water and safely disposing of these drugs, the Federal Government's message needs to be consistent in telling consumers what to do.

My amendment very simply directs the EPA to convene a task force of the relevant Federal agencies to develop uniform recommendations on the proper disposal of unused pharmaceuticals. These recommendations would be designed with the goal in mind of reducing the detrimental effects caused by unused pharmaceuticals entering our Nation's water supply. The task force would also develop a strategy to educate the public on these recommendations. And I would hope that the task force could also find a safe way to allow for unused drugs to be given to other patients who would benefit from their use.

A year from enactment, the task force would then be required to submit a report to the Congress on their findings, and 6 months later, the task force would be disbanded.

So while I do not expect that this problem will be solved overnight, I feel strongly that we must begin paying proper attention to this issue because of its impact on our environment and its potential impact on public health. This amendment can get us started on working toward a solution. And if we can get everybody on the same page in terms of how to dispose of these products properly, then perhaps we could take a very significant step forward towards protecting our Nation's drinking water supply.

I certainly want to thank my friend Gail St. Laurent not only for the loving care that she gave to her mother but also for bringing this serious issue to my attention. Gail has really endeavored to make something good happen from that instance in her life.

I would urge my colleagues to support this amendment.

Mr. OBERSTAR. Will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the distinguished chairman.

Mr. OBERSTAR. The gentlewoman has brought to the committee and to the House a very, very important amendment. To establish a Federal task force, Federal agency task force, to develop recommendations for proper disposal of pharmaceuticals, to educate the public on the effect of those pharmaceuticals on the environment. The Fish and Wildlife Service has reported over a period of years the effect of estrogen on aquatic life, disrupting the condition of frogs and fish not only in inland waters but also in the Great Lakes waters.

This is a critically important issue, and I thank the gentlewoman for bringing it forward and urge its adoption. We support the amendment on our side.

Mr. OBERSTAR. Mr. Chair, I rise in support of the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

This amendment will move us forward in addressing a growing issue of concern in our nation's waterways—the presence of pharmaceuticals.

Congresswoman MILLER's amendment convenes a Federal agency task force to develop recommendations to properly dispose of unused pharmaceuticals, as well as to develop a strategy to educate the public on those recommendations.

Every day, individuals and healthcare facilities improperly dispose of unused pharmaceuticals by pouring them into drains or flushing them down toilets. Presently, our wastewater treatment systems are either unable to properly treat many of these substances, or must expend large resources to capture some of them. As a result, pharmaceuticals are being detected throughout our nation's rivers, lakes, and streams. In a series of recent studies, the United States Geological Survey has identified substances such as acetaminophen, caffeine, hormones such as estrogen, and steroids throughout water bodies. While present in very small quantities, the short- and long-term impacts of these substances on human and aquatic health are largely unknown. However, it only makes sense that changing the manner in which we dispose of these substances may well result in fewer pharmaceuticals in lower concentrations ending up in our nation's waters.

The Federal task force that will be convened pursuant to Congresswoman MILLER's amendment will provide recommendations that will help to limit the improper disposal of pharmaceuticals.

I urge that my colleagues join me in supporting the amendment offered by the gentlewoman from Michigan.

Mrs. MILLER of Michigan. I thank the chairman for his comments. And I would certainly yield to our ranking member from the subcommittee as well.

Mr. BOOZMAN. Thank you very much for yielding.

We appreciate the gentlewoman's bringing this forward, and we certainly don't oppose it.

Mrs. MILLER of Michigan. Mr. Chairman, I urge my colleagues to

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

The CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-36.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 5 in the resolutions providing for consideration under H.R. 1262.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FLAKE:

In section 1308 of the bill, in the matter proposed to be added as section 609 of the Federal Water Pollution Control Act, before paragraph (1), insert the following:

“(a) AUTHORIZATION OF APPROPRIATIONS.—

”.

In section 1308 of the bill, in the matter proposed to be added as section 609 of the Federal Water Pollution Control Act, add after paragraph (5) the following:

“(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) may be used for a congressional earmark as defined in clause 9d, of Rule XXI of the rules of the House of Representatives.”

The CHAIR. Pursuant to House Resolution 235, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is noncontroversial in nature. It would simply ensure that the Federal capitalization grants for State water pollution control revolving funds remain formula-based. These Federal grants to the States haven't historically been earmarked, and this will simply ensure that that remains the case for the next 5 years.

I would submit that just because an account or a program hasn't previously been earmarked doesn't mean it won't be in the future.

We all remember that when the Department of Homeland Security was created in 2002, we were told this will not be earmarked. This is going to go out formula-based. It will be grants, merit based, just to protect the Nation. And that held true for about 5 years. However, in the past couple of years, it's been earmarked heavily, particularly the funding for FEMA's pre-disaster mitigation program. This was a program intended to save lives and reduce property damage by providing funds “for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain.”

But rather than continuing the practice which had been to allow these grants to be given out on a merit-based basis, Congress decided to earmark this, and in 2007, nearly half of these funds were earmarked. In fiscal year 2008, about 128 earmarks worth \$400 million were included in the Homeland Security funding.

So this is not an idle concern, I think, that some of us have. Here's a program that I think by all accounts is working and working quite well, and we simply can't afford to have money in this program being drained off through earmarks.

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

Mr. OBERSTAR. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

Mr. OBERSTAR. Mr. Chairman, there are no earmarks in this bill. There are no earmarks in the stimulus provisions that were part of the Recovery Act covering the State Revolving Loan Fund, because we specifically opposed using any individual designation for projects within the stimulus.

The money appropriated for the State Revolving Loan Fund from 1987 on, and actually it started in 1981, there were no earmarks at that time. But we made it very clear in 1987 in our committee that these funds would go out by a statutory formula in section 205(c) of the Federal Water Pollution Control Act.

The State of Arizona, for example, receives its statutorily defined share of .6831 percent. It's not an earmark. It's a statutorily determined amount that goes to the gentleman's State of Arizona, where the decisions are made by the counterpart agency, the Water Infrastructure Finance Authority, counterpart to our Minnesota Water Infrastructure Financing Authority.

□ 1245

And every State has a similar such authority. I would further say, Mr. Chairman, to the gentleman, that at no time in the history of the 22-year length of this program has there been any earmarking for any project.

But if the gentleman wishes to offer this amendment, we are happy to accept it to make a further statement that we have confidence over the years of operation of this program that States rank their projects, that State agencies rank their projects, as in the State of Minnesota, 1 through 261, on a merit basis. They have a point system. Other States have something similar.

There is no reason for Members of Congress to sigh that the executive branch isn't doing its job properly in allocating the funds authorized for their respective States. It's only where States aren't attending to the needs of Members that they come to the Appropriations Committee or to our committee and say, “Oh, well, look, we are not being well served. Could you designate something?”

We don't do that in aviation, we don't do that in the clean water program, we don't do that in other programs. So I think the gentleman's amendment is quite appropriate here.

I reserve the balance of my time.

Mr. FLAKE. I thank the chairman. I appreciate the discussion. I appreciate the fact that it has not been earmarked. As I mentioned, I noted that, and I just hope that this is the case in the future.

The problem is with other accounts—in the Homeland Security, for example—we were told these will not be earmarked, and they, in fact, have been. And so I hope the chairman is successful in beating off attempts to earmark.

And I hope, further, that he is successful in other legislation as well, such as the highway bill that we will be doing before long. Because I think that States like Arizona, particularly a lot of the donor States, would be a lot better off.

Many of us would be better off if people in a local capacity are made to make that decision rather than somebody here. I think we find the case that those who are in a position of authority here sometimes take the lion's share of the funding, and it sometimes isn't fair to many of us, and we know that—

Mr. BOOZMAN. Will the gentleman yield?

Mr. FLAKE. I will yield.

Mr. BOOZMAN. We appreciate you bringing forth your amendment. We understand your concern, and we will certainly not oppose your amendment.

Mr. FLAKE. Thank you.

I yield back.

Mr. OBERSTAR. How much time do I have remaining?

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

Mr. OBERSTAR. Just very briefly, and I appreciate the gentleman from Arizona taking a very principled stand on this issue of earmarks, but it's just, as a matter of historical note, there was a time when the Congress, the House and the Senate together worried about and raised questions about inappropriate spending by the Executive Branch.

It was a Senator from Wisconsin, Mr. Proxmire, who every Sunday night would issue his Golden Fleece Award to a government Executive Branch agency that was inappropriately using taxpayer dollars. And over time someone shifted it to take aim at the House or the Senate and shoot ourselves in the foot.

This is not the point for a broader discussion of the matter of constituent-inspired initiatives in Federal legislation, but there will be another time when I will welcome the opportunity to discuss with the gentleman from Arizona the upcoming surface transportation bill and how these matters are managed in that context. I ask support of the amendment.

Mr. Chair, I rise to speak on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

While I will not oppose the amendment offered by the gentleman from Arizona, I think it is fair to point out that the gentleman's amendment, however well intentioned, does not fit

well within the context of the Clean Water State Revolving Loan Fund ("Clean Water SRF").

Since its inception in 1987, funds from the Clean Water SRF are distributed directly to the States through a statutory formula—found in section 205(c) of the Federal Water Pollution Control Act.

These funds—of which the State of Arizona receives a statutorily defined share of 0.6831 percent—are distributed directly to the gentleman's home state, where funding decisions on individual projects are determined by the Water Infrastructure Finance Authority of Arizona.

To the best of my knowledge, at no time during the 22-year history of this program, have funds been statutorily "earmarked" for a certain project, in any state. Nothing in H.R. 1262 would change that history. There is not a single earmark in this bill, and the Committee does not contemplate changing the process for distributing funding to the States via statutory formula.

I understand that the gentleman is doggedly-focused on his concern about Congressional earmarks, but this is an amendment in search of a problem.

Given the history of the Clean Water SRF, and the certainty that this amendment will have no impact on the traditional operation of the program, I urge my colleagues to join me in supporting the amendment offered by the gentleman from Arizona.

I am hopeful that, unlike last year, our acceptance of the gentleman's amendment will make him more likely to support final passage of this vital investment in our nation's clean water infrastructure.

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

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

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-36.

Mr. OBERSTAR. Mr. Chairman, as the designee of the gentleman from Colorado (Mr. POLIS), I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. OBERSTAR:

In section 1103(a)(2)(C) of the bill, in the matter proposed to be inserted in section 122(a)(4) of the Federal Water Pollution Control Act, strike the closing quotation marks and the final period and insert the following:

"(5) MUNICIPALITY-WIDE STORM WATER MANAGEMENT PLANNING.—The development of a municipality-wide plan that identifies the most effective placement of storm water technologies and management approaches, including green infrastructure, to reduce water quality impairments from storm water on a municipality-wide basis."

The CHAIR. Pursuant to House Resolution 235, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. The amendment authorizes the use of Clean Water Act

section 122 grant funds for municipality-wide stormwater management planning, a very, very important initiative. We have discussed it many times in years past. If the gentleman had raised it in the course of our consideration of this legislation, we would have included it in the base of our bill, but our bill moved along much faster than most Members anticipated.

He has presented it to the Rules Committee, it was made in order. We support the amendment on both sides of the aisle.

Mr. Chair, I rise in strong support of the amendment offered by the gentleman from Colorado (Mr. POLIS).

This amendment authorizes the use of Clean Water Act section 122 grant funding for municipality-wide stormwater management planning.

Congressman POLIS' amendment will provide municipalities across the nation the means to evaluate, and then plan for, effective and comprehensive stormwater response strategies. Central to this amendment is the incorporation of "green infrastructure" technologies and approaches into a municipality's stormwater system.

Developing an effective response to stormwater should occur from a system-wide perspective. In too many instances today, municipalities try to address their stormwater needs on an ad hoc, piecemeal basis. This approach doesn't make sense from either a cost or effectiveness perspective. Providing funding for communities to do system-wide analysis and planning will result in the placement of the best technology and approaches in the most effective locations. Cities will be able to target their resources at the most valuable sites.

Currently, municipalities have a number of options of stormwater technologies and approaches. They can construct traditional, or grey, stormwater infrastructure, such as pipes and deep tunnels; or they can develop "green infrastructure" technologies and approaches, such as swales, green roofs, and rain gardens. These green infrastructure approaches actually result in less stormwater entering the traditional stormwater system, through the use of infiltration and evapo-transpiration technologies. Congressman POLIS' amendment will provide municipalities with the means to choose the best mix of technologies and approaches for their distinctive localities. This comprehensive approach will result in better water quality at lower cost.

I strongly urge my colleagues to join me in supporting the amendment offered by the gentleman from Colorado.

I yield to the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. OBERSTAR.

Mr. Chairman, we have no problems with the amendment.

Mr. OBERSTAR. Developing effective response to storm water is the purpose of this amendment. It incorporates green infrastructure technologies and

approaches into developing municipal stormwater systems.

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

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ROSKAM

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-36.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ROSKAM:

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

#### TITLE VI—OMB STUDY

##### SEC. 6001. EVALUATION USING PROGRAM ASSESSMENT RATING TOOL.

(a) STUDY.—The Director of the Office of Management and Budget shall conduct a study to evaluate the programs authorized by this Act, including the amendments made by this Act, under the Program Assessment Rating Tool (PART) or a successor performance assessment tool that is developed by the Office of Management and Budget.

(b) REPORT.—The Director shall transmit to Congress a report on the results of the study.

The CHAIR. Pursuant to House Resolution 235, the gentleman from Illinois (Mr. ROSKAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. You know, in a nutshell, this is an effort—and I don't know of any controversy about it, I think it enjoys quite a bit of support—but it's an effort to create a tool to evaluate the success of the program.

Let me just read the amendment. It's very, very brief. It says, "The Director of the Office of Management and Budget shall conduct a study to evaluate the programs authorized by this Act, including the amendments made by this Act, including the Program Assessment Rating Tool (PART) or a successor performance assessment tool that is developed by the Office of Management and Budget."

You know, the genesis of this was really coming out of President Obama's inaugural speech, where he said let's look at programs that are working and get behind them. If they are not working, then let's make some decisions and abolish those programs, quite frankly, that are not working.

So this would simply require all the programs authorized under the legislation to be reviewed by OMB and their Program Assessment Rating Tool, and that is just an effort to rate the effectiveness of Federal agencies and programs by assessing purpose, planning, management and accountability.

And in the interest of transparency, it will ensure that the authorizations

of H.R. 1262 are analyzed for effectiveness. Really, in this area where Americans, I think, are trying to look with confidence about what their government is doing and how things are being spent this, I think, serves everybody's interest.

I reserve the balance of my time.

Mr. OBERSTAR. Would the gentleman yield?

Mr. ROSKAM. Yes.

Mr. OBERSTAR. We accept the gentleman's amendment. It's a thoughtful, useful, important tool. The committee has always insisted on transparency and accountability, and we welcome this recommendation of a study and a review and recommendations from OMB.

Mr. Chair, I rise in support of the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The gentleman's amendment directs the Director of the Office of Management and Budget ("OMB") to conduct a study of the programs authorized by this Act using the Program Assessment Rating Tool ("PART"), or a successor performance assessment tool that may be developed by OMB in the future.

I welcome the independent review of Federal programs to make sure that they are meeting the goals and purposes for which they were created. This independent review of agency actions and programs provides policymakers with valuable insight into agency performance, as well as the opportunity to make changes to improve the overall operation of Federal programs.

The Committee on Transportation and Infrastructure has a long history of ensuring proper oversight of Federal programs and activities. For example, in the Water Resources Development Act of 2007, the Committee established an independent review process for the development of project studies performed by the U.S. Army Corps of Engineers. Independent review of projects should ensure the development projects that are justified both on the basis of costs and benefits, but also on the best scientific and engineering analyses currently available. We should all welcome the opportunity for such scrutiny.

Mr. Chairman, I am heartened by President Obama's commitment to transparency, accountability, and oversight, and I am hopeful that this review will demonstrate the overall effectiveness of the Clean Water authorities contained in this legislation.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Illinois.

Mr. ROSKAM. Mr. Chairman, reclaiming my time, I yield to the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. ROSKAM.

We appreciate you bringing this amendment forward. I think it will be a useful tool that we can evaluate in the future. We appreciate your hard work and certainly do not oppose it and will support it.

Mr. ROSKAM. I want to thank Chairman OBERSTAR and the members of the committee.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS.

DAHLKEMPER

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-36.

Mrs. DAHLKEMPER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. DAHLKEMPER:

In section 1303(c) of the bill, in the matter proposed to be inserted as section 603(d)(1)(E) of the Federal Water Pollution Control Act—

(1) strike "and" at the end of clause (ii);

(2) redesignate clause (iii) as clause (iv); and

(3) insert after clause (ii) the following:

"(iii) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Mrs. DAHLKEMPER. I yield myself such time as I may consume.

I want to thank Chairman OBERSTAR and the committee on bringing this important legislation to the floor. I also want to thank Chairwoman SLAUGHTER for allowing this amendment.

Mr. Chairman, my amendment to H.R. 1262 helps ensure that conservation of both water and energy are elements in water and sewer system planning as these elements of our infrastructure are upgraded both now and in the future. Under the legislation, water treatment works operators are required to develop and implement a fiscal sustainability plan to be eligible for assistance.

Specifically, my amendment requires an assurance that both energy and water conservation are considered in an operator's fiscal sustainability plan. As water and energy costs continue to pose challenges for much of the country, we can help ensure that consumers are getting the most economical service by assuring that those responsible for providing water to our communities incorporate conservation explicitly into plant repair, replacement or expansion plans.

More efficiency in our water structure is desperately needed, as we learned in a recent Science and Technology hearing. Chairman GORDON cited how cities like Chicago lose upwards of 60 percent of their water in transit from treatment facilities to faucets, and that water rates have increased 27 percent over the past 5 years throughout the United States.

I believe conservation of water and energy are natural components of a fiscal sustainability plan, given their impact on an operating authority's structure, and that conservation of both



also serves broader national conservation policies. This amendment will promote greater taxpayer savings and increase efficiency in our Nation's water quality system, and I urge a "yes" vote.

I reserve the balance of my time.

Mr. OBERSTAR. Would the gentleman yield?

Mrs. DAHLKEMPER. I would yield to the chairman.

Mr. OBERSTAR. I thank the gentleman for yielding.

We accept the amendment on this side.

Mr. Chair, I rise in strong support of the amendment to H.R. 1262 offered by the gentleman from Pennsylvania (Mrs. DAHLKEMPER).

This amendment requires a certification be completed that Clean Water State Revolving Fund loan recipients conduct energy- and water-efficiency reviews and implement conservation measures that are forthcoming.

It is only fitting that the Member who represents Titusville, Pennsylvania, would offer this amendment. It was in Titusville, in 1859, that oil was first successfully drilled in the United States. It is fair to say, then, that energy has been a central part of the life, history, and culture of the residents of Pennsylvania's Third District.

In offering this amendment, Mrs. DAHLKEMPER has demonstrated the importance of energy to all facets of modern life, including the operation of wastewater treatment facilities. These operations are typically among municipalities' largest users of energy. Requiring that wastewater treatment facilities undertake a robust assessment of their energy usage and operations can ultimately result in less energy being expended, decreased energy bills for local governments, and fewer greenhouse gas emissions. The amendment will apply 21st century energy solutions to 20th century technologies.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Pennsylvania.

Mr. BOOZMAN. Will the gentleman yield again?

Mrs. DAHLKEMPER. I yield to the gentleman.

Mr. BOOZMAN. We also accept the amendment.

Mrs. DAHLKEMPER. I would now like to yield 1 minute to the gentleman from Colorado.

Mr. POLIS. Mr. Speaker, I rise today in support of the amendment and express my gratitude to the House for approving my amendment to improve the cleanliness of our waterways and strengthen our towns and city stormwater management.

Everyone knows when it rains, the excess rainwater that runs down our streets and sidewalks and into the drainage pipes that line our city streets eventually ends up in our streams and rivers.

The pollutants include toxins from our cars, such as unburned hydrocarbons, soot particles, copper from brake pads, zinc, cadmium, rubber from tires and other petroleum products. It also includes pesticides and herbicides from our yards.

My amendment addresses this problem by encouraging the use of bioswales and other sustainable stormwater management systems. A bioswale relies on vegetated natural systems alongside roads and parking lots to slow and filter the water before it ends in our drainage systems. Vegetation enhances both interception and evaporation of rainfall through its leaves.

Studies show that natural landscaping in a residential development or along streetways can reduce annual stormwater runoff volume by as much as 65 percent. It's no wonder that cities are starting to realize the benefits of bioswales and green infrastructure, including my City of Boulder, Colorado; Portland, Oregon; and Seattle, Washington, among the leaders in this area.

The increased interest is a response to mounting infrastructure costs of new development or redevelopment projects, but also more vigorous environmental regulations.

The CHAIR. The time of the gentleman has expired.

Mrs. DAHLKEMPER. I yield the gentleman an additional 15 seconds.

Mr. POLIS. This amendment recognizes the relationship between the natural environment and the built environment and manages them as integrated components of a watershed.

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Mrs. DAHLKEMPER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mrs. DAHLKEMPER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. WITTMAN

The Acting CHAIR (Mrs. CAPPS). It is now in order to consider amendment No. 9 printed in House Report 111-36.

Mr. WITTMAN. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. WITTMAN: At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

#### TITLE VI—CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY

##### SEC. 6001. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) CROSSCUT BUDGET.—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 3 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C);

(2) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds which were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including the—

(A) project description;

(B) current status of the project;

(C) Federal or State statutory or regulatory authority, programs, or responsible agencies;

(D) authorization level for appropriations;

(E) project timeline, including benchmarks;

(F) references to project documents;

(G) descriptions of risks and uncertainties of project implementation;

(H) adaptive management actions or framework;

(I) coordinating entities;

(J) funding history;

(K) cost-sharing; and

(L) alignment with existing Chesapeake Bay Agreement and Chesapeake Executive Council goals and priorities.

(b) MINIMUM FUNDING LEVELS.—The Director shall only describe restoration activities in the report required under subsection (a) that—

(1) for Federal restoration activities, have funding amounts greater than or equal to \$100,000; and

(2) for State restoration activities, have funding amounts greater than or equal to \$50,000.

(c) DEADLINE.—The Director shall submit to Congress the report required by subsection (a) not later than 30 days after the submission by the President of the President's annual budget to Congress.

(d) REPORT.—Copies of the financial report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) EFFECTIVE DATE.—This section shall apply beginning with the first fiscal year after the date of enactment of this Act for which the President submits a budget to Congress.

##### SEC. 6002. ADAPTIVE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other Federal and State agencies, shall develop an adaptive management plan for restoration activities that includes—

(1) definition of specific and measurable objectives to improve water quality;

(2) a process for stakeholder participation;

(3) monitoring, modeling, experimentation, and other research and evaluation practices;

(4) a process for modification of restoration activities that have not attained or will not attain the specific and measurable objectives set forth under paragraph (1); and

(5) a process for prioritizing restoration activities and programs to which adaptive management shall be applied.

(b) IMPLEMENTATION.—The Administrator shall implement the adaptive management plan developed under subsection (a).

(c) UPDATES.—The Administrator shall update the adaptive management plan developed under subsection (a) every 3 years.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Administrator shall transmit to Congress an annual report on the implementation of the adaptive management plan required under this section for such fiscal year.

(2) CONTENTS.—The report required under paragraph (1) shall contain information about the application of adaptive management to restoration activities and programs, including programmatic and project level changes implemented through the process of adaptive management.

(3) EFFECTIVE DATE.—Paragraph (1) shall apply to the first fiscal year that begins after the date of enactment of this Act.

#### SEC. 6003. DEFINITIONS.

In this title, the following definitions apply:

(1) ADAPTIVE MANAGEMENT.—The term “adaptive management” means a management technique in which project and program decisions are made as part of an ongoing science-based process. Adaptive management involves testing, monitoring, and evaluating applied strategies and incorporating new knowledge into programs and restoration activities that are based on scientific findings and the needs of society. Results are used to modify management policy, strategies, practices, programs, and restoration activities.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) CHESAPEAKE BAY STATE.—The term “Chesapeake Bay State” or “State” means the States of Maryland, West Virginia, Delaware, and New York, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia.

(4) CHESAPEAKE BAY WATERSHED.—The term “Chesapeake Bay watershed” means the Chesapeake Bay and the geographic area, as determined by the Secretary of the Interior, consisting of 36 tributary basins, within the Chesapeake Bay States, through which precipitation drains into the Chesapeake Bay.

(5) CHIEF EXECUTIVE.—The term “chief executive” means, in the case of a State or Commonwealth, the Governor of each such State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(7) RESTORATION ACTIVITIES.—The term “restoration activities” means any Federal or State programs or projects that directly or indirectly protect, conserve, or restore water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

- (A) Physical restoration.
- (B) Planning.
- (C) Feasibility studies.
- (D) Scientific research.
- (E) Monitoring.
- (F) Education.

(G) Infrastructure Development.

The Acting CHAIR. Pursuant to House Resolution 235, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

I am honored to represent Virginia's First Congressional District. Improving the health of our Chesapeake Bay is a priority to me and to my constituents.

The First District has more miles of shoreline than any congressional district in the United States, and the Chesapeake Bay is extraordinarily important to those of us in that district, as well as to other people up and down the basin.

This bill's underlying commitment to improving water quality in our Nation's waterways is commendable. My district and the Chesapeake Bay has significantly benefited from investment in wastewater treatment infrastructure in the past and will so into the future.

I believe there's a deep sense of frustration in the Chesapeake Bay watershed about the progress we've made to restore the Bay. Yes, there have been successes. I don't want to belittle what has been done. However, with all the Federal, State, local and private partner investment, we would like to see more accomplishments.

Our Chesapeake Bay is extraordinarily important. We have heard conversations here about jobs, and certainly jobs related to building sewage treatment plants and water quality improvements are extraordinarily important. But improving the water quality in the Bay also has job ramifications.

By increasing water quality, improving water quality, we create a greater realm of natural resources in the Bay. And we hear about issues of sustainability in the Bay; we hear about oyster populations being at 1 percent of historical levels; we hear about reduction in crab harvests by 70 percent; we hear about problems with our fin fish populations.

Folks, the men and women that make their living off of the water continues to decline. And it is those natural resources that create sustainable jobs. I would suggest that by improving water quality, we also grow jobs, both in the seafood industry and by those that make their living off of the water, whether it's through commercial interests or through leisure and sport interests. These are all extraordinarily important, and those resources are directly tied to water quality.

My amendment to this bill is similar to H.R. 1053, the Chesapeake Bay Accountability and Recovery Act. I have authored this legislation to help clean up the Bay because I believe that it is very much a matter of national importance that this national treasure be restored.

My amendment would implement and strengthen management techniques like crosscut budgeting and adaptive management to ensure that we get more bang for our buck and continue to make progress in Bay restoration efforts.

Both of these techniques, I believe, will ensure that we are coordinating how restoration dollars are spent, and that we make sure everyone understands how individual projects fit into the bigger picture. That bigger picture is making sure that we restore the Chesapeake Bay. That way we know that we are not duplicating efforts, spending money that we don't need to, or worse, working at cross purposes between agencies, both at the Federal, State and local levels.

My amendment would require OMB, in coordination with State and Federal agencies involved in the Bay, to report to Congress on the status of Chesapeake Bay restoration activities. My amendment would also require EPA to develop and implement an adaptive management plan for the Chesapeake Bay and all of the related restoration activities.

Adaptive management relies on rigorous scientific monitoring, testing, and evaluation, and also provides for the flexibility to modify management policies and strategies based on changing conditions. Folks, the Chesapeake Bay continues to change, and we should also change along with it how we manage the restoration activities therein.

Crosscut budgeting and adaptive management should be key components for the complex restoration activities that are occurring presently within the Chesapeake Bay Basin.

Madam Chairwoman, I want to thank the Rules Committee for making this amendment in order, and thank Chairman OBERSTAR and Ranking Member MICA for their consideration. I also ask my colleagues to support my amendment to help restore the Bay.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, though I do not oppose the amendment, I ask unanimous consent to take the time in opposition.

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

There was no objection.

Mr. OBERSTAR. Thank you.

I support the amendment of the gentleman, and I also want to note that all amendments requested by Republican members of the Rules Committee have been made in order, though not all Democratic requests were made in order.

I just want to make that little observation to ensure that our committee is being fair and open and, more importantly, inclusive.

The gentleman's amendment is extremely important, as was the offering by the gentleman from Maryland, Mr. KRATOVIL, along with Ms. MARKEY. The Chesapeake Bay is not just a Virginia-

Maryland resource, it is a national and international treasure. It is an estuary.

The estuaries of the world are the places where the meeting of fresh water and salt water creates new forms of life. They are resources for the future. They are a window on the past. And the Chesapeake Bay, perhaps the greatest of all estuaries in the world, has been deteriorating at an alarming pace.

There was a time when the oysters of the Chesapeake Bay turned over that water once every 24 hours. There were millions of oysters. They are down to 1 percent of their number. Shad are down; rockfish are coming back; crabs are down. Why? It's not the watermen who are taking too much, although they are taking more than they probably should be, under these deteriorating, declining conditions of fish and shellfish in the Bay.

But it's the waters from as far as New York, Pennsylvania, and West Virginia, as well as Maryland and Virginia, that come in the Rappahannock and the Shenandoah and others that discharge into the Bay, along with the Potomac and the Anacostia, that are bringing pollutant loads and toxic materials into the Bay that are killing the fish and the shellfish and the life of this Bay.

I was very pleased when President Obama designated Lisa Jackson to be administrator of EPA. I had a conversation with her before her confirmation. And after her confirmation she said, "I will make the Chesapeake Bay a priority consideration during my service." And she has already designated a special advisor to deal with the needs of the Chesapeake Bay and the Anacostia River.

I want to assure the gentleman and all of our colleagues that the Committee on Transportation and Infrastructure will consider reauthorization of legislation governing the quality of waters of the Chesapeake Bay, but we are going to do this in due course after extensive review and consideration of nonpoint source pollution. And the recommendations from the OMB from the gentleman's amendment will be important in making sure that we take the right policy choices to bring back this Bay, to restore this quintessential estuary and protect future forms of life that can be created in this great meeting place.

I thank the gentleman for his amendment, and I urge its support.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

This amendment requires the Director of the Office of Management and Budget to submit to Congress a financial report containing an interagency crosscut budget for restoration activities that protect, conserve, or restore water quality in the Chesapeake Bay watershed. It also directs the Administrator of the U.S. Environmental Protection Agency to make management decisions on an adaptive and ongoing basis.

I commend Congressman WITTMAN for making a good and initial step on addressing the

ongoing, water quality problems in the Chesapeake Bay. I appreciate his raising this issue at this time.

This magnificent estuary has occupied a central place in our nation's history. The English explorer, John Smith, established the first permanent English settlement in North America, Jamestown, on the shores of the Chesapeake. And while the Chesapeake Bay watershed transcends only six states, it is the collective context of its history, its vast recreational outlets, and its important fisheries that sum to add to our economy and culture as a whole. Therefore, the degradation of the Chesapeake Bay must be perceived as a national problem—and not simply a regional one. For example, many of the Bay's fish and shellfish populations are below historic levels. Just this past year, both Maryland and Virginia announced stringent catch limitations on blue crabs due to significant declines in populations. Oysters are at less than one percent of historic levels, and the abundance of shad is only at 22 percent of the targeted recovery goal.

It is only through a renewed Federal and congressional commitment to the Bay that we will be able to make the necessary changes to address its varied problems. To this end, the Obama administration has already begun moving in the right direction. The EPA Administrator has already selected a special advisor who will focus on rehabilitation of the Chesapeake Bay and the Anacostia River and the Administrator's appointment signals the agency's commitment to this special region.

The Committee on Transportation and Infrastructure will consider reauthorization of the Chesapeake Bay Program in this Congress and the OMB analysis of a crosscut budget will help ensure that we make the right policy choices to rehabilitate the Chesapeake Bay.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Virginia.

I reserve the balance of my time.

Mr. WITTMAN. I'd like to yield to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. I would like to associate myself with the chairman's remarks. I can't say it as eloquently as he did, but I think that we are all very much in agreement that this is a very, very important body of water that needs to be protected, and we appreciate the gentleman from Virginia stepping forward with this amendment. And we certainly will support it.

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

Mr. WITTMAN. I would like to thank, again, the chairman for his remarks. He is indeed correct. The Chesapeake Bay is a national treasure and an international treasure. It has tremendous economic value, but it also has tremendous cultural value. It is a symbol of not only the eastern part of the United States, but the United States in general.

I don't think any of us have misgivings about wanting it to be back where it was when Captain John Smith landed here. We certainly would like for it to be there, but I'm a realist and know that it may not get to that point.

I think it's realistic to expect that we can get it back to where it was in

the middle part of this century, in the 1950s, when it was, by far, the most productive body of water in the world. It is critical not only economically, but culturally to this country.

I do thank the chairman, again, and the members of the Rules Committee for consideration of this.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DRIEHAUS

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-36.

Mr. DRIEHAUS. 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:

Amendment No. 10 offered by Mr. DRIEHAUS:

Section 3001(b) of the bill is amended to read as follows:

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 221(f) (33 U.S.C. 1301(f)) is amended by striking "this section \$750,000,000" and all that follows through the period at the end and inserting "this section \$500,000,000 for each of fiscal years 2010 through 2014."

The Acting CHAIR. Pursuant to House Resolution 235, the gentleman from Ohio (Mr. DRIEHAUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

I want to take this opportunity to thank the chairman of the committee for his tremendous work on this bill. I bring before the House a simple amendment, and that amendment simply increases the authorization for combined sewers and sewer overflow grants from \$1.8 billion to \$2.5 billion over the 5-year period. I think this is critically important, and I think we need to put this in perspective, Madam Chair.

The EPA estimates that the total need for combined sewer overflow systems in the United States is \$54.8 billion. The need for improvement in sanitary sewers, as estimated by the EPA, is \$88.5 billion. That is a total, Madam Chair, of \$143 billion in needed investment for sewer infrastructure in these United States.

I hail from Cincinnati, Ohio. In Cincinnati, it's estimated that the cost to fix the sewer problem is almost \$3 billion. My colleagues around the Midwest and the east coast share our pain. So this is a simple amendment that would simply increase the amount to \$2.5 billion.

Just as a point of information that I think is important: Since 2003, the United States has allocated \$2.7 billion for water and wastewater infrastructure improvement in Iraq. I would think that we could do at least this much in the United States.

I would yield 1 minute to my friend and colleague from New York (Mr. MCMAHON).

Mr. McMAHON. I rise today as a co-sponsor of the amendment offered by my good friend, the gentleman from Ohio (Mr. DRIEHAUS) to increase the amount for sewage control grants in this bill to \$2.5 billion. I also commend the great chairman of the Committee on Transportation and Infrastructure, Congressman OBERSTAR, for his great work, and commend him for the great spirit of bipartisanship which he's engendered in this room today.

H.R. 1262 provides critical assistance to communities across the Nation for sewage water runoff, watershed restoration, and other water infrastructure projects. As a former New York City councilman and head of the sanitation committee for New York, I know that municipalities rely on these funds.

As the gentleman from Ohio said, there's a backlog of \$140 billion worth of projects. Imagine this. In Staten Island, houses were built without sanitary sewers. This needs to be resolved. The Federal Government has to help us.

So that is why this amendment is so important. It will increase support that is so badly needed across this country and in my district.

Mr. DRIEHAUS. I thank the gentleman from New York, and I would yield 1 minute to my colleague from Ohio, from northern Ohio, who also shares this problem with his constituency, the gentleman from Ohio (Mr. BOCCIERI).

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

Mr. BOCCIERI. I rise in support of this bill and this amendment, and I applaud the chairman of our distinguished committee for his efforts to make this a bipartisan bill. This bill makes key investments to improve water quality, and could create approximately 480,000 jobs over the next 5 years. This will also bridge the gap of our local communities—who experience significant financial trouble—\$3.2 to \$11 million annually in trying to fill the gap to modernize their water needs.

□ 1315

The DrieHaus amendment would further improve our ability to manage wastewater infrastructure by increasing funding for sewer overflow and control programs.

Sewage overflow is dangerous to all of our constituents, but these days our communities are facing tight budgets that prevent them from addressing these serious and most basic infrastructure needs. We know our country's wastewater infrastructure is old and crumbling, and we must do our part here in this legislation to improve that. Adequate funding will not only preserve the environment and our local political subdivisions to help them modernize their aging sewer infrastructure. It will protect lives. If we did it in Iraq, we should do it here in America.

I rise and support this amendment of the gentleman from Ohio.

Mr. DRIEHAUS. Madam Chair, I reserve the balance of my time.

Mr. OBERSTAR. Would the gentleman yield?

Mr. DRIEHAUS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. We support the gentleman's amendment. It is vitally important to deal with combined storm and sanitary sewer overflows. Seven hundred million dollars is peanuts compared to a whole lot of other expenditures that have been made in the TARP and the rest. So this is a real investment whose benefits we and future generations will see.

Mr. BOOZMAN. If the gentleman will yield, I also support the amendment.

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

Mr. BROUN of Georgia. Madam Chair, I rise to claim the time in opposition to this amendment and reserve my ability to object.

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

Mr. BROUN of Georgia. I know there are many sewer projects all around this country that need funding. There are two that have been already authorized through the Water Act of 2007 that are in my district that we are trying to find funds for. But what I have an objection to is, we are continuing to build greater and greater debt for our children across the country, and not only our children, but our grandchildren. I think their standard of living is going to be much lower than ours today if we don't stop this borrowing of funds from our grandchildren.

We see budget after budget that continues to increase the Federal debt, and we have just got to stop the spending. We are spending too much, we are taxing too much, we are borrowing too much, and at some point we have got to stop that, because our grandchildren are going to pay a very heavy price for us doing so. So I call upon my colleagues on the Democratic side for us to work together to try to find some ways to bring forth these worthwhile projects, but to stop borrowing from our grandchildren and our children. It is absolutely critical for the future of this Nation that we do so.

The Democratic budget that has been presented by the administration does nothing but increase the debt, and we have got to stop it. It is absolutely critical for the future economic well-being of this Nation. Republicans have presented many, many ideas that have not been considered by the leadership of this House nor by the Senate nor by the administration. I call upon my Democratic colleagues to work with us, to consider the things that we bring forth as potential solutions to the economic woes we have as a Nation.

American people are hurting. They are hurting tremendously. We are hurting small business, which is the economic engine of America. We are taxing and we are overregulating them, and we have got to stop it. We have got to build a strong economy in America,

and just stop this idea that we can spend more and more money. Consequently, I have objections to continuing to build greater debt for our Nation.

So I call upon my colleagues on the Democratic side, let's work together, consider alternatives, consider ways of solving this economic crisis we have as a Nation, and not continue down this road that I believe is going to lead to not only lengthening the recession and deepening the recession, but, as Warren Buffett just said yesterday and the day before, off the cliff. And I think we may very well be headed to a deep depression, deeper than we saw even in the thirties, if we don't stop the spending that we are doing here in this Nation.

So I call upon my colleagues on the Democratic side, please, let's work together. Let's find some commonsense solutions to these economic woes that we have as a Nation, and do some things for the American people, not for government. Government is not the solution. The private sector is the solution. Small business is the solution. We have got to find those solutions that make sense economically for this Nation. Socialism never has worked, never will work, and it won't work today.

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

Mr. DRIEHAUS. Madam Chairman, we certainly are hurting. And this country is hurting because of a failure, a failure to invest in basic infrastructure over decades and decades. That is why this country is hurting.

I would remind my colleagues on the other side of the aisle that this is an authorization. This is an authorization to say we in the United States, the people that inhabit our cities, deserve as much attention as the folks in Iraq. This actually doesn't even get up to the level of spending on sewers and water projects that we have spent in Iraq over the last 5 years.

So I would remind my colleagues that this is an authorization, not an appropriation, and that the appropriate committees can determine the prioritization; because this is about priorities. We are saying through this amendment that infrastructure and sewer spending is a priority of this Congress, and I would hope that the Appropriations Committee would take the time to validate that and move forward. This is not about spending more; it is about identifying priorities.

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. DRIEHAUS. I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I understand this is an authorization. There is no question in my mind what this stands for. And, frankly, in my opinion, we have spent too much money not only since we have had a Democratic majority in the House and

the Senate, but also the previous administration.

Mr. OBERSTAR. Madam Chair, before proceeding with the vote, I ask unanimous consent to proceed for 2 minutes, equally divided, between the Democratic side and the Republican side, for the purpose of offering a technical amendment to the amendment of the gentleman from Ohio (Mr. DRIEHAUS).

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

There was no objection.

Mr. OBERSTAR. We have discovered during the consideration of the gentleman's amendment that there is a technical phrasing of language in the gentleman's amendment that could affect the underlying bill, and we have consulted with the Parliamentarian about the proper phrasing of the language which is now being drafted.

While that language is being written, I would assure the distinguished gentleman, Mr. BROWN, that we will work together in the appropriations process. We worked together in our committee on both sides of the aisle to incorporate views of both parties in shaping the bill we bring to the House today, and this will be one of many considerations reviewed by the Budget Committee and later, when the real decisions are made by the Appropriations Committee.

I share the gentleman's concern. We are spending an enormous amount of money, Madam Chair, on this asset recovery plan that started last August and September of 2008. We have seen money go out the door, and we have no idea where some of that money has gone that is supposed to stabilize the domestic and international financial structure. And maybe it has done that. But the increasing demands to support this bank and that bank and this insurance agency and that, and now to an international global financial meltdown. The gentleman is right, we have to take stock and balance our equities. But we also have to get this economy moving. We have to put people to work. When people have a job and have incomes and we are paying people to work and not paying them for not working with unemployment compensation, then maybe we can get this economy back on track and get people consuming, and we can start the flow of capital.

Madam Chair, I ask unanimous consent to modify the amendment of the gentleman from Ohio. The Drieaus amendment inadvertently struck a subsection of the manager's amendment adopted earlier today. The amendment to accomplish my request is pending at the desk.

The Acting CHAIR. The request for modification will need to be made by the gentleman from Ohio, the author of the amendment.

MODIFICATION TO AMENDMENT NO. 10 OFFERED  
BY MR. DRIEHAUS

Mr. DRIEHAUS. Madam Chair, I ask unanimous consent to modify the

amendment. The amendment, as stated, inadvertently struck out subsections of the manager's amendment adopted earlier today, and I would ask for conformity.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 10 offered by Mr. DRIEHAUS:

Section 3001(b) of the bill follows:

In the matter proposed to be inserted as section 221(f)(1) of the Federal Water Pollution Control Act strike "\$250,000,000" and all that follows through "expended." and insert "\$500,000,000 for each of fiscal year's 2010 through 2014."

The Acting CHAIR. Is there objection to the modification?

Mr. BOOZMAN. No, Madam Chair. We understand that the amendment created a technical problem, and we agree with this solution.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. DRIEHAUS), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in House Report 111-36 on which further proceedings were postponed.

AMENDMENT NO. 2 OFFERED BY MR. MACK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MACK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 284, not voting 13, as follows:

[Roll No. 122]

AYES—140

Aderholt  
Akin  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Brown (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)

Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Carter  
Cassidy  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Dreier  
Duncan  
Ehlers  
Fallin  
Flake  
Fleming

Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson, Sam

Jones  
Jordan (OH)  
King (IA)  
Kingston  
Kline (MN)  
Lamborn  
Latham  
Latta  
Lee (NY)  
Linder  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon

McMorris  
Rodgers  
Mica  
Miller (FL)  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Paul  
Paulsen  
Pence  
Pitts  
Platts  
Poe (TX)  
Pollis (CO)  
Posey  
Price (GA)  
Putnam  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney

Royce  
Scalise  
Sensenbrenner  
Sessions  
Shadegg  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

NOES—284

Abercrombie  
Ackerman  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Butterfield  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castle  
Castor (FL)  
Chandler  
Childers  
Christensen  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Doggett  
Donnelly (IN)  
Doyle  
Drieaus

Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (CA)

Lewis (GA)  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McHugh  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Oliver  
Ortiz  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pierluisi  
Pingree (ME)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Ros-Lehtinen  
Roskam

Ross	Sherman	Towns
Rothman (NJ)	Shimkus	Tsongas
Ruppersberger	Shuler	Turner
Rush	Sires	Upton
Ryan (OH)	Skelton	Van Hollen
Ryan (WI)	Slaughter	Velázquez
Sablan	Smith (NJ)	Visclosky
Salazar	Smith (WA)	Walden
Sánchez, Linda T.	Snyder	Walz
Sanchez, Loretta	Space	Wasserman
Sarbanes	Spratt	Schultz
Schakowsky	Stark	Waters
Schauer	Stupak	Watson
Schiff	Sutton	Watt
Schmidt	Tauscher	Waxman
Schock	Taylor	Weiner
Schrader	Teague	Welch
Schwartz	Thompson (CA)	Wexler
Scott (GA)	Thompson (MS)	Wilson (OH)
Scott (VA)	Tiberi	Woolsey
Serrano	Titus	Wu
Shea-Porter	Tonko	Yarmuth
		Young (AK)

## NOT VOTING—13

Bright	Hensarling	Sestak
Conyers	Miller, Gary	Speier
Dingell	Olson	Tanner
Etheridge	Radanovich	
Faleomavaega	Roybal-Allard	

□ 1401

Ms. WASSERMAN SCHULTZ, Messrs. BAIRD, DELAHUNT, NADLER of New York, RUPPERSBERGER, DAVIS of Tennessee, ABERCROMBIE, RUSH, WEINER, MINNICK, Ms. DEGETTE, Ms. EDWARDS of Maryland, and Ms. WATSON changed their vote from “aye” to “no.”

Messrs. BILIRAKIS, TERRY and POLIS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POLIS. Madam Chair, I would like the RECORD to reflect that on rollcall 122, I inadvertently voted “aye” when I intended to vote “no.”

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

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

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mrs. CAPPS, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, pursuant to House Resolution 235, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

## RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passing H.R. 1262 will be followed by a 5-minute vote on suspending the rules and adopting House Resolution 224.

The vote was taken by electronic device, and there were—ayes 317, noes 101, not voting 13, as follows:

[Roll No. 123]

## AYES—317

Abercrombie	Dahlkemper	Holt
Ackerman	Davis (AL)	Honda
Adler (NJ)	Davis (CA)	Hoyer
Alexander	Davis (IL)	Inslee
Altmire	Davis (KY)	Israel
Andrews	Davis (TN)	Issa
Arcuri	DeFazio	Jackson (IL)
Baca	DeGette	Jackson-Lee
Baird	Delahunt	(TX)
Baldwin	DeLauro	Johnson (GA)
Barrow	Dent	Johnson (IL)
Bean	Diaz-Balart, L.	Johnson, E. B.
Becerra	Diaz-Balart, M.	Jones
Berkley	Dicks	Kagen
Berman	Doggett	Kanjorski
Berry	Donnelly (IN)	Kaptur
Biggert	Doyle	Kennedy
Bilbray	Driehaus	Kildee
Bilirakis	Duncan	Kilpatrick (MI)
Bishop (GA)	Edwards (MD)	Kilroy
Bishop (NY)	Edwards (TX)	Kind
Blumenauer	Ehlers	King (NY)
Boccheri	Ellison	Kirk
Boozman	Ellsworth	Kirkpatrick (AZ)
Boren	Emerson	Kissell
Boswell	Engel	Klein (FL)
Boucher	Eshoo	Kosmas
Boyd	Farr	Kratovil
Brady (PA)	Fattah	Kucinich
Braley (IA)	Finer	Lance
Brown, Corrine	Forbes	Langevin
Brown-Waite,	Fortenberry	Larsen (WA)
Ginny	Foster	Larson (CT)
Buchanan	Frank (MA)	LaTourette
Butterfield	Fudge	Lee (CA)
Buyer	Gerlach	Lee (NY)
Calvert	Giffords	Levin
Camp	Gonzalez	Lewis (CA)
Cao	Goodlatte	Lewis (GA)
Capito	Gordon (TN)	Lipinski
Capps	Graves	LoBiondo
Capuano	Grayson	Loeb sack
Cardoza	Green, Al	Lofgren, Zoe
Carnahan	Green, Gene	Lowey
Carney	Griffith	Luetkemeyer
Carson (IN)	Grijalva	Luján
Cassidy	Guthrie	Lynch
Castle	Gutierrez	Maffei
Castor (FL)	Hall (NY)	Maloney
Chandler	Halvorson	Markey (CO)
Childers	Hare	Markey (MA)
Clarke	Harman	Marshall
Clay	Harper	Massa
Cleaver	Hastings (FL)	Matheson
Clyburn	Heinrich	Matsui
Coffman (CO)	Herseth Sandlin	McCarthy (NY)
Cohen	Higgins	McCollum
Connolly (VA)	Hill	McCotter
Cooper	Himes	McDermott
Costa	Hinchey	McGovern
Costello	Hinojosa	McHugh
Courtney	Hirono	McIntyre
Crowley	Hodes	McMahon
Cuellar	Hoekstra	McNerney
Cummings	Holden	Meek (FL)

Meeks (NY)	Rehberg	Snyder
Melancon	Reichert	Space
Michaud	Reyes	Spratt
Miller (MI)	Richardson	Stark
Miller (NC)	Rodriguez	Stupak
Miller, George	Roe (TN)	Sutton
Minnick	Rogers (KY)	Tauscher
Mitchell	Rogers (MI)	Taylor
Mollohan	Rohrabacher	Teague
Moore (KS)	Rooney	Terry
Moore (WI)	Ros-Lehtinen	Thompson (CA)
Moran (VA)	Roskam	Thompson (MS)
Murphy (CT)	Ross	Tiberi
Murphy, Patrick	Rothman (NJ)	Tierney
Murphy, Tim	Ruppersberger	Titus
Murtha	Rush	Tonko
Nadler (NY)	Ryan (OH)	Towns
Napolitano	Salazar	Tsongas
Neal (MA)	Sánchez, Linda T.	Turner
Nye	Sanchez, Loretta	Upton
Oberstar	Sarbanes	Van Hollen
Obey	Schakowsky	Velázquez
Olver	Schauer	Visclosky
Ortiz	Schiff	Walden
Pallone	Schmidt	Walz
Pascarella	Schock	Wamp
Pastor (AZ)	Schrader	Waters
Paulsen	Schwartz	Watson
Payne	Scott (GA)	Watt
Perlmutter	Scott (VA)	Waxman
Perriello	Serrano	Weiner
Peters	Shea-Porter	Welch
Peterson	Sherman	Wexler
Petri	Shimkus	Whitfield
Pingree (ME)	Shuler	Wilson (OH)
Platts	Shuster	Wittman
Polis (CO)	Sires	Woolsey
Pomeroy	Skelton	Wu
Price (NC)	Slaughter	Yarmuth
Putnam	Smith (NJ)	Young (AK)
Rahall	Smith (WA)	Young (FL)
Rangel		

## NOES—101

Aderholt	Franks (AZ)	McMorris
Akin	Frelinghuysen	Rodgers
Austria	Gallegly	Mica
Bachmann	Garrett (NJ)	Miller (FL)
Bachus	Gingrey (GA)	Moran (KS)
Barrett (SC)	Gohmert	Myrick
Bartlett	Granger	Neugebauer
Barton (TX)	Hall (TX)	Nunes
Bishop (UT)	Hastings (WA)	Paul
Blackburn	Heller	Pence
Blunt	Herger	Pitts
Boehner	Hunter	Poe (TX)
Bonner	Inglis	Posey
Bono Mack	Jenkins	Price (GA)
Boustany	Johnson, Sam	Rogers (AL)
Brady (TX)	Jordan (OH)	Royce
Broun (GA)	King (IA)	Ryan (WI)
Brown (SC)	Kingston	Scalise
Burgess	Kline (MN)	Sensenbrenner
Burton (IN)	Lamborn	Sessions
Campbell	Latham	Shadegg
Cantor	Latta	Simpson
Carter	Linder	Smith (NE)
Chaffetz	Lucas	Smith (TX)
Coble	Lummis	Souder
Cole	Lungren, Daniel E.	Stearns
Conaway	Mack	Sullivan
Crenshaw	Manzullo	Thompson (PA)
Culberson	Marchant	Thornberry
Deal (GA)	McCarthy (CA)	Tiahrt
Dreier	McCaul	Westmoreland
Fallin	McClintock	Wilson (SC)
Flake	McHenry	Wolf
Fleming	McKeon	
Foxx		

## NOT VOTING—13

Bright	Miller, Gary	Speier
Conyers	Olson	Tanner
Dingell	Radanovich	Wasserman
Etheridge	Roybal-Allard	Schultz
Hensarling	Sestak	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that there is 1 minute remaining in this vote.

□ 1419

So the bill was passed.

The result of the vote was announced as above recorded.



A motion to reconsider was laid on the table.

### SUPPORTING DESIGNATION OF PI DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 224, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 224.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 10, not voting 30, as follows:

[Roll No. 124]

YEAS—391

Abercrombie	Carter	Gerlach
Aderholt	Cassidy	Gingrey (GA)
Adler (NJ)	Castle	Gohmert
Akin	Chandler	Gonzalez
Alexander	Childers	Goodlatte
Altmire	Clarke	Gordon (TN)
Andrews	Clay	Granger
Arcuri	Cleaver	Graves
Austria	Clyburn	Grayson
Baca	Coble	Green, Al
Bachmann	Coffman (CO)	Green, Gene
Bachus	Cohen	Griffith
Baird	Cole	Grijalva
Baldwin	Conaway	Guthrie
Barrett (SC)	Connolly (VA)	Gutierrez
Barrow	Cooper	Hall (NY)
Bartlett	Costa	Hall (TX)
Barton (TX)	Costello	Halvorson
Bean	Courtney	Hare
Becerra	Crenshaw	Harman
Berkley	Cuellar	Harper
Berman	Culberson	Hastings (FL)
Berry	Cummings	Heinrich
Biggert	Dahlkemper	Herger
Bilbray	Davis (AL)	Herseth Sandlin
Bilirakis	Davis (CA)	Hill
Bishop (GA)	Davis (IL)	Himes
Bishop (UT)	Davis (KY)	Hinchee
Blackburn	Davis (TN)	Hinojosa
Blumenauer	Deal (GA)	Hirono
Blunt	DeFazio	Hodes
Boccieri	DeGette	Hoekstra
Boehner	Delahunt	Holden
Bonner	DeLauro	Holt
Bono Mack	Dent	Honda
Boozman	Diaz-Balart, L.	Hoyer
Boren	Diaz-Balart, M.	Hunter
Boswell	Dicks	Inglis
Boucher	Doggett	Inlee
Boustany	Donnelly (IN)	Issa
Boyd	Dreier	Jackson (IL)
Brady (PA)	Driehaus	Jackson-Lee
Brady (TX)	Duncan	(TX)
Braley (IA)	Edwards (MD)	Jenkins
Broun (GA)	Edwards (TX)	Johnson (GA)
Brown (SC)	Ehlers	Johnson, E. B.
Brown, Corrine	Ellison	Johnson, Sam
Brown-Waite,	Ellsworth	Jones
Ginny	Emerson	Jordan (OH)
Buchanan	Engel	Kagen
Burgess	Eshoo	Kanjorski
Burton (IN)	Fallin	Kaptur
Butterfield	Farr	Kennedy
Buyer	Fattah	Kildee
Calvert	Filner	Kilpatrick (MI)
Camp	Fleming	Kilroy
Campbell	Forbes	Kind
Cantor	Fortenberry	King (IA)
Cao	Foster	King (NY)
Capito	Fox	Kingston
Capps	Frank (MA)	Kirk
Capuano	Franks (AZ)	Kirkpatrick (AZ)
Cardoza	Frelinghuysen	Kissell
Carnahan	Fudge	Klein (FL)
Carney	Gallegly	Kline (MN)
Carson (IN)	Garrett (NJ)	Kosmas

Kratovil	Moran (VA)	Schwartz
Kucinich	Murphy (CT)	Scott (GA)
Lamborn	Murphy, Patrick	Scott (VA)
Lance	Murphy, Tim	Sensenbrenner
Langevin	Murtha	Serrano
Larsen (WA)	Myrick	Sessions
Latham	Nadler (NY)	Shadegg
LaTourette	Napolitano	Shea-Porter
Latta	Neal (MA)	Sherman
Lee (CA)	Nunes	Shimkus
Lee (NY)	Nye	Shuler
Levin	Oberstar	Simpson
Lewis (CA)	Obey	Sires
Lewis (GA)	Oliver	Skelton
Lipinski	Ortiz	Smith (NE)
LoBiondo	Pallone	Smith (NJ)
Loeback	Pascarella	Smith (TX)
Lofgren, Zoe	Pastor (AZ)	Smith (WA)
Lowey	Paulsen	Snyder
Lucas	Payne	Souder
Luetkemeyer	Perriello	Space
Lujan	Peters	Spratt
Lummis	Peterson	Stark
Lungren, Daniel	Petri	Stearns
E.	Pingree (ME)	Stupak
Lynch	Pitts	Sullivan
Mack	Platts	Sutton
Maloney	Polis (CO)	Tauscher
Manzullo	Pomeroy	Taylor
Marchant	Posey	Teague
Markey (CO)	Price (GA)	Terry
Markey (MA)	Price (NC)	Thompson (MS)
Marshall	Putnam	Thompson (PA)
Massa	Rahall	Thornberry
Matheson	Rehberg	Tiahrt
Matsui	Reichert	Tiberi
McCarthy (CA)	Reyes	Tierney
McCarthy (NY)	Richardson	Titus
McCauley	Rodriguez	Tonko
McClintock	Roe (TN)	Towns
McCollum	Rogers (AL)	Tsongas
McCotter	Rogers (KY)	Turner
McDermott	Rogers (MI)	Upton
McGovern	Rohrabacher	Van Hollen
McHenry	Rooney	Velázquez
McHugh	Ros-Lehtinen	Visclosky
McIntyre	Roskam	Walden
McKeon	Ross	Walz
McMahon	Rothman (NJ)	Wamp
McMorris	Royce	Waters
Rodgers	Ruppersberger	Watson
McNerney	Rush	Watt
Meek (FL)	Ryan (OH)	Waxman
Meeks (NY)	Ryan (WI)	Weiner
Melancon	Salazar	Westmoreland
Mica	Sánchez, Linda	Wexler
Michaud	T.	Whitfield
Miller (MI)	Sanchez, Loretta	Wilson (OH)
Miller (NC)	Sarbanes	Wilson (SC)
Miller, George	Scalise	Wittman
Minnick	Schakowsky	Wolf
Mitchell	Schauer	Woolsey
Mollohan	Schiff	Wu
Moore (KS)	Schmidt	Yarmuth
Moore (WI)	Schock	Young (AK)
Moran (KS)	Schrader	Young (FL)

NAYS—10

Chaffetz	Miller (FL)	Poe (TX)
Flake	Neugebauer	Shuster
Heller	Paul	
Johnson (IL)	Pence	

NOT VOTING—30

Ackerman	Hensarling	Roybal-Allard
Bishop (NY)	Higgins	Sestak
Bright	Israel	Slaughter
Castor (FL)	Larson (CT)	Speier
Conyers	Linder	Tanner
Crowley	Maffei	Thompson (CA)
Dingell	Miller, Gary	Wasserman
Doyle	Olson	Schultz
Etheridge	Perlmutter	Welch
Giffords	Radanovich	
Hastings (WA)	Rangel	

□ 1430

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

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, due to events in my congressional district, I was unable to vote today. If I were present, I would vote “yea” to H.R. 1262, the Water Quality Investment Act of 2009, and “nay” to Representative MACK’s amendment. Furthermore, I would vote “yea” to H. Res. 224.

### PERSONAL EXPLANATION

Ms. ROYBAL-ALLARD. Mr. Speaker, I was ill today and was not present for votes on the Mack amendment to H.R. 1262 (rollcall 122), final passage of H.R. 1262 (rollcall 123), and passage of H.R. 224 (rollcall 124). Had I been present, I would have voted “nay” on the Mack amendment, and “yea” on final passage of H.R. 1262 and H.R. 224.

### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 31

Mr. MCINTYRE. Mr. Speaker, I ask unanimous consent to remove Representative MANZULLO’s name as cosponsor of H.R. 31.

The SPEAKER pro tempore (Mr. GRIFFITH). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

### LEGISLATIVE PROGRAM

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

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week’s schedule.

Mr. HOYER. I thank the minority whip for yielding.

On Monday the House will meet at 12:20 p.m. for morning hour and 2:00 p.m. for legislative business. On Tuesday the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business. On Friday no votes are expected in the House, which is a change from the previously announced schedule.

We will consider several bills under suspension of rules. A complete list of suspension bills, as is the custom, will be announced by the close of business tomorrow. In addition, we will consider H.R. 1388, the Generations Invigorating Volunteerism and Education Act, also known as the national service legislation.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman knows, there are 3 weeks remaining prior to the 2-week Easter recess. Since the last recess, this House and Congress have sent a \$410 billion spending bill to the President. We have passed a bill imposing housing cramdown, and we just voted on a water quality bill, as well as one celebrating Pi Day.

I would ask the gentleman if he intends to use the next 3 weeks to try and focus on the fear that exists out