

[Roll No. 904]

AYES—317

Adams	Frelinghuysen	McIntyre
Aderholt	Galleghy	McKeon
Akin	Garamendi	McKinley
Alexander	Gardner	McMorris
Altmire	Garrett	Rodgers
Amodi	Gerlach	McNerney
Austria	Gibbs	Meehan
Baca	Gibson	Mica
Bachus	Gingrey (GA)	Michaud
Barletta	Gohmert	Miller (FL)
Barrow	Goodlatte	Miller (MI)
Bartlett	Gosar	Miller, Gary
Barton (TX)	Gowdy	Murphy (CT)
Bass (NH)	Granger	Murphy (PA)
Benishek	Graves (MO)	Neugebauer
Berg	Griffin (AR)	Noem
Berkley	Griffith (VA)	Noeng
Berman	Grimm	Nunes
Biggert	Guinta	Nunnelee
Bilbray	Guthrie	Olson
Bilirakis	Hahn	Owens
Bishop (GA)	Hall	Palazzo
Bishop (NY)	Hanabusa	Pallone
Bishop (UT)	Hanna	Pascrell
Black	Harper	Pastor (AZ)
Blackburn	Harris	Paulsen
Bonner	Hartzler	Pearce
Bono Mack	Hastings (WA)	Pence
Boren	Hayworth	Perlmutter
Boswell	Heck	Peters
Boustany	Heinrich	Peterson
Brady (TX)	Hensarling	Petri
Braley (IA)	Herger	Pingree (ME)
Buchanan	Herrera Beutler	Pitts
Bucshon	Higgins	Platts
Buerkle	Himes	Pompeo
Burgess	Hinojosa	Posey
Burton (IN)	Hirono	Price (GA)
Calvert	Hochul	Quayle
Camp	Holden	Quigley
Canseco	Huelskamp	Rangel
Cantor	Huizenga (MI)	Reed
Capito	Hunter	Rehberg
Capps	Hurt	Reichert
Cardoza	Inlee	Renacci
Carnahan	Issa	Reyes
Carney	Jenkins	Ribble
Carter	Johnson (IL)	Richardson
Cassidy	Johnson (OH)	Rigell
Chabot	Johnson, Sam	Rivera
Chaffetz	Jones	Roby
Chandler	Jordan	Roe (TN)
Ciциlline	Keating	Rogers (AL)
Coble	Kelly	Rogers (KY)
Coffman (CO)	Kildee	Rogers (MI)
Cole	Kind	Rokita
Conaway	King (IA)	Rooney
Connolly (VA)	King (NY)	Ros-Lehtinen
Cooper	Kinzinger (IL)	Roskam
Costa	Kissell	Ross (AR)
Costello	Klaine	Ross (FL)
Courtney	Lamborn	Rothman (NJ)
Cravaack	Lance	Royce
Crawford	Landry	Runyan
Crenshaw	Langevin	Ruppersberger
Critz	Lankford	Ryan (OH)
Cuellar	Larsen (WA)	Ryan (WI)
Culberson	Larson (CT)	Sánchez, Linda
Davis (CA)	Latham	T.
Davis (KY)	LaTourette	Sanchez, Loretta
DeFazio	Latta	Sarbanes
DeLauro	Lewis (CA)	Scalise
Denham	Lipinski	Schiff
Dent	LoBiondo	Schilling
DesJarlais	Loebsock	Schmidt
Deutch	Long	Schock
Dingell	Lowe	Schrader
Dold	Lucas	Schwartz
Donnelly (IN)	Luetkemeyer	Schweikert
Doyle	Lujan	Scott (SC)
Dreier	Lummis	Scott, Austin
Duffy	Lungren, Daniel	Sensenbrenner
Duncan (SC)	E.	Sessions
Duncan (TN)	Lynch	Sewell
Ellmers	Mack	Sherman
Emerson	Manzullo	Shimkus
Engel	Marchant	Shuler
Farenthold	Marino	Shuster
Fincher	Matheson	Simpson
Fitzpatrick	Matsui	Smith (NE)
Fleischmann	McCarthy (CA)	Smith (NJ)
Fleming	McCarthy (NY)	Smith (TX)
Flores	McCaul	Southerland
Forbes	McCollum	Speier
Fortenberry	McCotter	Stearns
Franks (AZ)	McHenry	Stivers

Stutzman	Turner (OH)
Sullivan	Upton
Sutton	Walberg
Terry	Walden
Thompson (MS)	Walz (MN)
Thompson (PA)	Wasserman
Thornberry	Schultz
Tiberi	Waxman
Tipton	Webster
Tonko	Weich
Tsongas	West

NOES—98

Ackerman	Flake
Amash	Foxx
Andrews	Fudge
Baldwin	Gonzalez
Bass (CA)	Graves (GA)
Becerra	Green, Al
Blumenauer	Green, Gene
Brady (PA)	Grijalva
Brooks	Gutierrez
Brown (GA)	Hastings (FL)
Brown (FL)	Holt
Butterfield	Honda
Campbell	Jackson Lee
Capuano	(TX)
Carson (IN)	Johnson (GA)
Chu	Johnson, E. B.
Clarke (MI)	Kaptur
Clarke (NY)	Kingston
Clay	Kucinich
Cleaver	Labrador
Cohen	Lee (CA)
Conyers	Levin
Crowley	Lewis (GA)
Cummings	Lofgren, Zoe
DeGette	Maloney
Dicks	Markey
Doggett	McClintock
Edwards	McDermott
Ellison	McGovern
Eshoo	Meeks
Farr	Miller (NC)
Fattah	Miller, George
Filner	Moore

NOT VOTING—18

Bachmann	Giffords	Myrick
Castor (FL)	Hinche	Nadler
Clyburn	Hoyer	Paul
Davis (IL)	Hultgren	Pelosi
Diaz-Balart	Israel	Rahall
Frank (MA)	Jackson (IL)	Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1113

Messrs. NEAL, TIERNEY, POE of Texas, and AL GREEN of Texas changed their vote from “aye” to “no.”

Ms. RICHARDSON changed her vote from “no” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HULTGREN. Mr. Speaker, on rollcall No. 904, had I been present, I would have voted “no.”

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes 94, answered “present” 1, not voting 26, as follows:

[Roll No. 905]

AYES—312

Ackerman	Duncan (TN)	Latta
Adams	Edwards	Levin
Aderholt	Ellmers	Lewis (CA)
Akin	Emerson	Lipinski
Alexander	Engel	Loebsock
Amodi	Eshoo	Lofgren, Zoe
Austria	Farenthold	Long
Baca	Farr	Lowe
Bachus	Fattah	Luetkemeyer
Barletta	Fincher	Lujan
Barrow	Flake	Lummis
Bartlett	Fleischmann	Lungren, Daniel
Barton (TX)	Fleming	E.
Bass (NH)	Flores	Mack
Becerra	Forbes	Maloney
Berg	Fortenberry	Manzullo
Berkley	Franks (AZ)	Marchant
Berman	Frelinghuysen	Marino
Biggert	Fudge	McCarthy (CA)
Bilbray	Galleghy	McCarthy (NY)
Bilirakis	Garamendi	McCaul
Bishop (GA)	Gerlach	McClintock
Bishop (UT)	Gibbs	McCollum
Black	Gingrey (GA)	McHenry
Blackburn	Gonzalez	McIntyre
Bonner	Goodlatte	McKeon
Bono Mack	Gosar	McKinley
Boswell	Gowdy	McMorris
Boustany	Granger	Rodgers
Brady (TX)	Graves (GA)	McNerney
Braley (IA)	Graves (MO)	Meeks
Brooks	Green, Al	Mica
Brown (GA)	Griffin (AR)	Michaud
Brown (FL)	Griffith (VA)	Miller (FL)
Buchanan	Grimm	Miller (MI)
Bucshon	Guinta	Miller (NC)
Buerkle	Guthrie	Miller, Gary
Burton (IN)	Gutierrez	Moran
Butterfield	Hahn	Murphy (CT)
Calvert	Hall	Murphy (PA)
Camp	Hanabusa	Napolitano
Campbell	Harper	Neal
Canseco	Hartzler	Neugebauer
Cantor	Hastings (WA)	Noem
Capito	Hayworth	Noeng
Capps	Heinrich	Nunes
Carnahan	Hensarling	Nunnelee
Carney	Herger	Olson
Carter	Higgins	Owens
Chabot	Hinojosa	Palazzo
Chaffetz	Hirono	Pascrell
Ciциlline	Hochul	Paulsen
Clarke (MI)	Holden	Payne
Clarke (NY)	Huelskamp	Pearce
Clay	Huizenga (MI)	Pence
Cleaver	Hultgren	Perlmutter
Coble	Hunter	Peters
Coffman (CO)	Hurt	Petri
Cohen	Issa	Pingree (ME)
Cole	Jackson Lee	Pitts
Connolly (VA)	(TX)	Platts
Conyers	Jenkins	Pompeo
Cooper	Johnson (GA)	Posey
Courtney	Johnson (IL)	Price (GA)
Crawford	Johnson, E. B.	Price (NC)
Crenshaw	Johnson, Sam	Quigley
Critz	Jones	Rehberg
Crowley	Jordan	Reichert
Culberson	Kaptur	Reyes
Davis (CA)	Kelly	Richardson
Davis (KY)	Kildee	Richmond
DeGette	King (IA)	Rigell
DeLauro	Kingston	Rivera
Denham	Kissell	Roby
Dent	Klaine	Rogers (AL)
DesJarlais	Labrador	Rogers (KY)
Deutch	Lamborn	Rogers (MI)
Dicks	Landry	Rohrabacher
Dingell	Langevin	Rokita
Doggett	Lankford	Ros-Lehtinen
Doyle	Doyle	Roskam
Dreier	Larson (CT)	Ross (AR)
Duncan (SC)	LaTourette	Ross (FL)

Rothman (NJ)	Shimkus	Van Hollen
Roybal-Allard	Shuster	Velázquez
Royce	Simpson	Walberg
Ryunyan	Sires	Walz (MN)
Ruppersberger	Smith (NE)	Wasserman
Ryan (WI)	Smith (NJ)	Schultz
Scalise	Smith (TX)	Watt
Schiff	Smith (WA)	Waxman
Schilling	Southerland	Welch
Schmidt	Speier	West
Schock	Stearns	Westmoreland
Schrader	Stivers	Whitfield
Schwartz	Stutzman	Wilson (FL)
Schweikert	Sullivan	Wilson (SC)
Scott (SC)	Thompson (PA)	Wittman
Scott (VA)	Thornberry	Wolf
Scott, Austin	Tiberi	Womack
Scott, David	Tierney	Woolsey
Sensenbrenner	Tonko	Yarmuth
Serrano	Towns	Young (FL)
Sessions	Tsongas	Young (IN)
Sewell	Turner (NY)	
Sherman	Upton	

NOES—94

Altmire	Grijalva	Pallone
Andrews	Hanna	Pastor (AZ)
Baldwin	Harris	Peterson
Bass (CA)	Hastings (FL)	Poe (TX)
Benishke	Heck	Quayle
Bishop (NY)	Herrera Beutler	Rangel
Boren	Holt	Reed
Brady (PA)	Honda	Renacci
Burgess	Inslee	Ribble
Capuano	Johnson (OH)	Roe (TN)
Cardoza	Keating	Rooney
Carson (IN)	Kind	Rush
Chandler	King (NY)	Ryan (OH)
Chu	Kinzinger (IL)	Sánchez, Linda
Conaway	Kucinich	T.
Costa	Lance	Sanchez, Loretta
Costello	Latham	Sarbanes
Cravaack	Lee (CA)	Schakowsky
Cuellar	Lewis (GA)	Shuler
Cummings	LoBiondo	Slaughter
DeFazio	Lynch	Sutton
Dold	Markey	Terry
Donnelly (IN)	Matheson	Thompson (CA)
Duffy	Matsui	Thompson (MS)
Ellison	McCotter	Tipton
Filner	McDermott	Turner (OH)
Fitzpatrick	McGovern	Visclosky
Fox	Meehan	Walden
Gardner	Miller, George	Woodall
Garrett	Moore	Yoder
Gibson	Mulvaney	Young (AK)
Green, Gene	Olver	

ANSWERED "PRESENT"—1

Amash

NOT VOTING—26

Bachmann	Gohmert	Paul
Blumenauer	Himes	Pelosi
Cassidy	Hinchev	Polis
Castor (FL)	Hoyer	Rahall
Clyburn	Israel	Stark
Davis (IL)	Jackson (IL)	Walsh (IL)
Diaz-Balart	Lucas	Waters
Frank (MA)	Myrick	Webster
Giffords	Nadler	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1119

So the Journal was approved.

The result of the vote was announced as above recorded.

FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 1633.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 487 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. 1633.

□ 1119

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. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Michigan.

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

No question, from the largest manufacturer to the smallest farm or ranch, not enough businesses are thriving in this economy. The recovery has been slow and weak, job growth has been anemic, and the continuous rollout of expensive new regulations has only made it harder to get the economy back on track. That's why the House continues to approve bipartisan legislation addressing costly EPA rules, and that is why I support this legislation, the Farm Dust Regulation Prevention Act.

This bill achieves two important goals: regulatory certainty in the short term and common sense for rural America in the long term. The bill retains the current coarse particulate matter standard for 1 year—a position that Administrator Lisa Jackson from EPA has embraced with her plans to propose maintaining the standard—and it offers regulatory relief to rural America by recognizing that States and local communities are better equipped to monitor and control farm dust. EPA would no longer be in the business of regulating rural dust except in cases where it is not already regulated and the benefits of EPA regulation outweigh the costs.

Opponents of this bill insist that it's not necessary and that rural America has nothing to worry about, but the voices of rural America tell quite a different story. Listen to the American Farm Bureau Federation and all of its State affiliates. Listen to the Cattle-men's Beef Association and over 185 other organizations who collectively represent a significant portion of the rural economy, including Michigan and across the country. These organiza-

tions believe that this bill is necessary, and so do I.

The bill makes clear that the lead role in regulating nuisance dust should rest with State, local, and tribal governments, not the EPA.

This is a smart step for a lot of reasons. For one thing, State, local, and tribal governments already address rural dust issues. For another, dust issues differ greatly from location to location and thus are not well suited to a one-size-fits-all Federal approach. Further, these levels of governments do a much better job than the Federal EPA when it comes to weighing both the costs and the benefits of various options and choosing a path that is cost-effective and achieves the greatest benefits.

Finally, under this bill, in the absence of State, local, and tribal regulation, EPA may step in and regulate nuisance dust if the case for net benefits can be made for it. This bill is a commonsense bill that removes a regulatory threat to economic growth and prosperity across rural America. I urge all my colleagues to support it.

I reserve the balance of my time.

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

Over the past year, Republicans have brought to the floor one bill after another to weaken the Clean Air Act and eliminate EPA authority to protect public health from dangerous air pollution. The House has passed bills to nullify EPA's rules on air pollution from incinerators, power plants, cement kilns, and industrial boilers. But the bill before us today breaks new ground. It would block EPA from taking an action that EPA has no plan to take.

This bill is called the "Farm Dust Regulation Prevention Act of 2011." Well, that's a misleading title. EPA currently does not regulate farm dust and they have no plans to regulate farm dust. EPA Administrator Jackson told Congress that she will propose no change to the current air quality standard for coarse particles, which have been in place since the Reagan administration.

This bill belongs in the False Advertising Hall of Fame. It is not really about farms at all. Its real effect is to exempt industrial mining operations and other large industries from regulation under the Clean Air Act. And it threatens to overturn the particulate pollution standards that protect families in both rural and urban communities.

Section three of the bill exempts so-called "nuisance dust" from any regulation under the Clean Air Act. It then defines nuisance dust incredibly broadly. The definition covers both coarse particulates and deadly fine particulates. It covers particulates from earth moving—which means industrial mining operations—and from activities typically conducted in rural areas, which include cement plants, smelters, coal processing plants, and other industrial activities that are common in rural areas.