

# ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 411

*Resolved*, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON SMALL BUSINESS.—Ms. Hahn, to rank immediately after Mr. Richmond.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2401.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 406 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. 2401.

□ 1738

### 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. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, 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 Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 1 hour.

The Chair recognizes the gentleman from Kentucky.

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

The last time the Clean Air Act was significantly changed was in 1990, nearly 21 years ago, and since that time, a lot of changes have occurred in America. First of all, we find ourselves today with a situation where over 14 million Americans are unable to find work and millions more have given up trying. It appears that the only place where the job situation is good is at Federal regulatory agencies. Employment at Federal regulatory agencies

has climbed 13 percent since President Obama took office, while private sector jobs shrank by 5.6 percent. I believe these two divergent trends are related because the breaking pace at which the Environmental Protection Agency is cranking out new regulations is creating obstacles to job creation in America, and also to stimulating the economy.

I don't care if you speak to small business people today or large business people today, they will tell you that one of the reasons that they are not investing is because of uncertainty—uncertainty about the health care bill that was passed last year, uncertainty about the financial regulations that are raising capital requirements and making loans more difficult to obtain, but primarily they talk about the excessive regulations coming out of the Environmental Protection Agency.

Now, these regulations normally are not scrutinized very much, but I believe that the legislative branch has the responsibility, particularly when this many regulations are coming down the road, at a time when it's having impact on our ability to grow the economy, that the legislative branch needs to look at it, and that's precisely what we're doing with the TRAIN Act.

□ 1740

Under the TRAIN Act, we are establishing a government body that will look at the cumulative impact of about 12 regulations that have come down from the EPA in the last year or so. For example, there are a number of costly new rules impacting coal-fired electric power plants. These include utility MACT, Cross-State Air Pollution Rules, greenhouse gas rules, coal combustion residuals, and others.

Each of these rules, alone, will force some existing power plants to shut down, while also blocking new ones from being built. This is bad enough, not just for jobs, but also because it will raise electricity prices. But the combined effect of all these rules is far worse. In fact, it could even reduce generating capacity enough that it would jeopardize the reliability of the Nation's electric grid system. And we need to know all of the information that we can obtain about these regulations so that we can move forward in a legitimate and conscientious way.

If America is going to remain competitive in the global marketplace, it is going to have to have reasonable electricity prices, and that's going to be essential if we're ever going to stimulate this economy and create jobs in America.

The cumulative burden of regulations really has not been much of a burden in the past because it's seldom that EPA has ever come forth with this many regulations. But the Obama administration's attempt to squeeze at least a decade's worth of major Clean Air Act regulations into less than 3 years, and do so in the midst of a weak economy, creates serious problems for America.

The TRAIN Act, which really is very simple, will require an analysis of the cumulative impacts of the listed rules on energy prices and reliability, on jobs, and the effect on American competitiveness.

Two upcoming rules that pose a particularly serious threat and are a major component of EPA's agenda are the utility MACT and the Cross-State Air Pollution Rule. For these two rules, we will be offering an amendment that would put them on hold, pending completion of the cumulative impact study, as well as make substantive changes to make sure that they are achievable in real life.

I might point out that the utility MACT is not in effect yet. The final rule is expected in November of this year. But the Cross-State Air Pollution Rule is in effect, and they'll start implementing it the first of the year.

We're going to ask that that implementation be delayed until the final rule of our committee that's established under the TRAIN Act makes its final report on August 1, 2012.

Some people are saying, well, if you delay this, then what are we going to do about our air transport rule? Well, the reality is that we have an air transport rule in effect today. I might add that EPA, when they implemented this bill, the CAIR Act, which was invalidated by a Federal court, showed that the SO<sub>2</sub> emissions, the NO<sub>x</sub> emissions would be reduced significantly. And just about every environmental group in America supported the implementation of CAIR.

I might also say that with CAIR, at that time, EPA came out with one of their benefit analyses, and they said CAIR will result in \$85 billion to \$100 billion in health benefits each year, preventing 17,000 premature deaths, 22,000 nonfatal heart attacks, 22,300 hospital admissions, 1.7 million workdays, 500,000 lost schooldays. What we have in place today is doing a tremendous job; and until a court invalidated it, everyone was pleased with it. And so there's little reason for us to rush forward to put in a new air transport rule when we have one that is working fine today.

I might also say, some people have criticized this by trying to look at the cumulative impact of all these 12 or 13 regulations that EPA has implemented, but I would point out that President Obama, in his Executive Order 13563, said: I'm asking people in my administration to tailor regulations to impose the least burden on society, taking into account other things, including the cost of cumulative regulations.

So this legislation, which some people are going to describe as radical, is simply implementing what President Obama has asked his Environmental Protection Agency to do, and yet they refuse to do it.

With that, I do hope that people will support H.R. 2401. It's a commonsense approach to remove regulations that

are prohibiting jobs from being created in America and stimulating the American economy.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

This week is Dirty Air Week in the House of Representatives. Yesterday, in the Energy and Commerce Committee, we considered legislation that will increase emissions of mercury and other dangerous chemicals from industrial sources. Today the full House considers legislation to cut the heart out of the Clean Air Act.

Mr. Speaker, this is the most anti-environmental House of Representatives in history. Since February of this year, the House has voted again and again to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands in coastal areas, and to weaken the protection of the environment in other ways.

My staff prepared a database last month on every anti-environmental vote in this Congress. The tally was 125—125 votes to weaken clean air, clean water, safeguards to make our drinking water less safe, to weaken environmental standards in dozens of different ways. This is an appalling and dangerous environmental record. The full database is online at [democrats.energycommerce.house.gov](http://democrats.energycommerce.house.gov).

Today the assault continues on the Clean Air Act. The bill we consider today, the TRAIN Act, will block and indefinitely delay two EPA rules that reduce pollution from power plants: the Mercury and Air Toxics Rule and the Cross-State Air Pollution Rule. These rules are critical to protecting the public health. Each year these rules will prevent tens of thousands of premature deaths, tens of thousands of heart attacks, and hundreds of thousands of asthma attacks. They will also prevent over 2 million lost workdays. If this legislation is enacted, these public health benefits will be lost, and more babies will be born with birth defects and learning disabilities.

And this is not all. Today we will consider amendments offered by Chairman WHITFIELD and Representative LATTA that will make this bill even worse. The Whitfield amendment will eviscerate the law's ability to require power plants to install modern pollution controls.

EPA Administrator Lisa Jackson told us this morning that if the Whitfield amendment is enacted, EPA will never be able to issue a rule to prevent emissions from power plants in one State from polluting the air in a downwind State. She also said that the amendment could destroy the agency's ability to ever reduce toxic mercury emissions from power plants.

The Latta amendment is even worse. It will reverse 40 years of clean air policy, repealing the health-based standards that are at the heart of the Clean Air Act. The Latta amendment would allow our national goals for clean air

to be determined by corporate profits, not public health.

□ 1750

These radical amendments were never examined in hearings or debated in the Energy and Commerce Committee or in any other committee. Members are being asked to vote on major changes to the Clean Air Act without any idea of their terrible impact on air quality and public health.

My Republican colleagues will argue that we need to gut the Clean Air Act because it is a job-killing law. That is categorically false. The last 40 years proved we could have both economic growth and a clean environment. We do not have to choose between jobs and toxic mercury emissions that endanger our children's health and poison our lakes.

The rules that are being overturned are job creators. If these rules are allowed to go forward, the utilities that operate our oldest and dirtiest power plants will have to install new pollution controls. This will create 1.5 million jobs by 2015. This bill puts these jobs on the chopping block.

I urge all Members to oppose this legislation and protect the Clean Air Act. I reserve the balance of my time.

Mr. WHITFIELD. I might just say first of all that I would tell Mrs. Jackson that we are not preventing her from implementing new air transport rules. We're going to keep in place what we have today that EPA said was a splendid program and even defended it in the court system. If my amendment is adopted, 3 years after the final report is made, they're totally free to go in and implement a new rule.

At this time I would like to yield 5 minutes to the vice chairman, the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise today in strong support of H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011, otherwise known as the TRAIN Act.

As House Republicans move forward with a bold agenda to grow our economy and put Americans back to work, one area that must be addressed is the issue of overregulation by the Federal Government.

I strongly believe the Obama administration is moving too fast and showing little regard for the economic consequences of their energy and environmental policies. They are trying to regulate what they don't have the votes to legislate, and it is going to cost American jobs.

With our Nation suffering under a crushing weight of 9 percent unemployment and the fact that the United States failed to create a single job in the month of August, the stakes could not be higher. The simple fact is that the businesses make decisions on where to invest based upon a number of factors, but regulatory certainty ranks at the top of the list.

I introduced this bipartisan legislation to protect American jobs, jobs

that we are in danger of losing due to the Obama administration's environmental regulatory agenda. The TRAIN Act will force the EPA and other Federal agencies to conduct an in-depth economic analysis of several of their rules and regulations so Congress and the American people can fully understand how the EPA's regulatory train wreck will impact our economy.

In fact, EPA's rules and actions addressed in this legislation cost billions of dollars to the U.S. economy. The time to address the full economic burden of these regulations is now.

At its heart, the TRAIN Act simply asks questions that should be asked of any expensive regulation: What do these regulations mean for our ability to compete in the global marketplace? Will electricity prices climb and by how much as power producers are required to retrofit plants to meet new requirements? How would higher electricity prices and plant closures affect jobs in the U.S.?

It's really astonishing that the EPA is not doing this already. It is just common sense, good government for American workers and businesses.

Now, some of the opponents of this commonsense legislation, including President Obama, say that this legislation is an assault on the Clean Air Act. Nothing could be further from the truth. The TRAIN Act will not prevent EPA from continuing to develop regulations. The TRAIN Act will also not limit the EPA's authority to protect public health and welfare in any way. The fact is EPA has never done an analysis on the cumulative impacts of these regulations on global competitiveness, energy and fuel prices, employment, or reliability of electricity supply, which is why we need this legislation.

As we can see by EPA's actions on the utility sector alone, they are issuing multiple regulations on top of each other at an accelerated rate that makes it difficult for companies to invest and create jobs. I'm pleased that we include language to delay EPA's action on both the Utility MACT and the Cross-State Air Pollution Rule until 6 months after the TRAIN Act analysis is complete.

The Utility MACT Rule alone has the potential to be EPA's most expensive rule impacting the U.S. economy. And when combined, these proposed rules could cost almost \$18 billion to implement as a result and cause a net employment loss of 1,450,000 jobs by 2020. These rules are an example of EPA's regulatory train wreck in action.

In addition, one of the actions in my bill that we study is the regional haze issue, which greatly impacts my State of Oklahoma, as this is yet another example of EPA's overreaching on the States with burdensome regulations without analyzing its impact on electric reliability or cost. This EPA action alone is expected to cost \$2 billion to Oklahoma businesses and electric rate payers.

If there is one thing that can help our struggling economy, it is having access to stable and reliable sources of energy.

In these tough economic times, I encourage my colleagues from both sides of the aisle to support this common-sense measure.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 5 minutes to the distinguished ranking member of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the fine ranking member of the full committee, Mr. WAXMAN, for his outstanding leadership on this matter and other matters before our committee and before this Congress.

Mr. Chairman, I join my friend and colleague, Ranking Member WAXMAN, in his declaration that this week should be known as Dirty Air Week in America based on the Republican legislative agenda.

The so-called TRAIN Act is really a train wreck for the air we breathe, the environment we live in, and the jobs we need. Just yesterday in a full Energy and Commerce Committee markup, my Republican colleagues on a mostly party-line vote favorably passed out two bills that would delay the Obama administration's new rules for industrial boilers and cement kilns—H.R. 2250 and H.R. 2681, respectively.

These two bills would delay the toxic emissions limits for both boilers and cement kilns, two of the largest emissions sources that lack Federal standards and permanently weaken the Clean Air Act so that the EPA will be forced to issue weaker standards for these polluting facilities than the law currently requires.

Now today, we're here debating the Train Wreck Act, which would delay for at least 3 years the implementation of two new U.S. EPA rules for power plants: the newly finalized Cross-State Air Pollution Rule for sulfur dioxide and nitrogen oxides, and a soon-to-be finalized rule for hazardous toxic emissions.

□ 1800

With Republicans holding the majority in the House of Representatives, we know that the TRAIN Act will ultimately collide with the health of the American people. It's going to pass this Chamber even though the cross-State rule alone would prevent 34,000 deaths in this Nation and 400,000 cases of aggravated asthma annually.

Mr. Chairman, since the new Republican majority took control of the Energy and Commerce Committee and this Congress, they have been on a relentless crusade against our environmental protection laws, and they have been trying to portray the EPA as public enemy number one.

According to the logic of today's Republican Party, agencies such as the EPA, the American Lung Association, the American Public Health Association, the Allergy and Asthma Founda-

tion of America, and the Physicians for Social Responsibility are all actually enemies of the American people and American jobs because they oppose this radical new Republican agenda and because they advocate for policies that regulate the number of toxins and poisons that we allow industry to emit into the air each and every moment of the day.

I must remind my Republican colleagues that EPA stands for the Environmental Protection Agency and not the Evil Practices Agency, as they would have us believe.

My Republican colleagues would have the American people believe that, if Congress just gets out of industry's way and allows corporations to operate unregulated and unfettered, then they will inevitably do the right thing for the American people. The majority party also wants us to believe that we should not place standards or rules on industry because the inherent benevolence of corporations will ultimately lead them to do the right thing for the American people.

But just think of the recent past. Let me remind my Republican colleagues that this philosophy has been tested under the previous Bush administration, and it has totally failed. It has failed the American people. It has failed the American environment. It has failed the American air that we breathe.

The Acting CHAIR (Mr. HASTINGS of Washington). The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. RUSH. We don't have to look any further. Just look at the financial collapse and see what these kinds of unfettered regulations have done to jobs in this country and to jobs for the American people. This approach has put our entire economy on the brink of disaster.

After a financial collapse, here you are today, trying to bring forth a collapse in terms of environmental protections—a collapse in terms of protecting us by changing the air that we breathe.

Mr. Chairman, I urge all of my colleagues to oppose this egregious and dangerous bill.

Mr. WHITFIELD. I yield 3 minutes to the gentleman from Utah (Mr. MATHE-SON), who is a cosponsor of this legislation.

Mr. MATHE-SON. I want to thank my colleague from Kentucky for allowing me the time.

I think, as we look at the TRAIN Act today, you're going to hear a lot during this debate from both sides of the aisle; and there are going to be a lot of strong words from both sides of the aisle, probably beyond what the TRAIN Act really is.

The TRAIN Act was an idea: that we ought to take a look before we leap. The idea that we have all these processes taking place on individual rules, but that no one is bothering to take a

look at how they all might fit together and what the impacts might be just doesn't make sense. That was the genesis behind this bill: to make sure that we look at the overall impact. You see, the EPA is supposed to look at the impacts on each individual rule, but they don't look at how they connect together.

The Clean Air Act has been a wonderful success in this country. It has made a lot of progress, and I think everyone in this room appreciates the health benefits it has created. It has also made a lot of progress on a lot of different criteria pollutants. Now we're taking on and addressing issues that reflect some of the more difficult issues to address at smaller increments at the upper end. As we're going to do that, I would suggest it makes sense for us to make sure that before we take actions that could have great significance that we at least understand that significance.

So that's the idea behind the TRAIN Act—look before you leap, and make sure how all of this fits together.

Despite what this debate sounds like for people watching tonight, there is a common agenda here among everyone. I think most people in this country value clean air. They value good decision-making, too, and we want to make sure that we evaluate these issues with the best analysis possible and with the best information possible so we can make decisions in the most efficient way.

Mr. WAXMAN. Mr. Chairman, I am pleased and honored to yield 5 minutes to one of the strongest environmental champions in the House of Representatives, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding.

I rise in opposition to the Republican TRAIN Act, the Total Regulatory Amnesty for Industry Negligence Act of 2011.

The very silly premise of this bill is that it's simply impossible to keep our air clean and still keep our economic engine chugging along. This Republican-led House has initiated a full-throttle "repeal-a-thon." It's a three-part strategy: one, deny the science; two, delay the regulations; three, deter efforts to protect the health and security of millions of Americans.

We keep hearing from Republicans about how EPA's clean air standards to reduce mercury, lead, dioxins, and other pollutants need to be economically analyzed and reanalyzed. They insist that, even if a standard for one toxic chemical was met by an entire industrial sector, the removal of just one more poisonous chemical would cause a domino effect of problems for industry.

And the solution to these supposed problems? It is a time-tested Republican tradition.

First, pass legislation that repeals regulations that have already been set. Two, require endless study of the cumulative effects of all regulations of

all industries. Finally, just for good measure, pass an amendment that guts the very underpinnings of the Clean Air Act.

Make no mistake, that is what we are doing here today.

Our planet is warming and extreme weather is increasing. We're having record 100-year floods every few years. Hurricanes have caused floods, massive power outages, and deaths. Texas was on fire this summer after having the warmest summer ever recorded by any State. The President has issued disaster declarations in 48 States so far this year. We have set an all-time high of 83 major disasters declared in 2011. We've already had 10 weather events causing \$1 billion or more in damages—another record—and we still have 3 months of the year left to go.

And what do Republicans propose?

Rather than saving money by cutting the hundreds of billions we spent on unneeded Cold War-era nuclear weapons, the Tea Party chooses to cut funds that would reduce our dependency on foreign oil. Rather than cutting the tens of billions of dollars in taxpayer subsidies we give to Big Oil and Big Coal, the Republicans gut programs that would manufacture energy-efficient cars in America and provide clean air. Republicans would have us pay for the costs of weather disasters caused by global warming by cutting funding for a program that actually reduces the very threat of global warming.

For all the talk of this so-called "TRAIN wreck of cumulative EPA regulations," there seems to be one cumulative effect that isn't getting mentioned by the Republicans: the cumulative effect of all of their goals on the health of Americans. That is because the Republicans, perhaps, are spending so much time doing the bidding of those corporations that they have lost their train of thought.

If the regulation to remove mercury from cement plants—already 13 years overdue—is delayed for even one more year, up to 2,500 people will prematurely die. There will be 17,000 cases of aggravated asthma, and 1,500 people will suffer heart attacks. If the regulation to remove mercury, lead, and cancer-causing toxins from incinerators and industrial boilers—already 11 years overdue—is delayed for one more year, there will be 6,600 people who will prematurely die because of that.

□ 1810

Additionally, if this bill passes, it would repeal mercury and Cross-State Air Pollution Rules for power plants, resulting in the loss of 25,000 more lives and more than 11,000 heart attacks. And that's just with 1 year of delay.

So what's the cumulative impact of just 1 year of delay on each of these regulations? Thirty-four thousand people will die and many more will be injured.

In discussing these Republican efforts, today, Lisa Jackson, EPA Ad-

ministrator, testified before our committee that, "If we could reduce particulate matter to healthy levels, it would have the same impact as finding the cure for cancer in our country." The difference is we already know how to reduce particulate matter. We don't know how to cure cancer.

The Republicans are providing the American people with a false choice. We do not have to choose between air quality and air-conditioning. We do not have to choose between manufacturing and mercury poisoning. We do not have to choose between clean air and cancer. Ending protections for clean air and clean water should be a third rail issue, but the Republican Tea Party express has veered far off onto the right track.

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

Mr. WAXMAN. I yield the gentleman an additional 30 seconds.

Mr. MARKEY. I thank the gentleman.

Sadly, these are the kinds of anti-innovation, anti-science, anti-public health schemes the public has come to fear from this legislative wrecking crew.

When the Republicans beckon you to come "all aboard" on the TRAIN Act, I urge you to run in the opposite direction, because the only train Republicans seem to care about is the Big Oil and big coal gravy train, and that's pulling out of the station here tonight as the Republicans push this bill through the Congress.

Mr. WHITFIELD. I might say to the gentleman from Massachusetts, there is nothing in the TRAIN Act that would delay for 1 day the greenhouse gas regulations that EPA adopted last January. There is nothing in this bill relating to the Cement MACT as well.

At this time, I would like to yield 3 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. Thank you, Mr. Chairman.

Ladies and gentlemen, I knew that I was going to speak on this important legislation, and I tried to find the words that I would use this evening. And while I was attempting to do that, I came across a letter to the editor in the Virginian Leader in Giles County, Virginia, that was published yesterday, September 21, 2011, and sent in by John and Eleanor Kinney. They are described in their letter as an American blue collar worker. Neither Republican nor Democrat do they support. In that letter, I will quote parts of it, they say:

"I'm going to be very blunt with the following opinion: As a factory worker and taxpayer, I'm getting sick and tired of these Federal agencies who have nothing better to do except sit in their Washington offices and draw up rules and regulations to kill American jobs. Why don't they get off their sorry behinds and go out across this Nation and try to help industry save what jobs we have left? And who is paying these EPA people's salary? We are, the American workers. I believe in protecting

the environment, but we can't shut the whole country down to achieve it."

Mr. and Mrs. Kinney of Narrows, Virginia, go on:

"I hope that anyone who agrees will write, email, or call all of our elected officials in Washington, D.C. Tell them the EPA is not living in the real world, and that it's time to put some 'regulations' on them and how they can dictate rules to what industry we are still hanging on to in this Nation. In a time of recession and Americans out of work, they should be helping industry, not trying to close what manufacturing base we have left with these idiotic rules and regulations."

Hear, hear, Mr. and Mrs. Kinney. Hear, hear.

This bill that we are debating tonight does exactly what you asked us to do. We are doing your bidding, and the millions of Americans out there who feel the same way you do, that it's high time we put some regulations and some constraints on the regulators in Washington who don't know what it's like to have to work for a living, who don't know what it's like not knowing whether or not the particular business in your community is going to stay open.

These folks are particularly concerned in their discussion about a plant there in Giles County, one of the largest employers there that is in danger if we don't change some of the rules proposed by the EPA. They are concerned about announced layoffs in Giles County, Virginia, as a result of EPA regulations that will cause the power plant there at Glen Lyn to close down.

So, ladies and gentlemen, don't be fooled by the folks who say we are doing the bidding of Big Oil and Big Coal. We are doing the bidding of people like Mr. and Mrs. John and Eleanor Kinney.

I don't know the Kinneys, but I sure do look forward to getting to meet them, because that's the kind of people who made America great. And with a bill like this, we can continue to keep America great.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to my fellow Californian, an important member of the Health Subcommittee, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding time.

Mr. Chairman, I express my strong opposition to this bill that will dismantle public health standards and safeguards and increase air pollution.

The TRAIN Act may have started as a "study," but it has transformed into a fundamentally different beast. It will neither create jobs nor stimulate the economy. Instead, the TRAIN Act indefinitely blocks the EPA's Cross-State Air Pollution Rule and Mercury and Air Toxics Standards. These are designed to protect our children and our families from dangerous pollutants.

We know that blocking these standards will lead to tens of thousands of premature deaths every single year. It

will lead to more heart attacks, more respiratory illnesses, more children in the hospital hooked up to respirators. The TRAIN Act means more exposure to toxic mercury as well, a brain poison that causes developmental disorders, especially in small children and the unborn.

But, Mr. Chairman, the TRAIN Act will also hurt the economy. It will make it harder for families to make ends meet. It will force Americans to miss millions of days of work each year in order to care for sick family members or themselves.

It will waste billions of taxpayer dollars treating preventable illnesses and disease caused by pollution, which could have been prevented. And it will saddle families and businesses with out-of-pocket medical costs and higher insurance premiums.

That's what the TRAIN Act is really about, blocking the EPA from ridding our air of pollutants that cause asthma attacks, respiratory illnesses among children, heart disease, and premature deaths. And the other side of the aisle wants to make it worse than it already is.

Later today, Mr. WHITFIELD will offer an amendment that imposes even longer mandatory delays on EPA's two lifesaving clean air standards, and it would rewrite the Clean Air Act to reverse the way toxic air pollution standards are set. Instead of basing standards on the cleanest plants, the standards would be based on what the oldest and dirtiest plants are doing. Today Administrator Jackson testified that this change alone would make it impossible to ever issue a cross-State pollution standard.

Another amendment, led by Mr. LATTA, would invert the Clean Air Act's 40-year-old requirement that EPA set its clean air standards on health science and medicine alone. His amendment would eliminate that right, which Americans depend upon.

I urge my colleagues to vote "no" on these dangerous amendments because Americans don't want millions of tons of toxic pollution dumped into their lungs. They want jobs, and they aren't fooled that they need to pay for those jobs with more pollution. They want a stronger economy, not increased health care costs and suffering. And, most importantly, they want their children to breathe the clean and safe air.

I urge my colleagues vote "no" on this bill.

□ 1820

Mr. WHITFIELD. I might say to the gentelady from California, the air transport rule we have in effect today, when it was implemented, EPA said it would reduce SO<sub>x</sub> and NO<sub>x</sub> by 73 and 57 percent by the year 2015. So it's not like we don't have something already in place.

At this time I would like to yield 2 minutes to the distinguished Member from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I would like to thank our Republican col-

leagues for giving us time to speak on this important bill.

As we've discussed, H.R. 2401, the underlying bill, is one that is important and appropriate that we consider at this time. I support the underlying legislation. And also as my colleague, Congressman MATHESON stated, while it's okay to have strong feelings on this measure, it's not appropriate to overstate in fact what this legislation does.

This measure requires the creation of an interagency committee to study the effects of the current and proposed regulations put forth by the Environmental Protection Agency that together have major effects not only on our way of life but on our economy, our economy which at this point in time is in a very fragile recovery period.

For too long, constituents that I represent, farmers, farm workers and small businesses in the San Joaquin Valley, have had to shoulder the burden of mounting regulations of the EPA. They've worked hard to meet stricter standards, and we're making progress. We've made great progress in cleaning up the air quality in the valley, even while the population is growing more rapidly than any other place in the State. Yet common sense must prevail. At some point it's time to put the brakes on regulations and understand the effects on consumers, on energy, on manufacturing industries, on electricity, on fuel prices, and our country's competitiveness in the global market.

Recently, the administration has acknowledged that many regulations are having an effect on our economy. It's time that they step up to the plate and work with the Congress for common sense to prevail.

I thank Congressmen MATHESON and SULLIVAN for introducing this important measure, and I urge my colleagues to vote in favor of it. It's not an either/or choice. We can have clean air and we can have a good, commonsense decision-making process. The two are not mutually exclusive, as some of my colleagues are suggesting. I urge that you vote for this measure. It's a commonsense way to work through these difficult issues.

Mr. WAXMAN. Mr. Chairman, before I yield, I want to indicate that Mr. WHITFIELD just argued that this bill will not harm public health because although it blocks two critical rules to clean up old power plants, it doesn't repeal the Clean Air Interstate Rule, or the CAIR rule. Well, leaving an inadequate rule in place does not achieve the health benefits lost by blocking the Mercury Air Toxics Rule and the Cross-State Air Pollution Rule. The CAIR rule was blocked by the courts. They found it didn't comply with the Clean Air Act because it did not effectively address pollution that crosses State lines. That means that States suffering from up-wind pollution have to look for additional, more costly, pollution reductions from smaller local sources;

and it does not require power plants to clean up mercury and other toxic air pollution. His statement was absolutely incorrect.

At this time I want to yield 3 minutes to a very important member of our committee, Ms. SCHAKOWSKY from the State of Illinois.

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

The majority's assault on clean air continues and has culminated into what my friend and colleague, Mr. WAXMAN, has rightly referred to as Dirty Air Week.

The effort to further delay EPA from protecting our air would damage our environment and the health of our citizens. Today, 60 percent of Americans live in areas where air pollution has reached unhealthy levels. The health care costs associated with air pollution are estimated at over \$100 billion annually. But these statistics would be even worse without the protections of the Clean Air Act. According to the American Lung Association, Clean Air Act regulations prevented over 160,000 premature deaths in 2010.

Over the past 20 years, the EPA estimates that the Clean Air Act prevented 21,000 cases of heart disease, 672,000 cases of chronic bronchitis, 843,000 asthma attacks, and 18 million child respiratory illnesses.

Yet today we consider a bill the Natural Resource's Defense Council has deemed the deadliest bill on the Republican agenda. The goal of the TRAIN Act is to undermine EPA's ability to protect our citizens from dangerous toxins through the dismantling of the Mercury and Air Toxics and Cross-State air pollution standards.

As a mother and a grandmother, I have been a long-time advocate of clean air practices, especially with regard to mercury.

Mercury threatens public health, but is particularly dangerous to pregnant women and children. Overexposure to mercury inhibits a developing child's ability to walk, talk, read, write, and comprehend and is one of the most dangerous unregulated toxins, which is why I led legislation in the last Congress to curb mercury emissions from various facilities.

In my home State of Illinois, coal-fired power plants emitted almost 5,000 pounds of mercury into the atmosphere in 2009, making Illinois the seventh most mercury-polluted State in the Nation. But while Illinois has taken steps to reduce mercury contamination, air pollution doesn't stop at State borders. Federal standards are needed to ensure that every State makes a good-faith effort to protect its residents.

The Mercury and Air Toxics Standards will prevent 4,500 cases of acute bronchitis and 6,800 premature deaths. And the Cross-State Air Pollution Rule will prevent 400,000 cases of aggravated asthma and 34,000 deaths per year.

My colleagues across the aisle claim to be in the business of eliminating

burdens. But by my math, every year these regulations are delayed, over 40,000 preventable deaths will occur. And as much as Republican opponents to the EPA would like to disagree, these rules, like the previous Clean Air Act regulations, will grow our economy.

Earlier this year, the Political Economy Research Institute concluded that the Cross-State and Mercury and Air Toxics rules will drive investments that could create 300,000 new jobs annually. The Mercury and Toxics Air Standard alone is expected to generate \$7 billion in annual GDP growth. The numbers are clearly in favor of the Clean Air Act and I reject the Republican idea that Americans need to choose between jobs and health. The proven good news is that we can do both.

Mr. WHITFIELD. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Kentucky (Mr. GUTHRIE), a member of the Energy and Commerce Committee.

Mr. GUTHRIE. The bipartisan position, the one that both parties working together have put forward, is to support this; and we've had different comments about the Republicans are doing this or that. But the truth of the matter is this is a bipartisan bill. It's a bipartisan bill that our country needs because for 2½ years bureaucrats at the Environmental Protection Agency have run wild with new regulations while hiding the staggering job losses that would result.

The TRAIN Act requires an interagency committee to study the actual economic effects of EPA regulations and make the findings public. Most of us say that's a commonsense request of EPA, no more regulations until we know how many jobs will be lost.

Mr. Chairman, I have a manufacturing background, and I come from a manufacturing State. In Kentucky, we know what it takes to keep and grow jobs, and it isn't excess regulations from EPA. I implore my colleagues to pass the TRAIN Act and shed light on the havoc that this agency is causing for job creators nationwide. A vote for this bill is a vote for jobs and for transparency.

Mr. WAXMAN. I yield 5 minutes to the gentlelady from the State of Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, for too long too many people in this body have proposed that we must make what amounts to a devil's bargain: choosing between environmental protections and jobs. Today, the ideology behind that false choice brings us to the brink of gutting one of our Nation's fundamental laws, the Clean Air Act.

Mr. Chairman, the Clean Air Act has safeguarded our economy and our families' health for decades. And despite heated rhetoric from the other side, it does not stand in the way of creating jobs. In 2010 alone, the Clean Air Act prevented 160,000 premature deaths, 3 million lost school days, and 13 million lost workdays.

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By 2020, the Clean Air Act's total benefit to the economy will reach \$2 trillion, outweighing the costs by 30-1. But despite the actual numbers, today we find ourselves debating a full attack on clean air—through the TRAIN Act—which would represent an unprecedented upheaval of our long-held pollution standards.

Now, Mr. Chairman, we had a 3-hour hearing in my committee, the Oversight Subcommittee, today talking about the alleged job loss that the majority claims would happen. I heard no—repeat no—evidence that these rules would cause a job loss. In fact, the evidence put into the record at the hearing showed that these regulations will create jobs at the same time they are preserving our citizens' health.

A key amendment to this act, which will be introduced later by Mr. WHITFIELD and which was accepted during the committee markup, is a dangerous measure that would indefinitely block two major Clean Air Act regulations. First, the Utility MACT rule, reducing mercury and other toxic emissions from power plants, and also the Cross-State Air Pollution Rule, reducing sulfur dioxide and nitrogen oxide emissions from power plants. Both of these rules are being developed after extensive cost benefit analyses.

Together, the two rules would prevent more than 50,000 premature deaths per year across the country. Now why would we delay implementation of the rules based solely on letters from constituents and anecdotal evidence? In fact, these two critical federal regulations correspond to successful pollution regulations in my home State of Colorado that are already bringing positive results for our State.

Now everybody in this Chamber knows the natural beauty of Colorado is a treasure for everyone to enjoy. People move there because of the clean air and safe water. It is also a primary driver in our economy through natural resources development and tourism. But because of mercury emissions from power plants, cement kilns, refineries, and commercial boilers, about 20 percent of our pristine lakes and reservoirs contain mercury-tainted fish, including in our alpine areas.

To combat that, Colorado has adopted some of the most stringent mercury rules in the country, with regulations on the books to cut mercury emissions by 80 percent by 2012 and 90 percent by 2018. These State regulations have been implemented successfully and to our collective economic benefit—a federal overlay to such regulations would bring the benefits that we have in States like Colorado to the entire Nation.

Colorado also has been a leader in cutting sulfur dioxide and nitrogen oxide emissions to our economic and environmental benefit. While some States had a tough time designing haze-reduction plans in response to the Bush administration's now-defunct

Clean Air Interstate Rule, Colorado didn't wait. We knew that we could clean up our power plants and also the power the economy.

So in 2010, Colorado enacted the Clean Energy Clean Jobs Act. The law calls for utilities to reduce haze-causing emissions of sulfur dioxide by about 80 percent and nitrogen oxide by about 85 percent. As a result, Colorado's largest utility, Xcel Energy, is on track to shutter four coal-powered plants, three in Denver, and replace that generation with natural gas-powered units. It will also install emissions controls for another 951 megawatts of coal-fired electrical generation. And, Mr. Chairman, Xcel expects that these improvements will only increase rates by 2 percent annually over the next 10 years.

Colorado's successful experience with these types of regulations stands as even further proof that effective and efficient regulations to protect our air and water bring ever growing benefits to our Nation. And blocking these regulations is a dangerous game where America's families will pay the price.

Mr. Chairman, the provisions of these amendments will fundamentally rewrite our approaches to the Clean Air Act regulations that have been the gold standard of our environmental laws since 1990.

I urge rejection of the amendments, and I urge rejection of this bill.

Mr. WHITFIELD. I certainly have great respect for the gentlelady from Colorado, whom I've had the opportunity to work with on a lot of issues, but I would say to her and to others the only regulation that we're delaying relating to mercury is the Utility MACT. And I might say that EPA said that the health benefits from the reduction of mercury because of the Utility MACT was so insignificant that they did not even include it as a benefit.

At this time, I would like to yield 2 minutes to the gentleman from Texas (Mr. OLSON), a member of the Energy and Commerce Committee.

Mr. OLSON. I thank my colleague from Kentucky.

Mr. Chairman, there appears to be some funny accounting at the Environmental Protection Agency. EPA justifies issuing major rules that will have a tremendous negative impact on our economy by relying on the concept of "lives saved from premature death." Well, let's take a look at those "lives saved" numbers.

Ninety percent of the 13,000 to 34,000 theoretical "lives saved" from the Cross-State Air Pollution Rule are from particulate matter exposures already below the National Air Ambient Quality Standard. Ninety percent of the 6,000 to 17,000 theoretical "lives saved" from the Utility MACT are from particulate matter exposures already below the National Air Ambient Quality Standard.

Do you notice the theme? The EPA should explain how they attribute a



net benefit to a concentration of particulate matter below their own standards.

I encourage Members to vote “yes” on the TRAIN Act, H.R. 2401, to hold the EPA accountable, and to put a stop to this job-killing nonsense.

Mr. WAXMAN. Mr. Chairman, my colleague, Mr. WHITFIELD, just said that the EPA found that the mercury reduction benefits were so insignificant by EPA. Well, what they found was they couldn't put a pricetag on the avoided birth defects and brain damage to babies. If that's insignificant, I just think people ought to put this whole effort to deregulate the efforts to protect the environment in perspective. I think the Republicans think it's insignificant because we can't put a dollar figure on birth defects and brain damage to an infant—and so many Republicans call themselves pro-life.

I want to yield 5 minutes to the distinguished chairman of the Interior and Environment Appropriations Subcommittee who has fought so hard to protect environmental regulations, especially those that protect the public health, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, I want to thank Mr. WAXMAN for his constant, credible leadership. He is saying what all Americans should be aware of. This is an incredibly important piece of legislation. Mr. Chairman, power plants emit 96,000 pounds of mercury into the air we breathe every year. Yet this bill would prevent EPA from regulating mercury.

Mercury is an extremely dangerous neurotoxin. It damages children's developing brains, reducing their IQ and their ability to learn. At low levels of exposure, it causes insomnia, neuromuscular changes, headaches, disturbances in sensations, changes in nerve responses and impairment of cognitive functions. Hundreds of thousands of people have been affected in this way. But at higher exposures, it affects kidneys, causes respiratory failure and death.

One gram of mercury, a tiny drop, can be enough to contaminate 200 million gallons of water, which is the size of a 20-acre, 30-foot deep lake. All but one State, Alaska, have issued health advisories warning their residents against eating fish caught in their waters because of mercury contamination. It goes up in the air from the power plants, then when it rains, it goes into the water, it poisons the fish, and ultimately it poisons human beings. Two States, Oklahoma and Maine, have issued Statewide fresh water advisories that you should be wary of eating any large fish due to the possibility of mercury poisoning.

Think of this: Despite this acknowledged danger, each year, power plants release 96,000 pounds of mercury into the air.

EPA's proposed Mercury and Air Toxics Standards rule requires power plants to meet the same requirements

that other industries have already met using proven emission control technologies that will reduce mercury emissions by 91 percent. It can be done. And the cost of meeting both regulations pales in comparison to the economic benefits Americans will receive with cleaner air.

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The proposed Mercury and Air Toxics Standards rule has a quantified benefit of between 5 and 13 times its cost. And the pollution reductions required by the Cross-State Air Pollution Rule will yield benefits of \$120 billion to \$280 billion per year, which is between 150 to 350 times its cost.

This bill serves the interest of no one but a few CEOs and the politicians who are supported by them, who refuse to accept responsibility for the harm their unregulated power plants have imposed on the rest of us.

Mr. Chairman, this bill itself is deliberately deceiving. In fact, the title of the bill implies something that is not true. The Environmental Protection Agency is fully transparent, and it has already performed a Regulatory Impact Analysis on the cost of its Clean Air Act regulations. And the intent of the bill is not what it claims. The true intent of this bill is to slow down or block implementation of EPA's obligations under the law to regulate our environment. It specifically suspends further action on two regulations—the Cross-State Air Pollution Rule and the proposed rule on Mercury and Air Toxics Standards—that are required under the Clean Air Act amendments of 1990.

Pass this bill and you will condemn tens of thousands of Americans to a premature death, you will sentence millions more to a lifetime of health complications, and you will straddle our economy with unnecessary costs and employers with millions of additional sick days.

The goal of a cleaner environment and a healthier population should not be sacrificed in order to keep this Nation's dirtiest power plants from doing what almost every other industry and all governments have done to reduce harmful air pollution.

What we're being given here is a false choice peddled by, as I say, a fraction of CEOs in the utility industry who refuse to clean up their antiquated coal-fired power plants.

We can have clear air and more jobs. History provides us with proof it is possible because it has already happened. Hundreds of thousands of people owe their life today to the environmental movement and leaders in Congress like Mr. WAXMAN and the White House who pushed for and passed the landmark environmental laws—back in the 1970s in the Nixon administration, and in 1990—that required polluters to clean our waters and reduce the pollution in the air we breathe. In the decade after the 1990 Clean Air Act amendments were signed into law by George H.W. Bush,

our unemployment declined, our economy grew, and we reduced acid rain-forming gases by more than 30 percent.

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

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Mr. MORAN. I thank the gentleman.

I want you to listen to this, Mr. Chairman. The cost of meeting the emission reductions was actually 75 percent less than what EPA had originally predicted in 1990, and it was far below what opponents had claimed. But there are still a number of provisions of the Clean Air Act that have never been implemented, and now we have much more scientific and medical evidence to inform our decisionmaking. We know that a drop of mercury can poison an entire lake. We know these things now. We know the harm of mercury and toxic chemicals. We know how much is coming from power plants.

The rule for power plants is long overdue. It's been in development for close to 20 years. If one wants to talk about uncertainty, how about allowing certainty by letting EPA finalize its rules on mercury, on air toxics, and on cross-State air pollution. Then we will protect the health of our people. Then our plants will know exactly what is expected of them.

The fact is municipalities do this for their waste recovery plants and their medical waste incinerators. They are required to do it. And no municipality ever went bankrupt over this regulation. And medical wastes are disposed of today in a safe and reliable manner.

We can do this, we should do this, and we should defeat this bill.

Mr. WHITFIELD. I would say to my friend from Virginia that EPA is not always as transparent as they may seem. When they issued the greenhouse gas regulation in January of this year, they did not give the public any information about cost or benefits, and the reason they didn't is they didn't conduct one.

At this time, I would like to yield 5 minutes to the distinguished former chairman and chairman emeritus of the Energy and Commerce Committee, a real leader in our committee, the gentleman from Texas (Mr. BARTON).

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

Mr. BARTON of Texas. I thank the distinguished gentleman from Kentucky.

I would like to start off, Mr. Chairman, by making the point that the TRAIN Act doesn't change any existing environmental law or existing environmental rule. It simply delays proposed regulations that the EPA has promulgated and requires a study of some of those regulations before moving forward with them.

My friends on the Democratic side would have you believe that we're going in and gutting the Clean Air Act. Nothing is further from the truth. I'm

a cosponsor of the Clean Air Act amendments of 1991, and believe it or not I'm a strong supporter of an active EPA enforcing existing rules. I have a sister whose an enforcement attorney at the EPA in Dallas, Texas, and has about a 99 percent conviction rate. So Republicans want a strong EPA. We want strong air and water quality rules, but we also want, in this struggling economy, some common sense to be used before proposing new additional rules.

There is no criteria pollutant under the Clean Air Act that is currently becoming worse. In fact, the air is becoming cleaner, and that can be proven factually by monitoring. Every power plant in the country is monitored 24 hours a day, 7 days a week, 52 weeks a year, as are our chemical plants and all major source emitters. The data is there, Mr. Chairman.

The question that I asked the EPA Administrator today, Lisa Jackson, is: Is it better, Madam Administrator, to keep an existing plant that is in compliance with existing air quality regulations in production, or is it better to close that plant because it can't comply with new, more stringent regulations that are being proposed? That's the question. And that's the reason that Mr. SULLIVAN and Mr. WHITFIELD and myself and others have either sponsored or cosponsored this legislation. We want strong air quality regulations. We want those rules enforced, but we don't want an EPA that continues to go stronger and stronger and stronger, regardless of the economic consequences.

Now, Mr. WHITFIELD, tomorrow, is going to offer an amendment that replaces the proposed Cross-State Air Transport Rule with the CAIR regulation that the Bush administration promulgated back in the early 2000s, that he wants a delay of the proposed boiler MACT while we have a little more time to implement that. And he also has, at my suggestion, put into that amendment that we should use real monitored data as opposed to EPA-modeled data. How unique. Let's actually use what's happening in the real world.

This monitoring versus modeling does not mean the EPA can't use models. We understand that you would have to be able to model the environment and the effects, but you can use real data to put in your model, not projected or hypothetical data. Real data.

The Whitfield amendment is an important addition to the TRAIN Act, and I hope that we will support it.

With regards to mercury, mercury has been reduced since the mid-1990s by 90 to 95 percent in the United States.

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The gentleman who spoke about mercury just now correctly stated the amount of mercury that's emitted, 96,000 pounds, 48 tons, 96,000 pounds. What he did not say is that that is less than 1 percent of the total mercury emitted in the country. Most mercury

that's emitted is emitted by natural causes; and if you enforce the new proposed mercury regulation, you're going to get an improvement of .0004 percent, four-thousandths of 1 percent.

For an average 500-megawatt coal-fired power plant, they emit about 70 pounds per year of mercury.

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

Mr. WHITFIELD. I yield the gentleman another minute.

Mr. BARTON of Texas. We've already reduced mercury emissions by 90 to 95 percent. To get another 90 to 95 percent is so cost prohibitive that you would probably just shut down some of those plants. In my opinion, that's not necessary.

So what the TRAIN Act, in conclusion, is doing, Mr. Chairman, is just saying let's do a time-out. Before we go forward with any new regulations, let's make sure that there really is a true benefit that outweighs the cost.

In my district alone last week, a closure was announced of one plant and one coal mine that are going to cost directly at least 500 jobs. That's not hypothetical. That's not modeled. That's real. And if all these plethora of EPA regulations go forward, you're going to see thousands of jobs eliminated, billions of dollars in cost, and very problematic improvements in health.

Please vote for the TRAIN Act when it comes up for final passage.

Mr. WAXMAN. Mr. Chairman, I want to set the record straight because I think we're getting a lot of false information. We are told that this bill doesn't weaken any existing law. That's not correct. The Cross-State Rule has already been finalized, which means if you are living in an area where pollution's coming from another State, and there's nothing you can do about it, the State that's causing the pollution has to reduce that pollution in order not to affect you. And that's going to be repealed by this legislation that's before us.

We're told all that's going to happen is we're going to delay some of these rules. Well, yes. We're going to delay the rules. And then Mr. WHITFIELD is going to offer an amendment to make sure that EPA can never adopt any of those rules.

And the thing that just galls me is the statement that the benefits from reducing mercury are insignificant. Well, EPA was unable to quantify or monetize all the health and environmental benefits associated with the proposed toxic rule, but EPA believes these unquantified benefits are substantial. We are talking about impaired cognitive development, problems with language, abnormal and social development, potential for fatal and nonfatal heart attacks, association with genetic defects, possible auto-immunity effects in antibodies. This is not insignificant. And I think that it's not accurate to tell us that this bill simply provides some transparency. I think the authors of the bill ought to

provide us a little bit more transparency.

I at this point want to yield 6 minutes to my good friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I enjoy listening to the former chairman of the Commerce Committee in his argument on the floor. He gave us part of the story.

I find a certain irony, however. He talked about how he supported the 1990 Clean Air Act. Well, many of the arguments he makes that we're hearing here today could have been directed towards him and his own support in 1990.

But bear in mind what happened in 1990. It didn't impose a bunch of rules and regulations. It put in motion a process so that we would have those studies. From 1990 to 1998, EPA was studying the issue. They came to the conclusion that the study mandated under the 1990 Clean Air Act required that we promulgate rules to regulate this pollution.

From 1998 until 2005, the Clinton administration, and then the Bush administration's EPA, they kind of studied it. They came to the same conclusion. The Bush administration came up with rules that were so flawed they were thrown out by the Courts. It didn't meet the standard that was required by your 1990 Clean Air Act.

So here we are now, in 2011, 21 years later, talking about another study to delay it further, delay further what the gentleman, and I would say a number of Republicans on the Commerce Committee, supported in 1990. But now it's crunch time. We actually have to do something.

My friends on the other side of the aisle are fond of saying we shouldn't pick winners and losers in the economy. Well, Mr. Chair, I find it ironic that this Dirty Air Act does pick winners and losers. Who are the losers?

I agree with my good friend from California, the ranking member, the losers are hundreds of thousands of people will die, get illness from cancer, asthma, lost school days, millions of lost work days, the lost quality of life that is documented beyond belief. This is real, and these people lose.

Who else loses?

The downwind areas lose because they will not be able to act to be able to deal with the problems that the pollution drifts over their jurisdictions. And as again my friend from Southern California pointed out, that means that local communities that don't have the protection because we can't stop the drift, they're going to have to do all sorts of things that are more expensive and less effective, and it's not their fault.

The losers are going to be the American economy. We will lose the economic benefits of getting the work from unions and contractors from pollution control. Bear in mind, pollution control devices are an export area. We have a net benefit. We make money exporting this abroad.



We lose the net economic benefit of the lost health. We bear the cost of unnecessary damage.

But there's another area of losers. Mr. Chairman, I find it interesting, in December 2010, eight major CEOs sent a letter to the editor of *The Wall Street Journal* saying that they didn't oppose—that the EPA agenda would have negative economic consequences. Their companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation and maintaining reliability.

On March 16, 2011, six leading energy companies joined together to applaud EPA's release of one of their proposed rules.

The losers in the approach that you take are the early adapters, the people who took the law at its word and started cleaning up. They lose by taking the word of Congress that we were serious about reducing pollution, including one of my local utilities, Portland General that's moving ahead to close down a dirty coal plant to meet their responsibilities.

Who wins under the Republican approach?

Well, the winners, under the Republican approach, are those who profit from pollution: the people who are dragging their feet, who bet that we will, yet again, have another study, that we won't follow through. The winners under this are the people who are cynical, who think that they don't have to comply with the Clean Air Act.

I noticed that today, in *China Daily*, dated September 22, the Chinese are talking about their tougher emission standards. They are talking about the fact that there's a pushback from their utilities because there's cost of compliance. But they know that there is a health benefit. They can't continue to pollute. And there's an economic benefit for people who move ahead with the compliance. The Chinese are going to make money by being cleaner, adopting technologies to reduce emissions.

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Mr. Chair, I'm embarrassed that we have, after 21 years, a proposal to yet again delay implementation, that they're picking winners and losers, putting people who profit from pollution ahead of people who are responsible. It's just wrong.

Mr. WHITFIELD. I might say to the distinguished gentleman from Oregon that it is correct that the court invalidated the current Air Transport Rule that we have in effect in America today, but I would also like to read from that decision because one of the reasons they invalidated this law was because EPA was looking at a regional basis rather than within individual States.

The court said: "It is possible that CAIR would achieve air transport goals. EPA's modeling shows that

sources contributing to North Carolina's non-containment areas will reduce their emissions even after opting into CAIR's trading programs."

My point in saying that is this still is a particularly effective Air Transport Rule.

At this time I would like to yield 3 minutes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I rise today in strong support of H.R. 2401, the TRAIN Act, and I want to congratulate my friend from Oklahoma for this good piece of legislation.

For the past 9 months I've been on the floor of the House, and it's been my mission to rein in, or at least to attempt to rein in, some of these out-of-control regulators in this country today who intend on keeping our economy in the ditch by placing barriers in the way of job creation and in keeping jobs.

I'm so glad that this bill is on the floor because this job-killing regulation is center stage at this time.

Mr. Chairman, I'm pleased to see the TRAIN Act provisions delay this EPA job-killing and energy-killing rule known as Cross-State Air Pollution for the next 6 months.

Let's point out that we heard comments about transparent analysis. My own State, Texas, was dropped into the final Cross-State Air Pollution Rule in the last minute. Texas was not included in the proposed rule, and our citizens were denied their right under the Administrative Procedures Act to review the impact and comment on the proposed rule. We just got kind of air-dropped into this at the last minute.

Thirty-one members of the Texas delegation have written a letter to the White House, including eight of the Democrats in our delegation, expressing concerns about this rule and how it was forced down the throats of the citizens of Texas. I think that that ought to be some indication that something is wrong here.

Now, Mr. BARTON indicated something that is actually larger than what he stated. In his district, one plant has closed, but two plants have actually closed in Texas as a result of this rule already, and three mines have closed. And we know at least of the 500 jobs that Mr. BARTON has referenced here today, but we haven't gotten the count from the other two.

This is a serious loss of good-paying jobs to Texas. These are the kinds of jobs people seek after.

The step in the right direction is to hold off. And when you say you're doing studies, by the very statements made on this floor, it's about scientific proof. But there are also human beings involved in this, and we should at least do an economic analysis of what this does to our economy, which I think this administration is bound and determined to drag down into the mud. And I think we should know how many jobs we're going to lose. We're trying to build jobs, not lose jobs.

We are, in this country, about growing jobs in America, not losing them. And these regulations are job-killing regulations.

I'm really pleased with the work of the Energy and Commerce Committee on all of their hard work on these issues. This is important to American workers everywhere.

Mr. WAXMAN. Mr. Chairman, the Republican spinmeisters like to come up with slogans. So they've come up with the slogan "job-killing regulation." Well, let me tell you what we're talking about: children-killing pollution.

And I just think that when we hear the statements that they're not going to weaken or delay any rules that protect public health and the environment, we shouldn't take their word for it.

I have a letter here from the National Association of Clean Air Agencies. They represent the State and local air pollution control people who are on the ground every day working to improve the Nation's air quality. What they say is that if this bill is adopted it "will create regulatory delays that could lead to thousands of premature deaths, remove important regulatory tools upon which States and localities depend, impose additional costs on government as well as small businesses, create regulatory uncertainty, cause job losses, and defund an important and cost-effective air pollution control program."

Mr. Chairman, at this time I want to yield 5 minutes to the distinguished gentleman from the State of Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my good friend and the distinguished ranking member of the Energy and Commerce Committee.

Mr. Chairman, this bill is extraordinary even for the most anti-environmental House of Representatives in American history. The Republican leadership has attempted already to pass over 110 anti-environmental bills, amendments, and riders. But the TRAIN Act would be one of the most destructive for America's environment and our public health.

It appears that the Republican leadership took every anti-environmental bill, rider, amendment, and nighttime fantasy of the Koch brothers and wrapped it into a single legislative package called the TRAIN Act.

This bill would block clean air, public health standards for mercury, dioxin, smog, soot, and other toxic pollutants. We're supposed to believe no, no, no, all we're doing is just delaying and studying. Twenty-one years is a long time to study. And if you have a loved one whose health is at stake, that delay can be life threatening.

By increasing the incidence of emphysema, lung cancer, asthma, and cardiac diseases, this bill will kill 25,000 Americans every year—nearly as many as are killed in highway accidents.

Just one standard this bill would repeal, the Cross-State Air Pollution

Rule, would have significant ramifications for my district and for the National Capital Region from which I come. The wind transport of power plant and other harmful emissions from polluters to the west in our community is one of the reasons the Capital Region is listed as a non-attainment area for air quality. But we have to clean it up.

The preponderance of harmful ground level ozone threatens seniors, asthmatics, and those with respiratory conditions—not to mention the fact that it threatens our eligibility for long-term transportation funding.

Monitoring and responsibly regulating cross-State air pollution here and in other regions would save, not cost, save \$280 billion a year in health care costs. But not if the Republicans pass this bill.

But of course they don't want you to look at the other side of the ledger. There are benefits to be had by implementing the EPA standards rather than delaying them, \$280 billion worth, but they don't want you to know that. They don't want to talk about that.

I was proud to work with a number of my colleagues to lead a group letter signed by 60 Members of this body reaffirming our support for the Cross-State Air Pollution Rule. This public health standard is critical for economic and human health in our region. That rule is just one example among many successful public health standards established under the Clean Air Act.

Since its inception in 1970, the Clean Air Act has produced economic benefits that far outweigh the cost of compliance by as much as 8 to 1. The Small Business Majority credits the Clean Air Act with widespread economic benefits, both across urban and rural communities, improving public and worker health, and creating jobs, millions of them.

□ 1910

Each year, the Clean Air Act prevents 22,000 hospital visits which would otherwise be caused by pollution-induced respiratory diseases, 67,000 chronic asthma and bronchitis attacks, and saves over \$110 billion in health care costs. The TRAIN Act would block nearly every major public health standard being implemented by the Clean Air Act.

I heard my colleague and friend, Mr. GRIFFITH from Virginia, talk about a letter he read in a local newspaper in Charles County, Virginia. This couple purportedly couldn't understand why bureaucrats who were sitting on their rear ends somehow come up with these fantastical regulations that are just burdensome and serve no purpose.

Perhaps if that couple had sat with a child in a hospital room, fighting for his or her breath, they'd understand why we need these regulations and why those professionals at EPA are doing their job to protect public health. Perhaps if they had seen a loved one or a

spouse hooked up to tubes, fighting for her life because she's severely asthmatic, they'd understand why we need these standards. Perhaps if they understood a friend had COPD and has to walk around now all the time with oxygen in a mask to function and be mobile, they'd better understand the life-and-death struggle of people who live in areas affected by dirty, polluted air and would better respect why the EPA is protecting our health—even if that couple in Charles County doesn't understand.

I urge opposition to this bill.

Mr. WHITFIELD. May I ask how much time we have remaining?

The Acting CHAIR. The gentleman from Kentucky has 25 minutes remaining. The gentleman from California has 12 minutes remaining.

Mr. WHITFIELD. At this time, I yield 4 minutes to the distinguished gentleman from Mississippi (Mr. HARPER), who is a member of the Energy and Commerce Committee.

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

Mr. HARPER. I thank the gentleman from Kentucky for yielding.

Mr. Chairman, the TRAIN Act is on the House floor today as part of the Republican regulatory relief agenda to reduce job-killing government regulation on businesses. Americans are tired of Big Government, and a majority believes that government regulation coming out of Washington, D.C., has a costly impact on life essentials, such as food and gasoline. Too many Americans are unemployed, and a recent survey shows that 70 percent of voters believe that increasing regulations on American businesses will result in more jobs moving overseas. That is unacceptable.

No government agency is more to blame for an absurd increase in regulation than the Environmental Protection Agency. We all want clean air. We all want clean water. We're all conservationists and want those things, but the effects of the actions of the EPA are clear—they're killing jobs and job creation.

We've asked our colleagues on the other side of the aisle over and over, Where are the jobs? I submit that a thorough investigation of recent EPA regulations could answer that question.

I encourage a "yes" vote on the TRAIN Act so that Americans will have an even better understanding of the negative impact that the EPA is having on each of our lives.

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

Mr. WHITFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I thank my colleague from Kentucky for yielding.

I rise in support of the TRAIN Act, which will help give small businesses and our Nation's job creators the certainty they need to hire, expand, and

invest. This is an excellent bill which will help create the pro-growth environment our economy needs.

Upcoming EPA gasoline regulations, along with other regulations impacting domestic refiners, have the potential to raise the price at the pump, to reduce domestic gasoline output and increase reliance on imports, and to destroy domestic refining jobs. Fuel price changes create a ripple effect throughout the economy, increasing the price of food, goods, and services that are transported to our communities, increasing the price of driving to work each day.

These broad impacts must be taken into account when we seek to understand the cumulative impact of EPA regulations on the energy prices, jobs, and our global competitiveness. I hope my colleagues on both sides of the aisle will join me in supporting the TRAIN Act.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentleman for yielding, and let me thank all of us who are assembled here on the floor tonight to talk about the state of our lungs, the state of our health, and to talk about how the deprivation of protection will lead to harming our health. It's a sad day, and I'm just glad we're here to debate this issue so that the American people can see who's for them and who's not.

What my friends on the other side of the aisle call "regulation" we call protecting our lungs. What they call "red tape" we call fighting asthma from mercury. What they call "government interference" we call staying out of the hospital and getting some asthma treatments and being able to eat the fish that we catch in our rivers and streams across this great Nation. What they call "job-killing regulation" we call child-killing pollution.

It's just amazing how different the world would be if we could all just focus on what really matters.

What we really should be doing is arguing about how we can get Americans back to work. That's not what we're doing. What we're doing is trying to say, if they got rid of all the regulations—all the health and safety regulations—and then if they even got rid of all the taxes, then the business community would have enough certainty to actually hire somebody.

But I don't think anybody really believes that.

We've got a nation in this world that has gotten rid of all the regulations and that doesn't really tax anybody. It's called Somalia. I don't think that's a good business environment for much of anybody unless you're a warlord.

The fact is that, instead of focusing on creating jobs, Republicans are bringing up another assault on our public health—in the Clean Air Act. We should have the American Jobs Act here, and we should be debating that. We should be passing bills to create

jobs and improve economic growth. We should not be telling American workers that the only thing between them and a job is a regulation to protect their lungs. They're trying to say, A paycheck or your lungs. You can have a paycheck or you can have asthma, but you can't have a paycheck and be well. That's what they're arguing today, and this is what we have to reject.

Instead of bringing up bills to create jobs, the GOP is bringing up yet another assault on the Clean Air Act, blocking two of the most important lifesaving Clean Air Act rules in decades—the Mercury and Air Toxics rule and the Cross-State Air Pollution Rule.

The Mercury and Air Toxics rule will prevent 17,000 premature deaths per year. I couldn't agree more with the gentleman from Virginia, GERRY CONNOLLY, who reminded us that, if you've ever held the hand of a loved one who is suffering through an asthma attack, it would be hard to see how you could callously vote for a bill like this TRAIN Act, which I like to call the Train Wreck Act, because it's just that bad. The Cross-State Air Pollution Rule will prevent 34,000 premature deaths per year.

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

Mr. WAXMAN. I yield the gentleman an additional 1 minute.

Mr. ELLISON. I thank the gentleman, and I'll wrap it up with this:

We can have energy and jobs. The Clean Energy Group, a coalition of energy utilities and power companies, has said that the changes in industry practice that the Mercury and Air Toxics rule would produce are reasonable, can be accomplished, and are not a burden on industry. Not all industry agrees that we need to get rid of every regulation. A study released by the Environmental Defense Fund has estimated that the Mercury and Air Toxics rule and the Cross-State Air Pollution Rule would together create nearly 1.5 million jobs over the next 5 years.

So let me just say that it's time for the American people to say we want good health, that we want good jobs, that we want clean air, and that we want healthy lungs—and we don't want the train wreck bill offered by the Republicans.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. FARENTHOLD).

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

□ 1920

Mr. FARENTHOLD. I rise today in support of the TRAIN Act.

Despite what my friends and colleagues across the aisle say, we are not out to poison America. My children, my wife, I breathe the air and drink the water in this country.

What we are asking for is to look at regulations with a scientific analysis and not an emotional analysis. Do what every business in this country

does. Do what every family in this country does when they are faced with tough decisions or any decision.

When I go to the grocery store, I have the option of buying ramen noodles or lobster, and I usually settle somewhere in the middle on chicken. Businesses look at the cost and benefit of everything that they do just like families do.

What we are asking through the TRAIN Act is to take a look at what these oppressive regulations cost. We've got great regulations in place now. We've improved the air immensely. Let's see if it's worth going the next step.

We can factor in all of the things that our friends on the other side of the aisle want, but we need to do the study, and we need to have the information so we can make informed decisions.

The money that these excessive regulations cost businesses are passed on to the consumer. American families are asked all the time to make sacrifices to make ends meet.

As these regulations run up energy costs, our families' electric bills and gasoline bills go up, and they have to make decisions about whether they're going to fill their car with gas or what kind of food they're going to buy, if any, to put on their tables.

We have got to keep people working. If these regulations put people out of work, the families that the wage owners support suffer too. They don't have the money to pay their bills. They don't have the money to buy food. They don't have the money to buy medicine. We have got to be as intelligent as we are compassionate.

The intelligent thing to do is to do a cost-benefit analysis of what regulations do. That's what we are asking in the TRAIN Act. Let's use our brains.

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

Mr. WHITFIELD. I yield 4 minutes to the gentlelady from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Chairman, the language in this bill does not prevent the EPA from regulating emissions from coal-fired utilities, and it does not prevent the EPA from dealing with cross-State pollution. The EPA must regulate emissions under its current rules.

So let's focus on the facts as presented by the EPA.

Thanks to the Clean Air Interstate Rule, emissions from fossil fuel power plants in the lower 48 States were 44 percent below 2005 levels by 2009.

In the past 40 years, our population has grown 48 percent. Gross domestic product has increased 209 percent and coal-fueled electricity has increased by 184 percent. Yet during that time, emissions from coal-based electricity generation have dropped by 60 percent.

Despite this success, EPA is still pushing for the most expensive rules ever imposed on utilities, every single dime of which isn't paid by the utili-

ties; it's paid by everyday Americans who use electricity and by America's manufacturers.

Just the two rules in this bill, the ones that the TRAIN Act seeks to delay, would increase the nationwide average price of electricity by 11.5 percent, and it's even worse in this Nation's manufacturing States. Look at this map. The upper Midwest could see their electricity rise by 17 percent; Michigan by 20 percent, one of the States that's really hurting; Kentucky and Tennessee, by more than 23 percent. These are where our manufacturing jobs reside.

Raising energy costs would remove one of the few remaining advantages that U.S. manufacturing has over low-cost foreign competitors, that is, access to affordable, reliable energy.

My own industry people tell me that the one advantage they have over foreign countries when it comes to competing head to head is the availability of affordable, reliable energy. And on the environmental side, President Obama's former environmental czar, Carol Browner, herself, said that the rule would provide "no health benefits associated with addressing non-mercury emissions."

The rhetoric, Mr. Chairman, used to attack this bill has reached a fever pitch, but it is not backed by the facts.

I urge my colleagues to support the TRAIN Act.

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

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. I appreciate the gentleman from Kentucky yielding to me on this very important legislation.

At a time when 25 million Americans are unemployed or underemployed, the last thing Washington needs to be doing is making it more difficult to grow the economy. But that seems to be the operating question of this administration. The question is this: They ask, how can we make it more challenging for America's job creators to hire?

America's energy sector is under direct assault. Energy companies looking to meet the rapidly growing energy needs of our Nation are either being forced to put on hold their efforts or are self-imposing barricades on future construction or expansion as a result of new or anticipated regulatory requirements.

It has been reported recently that 351 stalled energy projects cost the Nation \$1.1 trillion in GDP and 1.9 million jobs, yes, jobs. On this list is the Sunflower Electric Power Plant in Holcomb, Kansas. Sunflower Electric is a rural co-op that with a needed expansion can provide many new jobs in western Kansas.

Most importantly, this expansion will allow Kansas to have the energy it needs in order to prevent brownouts, which are a very real possibility and a threat to our part of the country. Not

only do families, schools, and hospitals depend on this energy production but. So does our agriculture sector, which is a key and vital component of rural Kansas.

Sunflower faces considerable, unnecessary, and excessive regulatory scrutiny, not only for its existing operations but for the planned expansion in Holcomb as well. Whether it is the cross-State pollution rule, the MACT rule or many others, each one of these has a major impact. But the bigger problem—and that is what the TRAIN Act wants to demonstrate—is that these rules will be devastating and expensive to America's energy industry and all Americans.

The President came before this House a few weeks ago and talked about the need for America to improve its infrastructure. Power plants in America are the very type of infrastructure that our country needs, particularly when energy consumption is growing rapidly in our Nation. These private companies, private companies, are willing to add to the country's infrastructure and create jobs, all without the help of the Federal Government. In fact, all they need is for Washington to take a step back.

A Kansas business leader summed up this administration's guilty-until-innocent approach to regulation. He said, "We have a regulatory environment that assumes businesses are crooks, and government must catch them at it. This only raises the costs on business and makes it more difficult to operate."

I think his analysis says it all.

Mr. WHITFIELD. May I inquire how much time is remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from Kentucky has 14½ minutes remaining, and the gentleman from California has 8 minutes remaining.

Mr. WHITFIELD. At this time I would like to yield 4 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

□ 1930

Mr. LANKFORD. Mr. Chairman, let me just mention, I congratulate my counterpart from Oklahoma (Mr. SULLIVAN) in bringing this forward and giving us a chance to work through this process. We both come from the beautiful State of Oklahoma. And I invite anyone to be able to come to Oklahoma and drink our water and breathe our air and see the beautiful land, but also see a very successful State in dealing with energy.

We've done hydraulic fracking in our State since 1949. And while it may be new to other States, it's not new to Oklahoma. Over 100,000 times in Oklahoma we've done hydraulic fracking. Yet I would invite you again, come drink our water, come breathe our air, come see our beautiful land.

Our State leadership has done a tremendous job in dealing with environmental quality issues, and they have

done great in relationships with companies, whether that be power companies, utility companies, whether that be actual producers, whether it be service companies, through the process. It's a great model in much of the United States, if you get a chance to come and see what's going on there.

But what we're currently experiencing is this whole sense that if the Federal Government doesn't come down on Oklahoma and every other State around the United States, surely children will die. Surely people will be thrown out of work because they have these wonderful compliance jobs required by the EPA and other areas.

It's a frustration for me to be able to hear someone stand up in this Chamber and say, If those Republicans get what they want, 25,000 people will die next year because those mean Republicans are going to come and shut everyone down.

People should know, I have children that live in the State. In fact, I have a child that has asthma. If you want to talk about a dad who loves his children and who wants to see a great future for them, that's me as well. It's not as if Republicans are suddenly wanting dirty air and dirty water; we just want basic common sense in our regulations.

If every company, whether they be the energy producer or whether they be some utility, is constantly looking over their shoulder worried every day that some new restriction is going to come down on them and change their plan, they can't function. They can't go forward. They can't find investors for that business. What they're doing is very capital intensive, and if the rules change constantly and the regulations are constantly shifting, no one can really do investment, and the cost of all of our electricity goes up. The cost of every product that we buy goes up. The cost of every bit of our food goes up because we've added regulations, many of which make no sense. And they spend years and years trying to fight them in the courts just to not be shut down from doing what is best and right for the community.

I understand there are bad actors. I do. And those bad actors should suffer consequences. But to be able to say that every energy producer and every utility out there is suspect and they'll never do the right thing unless we stand over them with thousands of regulators, I think overlooks the reality of a great-hearted group of Americans scattered around the country who are doing their best to do the right thing.

Now, some would also say that these regulations aren't all that large, they're not all that expensive. They're just a bunch of small regulations. It reminds me of a friend of mine several years ago that was hiking through central Africa. And he and a guide were hiking through and he made the mistake in this particular area of swatting a bee that was one of those killer bees that we hear so much about. And as soon as that bee stung him and he

swatted it, thousands of bees came down on him and began to sting him. Those bees kill, not from a single sting, but from thousands. That's what our utility companies are facing right now. It's not one little regulation; it's hundreds of them coming at them all at once, and they're trying to figure out through lawyers and through adding additional staff and compliance people, how do we manage all of these regulations coming.

This TRAIN Act does a simple thing. It begins to pull all of these regulations together and look at them in totality. I understand that you say that's just one little piece, and it's one little piece there, but let's look at them all together and be able to find out the consequences of them. Rather than have these things coming from everywhere, let's simplify the structure on it.

I urge this Chamber's support of getting some common sense back into our regulatory scheme.

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

I want to correct some of the statements that have been made. The gentleman from Oklahoma talked about the clean air in his area. That's fine. They have attained the standards for protecting public health. But there are a lot of other areas where they don't have that attainment of health-based standards.

Market forces alone will not correct problems that hurt our public health and the environment. Why should any business spend money to install pollution control devices if they don't think their competitors are going to do the same thing? So government must establish some standards so that everybody knows what the rules are going to be and the investments will be made.

Approximately two-thirds of the coal-burning power plants in this country have the up-to-date controls in those power plants. What we're talking about for the most part are those third we were told were going to be retired. But they're not being retired. They're still being used, and they're still polluting. And those power plants ought to come up to compliance with the reductions in their emissions.

One of the other speakers on the other side of the aisle said we don't have a real economic analysis of all of these regulations. That's not true. There are thousands of pages of economic analysis before these regulations have been promoted.

Another person on the other side said a lot of these rules are so onerous that they should be blocked because we're going to be threatening the reliability of the Nation's electric grid by causing these old, inefficient power plants to put modern pollution controls on them. Well, that's not the testimony that we received on September 14, 2011, in the Energy and Commerce Committee where Federal Energy Regulatory Commission Chairman Jon Wellinghoff took a different position, as did FERC

Commissioner John Norris, and former DOE Assistant Secretary for Policy Susan Tierney. A stack of independent analyses confirmed that these protections that will require controls on these power plants will not threaten the reliability of our grid.

And over and over again we've heard unless we adopt this TRAIN Act, we are going to lose jobs. Well, the TRAIN Act blocks and indefinitely delays two of the most important clean air regulations of the past few decades: the Mercury and Air Toxics Standards, which are, again, directed at those power plants that emit toxic air pollutants, including mercury and carcinogens; and then the other rule is the Cross-State Air Pollution Rule to reduce power plant emissions that cause pollution problems in downwind States.

I don't believe they're telling us the facts when they say we're going to lose jobs. The truth of the matter is, according to the Economic Policy Institute, they reported in June that the Air Toxics rule would have a positive net impact on overall employment, creating up to 158,000 jobs between now and 2015.

The Political Economy Research Institute at the University of Massachusetts released a report showing that the utility investments driven by the Cross-State Air Pollution Rule and the Air Toxics rule would create nearly 1.5 million jobs by 2015.

Moving toward a cleaner, more efficient power sector will create capital investments such as installing pollution controls and constructing new capacity. These new investments create a wide array of skilled, high-paying jobs.

And I must say to my Republican friends, if we want to create jobs, let's pass the President's jobs bill. I'd like the Republicans not to block every effort by this administration to create new jobs in this country.

There are numerous groups that are on record in opposition to the TRAIN Act. Obviously, the public health groups are opposing the bill: the American Lung Association, the American Public Health Association, the American Thoracic Society, and the Asthma and Allergy Foundation of America. The American Public Health Association called this ill-conceived legislation that would prevent EPA from protecting the public's health from dangerous and deadly air pollution. The National Association of Clean Air Agencies, the ones that are doing the job of protecting our environment, groups that represent millions of Americans, particularly all of the environmental groups, oppose this.

Scientists have told us—and I know a lot of Republicans deny science—but scientists, I think, are to be respected. And they say sacrificing tens of thousands of Americans' lives will not create more jobs. Poisoning the air our children and our families breathe will not stimulate the economy.

Three hundred sportsmen organizations representing our Nation's hunt-

ers, anglers, and the businesses that depend on our wildlife and natural resources support EPA efforts to cut mercury pollution and strongly oppose any efforts to weaken the Clean Air Act.

The Evangelical Environmental Network opposes these efforts to block the Mercury and Air Toxics rule because they point out that in the developing brains of fetuses and children, this will cause learning disabilities and neurological problems, and is not something that people who claim to be pro-life ought to support.

□ 1940

The Obama administration opposes this TRAIN Act. They threaten to veto this legislation if it reaches the President's desk. Americans don't support weakening the Clean Air Act or blocking EPA's efforts to reduce dangerous air pollution from power plants.

I think, my colleagues, that this TRAIN Act and some of the amendments that are going to be added to it are reason enough to oppose this legislation, and I urge opposition to it.

I am going to reserve the balance of my time if the gentleman, the chairman of the subcommittee, is not ready to close on the legislation.

Mr. WHITFIELD. I was prepared to close, but we do have one other speaker, and then I will close. He just came in, and we were not totally aware.

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

Mr. WHITFIELD. At this time, I would like to yield 5 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), who is a valuable member of the Energy and Commerce Committee and a chairman of one of our subcommittees.

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

Mr. SHIMKUS. Mr. Chairman, I do apologize to my friend from California for coming late and kind of disrupting what was planned to be a closing, but this is an important debate, and my colleague from California and I have crossed sabers many times on these issues. I don't question his commitment to the environment and the regs and rules and the like.

As he knows, I'm from southern Illinois. I'm from an area that was devastated in the jobs issue and during the 1992 Clean Air Act, and I'm from an area of the country that still is not being all it can be based upon the excessive rules and regulations that come out of Washington, D.C.

The TRAIN Act is really a first step to help us ask a simple question: Shouldn't we, as an interagency process, shouldn't we at least ask the basic question of what effect is this going to have on jobs and what effect will it have on our competitiveness worldwide?

It is really a basic debate. It's a good one to have. I applaud the chairman for bringing this to the floor. We need an

up-or-down vote because, as much as we want clean air, we would like jobs. They're not exclusionary. We can do both. We have the cleanest environment that anyone has seen in decades in this country, and it is attributed to the work that past Congresses have done. But the difference is this, that in today's environment—well, let's go back.

Three decades ago, when you wanted to clean up 50 percent of the emissions, you could make the capital investments and you could do it. The debate now is: How clean is clean? What is the cost benefit analysis and what is the effect on jobs if we get to a limit that you don't find naturally?

What the TRAIN Act basically does is it says, before we promulgate more rules and more regulations, we ought to at least admit the fact that it may affect our competitiveness in our economic position. We ought to accept the premise that if you continue to put more rules and regulations on electric generation, that electricity costs are going to go up. What does that do to the manufacturing sector? I think that's what this bill is just asking. If we find out these answers and we figure out that the economic costs outweigh the environmental benefit, well maybe we better slow down. If we decide the environmental benefits are so great that we're willing to accept the cost, then we ought to move forward. But for us not to have this debate is not doing our job and it is not doing our duty.

I am really pleased that we've brought this bill to the floor. We've had numerous hearings. We've gone through the legislative process. I appreciate Speaker BOEHNER and the openness because we've had hearings. We had a subcommittee mark. We've had a full committee mark. We've had this debate on amendments to this bill, and now we're ready to have this debate on the floor.

The last hearing we had in Chairman WHITFIELD's committee was on the reliability issue, and I took to task the chairman of the FERC who, in their own analysis, said that if we continue to move on this regulatory regime, 80 gigawatts of power is going to go offline. Now, EPA did the analysis, and they said eight. So you've got a tenfold difference. Well, maybe they're both wrong. Maybe it's 40 gigawatts.

My friends, 40 gigawatts is a lot of power and will affect the reliability of the electricity grid in this country. We rely on that reliability for a lot of things. We rely upon it in the manufacturing sector and the manufacturing facilities, but we also rely upon the reliability in the safety of our citizens who are in the hospitals and in long-term care who need power to those facilities just for their livelihood.

So if our aggressive environmental movement takes away 80 gigawatts of power, will that affect our electricity reliability? I think it will.

Thank you, Mr. Chairman, for the time.

The Acting CHAIR. The gentleman from California has 1 minute remaining.

Mr. WAXMAN. The EPA did an economic analysis looking at the cost and benefits. And on the Cross-State Air Pollution Rule, they said that the costs would be less than a billion, but the benefits would be up to \$280 billion per year, 150 to 350 times its cost.

I want the chairman of the subcommittee to answer a question when he closes. I believe the Republicans have misrepresented this bill during the debate, but false information was put on their Web site tonight. They claimed hundreds of groups support the TRAIN Act, and immediately two groups came forward, and maybe others will as well, saying that they would never support the TRAIN Act—Clean Water Action Committee and the Clean Air Watch.

I'd like to know if the information that is on the Web site is being checked for accuracy, because I know that a lot of things that have been said in this debate from the other side of the aisle have not been accurate.

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

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

I want to thank the gentleman for the debate today. I was not aware that we had sent out a letter of supporters of this legislation, and evidently in that letter there was a letter in opposition that should not have been in there. If that created any hardship for anyone or problems, we certainly do apologize for that.

We should remind ourselves that by every public health measure, from infant mortality to life expectancy, we are healthier today and are exposed to fewer hazards than ever before. Our present day air is much cleaner now than years ago thanks to EPA, and our air quality is among the best in the world. And we recognize the importance of EPA. However, when EPA becomes so aggressive, as this EPA has become, and in a very short period of time they've come forward with 14 regulations—and we know that when you look at cost-benefit analyses, different entities come up with different figures on the cost and the benefits.

We, for example, have come up with an analysis on the Utility MACT and the air transport rule alone saying that the annualized cost of that will be \$17 billion, that industry will have to spend that kind of money to get new equipment, that the total cost between 2011 and 2030 would be \$184 billion. But one of the figures that really scares you in this is that they say there will be a net loss of 1.4 million jobs. Now, we know that some jobs will be created in trying to build this equipment that these regulations are going to require, but most of the analyses that we've seen indicate that there is going to be more of a job loss.

□ 1950

All the TRAIN Act is doing is saying let's have an independent government

agency, including EPA, do an analysis of cost/benefit of all of these rules. We would also like them to look at what impact does it have on America's ability to be competitive in the global marketplace. We'd also like for them to look at what will be the job loss, net job loss. We would also like for them to look on what impact it's going to have on electricity prices as well as the reliability of electricity.

And on 12 of those regulations, we do not stop them in any way; but on two of them, the ones that are most costly—Utility MACT, and what I refer to as the "air transport rule"—we do, in this legislation, delay the effective date of those, the implementation of those until 6 months after the report is due that this legislation requires.

Now, in my view, that's not being unreasonable. Some people think it is because it is the first time that Congress has ever come to the floor to question some of the EPA regulations, and I really think that that's our responsibility. They issue the regulations; but if they reach a point where we think they're being unreasonable, then we have an obligation to come and let's examine these, let's look at them before we move totally forward with it.

Now, Lisa Jackson, when she has come before us and testified, she has always made the comment that "I'm creating jobs with these new regulations." And as I said earlier, she does create new jobs, but the net effect is there is a loss of jobs. Now, some of these rules may be great in areas like California and New York and the Northeast and elsewhere; but in the areas of the country where coal—and, by the way, coal still provides 50 percent of all the electricity in America. Our electricity demand is going to increase significantly in the next 30 years, so we're going to have to rely on coal. But a lot of these regulations are going to put coal miners out of business because they're going to close some of these coal mines. It's going to put some coal-fired utilities out of business because they're going to close these utility plants because the cost is not going to be worth what they have to do to meet these air quality regulations.

Now, on the air quality regulations, the question becomes, if you're 98 percent pure already, is it worth this much money to go 2 percent more? So that's the question we come down to, and that's why we ask for this analysis; and I would urge everyone to support this TRAIN Act legislation.

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

The Acting CHAIR. All time for general debate has expired.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LANKFORD) having assumed the chair, Mr. HASTINGS of Washington, 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. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, had come to no resolution thereon.

## 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 7 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2141

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 9 o'clock and 41 minutes p.m.

## CONTINUING APPROPRIATIONS ACT, 2012

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-215) on the resolution (H. Res. 412) providing for consideration of the Senate amendment to the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 412 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 412

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution modified by the amendment printed in part B of such report. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good