

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

There was no objection.

Mr. MILLER of Florida. With that, I urge all of my colleagues to support this outstanding piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2349, as amended.

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

The title was amended so as to read: "A bill to amend title 38, United States Code, to improve the determination of annual income with respect to pensions for certain veterans, to direct the Secretary of Veterans Affairs to establish a pilot program to assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes."

A motion to reconsider was laid on the table.

#### EPA REGULATORY RELIEF 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. 2250.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1532

#### 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 further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mrs. ROBY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, October 6, 2011, amendment No. 4 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Pennsylvania (Mr. DOYLE), had been disposed of.

□ 1540

#### AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

#### SEC. 6. COMPLIANCE WITH CUT-GO.

If this Act authorizes the appropriation of funds to implement this Act and does not reduce an existing authorization of appropriations to offset that amount, then the provisions of this Act shall cease to be effective.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Madam Chair and my colleagues, I strongly oppose this bill on substantive grounds. It nullifies critical EPA rules to cut toxic air pollution from solid waste incinerators and large industrial boilers. It threatens EPA's ability to issue new rules that actually protect public health by forcing it to set emission standards based on an industry wish list. And on top of that, it allows polluters to avoid compliance with the new rules indefinitely. That is enough for me to vote "no." I think this is a very bad bill.

But this bill has another mark against it because it does not comply with the Republican leadership's policy for discretionary spending. Some people may think, so what? Why make an issue of this? The simple fact is that the Republicans established a set of rules for the House at the beginning of the Congress, and they aren't willing to play by those rules.

When Congress organized this year, the majority leader announced that the House would be following what's called a discretionary CutGo rule. When a bill authorizes discretionary funding, that funding must be explicitly limited to a specific amount. And the leader's protocols also required that the specific amount be offset by a reduction in an existing authorization. This bill violates those requirements.

First, the bill does not include a specific authorization for EPA to implement the bill's provisions. EPA will have to start a new rulemaking for boilers and incinerators and follow a whole new approach for setting emissions standards, and that's going to cost money. CBO—who is the usual referee on these questions—has determined that H.R. 2250 does in fact authorize new discretionary spending. CBO estimates that implementing this bill would cost the EPA \$1 million over a 5-year period. But the bill does not offset the new spending with cuts in an existing authorization. That's a clear violation of the plain language of the Republicans' CutGo policy.

I know what my Republican colleagues are going to say because they said it last time we were considering legislation. They will argue that this bill doesn't create a new program. They'll say that EPA can use existing funds to complete the work mandated by the bill. But that's not how appropriations law works. Anyone familiar with Federal appropriations law knows

this and the Government Accountability Office or the Congressional Budget Office can confirm it.

H.R. 2250 does not include an authorization, but that does not have the effect of forcing the executive branch to implement the legislation with existing resources. To the contrary, it has the effect of creating an implicit authorization of such sums as may be necessary. Now, the Republicans have been against setting authorizations of such sums as may be necessary because they wanted a specific amount, and they wanted an offset. My amendment would simply ensure that the discretionary CutGo rule is complied with. It states that if this bill authorizes the appropriation of funds to implement its provisions without reducing an existing authorization of appropriations by an offsetting amount, then the bill will not go into effect.

This amendment is about fairness. If I offered a bill that strengthened the Clean Air Act or cut global warming pollution, the Republicans would require my bill to meet the CutGo requirements. But because Republicans are eager to attack the Clean Air Act and weaken public health protections, all of a sudden their own protocols don't matter. And if they're not complying with CutGo because CutGo, as they've set it up, is infeasible and unworkable, they need to acknowledge that reality and change the requirements.

I urge all Members to support this amendment. Let's hold the Republican leadership accountable to keep their word.

I yield back the balance of my time.

Mr. GRIFFITH of Virginia. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Madam Chair, H.R. 2250 will reduce regulatory burdens for job creators and extend the timeframe for the EPA to issue its rules for boilers and incinerators.

Considering that EPA is currently pursuing an aggressive regulatory regime in these areas, and doing so within its existing budget, additional funding should not be needed to provide the regulatory relief provided in this bill. While the CBO's rules may require it to score legislation in a vacuum, in the real world there is no reason taxpayers should be forced to hand over more money when asking an agency merely to do its job.

Any cost of commonsense regulations in this area, as our legislation proposes, can certainly be covered by the agency's existing budget—that has increased greatly over the last several years. And that budget is funding its current regulatory efforts. No new funding is authorized by the legislation, so Madam Chair, I do not believe any new funding is necessary. Accordingly, I would urge my colleagues to vote "no" on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

**SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Chairman, during the past 10 months, the Republican leadership has already tried to pass more than 125 anti-environmental bills, amendments, and riders. We debated yet another anti-EPA bill just the other day, and the majority rejected every single amendment that would have protected public health.

I introduced a simple amendment that would have ensured no deaths or increased incidence of illness would occur as a result of the cement factory bill we debated last week. It would seem to be a modest proposition that bills passed by Congress should not lead directly to premature death or hospitalization, yet that's exactly what these anti-clean air bills do. Republicans claim that all these anti-EPA bills will create jobs, but sadly those new jobs would only be created in hospitals.

The latest Republican attack on the Clean Air Act is H.R. 2250 before us today, which would block public health standards for industrial boilers. The EPA is issuing these standards in accordance with the Clean Air Act, which was passed in 1970 and signed into law by a Republican President. Since 1970, the Clean Air Act has dramatically reduced air pollution, despite population growth, while America's economy has doubled in size.

The evidence is clear: We do not have to make the false choice between a healthy economy and a healthy environment. Yet that is precisely the false choice presented us in H.R. 2250. My colleagues claim we must allow more mercury pollution, more particulate

pollution, more soot into our air in order to spur economic recovery. How easily some seem to forget that this recession started under the most anti-environmental administration in history, that of George W. Bush. So if attacking the environment really did spur economic growth, then we wouldn't have had the economic collapse of 2008.

The consequences of acting on the false premise presented by my Republican colleagues would be catastrophic for Americans' health. According to the nonpartisan Congressional Research Service, by following the law and implementing health standards for industrial boilers, EPA will prevent 2,500 to 6,500 premature deaths every single year. By allowing the EPA to continue implementing the Clean Air Act, we will prevent some 4,000 heart attacks, 4,300 emergency room visits, and 2.2 million lost work days every single year. By preventing all of these premature deaths and pollution-caused illnesses, merely implementing the Clean Air Act rules for industrial boilers will save, taking costs into account, between \$20 billion and \$52 billion annually.

My simple amendment would allow H.R. 2250 to go into effect if it didn't cause these illnesses and deaths. If in fact we can loosen regulations without any negative health consequences and without adding to health care costs that are already too high for most families, then by all means let's do it. By passing this amendment, my Republican colleagues can reaffirm their support for deregulation, provided that it doesn't injure or kill our constituents.

My amendment says, "The administrator shall not delay actions to reduce emissions from waste incinerators or industrial boilers if such emissions are causing respiratory and cardiovascular illnesses and deaths."

□ 1550

This ensures that, if H.R. 2250 passes, we won't be increasing the rate of respiratory disease or accepting more children to hospitals with asthma attacks. Since members of the majority claim to be equally concerned about the health of our constituents, I wanted to offer them the opportunity to affirm their interest in statute and pass this amendment.

I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentleman's amendment would add a new section to H.R. 2250 directing the administrator to go on and implement the current boiler sector rules if emissions at industrial facilities are causing respiratory and cardiovascular illness and death, including heart attacks, asthma attacks, and bronchitis.

I would like, first of all, to mention that over the last 15 or 20 years, we've

made remarkable progress in cleaning up the air. For example, ozone has been reduced by 14 percent, particulate matter by 31 percent, lead by 78 percent, nitrogen dioxide by 35 percent, carbon monoxide by 68 percent, sulfur dioxide by 59 percent.

This amendment targets specific health issues, respiratory and cardiovascular illness and death, and our bill, I would say, does direct that the EPA protect public health, jobs, and the economy. And that's what our legislation is all about—a more balanced approach.

I find it interesting that the Boiler MACT is all about regulating hazardous air pollutants, but yet, when EPA did their analysis of the benefits of the Boiler MACT rule, they did not include any benefit from reduction of hazardous air pollutants, and mercury, in particular. They indicated that all of the health benefits would be as a result of a reduction of particulate matter.

So the whole purpose of Boiler MACT is to deal with hazardous air pollutants. EPA has decided there was no real benefit from the reduction there, but it's all from particulate matter. So we oppose this amendment because we really don't think it's necessary.

The Clean Air Act sets out very clearly the protections for health and what is required. And we specifically object to this because it's identifying particular illnesses, and we think that EPA should look at a broad range of health issues and, for that reason, would respectfully oppose the gentleman from Virginia's amendment.

I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I seek recognition in support of the amendment.

The Acting CHAIR. Does the gentleman move to strike the last word?

Mr. WAXMAN. I seek recognition to speak in support of the amendment.

The Acting CHAIR. The gentleman strikes the last word, and he is recognized for 5 minutes.

Mr. WAXMAN. I don't wish to strike the last word. I want to speak in favor of the amendment.

Is that grounds for recognition?

The Acting CHAIR. Yes. The only way to gain recognition for debate is to strike the last word.

Mr. WAXMAN. Well, I will seek recognition to strike the last word. I didn't know I couldn't stand up during the debate on an amendment and speak in favor of the amendment, but I will take it.

The Acting CHAIR. This debate is under the 5-minute rule.

The gentleman is recognized.

Mr. WAXMAN. Under the 5-minute rule I am recognized, and I want the opportunity to respond to the comments that were just made.

My colleague from Kentucky keeps on saying that there will be no benefit from the EPA boiler rules in terms of health. Well, it's true that EPA didn't put a dollar figure on the potential

health benefits from reducing emissions of mercury, carcinogens, and other toxic pollutants, but that's not because there won't be any benefits.

Allow me to quote from EPA's regulatory impact analysis for the boiler rules: "Data, resource, and methodological limitations prevented EPA from quantifying or monetizing the benefits from several important benefit categories, including benefits from reducing toxic emissions."

Notice that this doesn't say that cutting hazardous air pollutants from boilers will have no benefits for public health.

What are the benefits of cutting mercury pollution here at home? Cutting mercury pollution from boilers and incinerators will reduce localized mercury deposition. Reducing mercury deposition is critical to reducing Americans' exposure to mercury from eating contaminated fish.

In 2000 EPA estimated that roughly 60 percent of the total mercury deposited in the United States comes from man-made air emission sources within the United States, such as power plants, incinerators, boilers, cement kilns, and other sources.

These numbers have changed slightly since 2000, but other studies have shown that there's an importance still in reducing local sources of mercury pollution. For example, one study by the University of Michigan and EPA found that the majority of mercury deposited at a monitoring site in eastern Ohio came from local and regional sources.

Mercury is a potent neurotoxin. Babies born to women exposed to mercury during pregnancy can suffer from a wide range of developmental and neurological problems, including delays in speaking and difficulties learning. Now, it's hard to translate that into dollars and cents. What is the value of allowing a child's brain to develop normally so that those children can reach their full potential?

But this is just common sense. Cutting the emissions of a powerful neurotoxin will help protect children's health. I don't know how anybody can honestly argue that allowing more mercury pollution is better for public health than less.

Overall, EPA estimates for the quantified benefits of the boiler rules likely underestimate the total benefits to society of requiring those industrial sources to clean up.

Now, EPA looked, as well, at what the rules would do in terms of the effect of reducing emissions of fine particle pollution which can lodge deep into the lungs and cause serious effects. Breathing particle pollution has been found to cause a range of acute and chronic health problems, such as significant damage to the small airways of the lungs; aggravated asthma attacks in children; death from respiratory and cardiovascular causes, including strokes, increased numbers of heart attacks, especially among the el-

derly and in people with heart conditions; increased hospitalization for cardiovascular disease, including strokes and congestive heart failure; and increased emergency room visits for patients suffering from acute respiratory ailments.

By cutting emissions of fine particles, EPA estimated that these rules will prevent up to 6,600 premature deaths, 4,100 nonfatal heart attacks, 42,000 cases of aggravated asthma, 320,000 days when people miss work or school each year.

EPA found that these rules will provide at least \$10 to \$24 in health benefits for every dollar in costs. That's a tremendous return on investment and doesn't even include the benefits of the toxic air pollution, toxic mercury pollution, which is harder to quantify but is there nevertheless.

So the amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up air pollution from a dirty boiler or incinerator if that facility is emitting pollutants that are causing heart attacks, asthma attacks, and bronchitis or other respiratory and cardiovascular disease.

The Republicans argue that this bill is not an attack on the Clean Air Act or public health. They argue this bill won't prevent EPA from requiring boilers and incinerators to cut their pollution.

I disagree. So I support adding language to the bill making it perfectly clear EPA must act, and I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

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

Mr. CONNOLLY of Virginia. Madam Chairman, I demand a recorded vote.

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

□ 1600

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

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

The Acting CHAIR (Mr. WOMACK). The Clerk will designate the amendment.

Is the gentleman offering amendment No. 7?

Mr. MARKEY. Amendment No. 7. I rise as the designee to offer amendment No. 7.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Kentucky will state his inquiry.

Mr. WHITFIELD. Mr. Chairman, I'm not positive what the rules are here, but the gentleman from Massachusetts says that he has amendment No. 7, and in the list of amendments that we

have, the sponsor of No. 7 is said to be Mr. QUIGLEY of Illinois.

Would the Chair be able to explain to me what the rules are in regard to that?

The Acting CHAIR. Does the gentleman from Massachusetts state that he is the designee for the gentleman from Illinois?

Mr. MARKEY. Yes, I am offering the amendment as the designee of Mr. QUIGLEY, which I think under the rules is permitted.

The Acting CHAIR. In response to the gentleman from Kentucky's inquiry the rule allows for a designee to offer the amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

**SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are increasing the risk of cancer.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Today the Republicans continue their war on the environment. This time we have episode 58 of the Clean Air Act Repealathon.

That's right, ladies and gentlemen who are listening. This is the 58th time the Republicans have voted to weaken the Clean Air Act this year. Today's episode guest stars excessive and unwanted appearances by neurotoxic mercury, carcinogenic dioxin, and deadly arsenic. This bill blocks and indefinitely delays implementation of the rules that would reduce emissions of these lethal air pollutants from industrial boilers and does so in total disregard for the devastating impacts these pollutants have on public health, particularly the health of infants and children.

We already know a lot about these substances. For instance, exposure to dioxin causes delays in motor skills and neurodevelopment in children, impacts hormones that regulate growth, metabolism and reproduction, and has been classified as a carcinogen by the World Health Organization and the National Toxicology Program. Chromium 6 was made famous by the movie "Erin Brockovich," starring Julia Roberts. That chemical has been linked to stomach and other forms of cancer. And let's not forget mercury, a substance that is particularly harmful to children because it impairs brain development, impacting memory, attention and language, potentially leading to life-long disabilities. The mercury is released directly into the air we all breathe and finds its way into the food that we eat. In 2010, all 50 States issued fish consumption advisories warning

citizens to limit how often they eat fish caught in State waters because of mercury contamination.

This bill seeks to permanently eliminate EPA's ability to reduce these toxic emissions from industrial boilers and does so despite the fact that the American Boiler Manufacturers Association, the association that represents the very companies that design, manufacture, and supply the industrial boilers in question, oppose the Republican bill.

That's right, the companies that have stated that they stand ready and able to harness American ingenuity and technological might to design products that comply with EPA requirements in a timely and cost-effective manner oppose the Republican bill here today. And why? Because they believe this bill will only kill what they expect to be a new high-tech engineering and domestic manufacturing job explosion.

So the Republican bill will not only kill people, 6,600 additional deaths per year in the United States according to the EPA; it will also kill jobs.

My amendment is very simple. It just says that the Republican prohibitions on EPA reducing toxic air pollution in this bill are waived if these emissions are found to increase the risk of cancer. This amendment makes the choice very clear. If we adopt this amendment, EPA can continue with its plans to require the dirtiest industrial boilers and incinerators to clean up their cancer-causing emissions and do so while creating American jobs. So we saved 6,600 Americans from dying each year from their exposure to these neurotoxins; and at the same time, we create jobs in our economy.

That's what this is all about. The EPA just has to certify that the Republican approach will not lead to an increase in cancers. That's all that we ask the Members on the floor to vote on today.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Our good friend, the gentleman from Massachusetts, talks about the American Boiler Manufacturers Association being opposed to our bill. And that's true. But they don't speak for those who own and operate boilers. They speak for themselves because they manufacture boilers; and if this rule goes into effect, they're going to make a lot more money than they're making today.

The gentleman from Massachusetts also indicated that our legislation will weaken the Clean Air Act. There is not anything in our bill that would weaken the Clean Air Act, and I think that Congress has the responsibility to review and to have oversight over the decisions of EPA on regulations that they adopt. And precisely the reason why we're here with this legislation is

because of the economic situation that we find ourselves in America today—we have a very high unemployment rate, we have a stagnant economy, and we have people without jobs.

We've had a lot of hearings on this Boiler MACT regulation issued by EPA, and people are saying that this regulation alone would put at risk 230,000 jobs nationwide. So we're not saying walk away and not protect the American people. We are simply saying let's hold back for just a moment. Let's go back and revisit this rule. Let's take 15 months for EPA to promulgate a new rule and then give the affected industries, universities, hospitals and other groups a minimum of 5 years to implement these new regulations.

And I might say that we heard testimony from the University of Notre Dame, because the first Boiler MACT rules went into effect in 2004, and in order to meet those regulations, the University of Notre Dame spent \$20 million to meet those boiler rules and regulations. And then the environmental groups filed a lawsuit and said, hey, this is not stringent enough. We need to issue new rules, which is what EPA did.

So the University of Notre Dame, having spent \$20 million already, is still not in compliance. They are going to have to come forth and spend more money. Their witness said that may very well cause them to increase their tuition costs, which makes it more difficult for young people to go to college.

The gentleman from Massachusetts also talked about mercury. And I would reiterate, once again, that when EPA did their analysis, they did not come up with any health benefits because of the reduction in mercury as a result of their Boiler MACT rule. The only health benefits that they pointed out were related to particulate matter, reduction of particulate matter, not mercury; and I'm not aware of any scientific causal connection that specifically says that in this instance 6,600 more people are going to die each year because we delay the implementation of the Boiler MACT rule. And that's one of the reasons that a lot of independent third-party groups have serious questions about EPA's analysis.

□ 1610

How do you know for a fact, without any contradiction, that 6,600 people are going to die each year if this is delayed, or that there are going to be X thousands of people who are going to have heart attacks who wouldn't have had them before?

Because of all of those reasons, we simply believe that this legislation is a commonsense approach: protect jobs, protect health, revisit the issue, come out with a new rule, and give industries, universities, hospitals time to comply. That's all that we're asking for. For that reason, I would respectfully oppose the amendment of the gentleman from Massachusetts, which was introduced by Mr. QUIGLEY of Illinois.

I yield back the balance of my time. Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman and my colleagues, we just heard from the chairman of the subcommittee handling this bill, and there are two statements that are just absolutely inaccurate.

He said this bill does not weaken the Clean Air Act. I don't know what weakening the Clean Air Act means to him, but when we say that we're going to nullify the standards EPA set under the Clean Air Act, that weakens the Clean Air Act. When we say that we're going to eliminate the deadlines for compliance, that weakens the Clean Air Act. When we say that EPA can set regulations but that they have to use a different standard, that certainly weakens the Clean Air Act.

The other statement that was just made that is absolutely erroneous is that we don't get any health benefits from reducing the toxic pollution, and that is just not true. Reducing the toxic pollutants is aimed at protecting the public health from toxic, dangerous, poisonous chemicals—mercury and carcinogens. These are toxic pollutants, and reducing them will help the public health.

Again the statement was made inaccurately that EPA didn't find any health benefits. That is not true. EPA said they could not quantify the health benefits. How do you quantify a life that can be lived longer? How do you quantify a child who will not be impaired in learning and thinking? How do you quantify the damage that can be done from the toxic air pollutants?

I think both of those statements are inaccurate.

This amendment says, in effect, that if we're going to have an increase in cancer as a result of what is called for by the author of this bill, or from the proponents of this bill, then we're not going to let this bill go into effect. I think that's a commonsense approach.

So I would urge support for the amendment being offered by the gentleman from Massachusetts. I think it's the right approach, and it underscores the wrong approach taken by the authors of this bill.

Mr. MARKEY. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Again, the EPA has estimated that delaying the boiler air pollution rules could cause upwards of 6,600 deaths per year. That's the estimate, but that might be lowballing the number. We all know that parents out there are very concerned about what their kids are breathing in, especially if they live near these kinds of facilities that are spewing this stuff up into the atmosphere. They know how kids can be very vulnerable to this going into their systems as they're growing up.

So to say that there is no health effect and that it can't be specifically quantified—that it's 6,602 as opposed to 6,605—doesn't mean that they haven't come up with a number, 6,600, that approximates what could happen in terms of the number of deaths that are caused by having this bill go on the books.

Mr. WAXMAN. The gentleman is absolutely correct.

Make no mistake about it. H.R. 2250 has real legal effects, and those effects weaken our protections from air pollution and harm the health of all Americans, especially our children. No matter how many times Republicans may want to say that the bill won't harm health and that it doesn't weaken health standards, it just simply is not accurate.

So I urge support for this amendment, and I yield back the balance of my time.

Mr. WHITFIELD. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I just want to make one comment.

I made the comment that the EPA did not quantify any health benefit from the reduction of mercury. I might also say that, in the court case, EPA tried to delay the Boiler MACT rule itself. In this legislation, because they lost that court case, we are simply saying we think you're right, that you do need to take a little bit more time. For that reason, I would respectfully oppose the amendment.

I yield back the balance of my time.

#### PARLIAMENTARY INQUIRIES

Mr. WAXMAN. Mr. Chairman, a point of parliamentary inquiry.

The Acting CHAIR. The gentleman from California will state his inquiry.

Mr. WAXMAN. I just have a question about the parliamentary manner in which the debate is being handled.

When I asked the other day for time to speak on the bill, I was recognized for 5 minutes. Then I asked to strike the last word so I could speak again, and it was subjected to a unanimous consent request. That wasn't the request for the gentleman from Kentucky to be given an additional 5 minutes, which I would not have objected to, but I just wonder, what are the standards in terms of having a Member speak twice in the debate?

The Acting CHAIR. The gentleman from Kentucky claimed the 5 minutes of time that is allowed for opposition. He then moved to strike the last word, and was recognized for 5 minutes on his pro forma amendment.

Mr. WAXMAN. So the rule is that any Member can speak on the amendment and also strike the last word and have two 5-minute timeframes?

The Acting CHAIR. Only if the first 5 minutes is allocated to speak in opposition.

Mr. WAXMAN. I asked a while ago to speak in favor of an amendment. I was told that I had to strike the last word.

Can the Chair explain to me why I have to strike the last word to speak in favor of an amendment, and if I spoke in favor of an amendment, would I have an opportunity to speak in striking the last word?

The Acting CHAIR. To be clear, the proponent is recognized for 5 minutes, and the member who shall first obtain the floor in opposition is recognized for 5 minutes. Then other Members may move to strike the last word.

Mr. WAXMAN. Only?

The Acting CHAIR. Only.

Mr. WAXMAN. Thank you very much, Mr. Chair, for that clarification.

Mr. WHITFIELD. I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Kentucky will state his inquiry.

Mr. WHITFIELD. I want to thank the gentleman from California for raising this issue.

So, to make sure I understand, if our respected colleagues offer an amendment on that side and take 5 minutes to explain their amendment, then someone on our side can claim time in opposition, and we would get 5 minutes; is that correct?

The Acting CHAIR. An opponent is entitled to 5 minutes.

Mr. WHITFIELD. In addition to that, if we come back later and strike the last word, we would get another 5 minutes if we desire to do so. Is that correct?

The Acting CHAIR. The gentleman is correct.

Mr. WHITFIELD. I thank the Chair.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

#### AMENDMENT NO. 2 OFFERED BY MS. EDWARDS

Ms. EDWARDS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate subsequent sections, and conform internal cross-references, accordingly):

#### SEC. 2. FINDING.

The Congress finds that, according to the Environmental Protection Agency's analysis of the impacts of the final rules specified in section 3(b)(1) and section (3)(b)(2) on employment, based on peer-reviewed literature, such rules would create 2,200 net additional jobs, not including the jobs created to manufacture and install equipment to reduce air pollution.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, there is a strong sense of *deja vu* here in the Chamber today.

Last week, we gave power plants—the number one source of airborne mercury—free rein to spew neurotoxins and other hazardous materials into the air we breathe. The other day, we repealed EPA's standards for cement kilns—the second-largest source of mercury in our air. Now here we are again, proposing to preemptively block EPA from finalizing rules that limit pollution coming from the third-largest mercury emitters—industrial boilers and waste incinerators.

Mr. Chairman, House Republicans seem bent on eviscerating the Clean Air Act, turning back the clock on 40 years of progress in health, technological innovation, economic expansion, and job growth. Yes, job growth. Contrary to the belief of my colleagues on the other side, protecting our environment and our health doesn't stifle jobs; in fact, it saves jobs. That's because, when you develop, manufacture, and implement environmental technologies, it's labor intensive. That explains why during this same period that the Clean Air Act kept more than 1.7 million tons of poisonous chemicals out of our lungs that it also contributed to 207 percent increase—that's right, 207 percent—in the Nation's GDP.

□ 1620

So that is why I am offering an amendment today, to acknowledge that this bill, H.R. 2250, will block rules that would have created at least 2,200 jobs. This number is a very conservative estimate. It doesn't count the good-paying jobs that would come from increased demand for the manufacture and installation of pollution control devices. It doesn't count the benefits to industry of improved worker productivity due to the 320,000 sick days avoided by reducing pollution under the rules. But even conservatively, it puts 2,200 Americans back to work.

So I would like to ask my colleagues on the other side who are supporting this legislation to eviscerate the standards, at a time when we have 14 million Americans unemployed, Mr. Chairman, why in the world would you chip away at a law that has helped to stoke the American economy for 40 years and put millions of people back to work?

Study after study has actually documented the connection between employment and environmental regulations, and the facts really speak for themselves. The four most heavily regulated industries—pulp and paper, refining, iron and steel, and plastics—have seen a net increase of 1.5 jobs for every \$1 million they spend on complying with standards. These are also some of the biggest users of industrial boilers and incinerators that are, in fact, the subject of this bill.

One single rule, the first phase of the Clean Air Interstate Rule, has brought 200,000 new jobs in the air pollution control industry just in the past 7 years, an average rate of 29,000 additional workers employed each year.

And keep in mind, Mr. Chairman, we have a Congress, a Republican-controlled Congress, that actually hasn't created one job. The boilermaker workforce, a group that is directly affected by the air quality standards wiped out by this bill, actually grew 35 percent between 1999 and 2001 simply because more stringent pollution controls had to be installed to meet the EPA's regional nitrogen oxide reduction standards.

The U.S. environmental technologies and services industry employed 1.7 million workers in 2008 and exported some \$44 billion worth of goods and services. That's a fourfold increase over 1990, when the Clean Air Act was amended. So here we have a thriving international market for these goods and services, estimated at more than \$700 billion—on par, actually, with the aerospace and pharmaceutical industries—and this Congress, this Republican Congress actually wants to destroy that. Unbelievable.

Mr. Chairman, the U.S. is recognized as a world leader in technologies like pollution monitoring and control equipment, information systems for environmental management and analysis, engineering, and design. We became a leader because the Clean Air Act and other environmental legislation has actually challenged us to innovate. We answered that challenge. Americans answered the challenge, and, as a result, our share of the global market is actually growing. In fact, we had a net trade surplus of \$11 billion in environmental technologies in 2008. This is good business, Mr. Chairman, and so it's ironic that the people around the world are eager to reap rewards on superior American ingenuity and know-how while this Chamber is bringing forward a bill today that would deprive the American people of the rewards and benefits of that ingenuity.

Look, Congress can and has to do better. The American people are expecting it. In fact, we depend on it. And so here we are again, 14 million people unemployed, millions in poverty, when we could be creating jobs, but, instead, we're destroying them.

I want to urge all my colleagues to support my amendment. And, as Members of this Chamber, Republicans and Democrats alike, it's time for us to join together in putting the country first, and together we can get America back to work.

I yield back the balance of my time.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The amendment offered by the gentlelady from Maryland would require that we adopt a finding by the EPA that its boiler and incinerator rules will create 2,200 net jobs. The reason that we respectfully oppose that is because that is EPA's analysis. And from hearings and from independent groups, we do question the

models that were used; we question the assumptions made; we question the lack of transparency in some of EPA's numbers.

But more important than that, we've had the Council of Industrial Boiler Owners, who—you may or may not agree with their numbers, but they have concluded that these rules would put at risk over 230,000 jobs. So the EPA is saying, well, you are going to gain 2,200. They are saying that you are going to put at risk 230,000. Then we had the American Forest & Paper Association, who concluded that they are putting at risk, under these new rules, over 20,000 jobs. We may be picking up 2,200, but you are going to put at risk 230,000 plus 20,000 more.

Then the whole argument that this administration seems to be making a lot of is that, if you issue regulations and you put additional requirements in, then you create jobs. But yet I believe that many people would say, in the history of our country, we've become a strong economic power because we've had individuals willing to invest money, to be innovative, to be free marketeers, to go out with a new product, produce it, create jobs, and that creates wealth and increases our gross domestic product.

But now we seem to be having this argument that, well, if we have more regulations, we will create more jobs. And I would say to you that EPA, over this last year, has been the most aggressive in recent memory. They have had about 12 or 13 major regulations, and we still find that our unemployment rate nationwide is around 9.1 percent. So if all of these regulations are creating all of these new jobs, where are they?

So for the simple reason that this amendment would require us to put in a finding that this regulation will create 2,200 net additional jobs, when we have testimony, when we have witnesses, when we have documentation that the affected industries would put at risk many more thousands of jobs than would be gained, I would respectfully oppose the gentlelady from Maryland's amendment.

I yield back the balance of my time. Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I want to counter the statement that was just made.

We have an estimate from the boiler industry association, and they say that there is going to be a loss of jobs, and that was what was cited by my friend from Kentucky. But EPA did a very careful, rigorous 251-page economic analysis and found that the boiler rules issued in February would be expected to create over 2,000 jobs, which is the finding that the author of this amendment would have us put in the legislation.

Unlike the industry studies, EPA had to follow guidelines and use a trans-

parent analysis and subject it to public comment. EPA determined that the boiler rules would create a net 2,200 jobs, not including jobs created to manufacture and install air pollution equipment.

Of course the boiler rules do more than just create jobs. They prevent up to 6,600 premature deaths, 4,100 nonfatal heart attacks, 42,000 cases of aggravated asthma. So that means that we are going to have a healthier workforce and a more efficient economy. EPA also found the boiler rules will provide at least \$10 to \$24 in health benefits for every \$1 in costs.

But the Council of Industrial Boiler Owners put out this study, estimating the standards would lead to 338,000 to 800,000 lost jobs. Well, that was their analysis. But this analysis wildly overstated the impact of these rules by inflating the costs, ignoring the job growth resulting from investment in pollution control equipment, and ignoring the fact that business can innovate and adapt to pollution control standards.

So the nonpartisan CRS, Congressional Research Service, examined the industry study, and they said the basis of this CIBO study, the Council of Industrial Boiler Owners, was flawed; and, as a result, the Congressional Research Service said little credence can be placed in their estimate of job losses.

□ 1630

The National Association of Clean Air Agencies also reviewed the study. These are the people who implement the standards at the State and local levels. They found the industry study assumptions about the number of sources that would need to make changes to comply were grossly in error. Now, even though the Council on Boiler Owners' study has been thoroughly debunked, this week the Republicans circulated a "Dear Colleague" citing this study and using it to provide numbers of potential jobs at risk. And that, of course, has been the basis for the statement that has been made during the course of today's debate.

That's why this amendment is important. If the Republicans insist on referencing flawed industry studies citing job losses, then we should ensure that EPA's peer-reviewed analysis showing the potential for job growth is included in the RECORD as well.

The amendment before us does not change the underlying bill in a substantive way. It still nullifies the boiler rules and all of the health benefits these rules would provide. But the amendment before us simply ensures that the bill's text includes a simple fact: EPA estimates that the boiler rules will create jobs, not destroy them.

I would like, at this point, to ask the gentleman from Kentucky what other sources he has for his claim that there would be job losses, other than the study by the Council of Industrial Boiler Owners. He said that they had their



report, but this was verified by other independent sources. What other sources can verify what the CIBO states, based on their study which has been found to be flawed?

I would yield to the gentleman to cite any other information.

Mr. WHITFIELD. I thank the gentleman from California.

You're accurate. The Council of Industrial Boiler Owners was one. Also information we've received from the five labor unions on this issue point out some numbers. And then the other one was AF&PA, American Forest & Paper Association. And then we have a letter from Smucker's and a few other industries.

Mr. WAXMAN. Okay. Let me point out I have a statement by the American Boiler Manufacturers Association. These are the companies that actually design, manufacture and supply the commercial, institutional, and industrial boilers.

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

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 30 additional seconds.)

Mr. WAXMAN. They said it is imperative that the rulemaking process—already under way for a decade—goes forward unencumbered by congressional intrusion and that final regulations be promulgated as soon as possible to alleviate continued and further confusion and uncertainty in the marketplace and to begin generating what we expect will be the new high-tech engineering and domestic manufacturing jobs in the boiler and boiler-related sectors.

I submit that this is a reason to vote for this amendment, and what we've had are arguments that have come from a self-interested group based on a study that was found to be a flawed study. So I urge support for the amendment.

AMERICAN BOILER  
MANUFACTURERS ASSOCIATION,  
*Vienna, VA, October 10, 2011.*

TO MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: The American Boiler Manufacturers Association (ABMA)—the companies that actually design, manufacture and supply the commercial, institutional, industrial boilers and combustion equipment in question—strongly opposes H.R. 2250, the EPA Regulatory Relief Act of 2011 and any legislation that would further delay, by legislative fiat, the ongoing EPA rulemaking process now playing itself out with respect to the National Emission Standards for Hazardous Air Pollutants for Major and Area Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters rules.

It is imperative that the rulemaking process—already under way for over a decade—goes forward unencumbered by Congressional intrusion and that final regulations be promulgated as soon as possible to alleviate continued and further confusion and uncertainty in the marketplace and to begin generating what we expect will be new, high-tech engineering and domestic manufacturing jobs in the boiler and boiler-related sectors.

The U.S. boiler and combustion equipment industry—with decades of experience and ex-

pertise in meeting tough state, local, regional and national air-quality codes, standards and regulations with innovative and real-world design solutions—stands ready and able to help those affected by these rules to comply with them in a timely and cost-effective manner. Further delays, over and above those already extended by EPA, will not necessarily result in improved rules; they will only exacerbate future compliance issues and costs; labor and materials costs are currently stable and domestic boiler and combustion equipment manufacturing capacity is available now to service the full range of compliance options available under the new rules—from simple boiler tune-ups and system upgrades and optimizations to system replacement.

The types of clean, efficient, fuel-flexible, cost-effective and technologically advanced products and equipment that can be supplied by the U.S. boiler manufacturing industry are critically important for long-term public health, environmental quality and business stability. The ABMA urges you to vote against H.R. 2250, to let the rulemaking process within EPA go forward without Congressional interference, and to cast aside any further delaying tactics or excuses that only serve to retard growth, defer job creation and spawn confusion.

Sincerely,

W. RANDALL RAWSON,  
*President/Chief Executive Officer.*

Mr. GRIFFITH of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Thank goodness, ladies and gentlemen, we don't have to check our common sense at the door and rely on the EPA to be the pinnacle of common sense and reason in this body.

We are asked what sources do we have, and you heard the gentleman from Kentucky name off sources; but it only takes common sense to understand that when you represent a district like mine, where many of the communities are separated by rivers and mountains, that to comply with the current EPA rules on boilers, which would require many changes and may require new gas pipelines to go to existing job sites, that you cannot accomplish that in 3 years.

And if you cannot accomplish it under the current rules in 3 years, you need a bill like H.R. 2250 to make sure that you have time to be able to get the easements necessary, perhaps even through condemnation process and lawsuits, to bring in that natural gas pipeline so that your factory can stay open.

And if you can't do it in 3 years and the law says you have to do it in 3 years, with the possible extension of 1, and you're looking at the opportunity to keep jobs here or not be able to comply, face big fines or move that factory to a country that wants your jobs instead of what the EPA in this country appears to want, which is our jobs to go overseas, then common sense tells you that there's no way that these strict Boiler MACT rules with a 3-year implementation time will create 2,200 net jobs. It doesn't take geniuses to figure that out. It doesn't take huge studies to figure that out. What it takes is

common sense, and thank goodness we can rely on common sense.

In regard to the letter by the American Boiler Manufacturers Association, a company that makes money either way, whether they get this bill passed and they sell their products overseas or they sell their products in this country, I have to tell you, I was affronted by their language that was just repeated on the floor where they talked about congressional intrusion.

Congressional intrusion? Does the EPA make the laws of this country, or does the Congress of the United States make the laws? I believe the Congress of the United States makes the laws of this country; and when we see something that is bad for America, it is our job to intervene and make the proper decisions for the United States of America, and it is not intrusion to do our job.

It's not intrusion to tell the EPA: We were the ones elected by the people, not the EPA; and that we are the folks who have to bring our common sense to bear and recognize that we have an obligation not only to the environment, but to make sure that our people have the money to be able to afford to heat their homes, to be able to afford to feed their families, and to be able to afford to seek the American Dream like we had the opportunity and our parents had the opportunity.

Ms. EDWARDS. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentlelady from Maryland.

Ms. EDWARDS. Just one question for the gentleman. I wonder if there is any time frame at all that would be acceptable for the implementation of standards that would save lives and create jobs?

Mr. GRIFFITH of Virginia. I would say to the gentlelady that the bill says there's to be a 5-year period. It can be extended, but there has to be a conclusion at some point. The bill calls for that.

But the administrator of the EPA, and unless we assume that the administrator of the EPA is just going to say nobody has to finish any time, can take a look on a case-by-case basis; and if it's going to take a little bit longer to get the job done, then they can make a real-world decision that has real work effects positively on jobs instead of a blanket decision that makes it impossible for businesses to be able to continue to employ people that they may have employed in this country for decades and not force those people to go overseas.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

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

Mr. WHITFIELD. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentlewoman from Maryland will be postponed.

AMENDMENT NO. 1 OFFERED BY MS. SCHAKOWSKY

Ms. SCHAKOWSKY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

#### SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Last week I offered an amendment that gave us the opportunity to demonstrate that we are aware of the impacts of our actions. We failed to take advantage of that opportunity, and today we have another chance, and I hope we will take it.

My amendment simply includes in the findings section of the bill, creates a findings section, if you will, the scientific fact that mercury released into the ambient air from industrial boilers and waste incinerators is a potent neurotoxin that can damage the development of an infant's brain. That's what the amendment says. It inserts the following section into the findings, and it says the Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this act is a potent neurotoxin that can damage the development of an infant's brain.

Mercury is one of the most harmful toxins in our environment. Forty-eight tons of mercury is pumped into our air each year, threatening one in six women nationwide with dangerous levels of mercury exposure. Pregnant women, infants, and young children are most vulnerable to mercury poisoning, which harms a developing child's ability to walk, talk, read, write, and comprehend.

□ 1640

Developing fetuses and children are especially at risk, as even low-level mercury exposure can cause adverse health effects. Up to 10 percent of U.S. women of childbearing age are estimated to have mercury levels high enough to put their developing children at increased risk for cognitive problems.

During the debate on my mercury findings amendment last week, my friend Mr. WHITFIELD stated, "The scientific understanding of mercury is certainly far more complicated than is reflected in this finding that asks to be included in this bill." I really don't know what he finds so complicated. The science is very straightforward.

In 2000 the National Academy of Sciences issued a report on the toxic effects of mercury. Over and over, the report details the toxicity of mercury in very stark terms. "Mercury is highly toxic. Exposure to mercury can result in adverse effects in several organ systems throughout the lifespan of humans and animals. There are extensive data on the effects of mercury on the development of the brain in humans and animals." High-dose exposures can cause "mental retardation, cerebral palsy, deafness, and blindness" in individuals exposed in utero, and sensory and motor impairment in exposed adults.

"Chronic, low-dose prenatal mercury exposure from maternal consumption of fish" has been associated with impacts on attention, fine motor function, language, and verbal memory. Overall, data indicate that "the developing nervous system is a sensitive target organ for low-dose mercury exposure."

"Prenatal exposures interfere with the growth and migration of neurons and have the potential to cause irreversible damage to the developing central nervous system."

What is so complicated about that?

The EPA industrial boiler and waste incinerator standards would reduce this major threat without undue burden to industry. The legislation we consider today will block EPA's efforts. It will send EPA back to the drawing board with new, untested, and legally vulnerable guidance for setting air pollution standards. And most troubling, it will indefinitely delay any requirement to actually reduce pollution from industrial boilers and waste incinerators.

The gentleman said there has to be an end date. This legislation says there doesn't have to be an end date.

My colleagues across the aisle talk a lot about not wanting to burden the next generation with debt. Where is their concern with burdening the next generation with reduced brain capacity? But even considering the very serious policy differences we have today, my amendment should be non-controversial. It would not alter the goals or the implementation of the pending legislation. It simply recognizes what scientists and the public health community tell us about mercury.

We will never be able to bridge our policy differences if we can't even agree on basic facts of science. H.R. 2250 patently ignores the scientifically proven fact that mercury exposure inhibits brain development, especially in infants. If we are prepared to pass legislation that would jeopardize the health of children, we should be willing minimally to acknowledge the scientific fact that EPA inaction poses a serious health risk.

Last week we failed to meet our obligation to recognize the consequences of our actions. Let's not repeat this mistake. I urge my colleagues to support

this amendment that simply puts a scientific fact into the legislation.

I yield back the balance of my time. Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I certainly have great respect for the gentlelady from Illinois. Her amendment basically reads that the Congress finds that mercury released into the ambient air is a potent neurotoxin. From the hearings that we've had and the discussions that we've had and the documents that we have seen, the scientific understanding of mercury seems to be more complicated, as reflected in her amendment.

Now, why do I say that? I say that because your amendment says, mercury released into the ambient air. It's our understanding that methylmercury is the neurotoxin. That mercury released into the ambient air alone is not a neurotoxin. For that reason, we would oppose the amendment, because there's a difference in methylmercury and pure mercury.

One other comment that I would make is that our legislation does provide a minimum of 5 years to comply with the new rules that EPA may come forth with. And it can go beyond that, but that would be at the total discretion of the administrator of EPA. For that reason, we really certainly do not have any concern that it would never be set with a firm deadline. In fact, in the legislation we say the compliance deadline shall be set a minimum of 5 years and the administrator may allow it to go further than that. So the argument that it would go on forever and ever, we genuinely believe is pretty remote. The simple reason, as I stated, about the scientific assumption, the scientific understanding of the difference in mercury and methylmercury is the reason we would respectfully oppose the amendment setting that in the finding.

I yield back the balance of my time.

Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment simply states a scientific fact: Mercury is a potent neurotoxin that can damage the development of an infant's brain. In 2000, the National Academy of Sciences concluded that the data linking neurodevelopment effects to mercury exposure is extensive. So what do we hear from the Republican side of the aisle? Science denial. When we talked about climate change and all the impact of the greenhouse gases, they said there's no problem. Science denial.

Well, let me just say that the Republican majority in the House can vote to amend the Clean Air Act, but they cannot vote to amend the laws of nature. Babies born to women exposed to mercury during pregnancy can suffer from



a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and lower neurological test scores. The National Academy of Sciences estimates each year about 60,000 children may be born in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury in utero. The effects of mercury exposure in utero are insidious and long term.

Now, why are we hearing that this isn't a scientific fact? Well, I heard a distinction of mercury and mercury when it's mixed with other chemicals. I think what we have here is, make up the science as you go along but deny the science that the scientists have worked for decades establishing.

Boilers and incinerators are one of the largest sources of airborne mercury pollution in the U.S. For far too long they have been allowed to pollute unabated. And now the Republican leadership wants to nullify the rules that EPA finalized to cut emissions of mercury and other toxic air pollution from boilers and incinerators. These rules were more than a decade late. The Republicans say, Well, let EPA start the rulemaking process all over again. Let them comply with a different standard. We're going to amend the law to provide a different standard. The different standard should not be to use the maximum available control technology but something that is the lowest risk of harm or cost to the industry.

The Republicans keep trying to justify this bill by saying that the public health benefits of cutting mercury pollution here at home aren't significant enough to justify the costs. Well, I think we're talking about Science 101. This is not a subject to debate. Mercury is a known neurotoxin. So I ask those that support this bill, Are you going to vote against what scientists say is a fact? Many of you voted earlier this year to reject the overwhelming science linking carbon pollution to climate change. I hope the Republicans are not going to do the same thing now by rejecting what every public health expert knows—mercury is a poison.

□ 1650

I yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

I would like to ask my friend, Mr. WHITFIELD, since we're now talking about mercury or methylmercury, if the amendment that I offered read, instead of the way it does, "If Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators becomes a potent neurotoxin that can damage the development of an infant's brain"—because that's what happens. The mercury, if you want to pick the semantics of it, becomes methylmercury—then we could make it that way.

Mr. WAXMAN. Well, let me yield to the gentleman from Kentucky. Maybe

he'll be satisfied with that change because you're stating it in a very clear, unequivocal way as a scientific finding.

Would the gentleman from Kentucky be willing to agree to that statement of the issue?

Mr. WHITFIELD. Would the gentlelady repeat what she is suggesting?

Ms. SCHAKOWSKY. Instead of saying that the mercury that's released is a potent neurotoxin, I say, "becomes a potent neurotoxin that can damage the development of an infant's brain," because that is the science. That's what happens.

Mr. WAXMAN. I yield further to the gentleman from Kentucky.

Mr. WHITFIELD. Well, let me just ask a parliamentary inquiry here. What is the parliamentary procedure if we were to attempt to do something like that?

Mr. WAXMAN. Well, let's worry about that later.

How about the substance of that change? Would you be willing to accept that change in the findings on the legislation?

Mr. WHITFIELD. What I go back to is that, in EPA's own analysis, they indicated that they—

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

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. They indicated that there was no quantifiable benefit from the reduction of mercury.

Mr. WAXMAN. Well, this amendment wouldn't change the bill. This amendment simply says that mercury has the potential to be a neurotoxin that could affect children.

Mr. WHITFIELD. Has the potential. May I ask a parliamentary inquiry?

The Acting CHAIR. Does the gentleman from California yield for that purpose?

Mr. WAXMAN. Well, let me ask, if we had a unanimous consent request, could we change the amendment? As I understand it, we could.

The Acting CHAIR. The proponent may modify her amendment by unanimous consent.

Mr. WAXMAN. I yield to the gentleman if he wishes to seek a unanimous consent request in that regard. Apparently, there is an objection.

Reclaiming my time for the moment that I have left, what we are seeing is Republicans unwilling to say anything that has been scientifically established. They're willing to deny the science and do anything in order to serve the interests of the industry. And I think we ought to have the finding in the bill since it does not affect the functions of the bill, itself.

I urge support for the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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

Mr. WHITFIELD. I demand a recorded vote.

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

AMENDMENT NO. 12 OFFERED BY MR. ELLISON

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 24, insert " , except that the date for compliance with standards and requirements under such regulation may be earlier than 5 years after the effective date of the regulation if the Administrator finds that such regulation will create more than 1,000 jobs" after "regulation".

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chair, my amendment is very simple. What it says is that if the EPA administrator finds that the regulation creates more than 1,000 jobs, then the administrator can shorten the 5-year delay which the bill would impose.

So, very simply, the EPA administrator can come forward and say, look, 1,000 jobs have been created by this, and therefore this delay of 5 years will be shortened. That's all the amendment calls for. And in a time when we have such tremendous need for jobs in America, I would think that if the EPA can identify 1,000 jobs created in connection with this rule, then we should certainly be able to shorten the 5-year period of delay.

So I ask for support for this amendment because I'm sure that everybody on both sides of the aisle agrees wholeheartedly with job creation.

And there has been, I believe, a false choice offered to the American people. And this false choice is very simple to describe, and that is that we can either have rules that limit emissions from boilers or we can have jobs, but, according to some people in this body, we can't have both. We can't have both clean lungs, be free of mercury, be free of other neurotoxins and contaminants, and have jobs. I argue we can have both. And if the EPA administrator can demonstrate that there are jobs created here, then the 5-year period should in fact be shortened.

I argue that what we need to do here is to stand for jobs. And according to EPA, what we have seen is that this underlying rule, which would be delayed by the bill, actually will create and has been estimated to create up to 2,200 jobs. So let's see if that's actually right. Let's see if the proposal, as set forth by the rule, would create jobs as the EPA administrator says it will. And if it does, we should say let's go forth.

The economic impact of the boiler regulation is exceptionally positive.

The EPA's data shows that by reducing the particulate matter pollution from industrial boilers we will generate net economic benefits of \$22 billion to \$56 billion every year. So why wouldn't we want to take full advantage of that economic activity, as all of us are concerned about jobs.

The over 40 years of success of the Clean Air Act have demonstrated that strong environmental protections and strong economic growth go hand in hand. They are not one versus the other. They go together. Since 1970, the Clean Air Act has reduced key pollutants by more than 70 percent while, at the same time, the economy has grown by over 200 percent. So much for the claim that regulation kills jobs. That's not true. It's not right. It's inaccurate. And I say, by supporting my amendment, we can see who's right.

I see no reason why the Republican majority wouldn't support my amendment if they believe, as they claim, environmental regulations hurt jobs. We have a chance to see. And I want to see if people really believe what they claim, and they can demonstrate their commitment to what they argue by supporting my amendment.

The benefits outweigh the projected costs of compliance by as much as 13 to 1 in this case.

The misleading report from the Council of Industrial Boiler Owners claims that over 300,000 jobs are at risk. This is wrong. The National Association of Clean Air Agencies found that the industry commission report is based on exaggerations and omissions. The report from the industry substantially overestimates the cost of compliance with regulation. And the boiler owners have ignored many benefits of the rule—thousands of new jobs to install and operate and maintain pollution control equipment.

The public health benefit, that is nearly \$40 billion a year. Creating green economy jobs to make our air cleaner would create jobs throughout the supply chain—for example, installing and operating scrubbers.

So it's important that we make jobs the focus of our work here in Congress. The Republican majority has seen fit not to introduce any jobs bills during its time as the majority. Here's an opportunity to say, if you really believe that regulations kill jobs, vote for my amendment and we will be able to see, because the administrator, if 1,000 jobs can be generated, will be able to delay this rule.

Now, if you really don't believe it and you just want to do what the boiler owners want, then of course you will vote "no." But if you really believe what you say, you will vote "yes."

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I respectfully oppose this amendment and ask that it be defeated.

Once again, we're hearing the argument that if you have enough regulations, you're going to create jobs. And the gentleman referred to EPA's estimate that there may be a net gain of 2,200 jobs as a result of this regulation. But when you look at the Council of Industrial Boilers, when you read the documentation from labor unions, from the forest paper products, from the universities, they say there are at risk, as a direct result of this regulation, in excess of 280,000 jobs.

□ 1700

So for us to be doing these minor changes, if the EPA administrator finds they will create more than 1,000 jobs—the real reason, though, that we're opposed to this amendment is that, under the Clean Air Act, boilers already have 3 years to comply, and incinerators have 5 years to comply. We want boilers and incinerators to have a minimum of 5 years to comply. We think that that provides certainty. It certainly reflects the testimony and our concern from witnesses who testified at all of the hearings that they, in many instances, need 5 years. The EPA administrator may allow it to go longer than that if he or she chooses to do so.

But I don't believe that regulation creates jobs. And I think most of the testimony would indicate that there are more jobs at risk as a direct result of these regulations. For that reason, I would oppose this amendment.

I yield back the balance of my time.

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

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

Mr. ELLISON. I demand a recorded vote.

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

AMENDMENT NO. 19 OFFERED BY MR. WELCH

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

#### SEC. 2. FINDING.

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Mr. Chairman, we have an ongoing debate in this Congress about regulation. My friends on the Republican side believe we have too

much. Those of us on the Democratic side think we need careful regulation. We shouldn't have too much, but we shouldn't abolish it all together.

An appropriate regulation levels the playing field for our businesses and industries, but it also gives a fair shot to the health, safety, and concerns of our people who have no control over the production processes and how those may affect their health.

The issue presented in my amendment is not about a regulation, but it's related to the effort to roll back regulations at any cost and at any price and whatever the consequences. My amendment would include in the bill a finding that the American people who are exposed to mercury from industrial sources, addressed by the rules listed in section 2(d), through the consumption of fish containing mercury face a health hazard. There really is no dispute about that, scientifically or medically.

So the question may be, why do we need the finding? The reason we need the finding is because we have to acknowledge when industrial processes actually create health risk in order that we can accept our responsibility to address the risk that's created in the production process.

And the cement in boilers does produce mercury. Now, it's so self-evident that it produces mercury that this map here shows every single State in our Union has issued a mercury advisory. The reason those States, locally, not from Washington, have issued those mercury advisories is to give a heads-up to their citizens to be careful about eating fish that may be contaminated; and that is the responsibility of government, to let people know when there is a health risk and to help them avert it and to stop it.

My amendment, Mr. Chairman, simply incorporates what the scientific and medical community know, and that is that mercury is a toxin. And if we ingest it, particularly if it's a child, an infant, that it does enormous health damage long term.

So why don't we acknowledge what we know, namely, that mercury is a toxin, that we include this in the findings so that, in so doing, we accept the responsibility that this country has, that all of us have, to do everything we can to avoid unnecessary health care risk.

This amendment simply does that. It's not additional regulation, but it's a finding of what we know and 50 States have found, that mercury is a threat to the public health of its own citizens.

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

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. There really is nothing in H.R. 2250 that would in any way prohibit or discourage States from continuing to give these advisory opinions about mercury and the dangers of

mercury. So our legislation would not prevent the States in any way from continuing to do that.

The gentleman's amendment would place particular attention on industrial sources; and as we had stated in the debate last week, the Department of Energy itself has said that over 11 million pounds of mercury were emitted globally from both natural and human sources, and the vast majority of the human sources in the U.S. come from outside the U.S.

So coupled with that fact, and the fact that EPA said the benefits of mercury reduction from the Boiler MACT rules have not been quantified, this really seems to be a duplicative effort because the States are going to continue to issue their rulings, their warnings, as they should do so. But it's important that the American people also know that there is a lot of mercury coming from natural sources and also from outside of the U.S. And our legislation, I do not believe, would put at further risk the American people and their health.

With that, I would respectfully oppose the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

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

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

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

AMENDMENT NO. 3 OFFERED BY MS. JACKSON  
LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, lines 23 and 24, strike "not earlier than 5 years after the effective date of the regulation" and insert "not later than 3 years after the regulation is promulgated as final".

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, as I listened today, I listened to some enormously bipartisan commentary about jobs. As Mr. WAXMAN knows, our ranking member, we have been working on creating jobs for a very long time. Democrats are hoping for a vote in the other body on the President's American Jobs Act.

In the last Congress, although we documented 3 million jobs, I can assure you that our stimulus package created millions of jobs unrecorded because it was emergency funding that did not require that recording.

My amendment speaks to clarity, and it is not conflicting with jobs. For those of you who are listening to this

debate, it's about the industrial boiler industry. They do have jobs. And I, frankly, believe that the regulations that they have lived with do not impair their ability to promote jobs.

What most people don't know is there is an indefinite language, or allows an indefinite time frame for non-compliance. There's no time line for the industry to comply with clean air rules impacting our children, just like this little one being seen by a nurse, suffering from any number of respiratory illnesses.

So the bill, in its current form, also gives the EPA discretion to go beyond 5 years. You know how long that is? That may be job-killing time, because when businesses look to move to areas, even if they're older industry, they want to know that there is an effort made to create a better quality of life.

This amendment will help the industry. It indicates that the time for compliance is 3 years. And, yes, there may be discretion to expand, but 3 years. I believe this is a fair approach because, in actuality, the rule that the EPA has passed has resulted in 1.7 million tons of reduction in air pollution per year.

□ 1710

That's a good thing for job creation. And so this amendment is a simple approach to indicating that outdoor air pollution is damaging. Small particles and ground level ozone come from car exhaust, smoke, road dust, and factory emissions. Why wouldn't we want to improve the quality of life? I can only say to you that out of those polluting elements come chest pain, coughing, digestive problems, dizziness, fever, sneezing, shortness of breath, and a number of other ailments.

So my amendment is a good thing, to be able to talk about jobs, clarity, knowing when you must comply, and preventing premature deaths and protecting our children. But let me say what else this bill does. This bill causes an extra \$1 million in new discretionary spending by the EPA to comply. We're supposed to be in a budget-tight atmosphere. We're supposed to be budget cutting. But, my friends, that is not what we're doing here.

So I would simply say that even though my good friend indicates that 200,000 jobs would be saved with this particular bill, I don't know where the documentation is, but I will assure you that areas where the boiler industry is that have a defined clarity on what the timeframe is for making sure that you're in compliance, I can assure you that that creates jobs, and that creates a clean atmosphere, quality of life, and clean air for more industry to come into your States for you to diversify.

So I ask my colleagues to support a simple amendment that ensures that the compliance is for 3 years, clarifying that to the industry, giving them a time certain to comply, and also giving discretion to the EPA to help America grow jobs. I hope we all will join in growing jobs in voting for the

American Jobs Act, and right now I hope that we'll vote for the Jackson Lee amendment that gives clarity in timeframe for compliance, and again, saves lives, like this little one's, that we all want to protect.

With that, I yield back the balance of my time, and I ask my colleagues to vote for the amendment.

Mr. Chair, I rise today in support of my amendment to H.R. 2250, the "EPA Regulatory Relief Act." My amendment requires the industrial boiler industry to comply with Environmental Protection Agency (EPA) rules no later than 3 years after the rules have been finalized.

Currently, the bill requires the industrial boiler industry to comply with EPA rules no earlier than five years after the rules have been finalized. The bill also allows indefinite noncompliance; there is no deadline set for industry compliance. The bill, in its current form, also gives the EPA the discretion to extend the 5 year deadline for compliance. The EPA would have the authority to extend a three year deadline as well; the three year deadline I proposed can be extended by the EPA, while setting a goal that shows our firm commitment to saving lives.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the industrial boiler industry, as they are required to do under the Clean Air Act. The EPA has issued clean air rules targeting 170 different types of facilities which have resulted in a 1.7 million ton reduction in air pollution per year. EPA rules are now being finalized for both the industrial boiler industry and cement kiln industry and these bills are intended to indefinitely delay compliance with EPA's Maximum Achievable Control Technology (MACT) standards, prior to their promulgation.

As the Representative for Houston, the country's energy capital, I am committed to creating an environment in which the energy industry and regulating agencies can work together.

For more than 40 years the EPA has been charged with protecting our environment. There has been a consistent theme of chipping away at the ability of the EPA to protect our air. We have to consider the long term costs to public health if we fail to establish reasonable measures for clean air.

Outdoor air pollution is caused by small particles and ground level ozone that comes from car exhaust, smoke, road dust and factory emissions. Outdoor air quality is also affected by pollen from plants, crops and weeds. Particle pollution can be high any time of year and are higher near busy roads and where people burn wood.

When we inhale outdoor pollutants and pollen this can aggravate our lungs, and can lead us to developing the following conditions; chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation and watery eyes. Outdoor air pollution and pollen may also worsen chronic respiratory diseases, such as asthma. There are serious costs to our long term health. The EPA has promulgated rules and the public should be allowed to weigh in to determine if these rules are effective.

The purpose of having so many checks and balances within the EPA is to ensure that the

needs of industries and the needs of our communities are addressed. Providing a time for individuals to support or oppose any regulations is a meaningful first step. This bill is a step in the wrong direction.

The EPA has spent years reviewing these standards before attempting to issue regulations. The proposed regulations to the industrial boiler industry will significantly reduce mercury and toxic air pollution from power plants and electric utilities. The EPA estimates that for every year this rule is not implemented, mercury and toxic air pollution will have a serious impact on public health. Think for a moment about the lives that can be saved. We are talking about thousands of health complications and deaths. What more do we need to know. According to the Natural Resources Defense Council, this rule would prevent the following:

- 9,000 premature deaths
- 5,500 heart attacks
- 58,000 asthma attacks
- 6,000 hospital and emergency room visits
- 6,000 cases of bronchitis
- 440,000 missed work days

This legislation not only presents a threat to public health, it also blatantly violates the Cut-Go spending provision. The EPA Regulatory Relief Act requires the EPA to select a regulatory option that is least burdensome to the industrial boiler industry, regardless of alternate options that may be more feasible or cost effective. The Congressional Budget Office (CBO) estimates that this bill will result in \$1 million dollars in new discretionary spending by the EPA, and the bill does not offset the authorization.

I understand the economic impacts of regulation, but we must also act responsibly. We cannot ignore the public health risks of breathing polluted air, nor can we pretend that these emissions do not exacerbate global warming. Alternatively, we certainly do not want to hinder job creation and economic growth. Congress passed the Clean Air Act to allow the EPA to ensure that all Americans had access to clean air, and we must not strip the agency of that right.

My friends on the other side of the aisle will tell you that this Act is going to save more than 200,000 American jobs, but what about the lives we will lose? We do not want to hinder economic prosperity and robust job creation, but let us strive toward an economic climate where jobs can be created by implementing technology to reduce dangerous toxic emissions and protect the American people. It does not have to be one way or the other; in a country of vast innovation surely we can forge a path forward in which we do not have to choose between creating jobs and saving lives.

Lest we forget, since 1999, Houston has exchanged titles with Los Angeles for the poorest air quality in the Nation. The poor air quality is attributed to the amount of aerosols, particles of carbon and sulfates in the air. The carcinogens found in the air have been known to cause cancer, particularly in children. The EPA is the very agency charged with issuing regulations that would address this serious problem. This bill may very well jeopardize the air that we breathe, the water that we drink, our public lands, and our public health by deep funding cuts in priority initiatives.

Mr. Chair, there are times in which we are 50 individual states, and there are times when

we exist as a single Nation with national need. One state did not defend the Nation after the attacks on Pearl Harbor. One state, on its own, did not end segregation and establish civil rights. Every so often, there comes an issue so vital we must unite beyond our districts, and beyond our states, and act as a Nation, and protecting the quality of our air is one of those times.

I encourage my colleagues to support the Jackson Lee amendment in order to uphold the EPA's authority to enforce the Clean Air Act. By ensuring the industrial boiler industry must comply with finalized EPA regulations, we are protecting the quality of the air that all of our constituents breathe. Surely preventing illness and premature death by ensuring every American has access to clean air is not controversial. Again, I urge my colleagues to support my amendment.

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

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would say to the gentlelady from Texas, first of all, that under the regulations of the EPA, today incinerators are given 5 years to comply with section 129 standards, and boilers are only given 3 years to comply with section 112 standards. That's one of the reasons that we introduced this bill, because businesses, manufacturers, institutions, and universities all came to Washington, and in their testimony they asked that we have some uniformity on times to comply.

That's why we decided to extend the compliance deadline for the boiler industry up to 5 years, which is the exact same that incinerators have today under section 129. They asked that we do that because, one, they said it would provide certainty and that, two, in many instances, they do not have the time, the technical knowledge, and it's not economically justifiable to do it within that shorter time period. So your legislation would basically roll back even the time for incinerators. So for that reason, we would respectfully oppose this amendment.

And then I would just make one other comment about the argument that regulations create jobs. I genuinely do not believe that in the history of our country jobs have been created by regulation. Jobs have been created in America because of entrepreneurs spending money and spending capital to develop a product which creates jobs, which helps our gross domestic product, which increases our tax revenues, which allows us to do more in the government sector.

So, as you've indicated, EPA said they think there will be a net job gain of maybe 2,200 jobs, but all of the affected industries, the universities, the labor unions and others, say that they're putting at risk an excess of 230,000 jobs.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Ms. JACKSON LEE of Texas. For a clarification, I did not argue that regulation creates jobs. I do believe that you can produce the kind of regulatory climate that will. But my point was that clean air and a better quality of life encourages businesses to move into areas and grow jobs.

I thank the gentleman for yielding.

Mr. WHITFIELD. I understand. As you know, the EPA went to court to ask for additional time on these Boiler MACT rules. They were denied that, and our legislation is designed to give them a little bit more time and give the industry more time to comply. And because of that, I would respectfully oppose the gentlelady's amendment and ask that it be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I support the amendment. It returns the bill if it became law to what are the times specified in the Clean Air Act. And I think those times are reasonable. But let me just say that EPA is working on these regulations, these rules. This is not a finished product. I believe they're taking into consideration concerns raised by the boiler industry, especially the paper and pulp industry. There have been very important and legitimate concerns that they have raised. They want to know if they can continue to use the same traditional fuels that they had been using. They don't want to be considered incinerators, because they're not. They want to know what the rules are, they want some certainty, and they want some time to comply with them.

These things are under discussion at the EPA, and industry is weighing in and letting its feelings be known. Should the Environmental Protection Agency need legislation, which they may or may not, we ought to stand ready to be of assistance. I do not think the industry really wants to throw out the Clean Air Act and to allow mercury to be considered nothing, no problem, which is what you would expect when you hear the debate on the Republican side of the aisle. I don't think they would like all of this issue of public health to be so minimized as we hear in the Republican debate.

This is not a practical solution. This is a blunt instrument that the Republicans are putting forward that will not become law. So let reasonable people talk about the issue and try to resolve it. If we're needed to pass legislation, then let's pass reasonable legislation and get something done, not just show that the Republican Party is being macho about jobs when they take a report that's not even based on what EPA's rules are going to be and claim that it costs all these jobs, which has already been debunked when they put forward this report when it was based on the original EPA rule.

So I urge support for this amendment. And we ought to get on with the job of working on what can become law and not just fighting this fight of science denial and minimizing health risk which we hear from the Republican side of the aisle.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. I demand a recorded vote.

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

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. WOMACK, 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. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

□ 1720

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2832, EXTENDING THE GENERALIZED SYSTEM OF PREFERENCE; PROVIDING FOR CONSIDERATION OF H.R. 3078, UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; PROVIDING FOR CONSIDERATION OF H.R. 3079, UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 3080, UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Committee on Rules be permitted to file a supplemental report to accompany House Resolution 425.

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

There was no objection.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 425 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 425

*Resolved*, That upon adoption of this resolution it shall be in order to take from the

Speaker's table the bill (H.R. 2832) to extend the Generalized System of Preferences, 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 Ways and Means or his designee that the House concur in the Senate amendment. The Senate amendment 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 Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommitt.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes, with 30 minutes controlled by Representative Camp of Michigan or his designee, 30 minutes controlled by Representative Levin of Michigan or his designee, and 30 minutes controlled by Representative Michaud of Maine or his designee. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 4. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes, with 30 minutes controlled by Representative Camp of Michigan or his designee, 30 minutes controlled by Representative Levin of Michigan or his designee, and 30 minutes controlled by Representative Michaud of Maine or his designee. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 5. House Resolution 418 is laid on the table.

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

Mr. DREIER. For the purpose of debate only, I yield the customary 30 minutes to my very good friend from Worcester, Massachusetts (Mr. McGOVERN), pending which I yield myself such time as I may consume. During consideration of this measure, all time yielded will be for debate purposes only.

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

GENERAL LEAVE

Mr. DREIER. I would also like to ask unanimous consent, Mr. Speaker, that

all Members have 5 legislative days in which to revise and extend their remarks on this resolution.

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

There was no objection.

Mr. DREIER. On November 6 of 1979, Ronald Reagan announced his candidacy for President of the United States. In that speech, he envisaged an accord of free trade among the Americas. He wanted to eliminate all barriers for the free flow of goods and services and products among all of the countries in this hemisphere.

On October 3 of 2011, President Obama sent three trade agreements to Capitol Hill for consideration. It has been a long time. I mean, 32 years, I guess, this coming November 6 we will mark the anniversary of President Reagan announcing his candidacy for the Presidency and of which he envisaged this accord.

It has been a very, very difficult struggle to get here; but, Mr. Speaker, today marks the first step in this last leg of what, as I said, has been an extraordinarily lengthy journey towards the passage of our three free trade agreements with Colombia, Panama, and South Korea.

For 4 years, workers and consumers in the United States and in all three FTA countries have waited for the opportunities that these agreements will create. Republicans and Democrats alike—and let me underscore that again. Republicans and Democrats alike have worked very hard to bring us to this point. We have done so, first and foremost, for the sake of job creation and economic growth.

We're regularly hearing discussion on both sides of the aisle about the imperative of creating jobs and getting our economy on track. The President of the United States delivered a speech here to a joint session of Congress in which he talked about the need to pass his jobs bill. Mr. Speaker, this is a very important component of that proposal that the President talked about when he was here. So, as I hear a great deal of discussion about a lack of willingness on Capitol Hill to address the President's jobs bill, it's not an "all or nothing" thing. We are taking the very, very important components that the President has proposed addressing. We've worked in a bipartisan way, and this measure before us is evidence of that.

As I said, the passage of these agreements will allow us to have an opportunity to create good jobs for union and nonunion Americans who are seeking job opportunities. Together, these agreements will give U.S. workers, businesses, farmers access to \$2 trillion of economic activity; and our union and nonunion workers, our farmers and people across this country will have access to 97 million consumers in these three countries.