

the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, 27 weeks the Republicans have been in charge of this House, and they have not brought a single jobs bill to the floor.

Instead, House leadership has set its eyes on dogmatically asserting its goals of repealing health care reform and dismantling even the most basic of environmental regulations. Republicans have brought us so far down the path of mass deregulation that even the most basic safeguards are under threat.

They have brought forth insipid legislation to repeal bulb efficiency standards and are still fighting against essential clean water regulation.

The reality is that both of these efforts will kill jobs and hurt innovation, but the Republicans seem perfectly comfortable in sticking to the rhetoric of anti-regulation regardless of whom it harms.

We have gone so far down this path that the anti-tax dogma of the House majority is now bringing debt ceiling negotiations to a terrible, terrible brink of catastrophe. They would rather preserve tax breaks for their corporate jet and oil companies than compromise on a plan that will benefit the middle class of America by better distributing that tax burden.

It's wrong. Let's come to the table.

JOB AND THE ECONOMY

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, last week the Nation heard disheartening news: Unemployment is up to 9.2 percent.

But the American people don't need reports to tell them what they already know, that job growth should be Congress' top priority.

But the Republicans still aren't getting the message. It's been 27 weeks since they took control, and they have done nothing to create jobs. In fact, they haven't put a single jobs bill to a vote. Instead, they are threatening the loss of countless more American jobs by bringing the debt ceiling talks to the brink of economic catastrophe. They are holding America's economy and the American people hostage to their agenda of tax cuts for the rich and loopholes that help mega-corporations.

We need House leaders looking out for the American people and creating jobs, not cutting them. We need strong House leaders who will protect the American people, not corporate interests.

TAX MARIJUANA AND HEMP

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

Mr. POLIS. Mr. Speaker, there are ongoing negotiations about how to deal

with our Nation's budget deficit. And while we need to make the tough cuts as part of the package, we also need new revenues.

One idea for new revenues would be to regulate and tax marijuana and hemp across the country. Fifteen States and the District of Columbia have various level of degrees of medical marijuana or legalized medical marijuana. And yet rather than have any tax at the Federal level that actually produces income, we effectively have 100 percent tax; namely, it's confiscated by the Federal Government if it's discovered.

By reducing the tax rate on marijuana and hemp to be in line with alcohol and tobacco, we will generate tens of billions of dollars for revenue to reduce the deficit, and it won't make marijuana or hemp legal in any jurisdiction in this country where it is currently illegal. It will simply collect revenue from the States that have chosen to go down the route of medical marijuana or marijuana legalization and create revenue for the taxpayers to bring to the table as part of this deficit deal.

I encourage my colleagues to support reducing the marijuana tax.

□ 1220

HUMAN RIGHTS ABUSES IN VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on October 15, 2009, I received disturbing reports that a democracy activist, Tran Khai Thanh Thuy, and her husband, Do Ba Tan, were beaten in front of their 13-year-old daughter and imprisoned by the Vietnamese police and government. Since then, I, along with some of my colleagues here in the House, have written countless letters to the Vietnamese Government urging the government to release Mrs. Tran. I have also engaged in direct communications with Secretary Clinton strongly advocating that the United States put pressure on the government in Vietnam to release her and so many other activists who simply want human rights to improve in Vietnam.

Fortunately, last month, thanks to the work of human rights organizations and Members of Congress, Mrs. Tran was released, and the State Department was able to bring Mrs. Tran to the United States where she now resides with her daughter.

Mrs. Tran, along with other activists, were all arrested simply for wanting human rights. I urge my colleagues to please help us with this issue.

CLEAN ENERGY JOBS

(Mr. TONKO asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to talk about jobs. My home district, the capital region of New York, is a leader in clean energy jobs. But don't take my word for it. The Brookings Institution recently completed a study that found that the capital region has the largest share of green jobs in the country. That's over 6 percent. That's over 28,000 green jobs. And not only is the region growing now, it is poised for growth in the future. Whether at Albany NanoTech, GE, Plug Power, AWS Truepower, or GlobalFoundries, the capital region is producing the high-tech manufacturing jobs of today and tomorrow.

This doesn't just impact our domestic economy. Along with L.A., New York, and San Francisco, Albany is the only other metro area contributing \$1 billion annually to the clean export economy. We can "make it in America." We can manufacture the best products in the world here and do so in a way that grows jobs and rebuilds our economy.

The real question is: Does this Congress believe we are worthy of that investment? I think we are. Let's invest in jobs for America, and in so doing, let's cut the deficit. This report from the Brookings Institution proves it.

THE DEBT CEILING

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

Mr. HIMES. Mr. Speaker, yesterday, I stood on this floor with 3 weeks to go before August 2, the debt ceiling, to make the argument that we should abide by the commitments that we have made in the past. Today, I heard Chairman Bernanke of the Federal Reserve say that to fail to raise the debt ceiling would be devastating for jobs.

So what's the holdup? Don't take it from me. Let me read you a paragraph from *The Economist* magazine. This is not *Mother Jones*. This is not even *The New York Times*. This is *The Economist* magazine.

"The sticking point is not on the spending side. It is because the vast majority of Republicans, driven on by the wilder-eyed members of their party and the cacophony of conservative media, are clinging to the position that not a single cent of deficit reduction must come from a higher tax take. This is economically illiterate and disgracefully cynical."

Let me read that again: "This is economically illiterate and disgracefully cynical."

PROVIDING FOR CONSIDERATION OF H.R. 2018, CLEAN WATER CO-OPERATIVE FEDERALISM ACT OF 2011

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 347 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 347

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2018) to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. OLSON). The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days during which they may revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides for a structured rule and makes in order 10 specific amendments that were received by the Rules Committee. Nine of those were offered by Democrats; only one amendment made in order was offered by a Republican. So the vast majority of amendments that were received by the Rules Committee which are in compliance with House rules were made in order under this resolution, with most being from Democrats.

So this is a very fair rule and continues the record of the Rules Committee in this Congress of making as many amendments in order as possible which conform to House rules. I commend Chairman DREIER for continuing the record of fairness and openness in the formulation of this particular rule.

Likewise, I would also like to commend the chairman of the Transportation and Infrastructure Committee, Mr. MICA, for bringing this bill forward.

Mr. Speaker, I am a cosponsor of this legislation which seeks to restore just a little bit of balance between States and the Federal Government when it comes to implementation of Clean Water Act mandates. The Clean Water Act was originally intended by Congress to restore and maintain the integrity of our Nation's waters, which is a noble goal. Who can be opposed to that? We all support the idea of clean water in our Nation and our communities. But the Clean Water Act was originally intended to be a partnership between the States and the Federal Government and allowed the States to be authorized as the lead authority for water quality programs and permits.

Unfortunately, the bill was written in a very careless and sloppy way, and so the time has come when it can be re-altered or reinterpreted as time goes on. It doesn't matter that the Constitution does not allow that. The Constitution clearly says that all legislative powers herein granted shall be vested in the Congress. What we have seen is an agency of the Federal Government start to expand beyond their responsibility because the legislation itself, the core legislation, is somewhat vague.

John Marshall once said that agencies should have the power to fill in the details. We're not talking about details. We're talking about where agencies of the Federal Government have expanded their power and responsibility far beyond what was ever intended, specifically when it relates to the value and the priority of States.

For example, the State of Florida had previously obtained EPA approval for its statewide water quality and nutrient criteria development plan, and even though the State of Florida is well under way in developing its own nutrient standards based on those earlier Federal approvals, the EPA, in 2010, decided to step in and, with what Nelson Rockefeller used to say as the deadening hand of bureaucracy, imposed its own new water quality stand-

ards for nutrients in the State of Florida; violating the implicit State and Federal partnership established under the original Clean Water Act and stomping all over the good work that Florida had been doing when it was completing its tasks based on those earlier Federal approvals.

In other States, the same thing has happened. In West Virginia, the EPA retroactively vetoed permits previously issued for coal mining operations by the Army Corps of Engineers.

□ 1230

These examples of overreaching by an administration, specifically the EPA, have upset the longstanding balance between Federal and State partners in regulating our Nation's waters and has undermined the system of cooperative federalism that was supposed to have been established in the original Clean Water Act. The EPA's actions have pulled the rug out from under the States in a very capricious and an extremely arrogant manner, have created an atmosphere of regulatory uncertainty for businesses and local governments, which now have to plan and rely on clean water permits as they think they might be used in the future.

This new uncertainty has an extremely negative impact on businesses both large and small, and has most certainly contributed to the negative impacts on the Nation's economy and the inability of this administration to create jobs and reduce employment below 9 percent in spite of massive record spending and crushing debt.

This bill is indeed common sense. It is a targeted approach at correcting some of the abuses. It is not about distribution of water. It is not actually even about the quality. It is about the process in which we are involved as to who gets to decide. And it also restates that the people who live in the States logically care about their own States and do not have to rely on the largess of the all-wise and all-important Federal Government to make decisions for them.

Passage of H.R. 2018 will not in any way gut the clean air regulations or endanger citizens into drinking dirty water. The EPA retains its ultimate authority. However, the bill has been narrowly drafted to preserve the authority of States to make decisions about their own quality standards without interference or retroactive second guessing by those inside the Beltway, bureaucrats who have little or no local knowledge of the conditions or qualities that are under their consideration.

The growing excesses of the EPA in second-guessing the States and retroactively revoking previously granted approvals must stop. The status quo hurts people, and it does not help the value or the quantity or the quality of our water.

This bill is a good start. It is not completion of the issue, but it is a good start in trying to provide balance and

rationality back into the public process that we have and, more importantly, allowing people to know that when decisions are made, they are not going to be arbitrarily taken away and changed in the future. No government can operate that way. No business can operate that way. This should not be the policy of the United States. This is a good bill. More importantly, this is an extremely fair rule, and I urge its adoption.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to thank the gentleman from Utah for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I would also like to congratulate the gentleman from Utah on the occasion of his birthday and convey my warm birthday wishes to the gentleman from Utah.

Despite it being his birthday, however, I have to disagree with much of what he said regarding the rule and the bill. I rise in opposition to the rule and the bill.

This is an important debate that our country has had for generations with regard to State sovereignty and the role of the Federal Government. It is an ongoing discussion since the revolutionary discussions of Jefferson, Adams, and Hamilton. And as the pendulum of popular discourse swings back and forth on this fundamental issue, our country has concluded without a doubt that at the very least there are certain decisions that affect the whole country and interstate commerce that cannot be made unilaterally by different States.

That is true for civil rights with regard to the Voting Rights Act and the Civil Rights Act. It is true for immigration, which can only be addressed at a national level, and it is undoubtedly also true, as I will describe, for the protection of our environment and public health. Responsibility is fundamentally an American value, taking responsibility for your own actions.

But, Mr. Speaker, cancer clusters, polluted air and polluted water don't know State boundaries. The Cuyahoga on its way to Lake Erie literally caught on fire from overpollution when the Clean Water Act was written. It wouldn't stop burning simply because of a State borderline. Spilled oil in Montana's Yellowstone River won't stop at the border of North Dakota as it joins the Missouri River and makes its way down to the mighty Mississippi. Maintaining the Federal Government's basic safety net, the Clean Water Act, ensures that each State meets the basic safety standards in their own way, giving them flexibility; but it is a critical application of Federal authority with regard to interstate commerce and interstate activities.

The interstate nature of polluted air, polluted water and the devastating effects that pollution has on all of our health, as well as our economy and jobs

with regard to recreational opportunities, demonstrates clearly that it is an issue that should be confronted by all of our States together in the United States of America here at the seat of the Federal Government.

Mr. Speaker, let's not fool ourselves. The bill before us today isn't just about the role of the Federal Government. The bill isn't just a push for State sovereignty. Rather, this bill is satisfying two very niche special interests at the cost of the American public. This bill is designed to benefit mountaintop coal mining companies and large factory farms.

H.R. 2018 would restrict EPA's ability to revise an existing water quality standard or promulgate a new one, unless the State concurs, effectively giving veto power to each State. It would prohibit EPA from rejecting a water quality certification granted by a State. It would prohibit EPA from withdrawing approval of a State or from limiting Federal financial assistance for the State program if a State is out of compliance with water quality standards.

Mr. Speaker, mountaintop coal mining deserves a legitimate debate here in this body, and perhaps the gentleman from Utah and I might agree on some parts of that and disagree on others. That debate needs to carefully examine the arguments of jobs in the coal industry, energy independence versus environmental and public health concerns, also legitimate concerns; but that debate shouldn't be held under the guise of State control or under the guise of water pollution permits. This is a backdoor handout for a few destructive companies. It is not something that should be discussed under the concept of federalism.

I, for one, think that oversight of mountaintop mining is critical; and, again, I am happy to have that discussion. Continued handouts to the coal industry keep us addicted to a dirty source of energy when more jobs and a better standard of living and true energy independence are possible today through clean energy born of American innovation.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Georgia (Mr. WOODALL), a member of the Rules Committee.

Mr. WOODALL. I thank the gentleman.

I rise today as a member of the Rules Committee. Mr. Speaker, for folks who don't follow exactly what the Rules Committee does, the Rules Committee is that committee that is the very last committee to touch any piece of legislation that comes to the floor; and it is the responsibility of the Rules Committee to decide what kind of choices we will be able to make about the bill once it gets to the floor.

Now, there was a time in this House, Mr. Speaker, where what that meant was that the Rules Committee closed

that process down, didn't allow any other options, any other opinions, no amendments at all, sent a bill to the floor and said take it or leave it. But, Mr. Speaker, under the leadership of Chairman DREIER on the Rules Committee and under the leadership of the Speaker of the House, that process has begun to change. Now, it is not perfect, but it has begun to change.

I rise in support of a rule today where the Rules Committee asked all 435 Members of this House, when it comes to the Clean Water Cooperative Federalism Act, asked all 435 members of this House: What would you like to see changed about this bill? How would you like to see this bill improved? What would you like done differently in this piece of legislation?

As you know, Mr. Speaker, yesterday we had that exact same process on the flood insurance program. Not only did we allow lots of amendments to the flood insurance program; we allowed an amendment to eliminate the program altogether. That is the kind of openness that has been incorporated in this 112th Congress.

Well, this rule today is no exception. That is why I rise in strong support of it. We asked all 435 Members of the House, How would you improve the Clean Water Cooperative Federalism Act? Send in your amendment now, have it preprinted, and let us come and consider your ideas. And, Mr. Speaker, we did that, Republicans and Democrats alike. I have here, we only had one Republican amendment submitted, and we made that in order. We had 11 Democrat amendments submitted. One of those was non-germane. One was duplicative. The other nine were made in order.

Here we are, a Republican-controlled Congress, Mr. Speaker; and through the leadership of the Speaker and the chairman of the Rules Committee, we have said all amendments should be preprinted. All amendments should be considered.

Here we are on the floor of the House today, a Republican House, considering one Republican amendment and nine Democratic amendments. Now, a lot of folks ask why that is, Mr. Speaker. I get that every time I go back home. I live in a very conservative Republican district, as you know, Mr. Speaker. And so folks say: ROB, why don't you just shut down the process and do it your way because your way is the right way?

And I tell them: You're absolutely right. In our part of the world, our opinion is the right opinion. But there are a lot of other opinions. You get to Washington, D.C., 435 Members of Congress, that's 435 opinions. Sometimes it's 436 or 437 opinions among the 435 of us. And we can only have this body, the people's House, work its will when all of the people are heard.

I just say, and I thank the gentleman from Utah for yielding, it has been such a pleasure to be a part of the Rules Committee and serving with

folks like the gentleman from Colorado—whose editorial I read in the paper this morning with great interest—serving on a committee with folks like the gentleman from Colorado and the gentleman from Utah, who are committed to openness in this process.

□ 1240

I'm a believer, Mr. Speaker. I'm one of the new guys. I have only been here 6 months. I believe that we can do better for America when we do things in an open process.

Now, because I come from a conservative district, I know for a fact that when we open up the process to all comers, I'm going to lose, Mr. Speaker. I'm going to lose because this House kind of sits in the middle. We are a center-right nation. So I come from a far-right district; that means I'm going to lose. But I tell you, as an American, I want this House to work its will. I want this body to work the way the Founders intended it to work. I want us to take these baby steps, Mr. Speaker, towards restoring the faith of the American people in the work that we do here.

So, again, it is with great pride that I rise today as a member of the Rules Committee, as someone who supported this rule and as someone who is so appreciative of the leadership of Chairman DREIER and of Speaker BOEHNER and of our friends on the other side of the aisle who enable us to make this process the open process that it is.

I encourage all my colleagues to vote in favor of this rule and then to vote their conscience on the underlying provision.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New York, the ranking member on the Water Resources and Environment Subcommittee, Mr. BISHOP.

Mr. BISHOP of New York. I thank the gentleman from Colorado for yielding.

I rise in opposition to this rule and I also oppose the underlying bill.

Mr. Speaker, I was heartened that my Republican colleagues accepted many of the amendments offered in the Rules Committee yesterday, and I commend them for their attempts to adhere to the open process that they promised.

However, I was disappointed that an amendment offered by my good friend from Missouri (Mr. CARNAHAN) was not made in order because it would have addressed perhaps one of the most fundamental areas of concern for this bill that I and a great many others share, and that is that it undermines the Federal floor on water quality standards that has made the Clean Water Act such a success. This body should have had the opportunity to vote on such an important issue, and yet the rule denies that opportunity.

I am a strong supporter of efforts to protect the Long Island Sound, which borders the northern shore of my district and also the southern shore of

Connecticut. In my view, the investment of Federal, State, and local resources to clean up and protect the sound significantly benefits communities in my district and in our region generally in terms of increased economic productivity, increased revenues from commercial and recreational uses of the sound, and increased quality of life for local residents. As a New Yorker, I take great pride in the efforts my State has made in improving the water quality of the sound, and I appreciate the collective efforts of our neighboring States in cleaning up the sound.

However, under H.R. 2018, we revert back to the State-by-State, go-it-alone approach that was the hallmark of water pollution prevention before the enactment of the Clean Water Act. Under H.R. 2018, if the EPA proposes a revised water quality standard that science dictates is needed to clean up the sound and Connecticut decides that they don't want to implement that standard, the EPA would no longer have the authority to compel them to do so nor would New York have any recourse under the Clean Water Act to ensure that Connecticut or other upstream States are doing what is needed; in other words, a recipe for the kind of pollution that we dealt with prior to the implementation of the Clean Water Act.

For this and a great many other reasons, H.R. 2018 flies in the face of decades of experience in implementing the Clean Water Act and risks all the gains in water quality that we have made over the past 40 years. For that I urge my colleagues to oppose the rule and the underlying bill.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri, a member of the Water Resources Subcommittee, Mr. CARNAHAN.

Mr. CARNAHAN. I want to thank my colleague from Colorado (Mr. POLIS) for yielding and for the work he is doing on this rule.

I appreciate the consideration of the Rules Committee in making one of the amendments I offered on this bill in order. However, I offered a second amendment that gets right at the heart of the issues addressed by this legislation, and, unfortunately, this amendment was not made in order. I can only assume this is because the majority does not want a floor debate that demonstrates the weaknesses inherent in this legislation.

My constituents in the St. Louis region I represent understand how important the Clean Water Act is. Situated at the confluence of our country's two greatest rivers, the Mississippi and the Missouri, St. Louis has a long relationship with the mighty rivers. We have long relied on the rivers to take our products to market and to connect us to the rest of the country, and, of course, we depend on them to provide clean drinking water. At the same time, we have learned to rebuild after

devastating floods, and I'm sorry to see that this year may well go down in history as the most devastating year for flooding since the epic year of 1993.

I appreciate that the Rules Committee made in order my amendment which will allow us to debate and vote to ensure provisions which help ensure that flooded communities do not have to worry about unclean and unsafe water as they recover. However, Mr. Speaker, my constituents want to know that their water is clean and safe at all times, not just in the wake of natural disasters.

This bill seeks to give States greater control over their water, but, unfortunately, water does not always obey State borders. This bill fails—it fails—to ensure that water flowing from an upstream State meets the standards for water quality for any of the downstream States. This legislation will undermine the precedent we have established since President Nixon signed the Clean Water Act into law in 1972 that allows the EPA to balance the concerns of different States and ensure clean drinking water for everyone.

If H.R. 2018 were to become law as it stands now, the EPA would lose this critical ability. In that case, Missouri would have little recourse if, say, Minnesota or Illinois decided to adopt clean water standards below what is acceptable to Missouri.

My amendment which was not made in order is simple: It would have exempted water that travels between States, thus solving the issue of differing standards between States. If one State chooses to allow polluters to discharge harmful chemicals into a shared water body, other States that share the waters should have a say, and EPA should step in and ensure basic standards are met. Unfortunately, H.R. 2018 without my amendment will allow States to adopt inconsistent standards that will create uncertainty for business, damage our environment, and undermine our public health.

Mr. Speaker, I urge a "no" vote.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

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

Mr. Speaker, recent peer-reviewed scientific studies suggest that mountaintop mining is associated with higher cancer risk and elevated birth defect rates and many other health problems in Appalachian coal mining communities. Rates of cancer and birth defects are much higher, and with direct links to mountaintop mining practices, than the national average and even higher than in areas with traditional coal mining. Is this really what the rest of us are being asked to subsidize at the cost of our own States and our health?

If we want to debate mountaintop mining, let's do it—and there are pros and cons, legitimate issues and stalking horses as well—but we don't want to hurt the rest of the States in that process.

This bill throws into question a balance between State and Federal authority that has served the American people well for 30 years.

□ 1250

Why should the rest of us, once again, pay the price for a gain of a few coal mining companies or of a few factory farms when most Americans would prefer that we protect the Chesapeake Bay and the Everglades?

Oklahoma continues to battle Arkansas over water pollution from poultry farms, which starts in Arkansas and flows into Oklahoma. Why are we voting on a bill that would let Arkansas decide the fate of Oklahoma's waters?

Why should a community in Tennessee, whose economy is booming thanks to white water rafting and the growth of the outdoor recreation industry, live and die by the decisions of a North Carolina mining company?

Are we really going to vote for the ability of Pennsylvania to decide the fate of New York, Maryland and West Virginia rivers when Pennsylvania has decided that fracking with chemicals should be done without meaningful oversight?

I will be interested to see how these pronounced downstream States vote on these measures, and it will be interesting to see the outcome of this bill and how anybody who supports it from the downstream States can possibly justify the votes to their constituents, who are on the receiving end of interstate pollution.

H.R. 2018 would undermine the Federal Government's ability to ensure that States effectively implement or make necessary improvements to their water quality standards. If States fail to adhere to their own existing water quality standards, the bill would prohibit the EPA from insisting that States make the improvements that are necessary.

Regarding dredge-and-fill projects, H.R. 2018 would stymie the EPA's ability to stop discharges that have unacceptable adverse effects on municipal water supplies. Now, although this veto authority has only been used 13 times in the past 38 years, it is a critical tool that safeguards against the most destructive and health-threatening proposals.

Americans expect and rely on clean water and clean air that we breathe and drink every day. The Nation's lakes, rivers, bays, wetlands, and streams are vital to our health and vital to our economy. From the Chesapeake Bay to the Great Lakes to the Florida Everglades, all of these waterways and beaches are of interest and value and importance to our entire country. They need to be clean enough to swim and drink and fish from. Americans should have safe, clean water to drink.

H.R. 2018 would remove the EPA's ability to protect communities from unacceptable adverse effects for our Nation's waters and public health. Be-

fore the Clean Water Act, there wasn't an effective Federal safety net to ensure the health of our waters, but since the passage of the Clean Water Act, we have made great strides in restoring our waterways. This bill threatens to move that back.

Our current waterways are critical for our economy in my home State of Colorado and across the country. Waterways sustain the activities of 40 million anglers and sportsmen, who spend about \$45 billion a year, and of about 2.3 million people who spend over \$1 billion a year hunting, as well as the multibillion dollar commercial fishing industry.

Again, we have a national interest as to these issues, and it should not be, consistent with the American value of responsibility, within the ability of any one particular State to damage the economy and health of people in another State.

I reserve the balance of my time.

Mr. BISHOP of Utah. I am happy to yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of H.R. 2018, and I thank the gentleman for yielding me this time.

Last year, Thomas Donahue, the President of the U.S. Chamber of Commerce, said in a speech to a major jobs summit:

"Taken collectively, the regulatory activity now underway is so overwhelmingly beyond anything we have ever seen that we risk moving this country away from a government of the people to a government of regulators."

Mr. Speaker, if we are ever going to see an economic recovery, if we are ever going to create enough jobs for our young people, we have got to stop this explosion of Federal rules, regulations and red tape. This country could be booming right now, but it is being held back by Federal bureaucrats who have very little or no business experience and who do not realize how difficult it is to survive in small business or on small farms today.

This is my 23rd year in Congress. I believe I have heard and read more complaints about the EPA in the last couple of years than about all other Federal agencies combined. This bill is a very moderate attempt to rein in environmental radicals at the EPA and to put some common sense and, more importantly, some fairness in these clean water rulings.

I have heard from farmers, homebuilders, small business people, Realtors, coal miners, small property owners, and others. These rules and regulations do not hurt the big giants in business—in fact, they help them by driving out competition—but they are sure hurting the little guy, and they are hurting poor and lower income people by driving up the cost of houses, the cost of food and everything else, and are destroying jobs. Simply put, the EPA is out of control.

A few years ago, when I chaired the Water Resources and Environment Subcommittee, we heard testimony from a cranberry farmer in Massachusetts. During his testimony, he broke down into tears over the way he was treated by the EPA. The EPA claimed he filled 46 acres of wetlands that the farmer said never existed. The farmer, a Mr. Johnson, spent \$2 million over two decades in fighting this case. At the end of it, Mr. Johnson said he was "disgusted" by all the millions of dollars the government spent on a small section of his 400-acre farm.

He said, "For the money they spent, they could have bought all of our property with half of it."

Several years ago, in one of the most famous wetland cases, the trial judge in a Federal court said, "I don't know if it's just a coincidence that I just sentenced Mr. Gonzales, a person selling dope on the streets of the United States. He is an illegal person here. He's not an American citizen. He has a prior criminal record. So here we have a person who comes to the United States and commits crimes of selling dope, and the government asks me to put him in prison for 10 months; and then we have an American citizen who buys land, pays for it with his own money, and he moves some sand from one end to the other, and the government wants me to give him 63 months in prison." The judge said, "Now, if that isn't our system gone crazy, I don't know what is."

That's what this bill is all about. We've had so many of these bureaucratic rulings that have just gone crazy.

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

Mr. BISHOP of Utah. I yield the gentleman an additional minute.

Mr. DUNCAN of Tennessee. Mr. Speaker, this is supposed to be a Federal system in which our Founding Fathers felt more power should be given to the States than to the national government. They certainly didn't envision a Federal dictatorship, with the States being dictated to by unelected Federal bureaucrats.

This bill does not go very far, but it at least tries to put a little more balance and fairness back into our system so that we can have both clean water and a stronger economy.

Mr. POLIS. I have no further requests for time, and am prepared to close.

I would like to ask the gentleman from Utah if he has any remaining speakers.

Mr. BISHOP of Utah. I have no further requests for time, and I am ready to close as well.

Mr. POLIS. Mr. Speaker, from a purely self-interested perspective as a Coloradan—and perhaps we have very little to lose as we're a headwaters State—snow that falls in my district on the continental divide will either end up in the Arkansas and Mississippi rivers, flowing toward the Gulf of Mexico, or will end up in the Colorado

River, supplying my friend from Utah's State as well as Arizona, Nevada and California. The continental divide runs right through my district in the State of Colorado. If Colorado, for example, opened its doors to unregulated uranium mining, it's Utah, New Mexico, Arizona, and California which would have to pay that price.

Regardless of self-interest, clean water is an interstate issue that deserves an interstate solution. I can't think of anything that better fits the description of interstate commerce, which is enshrined in our Constitution, itself. Truly, how we deal with our interstate waterways is at the very base of interstate commerce.

Safe drinking water is critical to economic growth, to the survival of all communities nationally and to all people in the entire world. While States appropriately have led the role in implementing clean water safeguards, the law does not function effectively without a backstop and a floor provided by the Federal Government which ensures that people have clean water and safe drinking water regardless of the State in which they live.

Mr. Speaker, you've heard today the call from the right of Federal overreach, of an out-of-control EPA and that kind of rhetoric. Again, these are valid discussions about the degree of regulation from the EPA, how to deal with mountaintop coal mining—all important policy discussions—but they're simply avoided and punted in the wrong way by saying that these aren't legitimate interstate issues that have their nexuses here at the Federal level.

This bill is truly about a handout to special interests. A vote for this bill is a vote for a few well-lobbied companies and a vote against the health and environment of downstream States and downstream residents, which, as I noted above, include just about every person in the country. I encourage my colleagues to oppose the rule and the bill.

I yield back the balance of my time.

□ 1300

Mr. BISHOP of Utah. Mr. Speaker, I appreciate my good friend from Colorado and the way he has conducted the debate so far in this rule.

I have to admit, in closing on this particular bill, that as someone who as a State legislator worked on a complex that dealt with the largest undeveloped river in my district that went through and crossed six different State boundaries before it found its way to the Great Salt Lake, the idea that only the Federal Government can actually solve issues that happen between States or across State boundaries is somewhat almost insulting to the idea of the States.

It may be true that in every issue there is always some catalyst that brings it about. The issue in Florida and West Virginia—to which I responded—was a catalyst, but it is not the only situation that has provided

the basis for this particular bill. We have a letter from the Louisiana Department of Agriculture and Forestry, which has written in support of this bill simply because Louisiana is currently facing a similar threat from the EPA.

The Chamber of Commerce strongly opposes several amendments to this piece of legislation, but they also wrote: "The Clean Water Act grants States the primary responsibility for protecting water quality. However, recent actions by the EPA upset and supplant this partnership with arbitrary Federal power that is being exercised even over States with effective delegated regulatory programs. Individuals and firms that meet the requirements of, and obtain permits from, State regulators ought not to be left exposed to the enforcement whims and caprice of the Federal Government," which is the reality.

Finally, the National Association of State Departments of Agriculture also talk about this bipartisan piece of legislation that addresses the Environmental Protection Agency's ongoing regulatory overreach, and that it allows the basis, if we pass this bill, for States and the Federal Government once again to be able to work together.

I have stated repeatedly that one of the problems we do have with the provisions of the Clean Water Act is the concept of accountability. Where is someone allowed to kind of comprehend against what the Federal Government does when it overreaches? Let me give you one specific example, since the gentleman from Tennessee did, and it states the same concept that happens to be there. I will call this guy Gene, because that's his first name. But he was a farmer on a family farm, a sugar beet farmer—which I would remind you is a root crop. You try to have a sugar beet crop in a wetland and you come up with just rotted vegetables. But one Federal bureaucrat from these agencies, driving by his property one day, seeing it flooded, declared it to be a wetland, even though the farmer said the only reason the water is here is because we have a pipe from the creek that goes over to the land. And when the farmer removed the pipe from the creek to show that the water was not naturally flowing into that area, he was threatened with a jail term if he actually moved that pipe one more time.

Now even though they took core samples from the water conservancy district to prove there was too much clay in that land to ever have any kind of water bubble up from the underground aquifers, this one bureaucrat from these agencies still maintained this was a wetland. When asked how long would it take to determine—even though the science is against him—that he is wrong in his determination, his response was, well, 6 to 7 years because I want to go through a wet and dry cycle to see if maybe per chance water may not come up again on this person.

Now the issue, and why I'm so passionate about this is because, for Gene, this farm was his heritage. More importantly, it was his retirement, and it was his legacy for his kids. And what one bureaucrat, using the broad powers given under the Clean Water Act, was able to do is basically impose a taking on this person's property without ever compensating him for it, because they didn't take the land away; they just told him what he could do with it and—more importantly, because of that regulation now on his property—for what he could sell. He was able to finally unload his property at a quarter of the value that a neighbor, which this one bureaucrat did not see, was able to sell his exact same lot on the exact same road with the exact same type of land. That is the unfairness that has developed with a bill that is so loosely written.

Two Supreme Court decisions have criticized the bill and implored Congress to go back there and do our jobs and to tighten it up so that you don't have conflicting strategies and conflicting patterns and conflicting rules and regulations in different parts of the country. That's what we're attempting to do here.

There is a pattern of abuse. It hurts people. It is time to respect the idea that States care as much about their own States as the Federal Government would care about their States. And you can make the presumption that they probably care more. That's why this is a good bill, and that's why this is an issue of Federalism.

This is going back to what the original Clean Water Act was supposed to do, to encourage and indeed control and ensure that there would be bipartisan cooperation between States and the Federal Government. And unfortunately, as the years have progressed, the role of the States have been diminished by arbitrary and capricious actions on the part of the Federal Government. That can no longer be. That is the status quo that is unacceptable. That needs to be changed. That is exactly what this bill is attempting to do.

In closing, I would like to reiterate the fairness of this structured rule and urge its adoption, as well as urging the adoption of the underlying legislation.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 2 p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2018, CLEAN WATER COOPERATIVE FEDERALISM ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 347) providing for consideration of the bill (H.R. 2018) to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes, 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 resolution.

The vote was taken by electronic device, and there were—yeas 250, nays 171, not voting 10, as follows:

[Roll No. 564]

YEAS—250

| | | |
|-------------|---------------|-----------------|
| Adams | Coffman (CO) | Rowley |
| Aderholt | Cole | Granger |
| Akin | Conaway | Graves (GA) |
| Alexander | Costa | Graves (MO) |
| Altmire | Costello | Griffin (AR) |
| Amash | Cravaack | Griffith (VA) |
| Austria | Crawford | Grimm |
| Bachmann | Crenshaw | Guinta |
| Bachus | Critz | Guthrie |
| Barletta | Culberson | Hall |
| Bartlett | Davis (KY) | Hanna |
| Barton (TX) | Denham | Harper |
| Bass (NH) | Dent | Harris |
| Benishek | DesJarlais | Hartzler |
| Berg | Diaz-Balart | Hastings (WA) |
| Biggert | Dold | Hayworth |
| Bilbray | Dreier | Heck |
| Bilirakis | Duffy | Hensarling |
| Bishop (UT) | Duncan (SC) | Herger |
| Black | Duncan (TN) | Herrera Beutler |
| Blackburn | Ellmers | Holden |
| Bonner | Emerson | Huelskamp |
| Bono Mack | Farenthold | Huizenga (MI) |
| Boren | Fincher | Hultgren |
| Boustany | Fitzpatrick | Hunter |
| Brady (TX) | Flake | Hurt |
| Brooks | Fleischmann | Issa |
| Broun (GA) | Fleming | Jenkins |
| Buchanan | Flores | Johnson (IL) |
| Bucshon | Forbes | Johnson (OH) |
| Buerkle | Fortenberry | Johnson, Sam |
| Burgess | Fox | Jones |
| Burton (IN) | Franks (AZ) | Jordan |
| Calvert | Frelinghuysen | Kelly |
| Camp | Gallegly | King (IA) |
| Campbell | Gardner | King (NY) |
| Cannoco | Garrett | Kingston |
| Cantor | Gerlach | Kinzinger (IL) |
| Capito | Gibbs | Kissell |
| Carter | Gibson | Kline |
| Cassidy | Gingrey (GA) | Labrador |
| Chabot | Gohmert | Lamborn |
| Chaffetz | Goodlatte | Lance |
| Coble | Gosar | Landry |

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|-----------------|--------------|---------------|
| Lankford | Palazzo | Schweikert |
| Latham | Paul | Scott (SC) |
| LaTourette | Paulsen | Scott, Austin |
| Latta | Pearce | Sensenbrenner |
| Lewis (CA) | Pence | Sessions |
| LoBiondo | Petri | Shimkus |
| Long | Pitts | Shuler |
| Lucas | Platts | Shuster |
| Luetkemeyer | Poe (TX) | Simpson |
| Lummis | Pompeo | Smith (NE) |
| Lungren, Daniel | Posey | Smith (NJ) |
| E. | Price (GA) | Smith (TX) |
| Mack | Quayle | Southerland |
| Manzullo | Rahall | Stearns |
| Marchant | Reed | Stivers |
| Marino | Rehberg | Stutzman |
| Matheson | Reichert | Sullivan |
| McCarthy (CA) | Renacci | Terry |
| McCaul | Ribble | Thompson (PA) |
| McClintock | Rigell | Thornberry |
| McHenry | Rivera | Tiberi |
| McKeon | Roby | Tipton |
| McKinley | Roe (TN) | Turner |
| McMorris | Rogers (AL) | Upton |
| Rodgers | Rogers (KY) | Walberg |
| Meehan | Rogers (MI) | Walden |
| Mica | Rohrabacher | Walsh (IL) |
| Miller (FL) | Rokita | Webster |
| Miller (MI) | Rooney | West |
| Miller, Gary | Ros-Lehtinen | Westmoreland |
| Mulvaney | Roskam | Whitfield |
| Murphy (PA) | Ross (AR) | Wilson (SC) |
| Myrick | Ross (FL) | Wittman |
| Neugebauer | Royce | Wolf |
| Noem | Runyan | Womack |
| Nugent | Ryan (WI) | Woodall |
| Nunes | Scalise | Yoder |
| Nunnelee | Schilling | Young (AK) |
| Olson | Schmidt | Young (FL) |
| Owens | Schock | Young (IN) |

NAYS—171

| | | |
|---------------|----------------|------------------|
| Ackerman | Gonzalez | Napolitano |
| Andrews | Green, Al | Neal |
| Baca | Green, Gene | Oliver |
| Baldwin | Grijalva | Pallone |
| Barrow | Gutierrez | Pascarell |
| Becerra | Hanabusa | Payne |
| Berkley | Hastings (FL) | Pelosi |
| Berman | Heinrich | Perlmutter |
| Bishop (NY) | Higgins | Peters |
| Blumenauer | Himes | Peterson |
| Boswell | Hinojosa | Pingree (ME) |
| Brady (PA) | Hirono | Pollis |
| Braley (IA) | Hochul | Price (NC) |
| Brown (FL) | Holt | Quigley |
| Butterfield | Honda | Rangel |
| Capps | Hoyer | Reyes |
| Capuano | Inslee | Richardson |
| Carnahan | Israel | Richmond |
| Carney | Jackson (IL) | Rothman (NJ) |
| Carson (IN) | Jackson Lee | Roybal-Allard |
| Castor (FL) | (TX) | Rush |
| Chandler | Johnson (GA) | Ryan (OH) |
| Chu | Johnson, E. B. | Sánchez, Linda |
| Ciциlline | Kaptur | T. |
| Clarke (MI) | Keating | Sanchez, Loretta |
| Clarke (NY) | Kildee | Sarbanes |
| Clay | Kind | Schakowsky |
| Cleaver | Kucinich | Schiff |
| Clyburn | Langevin | Schrader |
| Cohen | Larsen (WA) | Schwartz |
| Connolly (VA) | Larson (CT) | Scott (VA) |
| Conyers | Lee (CA) | Scott, David |
| Cooper | Levin | Serrano |
| Courtney | Lewis (GA) | Sewell |
| Crowley | Lipinski | Sherman |
| Cuellar | Loebsack | Speier |
| Cummings | Lofgren, Zoe | Stark |
| Davis (CA) | Lowe | Sutton |
| Davis (IL) | Lujan | Thompson (CA) |
| DeFazio | Lynch | Thompson (MS) |
| DeGette | Maloney | Tierney |
| DeLauro | Markey | Tonko |
| Deutch | Matsui | Towns |
| Dicks | McCarthy (NY) | Tsongas |
| Dingell | McCollum | Van Hollen |
| Doggett | McDermott | Velázquez |
| Donnelly (IN) | McGovern | Visclosky |
| Doyle | McIntyre | Walz (MN) |
| Edwards | McNerney | Wasserman |
| Engel | Meeks | Schultz |
| Eshoo | Michaud | Waters |
| Farr | Miller (NC) | |
| Fattah | Miller, George | |
| Flner | Moore | |
| Frank (MA) | Moran | |
| Fudge | Murphy (CT) | |
| Garamendi | Nadler | |

| | | |
|-------|-------------|---------|
| Watt | Wilson (FL) | Wu |
| Welch | Woolsey | Yarmuth |

NOT VOTING—10

| | | |
|-------------|-------------|---------------|
| Bass (CA) | Giffords | Ruppersberger |
| Bishop (GA) | Hinchee | Waxman |
| Cardoza | McCotter | |
| Ellison | Pastor (AZ) | |

□ 1429

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. JACKSON of Illinois changed their vote from "yea" to "nay."

Mr. OWENS, Mrs. SCHMIDT, and Messrs. COSTELLO, TURNER, and GUINTA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2018 and to also include extraneous materials and letters of support into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CLEAN WATER COOPERATIVE FEDERALISM ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 347 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2018.

□ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2018) to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

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

The gentleman from Ohio (Mr. GIBBS) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

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

I rise in strong support of H.R. 2018, the Clean Water Cooperative Federalism Act of 2011. Almost four decades ago, when it enacted the Clean Water Act, Congress established a system of cooperative federalism by making the Federal Environmental Protection Agency, the EPA, and the States