

quick email survey regarding regulations and the impact that it has on jobs and our economy. The response from the 14th Congressional District of Illinois was overwhelming: 68 percent said that businesses currently operate in a hostile business environment when it comes to regulation; 70 percent said that the regulators and bureaucrats should be required to consider the impact regulations have on jobs and businesses before they're imposed.

To my constituents, I say, we are listening. We're working hard to ensure that small businesses and job creators have a stable and certain regulatory environment. We're working hard to get Washington off their backs; and we're working hard to ensure that they feel confident expanding and hiring, putting Americans back to work and getting our economy moving again. That's why all this fall we have been tackling and cutting red tape from the EPA and other bureaucracies.

Without our action, EPA threatens to impose new rules that would devastate American jobs, raise the cost of electricity for homeowners and businesses, and drive American businesses out of existence and overseas. That's unacceptable.

DEDICATION OF THE MARTIN LUTHER KING, JR., MEMORIAL

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, Thomas Jefferson originally penned the Declaration of Independence that all men were created equal. But it was Dr. Martin Luther King and civil rights workers that made those words ring true. It took almost 200 years for that to happen.

On Sunday, in this Nation's Capital, Dr. King will be honored with the dedication of a monument to him on the Mall, and it's a monument to a great man who deserves recognition. But it should be considered a monument to all the civil rights workers, the sit-ins, the Freedom Riders, the students that went to Mississippi, that marched from Selma to Montgomery, the JOHN LEWISes, the Julian Bonds, the Joseph Lowerys, the Harry Belafontes, the Vasco Smiths, Maxine Smiths, Russell Sugarman, and all the great civil rights leaders who made this country's promise be fulfilled.

All men now are created equal, but we have a long way to go. I thank the civil rights workers. They are veterans fighting who had to fight their own country to secure the rights that we now enjoy.

PROVIDING FOR CONSIDERATION OF H.R. 2273, COAL RESIDUALS REUSE AND MANAGEMENT ACT

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FORTENBERRY). The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. Thank you, sir.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 431 provides for a structured rule for consideration of H.R. 2273, the Coal Residuals Reuse and Management Act, and makes in order six amendments.

Mr. Speaker, I rise today in support of this rule and the underlying bill. The underlying bill would provide for a consistent, safe management of coal combustion residuals, or coal ash, in a way that protects jobs, while encouraging recycling and beneficial use of these materials.

This legislation, simply put, is one of the best job creation bills we can bring before the House of Representatives. By allowing States the opportunity to take control over their individual disposal needs, instead of being forced to follow an intrusive and overreaching EPA rule, we will save as many as 316,000 American jobs.

The EPA proposed regulation will increase the electricity cost and the construction costs around the Nation, while costing electric utilities and business owners up to \$110 billion. While we all agree we must be responsible in protecting our environment, I am struggling to understand why on Earth the EPA continues to propose rules in a vacuum, as opposed to considering the overall impact on our country.

Coal ash has never been proven to be toxic. But what it has been proven to be is extremely useful in strengthening everyday products from concrete to sheet rock to bowling balls.

□ 0920

In my district, South Carolina's First, the American Gypsum Wallboard Plant in Georgetown County uses coal ash from Santee Cooper, our local electric utility, to produce environmentally friendly wallboard. American Gypsum has invested \$150 million in this facility and created more than 100 jobs while redeveloping an old steel mill for their facility. The EPA's proposal to regulate coal ash as a hazardous waste threatens industry's ability to recycle this material in beneficial use. This, along with the increased regulatory, electric, and construction costs, is jeopardizing jobs all across America.

This legislation puts in place appropriate controls—and let me emphasize “appropriate”—for the safe management and disposal of coal ash, while still encouraging investment in recycling and beneficial use.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. This is the way Federal regulations should be implemented, and it is the way we will protect American jobs while protecting the environment at the same time.

I encourage my colleagues to vote “yes” on the rule and “yes” on the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. I want to thank my friend from South Carolina for yielding

me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, I rise today in opposition to this structured rule and the underlying legislation. I should point out to my colleagues that Democrats yesterday introduced an amendment in the Rules Committee to make this an open rule, but, unfortunately, every single Republican on the Rules Committee voted against making this an open process. So much for Speaker BOEHNER's pledge for an open House of Representatives.

This rule makes in order six amendments; six out of 16 submitted, less than half that were offered to the Rules Committee. Included in those amendments was an amendment by Mr. KISSELL which would have required, essentially, that all the components of the infrastructure that would create these holding facilities for steel ash would have to be made with American products, so that it wouldn't be made with Chinese steel, it would be made with American steel, American concrete, and American rebar. I have no idea why that was controversial. The American people are worried about jobs, and there was an opportunity to make an amendment in order that would have protected and ensured American jobs, and they wanted no part of it.

Mr. Speaker, once again, the Republicans are jamming a rule through the House that shuts down the debate and cherry-picks a handful of amendments.

I should also point out that this bill that we're debating here today didn't even have a hearing—no hearings. I thought we were going to adhere to regular order, and that means that the committees of jurisdiction hold a hearing on the legislation—not a general hearing on the topic, but on the legislation. No hearings were held on this.

Discussion on this bill the other night in the Rules Committee was, I thought, kind of comical. The chairman of the Rules Committee, someone who's served in this institution a very long time, said he would have preferred an open rule but said that the schedule forced him to vote against my amendment to make this an open rule. The schedule? The same House schedule where we go into recess every 2 weeks?

Mr. Speaker, the American people want us to address the challenges that are facing our economy. They want us to be focused on the issue of jobs. And we're not legislating under this schedule that the Republicans have put into place. Since there were no hearings on this bill and since there were a lot of amendments that were offered, we should have had an open process. And if it took us a couple of days to debate and vote on this bill, so be it. That's the way this place is supposed to work.

Yesterday on the floor, we wasted time debating an abortion bill that is

going absolutely nowhere, a bill that is designed to inflame and divide our country. I would suggest to my friends on the other side of the aisle, instead of bringing up hot-button social issues designed to fire up the right-wing base, maybe they should think about bringing a jobs bill to the floor of the House of Representatives.

In reality, Mr. Speaker, we should be debating the President's jobs bill, and yet the Republican leadership has refused to allow us even to have a vote on the bill. If my friends on the Republican side don't want to vote for a jobs bill, then they can vote against it, but we ought to be able to have a vote on the President's jobs bill.

The fact is that it's been 281 days that we've been in session—281 days without a jobs bill, 281 days that the Republicans have stood on the sidelines while Americans struggle to make ends meet, struggle to put food on the table, struggle to make house payments, struggle to find a job to pay their bills. We need a real jobs plan, not another bumper sticker bill demonizing the EPA, which is what today's bill is all about.

The American people don't want us wasting time on these trivial bills, bills that are going to go nowhere. What they want us to do is to pass a jobs bill. They want, Mr. Speaker, us to pass the President's jobs bill. Don't take my word for it. The NBC/Wall Street Journal poll that was released this week shows that nearly two-thirds of Americans want the President's jobs bill. The poll finds that 63 percent of Americans support the President's bill and that only 32 percent oppose it. It's not even close. The American people want action on jobs. They want to go back to work. They want us to do something meaningful, and they want us to do it now.

Mr. Speaker, if there's one thing that the new House majority has been consistent on this year, it's their almost religious crusade against the EPA. H.R. 2273 fits right in with their political agenda to undermine the agency at any cost and, in the process, threaten the health and safety of the American people, all under the guise of job creation. I'm appalled that that is their idea of a jobs bill.

Mr. Speaker, coal combustion waste is enormously toxic. It contains an array of the most harmful chemicals out there—mercury, lead, cadmium, hexavalent chromium, and arsenic—that are especially devastating to the development of children. Over the years, billions of tons of coal ash have been dumped in poorly designed waste pits and containment sites in communities across the country.

I want to remind my colleagues on the other side of the aisle of the catastrophic coal ash spill in Kingston, Tennessee, in 2008 where 1.1 billion gallons of liquid coal waste seeped out of a contaminated pool and contaminated local drinking water. I would also remind my Republican colleagues that it

cost the taxpayers more than \$1 billion to clean up that disaster, and that residents in the Kingston area are still dealing with its continuing effects.

H.R. 2273 is a bad piece of legislation, and it flies in the face of commonsense safety precautions when disposing of hazardous materials. By leaving the establishment of coal ash safety standards solely to the discretion of States, this bill simply encourages a "race to the bottom" where the State willing to have the least protections will become the dumping ground for the entire country. And H.R. 2273 leaves taxpayers on the hook for paying for another cataclysmic disaster like the one in Tennessee.

Mr. Speaker, I don't think any of my colleagues would want their families, their wives or husbands or children, living anywhere near the vicinity of a coal ash dumping site.

H.R. 2273 is another Republican bill that undermines commonsense health and safety protections from toxic chemicals and ultimately lowers the quality of living for millions of American families.

I urge my colleagues to reject this rule and instead send it back to the Rules Committee. Let's have an open rule. Given the fact, again, the bill didn't have a hearing, we should have an open rule here. I would urge my Republican colleagues to finally get to work on putting the American people back to work.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I yield myself such time as I may consume.

I'm confused. It doesn't take a lot to confuse me, but I'm confused today. The gentleman from Massachusetts consistently talks about the fact that there's been 281 days without a jobs bill. I want to know the definition of a jobs bill, because if you create jobs, my assumption is that we're talking about jobs bills. There is no question that the current legislation that we're talking about saves up to 316,000 jobs. I'm going to call that a jobs bill.

There's no question that the free trade agreements create about one-quarter of a million jobs. Those are jobs bills. The Boiler MACT saves jobs, and Cement MACT saves jobs. So what we've done in this Congress, in this House, is talk consistently about how to rein in the regulatory environment to not only create jobs but to retain jobs.

□ 0930

So my perspective is simple: When you have legislation that comes before the House that actually creates jobs, those are jobs bills. It is not an ultimatum. The President's jobs bill is simply an ultimatum, do it all or nothing at all. There is no question about it that even the Senate cannot find co-sponsors of the President's legislation and pass the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia, Mr. DAVID MCKINLEY.

Mr. MCKINLEY. I rise in support of the rule.

As we stand here 30 years into this discussion on coal ash, H.R. 2273 has essentially two parts:

The first part codifies the previous EPA studies that concluded that coal fly ash is nonhazardous and can be recycled for beneficial use. This was the essence of H.R. 1391, but in H.R. 1391, we heard from the constituents about the concern for disposal.

The second part was then incorporated into the new bill, which provides for all new and existing landfills and surface impoundments to be State-run with EPA assistance, approval, and oversight. We are trying to finally resolve the issue.

The issue of disposal is taken on firsthand in H.R. 2273 by allowing requirements for composite liners, fugitive dust controls, groundwater monitoring, financial assurance, and structural stability. H.R. 2273 is strongly endorsed by State environmental officials, including the Environmental Council of States and the Association of State and Territorial Solid Waste Officials, as well as various labor unions.

Now let's get back to the byproduct, itself.

Coal ash is an unavoidable byproduct of burning coal, just like putting logs in a fireplace. Every day, coal ash is produced in nearly 700 coal-fired generating plants in 48 of the 50 States in America. Approximately 140 million tons are produced annually with 40 percent of that fly ash being beneficially recycled.

Over the years, scientists and entrepreneurs have developed uses for that coal ash through a variety of recycling options. Businesses were emboldened to recycle the material after two studies by the EPA in 1993 and 2000. Both concluded that coal ash was not a hazardous material and could be used by the public. The findings of the 2000 study specifically stated that no documented cases of damage to human health or the environment have been identified because of fly ash.

As a result, industries have sprung up all across America. Hundreds of thousands of jobs have been created by recycling fly ash into the concrete of our bridges, our roads, and our buildings. It's used in masonry block and brick, and is in our houses by virtue of its use in drywall panels and roof shingles.

Even the Tennessee Valley Authority, with the cooperation of the Department of Health and Human Services, comprehensively examined the health effects from the Kingston dam accident in 2009. Their conclusion was that there were no significant human health impacts from the Tennessee coal ash spill.

Those companies across America using the byproduct are caught up in the uncertainty swirling about this issue of the recycling of the material, and may be forced to switch to more expensive alternatives. According to

the Veritas report, repealing this section of the bill and allowing the EPA to designate coal ash as a hazardous material would cost the consumers as much as \$110 billion and cost 316,000 jobs.

Let's be frank. The opponents of this bill and this rule clearly have an anti-coal agenda. Even interagency reviews of the EPA's plan to designate coal ash as a hazardous material show that the idea is opposed by the Department of Energy, the Department of Transportation, the U.S. Department of Agriculture, the Tennessee Valley Authority, the Council of Environmental Quality, and the Army Corps of Engineers. They want the continued use of recycled fly ash and want to reject its possibility of being treated as a hazardous material.

This is not a time for people who dislike fossil fuels to be pushing their personal agendas and ideologies. To those who lack compassion and understanding about the real world, these are real jobs at stake here. It's really that simple. Therefore, anyone who opposes this rule and this legislation embraces the loss of 316,000 jobs and higher utility bills.

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

To the gentleman who just spoke, I would remind him that we're debating the rule here. We could have this debate about whether or not there are health concerns here or not. I happen to believe there are, and I think most scientists believe that there are health concerns that we should take into consideration here.

But what's wrong with an open rule? What was so wrong with bringing an amendment to the floor that would have required that the components to build these containers, if you will, be made of materials made in the United States? What's wrong with U.S. steel or U.S. concrete? Why is that a controversy?

So I would say to my colleagues on the other side who like to say that they're open, let this be an open rule, especially since there were no hearings on this particular bill.

My colleague from South Carolina got up and he said he was confused. I'm sorry he's confused. Let me try to unconfuse him about one thing, which is, if you want to create jobs, bring the President's jobs bill to the floor. Economists predict that the American Jobs Act could create up to 1.9 million jobs next year and boost economic growth by about 2 percentage points. You've got a twofer here. Not only do you put people back to work, but you help to reduce our deficit when you put more people to work. If we could lower the unemployment rate in this country by a few percentage points, we could lower our deficit. Why is that so controversial?

Rather than focusing on partisan bills that don't mean much for the economy, it's time for the Republicans to take up the American Jobs Act,

which is fully paid for, includes bipartisan ideas, will create jobs, and grow our economy now. What we should be doing every single day on this House floor is focusing on jobs, on putting people back to work. Instead, today is another bill attacking the EPA, and yesterday we did an abortion bill. I mean, we're talking about everything but how to put people back to work, so I would urge my colleagues to get their priorities straight.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I thank the gentleman from Massachusetts so much for taking the time to clarify that which is not clear as it relates to the President's objectives of creating a one-size-fits-all, take-it-or-leave-it jobs bill that doesn't create jobs but that does create another \$500 billion hole for the taxpayers to take care of.

What we're talking about, however, sir, is a bipartisan approach to legislation in the House. In the Energy and Commerce Committee, with a vote of 35-12, 6 of the 23 Democrats supported this bill; of the Boiler MACT, 41 Democrats supported that bill; of the Cement MACT, 25 Democrats supported that bill. What we've done here is to create an atmosphere that is conducive to a bipartisan approach to solving the environmental concerns and challenges of our Nation.

Mr. Speaker, I yield 2 minutes to the gentlelady from North Carolina, Dr. FOXX.

Ms. FOXX. When I heard my colleague from Massachusetts talk about the President's jobs bill, I couldn't resist responding to it.

As my colleague from Massachusetts very well knows, the President's jobs bill was defeated in the Senate. It was introduced in the House by request. Only the person who introduced it has sponsored it, and there are no cosponsors. The Democrats are simply not serious about the President's jobs bill. They are using this as a political ploy. If the Democrats were really serious about it, they would all be signed on to the bill, but they are not.

□ 0940

Republicans are offering real alternatives to the situation that the Democrats have presented to us. We're signing on to our bills. We're voting for our bills.

The Senate is controlled by the Democrats. They can't pass the President's jobs bill over there. It failed. It failed on a bipartisan vote.

And let me point out to my colleague from Massachusetts that when the Democrats took control of the Congress in 2007, the unemployment rate was 4.6 percent. When Republicans gained control of the House again in January of this year, the unemployment rate had increased to 9 percent.

What they want us to do is go back to the failed policies that existed in the 4 years that they were in control of the

Congress and the 2 years that they controlled the Congress and the White House.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would remind my colleague on the Rules Committee, the gentlelady from North Carolina, that over half the Senate—over half the Senate—voted to bring up the President's jobs bill. Over half the Senate supports the President's jobs bill. But under the arcane rules in the United States Senate, you need 60 votes to have lunch, never mind pass a bill.

So it wasn't defeated. A majority actually support the President's jobs bill. It is the Republicans who are obstructing this legislation, who are using procedural tricks to keep this bill from coming up before the United States Senate for a clean up-or-down vote. It is Republicans in the House of Representatives who are saying that none of us will have an opportunity to vote on the President's bill.

I mean, here's a good idea. You bring up what you want to bring up; you let us bring up what we want to bring up. The President's bill, as I said, is very popular. The legislation, I would remind my friend from South Carolina, is paid for, is paid for.

The legislation's specifics as well as the idea of taxing the very, very, very wealthy to pay for it are popular with the American public, and that's according to an NBC News/Wall Street Journal poll.

So, I mean, what are you afraid of? If you don't want to vote for legislation to help put people back to work, then you don't have to vote for it. You go home and explain to your constituents why you're against the bill.

What we should be doing here in this U.S. House of Representatives is, every day, debating and legislating on ways to be able to put this country back to work. You want to reduce the deficit? Put people back to work. If you want to improve the economy, put people back to work. It's simple. And we're doing everything in this place but debating legislation to put people back to work.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentlelady from West Virginia, Mrs. SHELLEY MOORE CAPITO.

Mrs. CAPITO. I thank my colleague on the Rules Committee from South Carolina.

I would like to ask the gentleman from Massachusetts who's been talking a lot about the jobs bill and the President's jobs bill, and my question to him is: If it's such a great jobs bill, why does it only have three cosponsors on the bill? I don't think that says much for the emphasis on your side of the aisle or in this whole House behind the President's jobs bill.

But today I want to rise in support of the rule of H.R. 2273, and I want to congratulate my colleague from West Virginia (Mr. MCKINLEY) for his very duti-

ful work in this area. To me, this legislation is in response to the EPA's ideological war on Appalachian jobs.

The EPA is intent on regulating coal as a hazardous material. It is a wrong-headed move, given that the material has been used in household construction for years.

This bill simply allows States to regulate coal fly ash under their long existing solid waste disposal programs. This bill is environmentally and economically responsible because it allows the EPA to set enforceable minimum standards but leaves ultimate regulations and enforcement to the States, where it belongs.

If the EPA is permitted to regulate coal ash as a hazardous material, it could have a devastating effect on my State's economy. We generate 97 percent, maybe up to 99 sometimes, of our electricity from coal naturally, because we're a very large coal producer.

Regulating this as a hazardous waste would result in less coal use and would throw thousands of coal miners out of their jobs. Electricity prices would skyrocket, which would hurt manufacturers and households.

I just think that we're talking about jobs. Let's talk about creating jobs, but let's not destroy 316,000 jobs in the process of this regulatory regime that we've seen over the last several years. We know from the EPA's own statements that they don't really consider job loss or economic loss when they put forward these onerous provisions, so we cannot afford to let the EPA put more Americans out of work.

I support the rule and the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentlelady from West Virginia, I don't know how many cosponsors there are on the bill, but I want to vote for the bill. I'm willing to propose a unanimous consent request that we amend this rule and we bring up H.R. 12 today. If the gentleman on the other side of the aisle is willing, let's bring it up and have that debate right now.

I am happy to yield to the gentleman if he wants to agree to that unanimous consent.

Well, the silence, Mr. Speaker, is deafening.

The fact of the of the of the matter is that we are going to finish up today at 2 o'clock or 3 o'clock or whatever and then go on another week recess when the American people are struggling, when there are millions of people who are out of work, when there are millions of families struggling to try to pay their mortgages, when there are millions of families who are trying to figure out how they're going to have the resources to send their kids to school. This is the best we can do? Come on, we can do a lot better than this, Mr. Speaker.

I would again urge my colleagues to get serious and, if you don't like the President's jobs bill, then vote against

it. It's that simple. But let us bring a bill to the floor that by every measure, by every public opinion poll that is out there, is popular. The American people want it. You always like to invoke polls. Well, the polls overwhelmingly show the American people support this. So let's bring that bill to the floor.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of South Carolina. I would just say to my good friend from Massachusetts that the President's jobs perspective seems to be, since February of 2009, a loss, a net loss of 2.2 million jobs. So let's just absorb that for a moment.

We ought to get serious about not using the American people as a pawn for partisan politics and get serious about working in a bipartisan fashion, as we have on the Boiler MACT, the Cement MACT, and now on this current bill. If we work for Americans' future, we will find more jobs created and saved in America.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana, Dr. LARRY BUCSHON.

Mr. BUCSHON. Mr. Speaker, I rise today in support of the rule and the underlying bill.

I guess yesterday there was some confusion at the White House about the Republican plan for job creation, and I would like to just point out that in early June we released that, and it can be found on jobs.gop.gov if the President is interested.

The Coal Residuals Reuse and Management Act stops the administration from another attempt to enforce unachievable standards that don't provide the health or environmental benefits that are claimed. And in exchange for no benefits, we're going to give up more jobs in States and industries than cannot afford more setbacks. In my State of Indiana, 95 percent of our electrical energy depends on coal. It would be devastating.

An independent study released earlier this year found that as many as 316,000 jobs will be taken away if this rule is enacted by the EPA. At a time when the President is touring the country promoting his jobs bill, I think it's hypocritical of his own EPA to promulgate a rule like the coal ash rule that's been shown by outside organizations to kill jobs.

So this is my question: Why is the EPA focusing on regulating coal ash when they, themselves, say the materials do not—I repeat, do not—exhibit any of the four characteristics of hazardous waste? Their own extensive studies reported to Congress show that coal ash does not exhibit corrosivity, reactivity, ignitability, or toxicity. Why then are we forcing through a regulation that goes against EPA's own findings?

The reason is because of an ideological, anti-coal agenda from the administration. That's why.

□ 0950

But the concern on most Americans' minds is job creation, and this here is

a jobs bill. To let the EPA regulate coal ash rather than leaving it to the States' hands would only create jobs at the EPA. We need more jobs in Indiana's Eighth Congressional District. For that reason, I support the rule and I support the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

My colleague on the Rules Committee from South Carolina said we should all work in a bipartisan way, and I agree. And that's what the President attempted to do. His jobs bill represents a series of initiatives that were all bipartisan, that were all bipartisan until he announced he wanted to move on it, and then all of a sudden it became a partisan deal. Everything in the President's jobs package has been sponsored in a bipartisan way. So I don't understand why now. If you want to call it the Republican idea, I don't care what you want to call it, but bring it to the floor and allow us to be able to debate these bipartisan initiatives that will put people back to work.

Again, I would say about the rule, where's the openness here? I mean, the majority of amendments that were offered were not made in order, including an amendment that would require that the building materials for these holding tanks be made in America. Why is that so controversial? Why is making things in America a radical idea to my Republican friends? Why is it somehow a bad thing to insist that the steel used to build these plants be made in the United States of America and not China? I mean, we all should be on the side of American workers here, and that means standing up and making sure those jobs are here in the United States. So let's open this rule up so we have an opportunity to protect American jobs.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, Mr. JOHN SHIMKUS.

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

Mr. SHIMKUS. I'm just here to speak in support of the rule.

First of all, on April 14, 2011, the Subcommittee on the Environment and the Economy, which I chair, held a legislative hearing on the coal ash bill, H.R. 1391. Based on this hearing and working with Democrats in the subcommittee, we modified the bill. We changed the bill, and then we had a voice vote out of subcommittee. Then we went to the full committee, and we had a bipartisan vote in the full committee. I think at least six Democrat votes, and two more that would have had they been there for the process. So we are working together with Democrats to bring a sensible bill to the floor.

If we don't do this, it's projected in the coal ash recycling industry of this country we will lose 38,000 to 119,000 jobs. So we trust the State regulators.

They do it for municipal solid waste. We're just making coal ash recyclable, the same as we do for municipal solid waste. It has bipartisan support. Thank you, Rules Committee, for making the amendments in order. I think five of the six amendments are Democrat amendments. So it's not perfect, but it allows us to move forward.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Again, I appreciate the words of my colleague from Illinois, but H.R. 1391 is not H.R. 2273. There was no legislative hearing on H.R. 2273.

Mr. SHIMKUS. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Illinois.

Mr. SHIMKUS. It's not because of the input we got from Democrats to change that original bill. So that's why. I mean, it was bipartisan.

Mr. MCGOVERN. I reclaim my time.

So the new definition of openness under the Republican majority is you don't have to have a legislative hearing on a bill that you bring to the floor, but you can say it doesn't matter or that you did, or whatever. This is not the way this place is supposed to work. This process is not what my friends on the other side of the aisle promised.

Again, I have yet to hear a good reason why this is not an open rule. Given the fact that there was no hearing on this specific bill, given the fact that there were a number of germane amendments that were not made in order, given the fact that during the debate there may be Members on both sides of the aisle who may have ideas they may want to bring to the floor and amend this bill, and also given the fact that one of the amendments that was not made in order was an amendment that would have required that the materials that are used to make these coal ash containers be made in the United States of America, why is that such a heavy lift for my friends on the other side of the aisle?

With that, Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank my friend from Massachusetts.

I don't understand. This is a very, very important issue. This is an issue about dealing with fly ash and how we're going to contain it and process it and protect the citizens. It's also an opportunity for us to deal with one of the fundamental economic problems we have in the United States, which is the loss of manufacturing. There's going to be a lot of different kinds of equipment, material, steel, cement, other kinds of materials that are going to be part of the process that this bill calls for, that is, adequately dealing with fly ash. Why wouldn't you want to put into this piece of legislation that those materials, those pieces of equipment, be manufactured in the United States?

We need to rebuild our manufacturing base in this Nation. We've lost more than 50 percent of it over the last

25 years. We need to once again make it in America. And I tell you, you put this amendment into this bill and we'll see one more piece of American manufacturing coming back into place. It actually works.

In the Recovery Act, which you like to call the stimulus bill, there was a paragraph put in that says if you're going to use the transportation funds in this bill, then you must buy equipment made in America. In Sacramento, California, Siemens has built and is continuing to expand a manufacturing plant because of that provision. Hundreds of people in California are employed because Congress wrote into the bill money spent on trains and buses and light rail will have to be spent on equipment manufactured in America. So Siemens is doing it.

Write into this piece of legislation, and there will be new manufacturing plants in America making the equipment to deal with the fly ash. It is eminently sensible, so why be sensible? Why block this amendment?

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, Mr. JEFF DUNCAN.

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

As I see it, the three main problems facing the American economy today are the uncertainties coming from taxation, regulation, and litigation. This tone-deaf administration continues to propose new forms of taxation on American job creators to the detriment of our workers and our economy. The administration continues the threat of litigation in the form of the unprecedented and unconstitutional attacks by the National Labor Relations Board against my home State of South Carolina. And we see the EPA creating costly regulations that are forcing businesses not to make decisions on an annual or quarterly basis, but having to make decisions to comply day to day.

Fortunately, the House has worked to turn back some of these actions, but there is much work left to be done. The House recently passed two bills, H.R. 2681 and H.R. 2250. These bills seek to prevent a pair of excessive regulations from going into effect that would put hundreds of thousands of Americans out of work. One EPA regulation, the Boiler MACT rule, is expected to cost businesses and consumers around \$14 billion, resulting in a loss of over 220,000 American jobs.

□ 1000

Today we begin discussing the administration's EPA regulation of coal ash that will drive up electricity costs for millions of Americans, as well as construction costs for roads and homes all around the country.

From 1999 to 2009, American industries successfully recycled 519 tons of coal ash, some 38 percent of the 1.35 billion tons of coal ash produced. Recycling coal ash keeps electricity costs

low, provides for low-cost durable construction materials, and reduces the amount of waste going into the landfills. In other words, continuing to recycle coal ash is good for our economy and it's good for the environment.

Yet the administration continues this headlong rush to destroy American jobs and wreck the American engineering sector. The EPA is considering treating coal ash as a hazardous waste. This is simply the latest bureaucratic overreach from this administration on behalf of their friends from the left-wing fringe and environmental movement. The impact of this government overreach would be nothing short of disastrous, with an estimated impact of \$110 billion over the next 20 years and around 300,000 jobs lost. The bill we are debating today would end that nonsense before it can start.

Keep in mind, America, it allows that coal ash to be regulated not by the left-wing zealots at the EPA, but by the States. Our Founding Fathers included the 10th Amendment in the Constitution so that these issues could be handled by the States, not a burdensome Federal agency with a political agenda and an axe to grind.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. DUNCAN of South Carolina. Yesterday the President revealed that he had raised \$70 million for his campaign. If our President spent as much effort freeing job creators from excessive regulations as he spent raising campaign donations from environmental extremists, far more Americans would be able to find work today.

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

Mr. Speaker, a new study from Tufts University shows that we can create tens of thousands of new jobs by requiring safe disposal of coal ash. Ensuring that coal ash disposal sites protect human health and the environment will take work. It will take construction workers, equipment operators, and engineers. And this isn't a "make work" effort. These jobs will provide tremendous benefit to the communities in which they take place. But these jobs will not happen if we pass this bill. This bill basically preserves the status quo. So if we want to create jobs, I think we need to vote this bill down.

Again, Mr. Speaker, we're still trying to get an understanding on this side of the aisle as to why we don't have an open rule and why an amendment that would require that job stability infrastructure for all of this, that all the materials be made in America. If we want to protect American jobs and create American jobs, we have to stand up and fight for American jobs and fight for American workers.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. We are prepared to close; so we reserve our time until then.

Mr. McGOVERN. Mr. Speaker, let me close by, again, first of all, saying that this rule should be an open rule and that, at a very minimum, the amendment that would require that the materials that would be used to construct any of these containers be made in the United States of America. It's important that we stand up for American jobs. It's important that we make it in America. And so this rule deserves to be defeated based on that alone.

This process is also bad and flawed because there was no hearing on this particular piece of legislation, and the ranking member of the full Energy and Commerce Committee did not think, based on what he said, that this was a particularly bipartisan, open process. In fact, there are some Members who supported this bill in committee who will not support it on the floor because of promises that were supposedly made that were not kept. So, for a whole bunch of reasons on process, we should defeat this rule.

Secondly, Mr. Speaker, on the underlying bill, I would remind my colleagues that part of our job here is to protect the safety and well-being of the people we represent. Coal ash contains arsenic, lead, and many other toxic materials that can escape into the air or water if the material isn't properly contained. We should be concerned about the safety implications here. We should be concerned about any consequences that may result in poor regulation and poor oversight. And to basically, again, take this time on the floor to again take another slap at the EPA because that's the favorite punching bag of my friends on the Republican side of the aisle, I think, is not a credit to this institution and is not doing what we were elected to do, and that is to make sure that we are upholding the safety and protecting the people of this country.

My colleagues on the other side of the aisle say that the problem is all regulation, only EPA regulation. There was an interesting opinion piece that appeared in *The New York Times* by a fellow named Bruce Bartlett—he had held senior policy roles in the Reagan and George H.W. Bush administrations, served on the staff of Jack Kemp—who did a piece for *The New York Times* entitled, "Misrepresentations, Regulations and Jobs."

I'll read a couple of the lines from his piece. He says:

"Republicans have a problem"—and he's Republican himself. "Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them."

He further says: "No hard evidence is offered for this claim" that all the uncertainty within business is tied to regulation." He says that notwithstanding the lack of evidence, the Republicans repeated this assertion "endlessly throughout the conservative echo chamber."

He also says: "While concerns about regulation have risen during the

Obama administration, they are about the same now as they were during Ronald Reagan's administration, according to an analysis of the federation's data by the Economic Policy Institute."

He ends by saying this: "In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

I bring that up not to say that regulation isn't a problem and that we should not deal in a constructive way with needless regulation—the President said that in his speech to the House when he introduced his jobs bill—but it is not the only problem out there. And to suggest that bringing bills like this to the floor are going to somehow create jobs is just patently false.

If we want to create jobs in this country, we should bring the President's jobs bill to the floor. Again, the American people overwhelmingly support what the President outlined in his speech before the Congress; and all the things that he articulated, I say to my friend from South Carolina, were bipartisan ideas. Republicans and Democrats all cosponsored legislation on various pieces of his proposal. Why now they have become controversial is beyond me.

I'll just close with this: At some point I hope my friends on the other side of the aisle will get serious about the issue of jobs; at some point I hope they will bring something meaningful to this House floor that, if passed, will actually put people back to work, because up to this point the Republican leadership has failed miserably. And I think people all across this country—and you see this reflected in the public opinion polls—have had it. They're tired of this constant agenda of hot-button issues and of trivial matters that we debate passionately and important ones not at all.

Mr. Speaker, I would urge my colleagues to defeat the previous question. If we defeat the previous question, I will offer an amendment to the rule to make in order an amendment by Mr. GARAMENDI of California which was submitted to the Rules Committee. They didn't make it in order even though it is germane and fully paid for and meets every requirement of the rules of the House. The amendment would make sure that construction materials used to build holding facilities for coal ash are made in America.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Again, Mr. Speaker, let me repeat, the amendment we want to make in order would make sure that construction materials used to build holding facilities for coal ash are made in America. Why that should be controversial is beyond me. Why anybody on either side should oppose that is beyond me.

Mr. Speaker, I urge my colleagues to vote “no” and defeat the previous question. I urge a “no” vote on the rule, and I yield back the balance of my time.

[From the New York Times, Oct. 4, 2011]

MISREPRESENTATIONS, REGULATIONS AND JOBS
(By Bruce Bartlett)

Bruce Bartlett held senior policy roles in the Reagan and George H.W. Bush administrations and served on the staffs of Representatives Jack Kemp and Ron Paul.

Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them. The G.O.P. opposes additional government spending for jobs programs and, in fact, favors big cuts in spending that would be likely to lead to further layoffs at all levels of government.

TODAY'S ECONOMIST PERSPECTIVES FROM
EXPERT CONTRIBUTORS

Republicans favor tax cuts for the wealthy and corporations, but these had no stimulative effect during the George W. Bush administration and there is no reason to believe that more of them will have any today. And the Republicans' oft-stated concern for the deficit makes tax cuts a hard sell.

These constraints have led Republicans to embrace the idea that government regulation is the principal factor holding back employment. They assert that Barack Obama has unleashed a tidal wave of new regulations, which has created uncertainty among businesses and prevents them from investing and hiring.

No hard evidence is offered for this claim; it is simply asserted as self-evident and repeated endlessly throughout the conservative echo chamber.

On Aug. 29, the House majority leader, Eric Cantor of Virginia, sent a memorandum to members of the House Republican Conference, telling them to make the repeal of job-destroying regulations the key point in the Republican jobs agenda.

“By pursuing a steady repeal of job-destroying regulations, we can help lift the cloud of uncertainty hanging over small and large employers alike, empowering them to hire more workers,” Mr. Cantor said.

Evidence supporting Mr. Cantor's contention that deregulation would increase unemployment is very weak. For some years, the Bureau of Labor Statistics has had a program that tracks mass layoffs. In 2007, the program was expanded, and businesses were asked their reasons for laying off workers. Among the reasons offered was “government regulations/intervention.” There is only partial data for 2007, but we have data since then through the second quarter of this year.

The table below presents the bureau's data. As one can see, the number of layoffs nationwide caused by government regulation is minuscule and shows no evidence of getting worse during the Obama administration. Lack of demand for business products and services is vastly more important.

BUREAU OF LABOR STATISTICS

These results are supported by surveys. During June and July, Small Business Majority asked 1,257 small-business owners to name the two biggest problems they face.

Only 13 percent listed government regulation as one of them. Almost half said their biggest problem was uncertainty about the future course of the economy—another way of saying a lack of customers and sales.

The Wall Street Journal's July survey of business economists found, “The main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies, according to a majority of economists.”

In August, McClatchy Newspapers canvassed small businesses, asking them if regulation was a big problem. It could find no evidence that this was the case.

“None of the business owners complained about regulation in their particular industries, and most seemed to welcome it,” McClatchy reported. “Some pointed to the lack of regulation in mortgage lending as a principal cause of the financial crisis that brought about the Great Recession of 2007-9 and its grim aftermath.”

The latest monthly survey of its members by the National Federation of Independent Business shows that poor sales are far and away their biggest problem. While concerns about regulation have risen during the Obama administration, they are about the same now as they were during Ronald Reagan's administration, according to an analysis of the federation's data by the Economic Policy Institute.

Academic research has also failed to find evidence that regulation is a significant factor in unemployment. In a blog post on Sept. 5, Jay Livingston, a sociologist at Montclair State University, hypothesized that if regulation were a major problem it would show up in the unemployment rates of industries where regulation has been increasing: the financial sector, medical care and mining/fuel extraction. He found that unemployment rates in these sectors were actually well below the national average. Unemployment is much higher in those industries that one would expect to suffer most from a lack of aggregate demand: construction, leisure and hospitality, business services, wholesale and retail trade, and durable goods.

Gary Burtless, an economist at the Brookings Institution, asserts that if businesses were really concerned about rising regulations, they would be investing now to avoid them. But there is no indication that this is the case. “The real reason for anemic investment and hiring is that businesses are not confident there will be enough potential customers to justify expansion or even routine capital replacement right now,” he says.

In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

□ 1010

Mr. SCOTT of South Carolina. Mr. Speaker, history is a measure of progress. And when it comes to the two topics that I keep hearing from Mr. MCGOVERN, my good friend to the left, it's openness and job creation. So let's examine history.

In the 111th Congress, I would like to ask the gentleman from Massachusetts, can the gentleman tell me how many open rules he brought to the floor in the last Congress as the vice chairman of the Rules Committee? The answer is none; no, not one. Under Speaker BOEHNER, our record of openness in this Congress is one we can be

proud of. All of the general appropriations bills have been debated under completely open rules—all of the general appropriations bills, open rules. We've brought several authorizing bills to the floor under modified open rules, only requiring preprinting of amendments.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SCOTT of South Carolina. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. I would just remind my friend that you have already brought up 30 measures under a closed rule since you took over. Again, I'm just trying to keep you to your promise that you made about all this new openness, which we haven't seen. And today is an example of that.

Mr. SCOTT of South Carolina. The good news is the gentleman from Massachusetts has once again highlighted the fact that while he looks in one direction, he refuses to look in the mirror and answer the question that simply, no, not one, not one in the 111th Congress, one open rule did he bring to the floor of the House. But I would say that the Democrats in the last Congress simply gave up on openness. They just gave up on openness and allowing the American people to see real debate on the floor of the House.

On the issue of job creation, since February of 2009, the current administration lost 2.2 million jobs. Two million Americans now out of work since February 2009, and my good friends from the left continue to talk about demagoguing and demonizing an issue when they simply have nothing to prove and nothing to show for what they've done.

I would say this, though: that this week alone in the House of Representatives we have had the opportunity to empower the job creators of America to create over 500,000 jobs in just this week. We compare our record every day to the current administration.

Mr. Speaker, in recent weeks, the House has passed multiple bills which would stop burdensome government regulations from destroying jobs all across America. I ask that we do so today.

Enough is simply enough. We cannot allow the EPA—or any other government agency for that matter—to unnecessarily kill hundreds of thousands of jobs when our national unemployment is as high as it has been in the last 25 years. This is a responsible, forward-thinking bill which everyone in the Chamber should support.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H.R. RES. 431 OFFERED BY
MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Garamendi of California or a designee. That amendment shall be debatable

for 10 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

Page 8, after line 5, insert the following subparagraph:

“(H)(i) Except as provided in clause (ii), the coal combustion residuals permit program shall require new structures, and changes and additions to existing structures, to be constructed and maintained with materials manufactured in the United States.

“(ii) The Administrator may waive the requirement of clause (i) if the Administrator determines that—

“(I) applying such requirement will be inconsistent with the public interest;

“(II) materials used to construct and maintain structures are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(III) such requirement will increase the cost of the construction of, or the change or addition to, the structure by more than 25 percent.

“(iii) If the Administrator determines that it is necessary to waive the requirement of clause (i) based on a determination under clause (ii), the Administrator shall publish in the Federal Register a detailed written justification as to why the requirement is being waived.

“(iv) This subparagraph shall be applied in a manner consistent with—

“(I) United States obligations under international agreements; and

“(II) applicable labor agreements.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous

question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 237, nays 166, not voting 30, as follows:

[Roll No. 792]

YEAS—237

Adams	Calvert	Fincher
Aderholt	Camp	Fitzpatrick
Akin	Campbell	Flake
Alexander	Canseco	Fleischmann
Amash	Cantor	Fleming
Amodei	Capito	Flores
Austria	Carter	Forbes
Bachus	Cassidy	Fortenberry
Barletta	Chabot	Fox
Bartlett	Chaffetz	Franks (AZ)
Bass (NH)	Coble	Frelinghuysen
Berg	Coffman (CO)	Galleghy
Biggert	Cole	Gardner
Bilbray	Conaway	Garrett
Bilirakis	Crawaack	Gerlach
Bishop (UT)	Crawford	Gibbs
Black	Crenshaw	Gibson
Blackburn	Culberson	Gingrey (GA)
Bonner	Davis (KY)	Gohmert
Bono Mack	Denham	Goodlatte
Boren	Dent	Gosar
Boustany	DesJarlais	Gowdy
Brady (TX)	Diaz-Balart	Granger
Brooks	Dold	Graves (GA)
Broun (GA)	Dreier	Graves (MO)
Buchanan	Duffy	Griffin (AR)
Bucshon	Duncan (SC)	Griffith (VA)
Buerkle	Duncan (TN)	Grimm
Burgess	Ellmers	Guinta
Burton (IN)	Farenthold	Guthrie

Gutierrez	McCarthy (CA)	Roskam
Hall	McCaull	Ross (AR)
Hanna	McClintock	Ross (FL)
Harper	McCotter	Royce
Harris	McHenry	Ryunan
Hartzler	McKeon	Ryan (WI)
Hastings (WA)	McKinley	Scalise
Hayworth	McMorris	Schilling
Heck	Rodgers	Schmidt
Hensarling	Meehan	Schock
Herger	Mica	Schweikert
Herrera Beutler	Miller (FL)	Scott (SC)
Huelskamp	Miller (MI)	Scott, Austin
Huizenga (MI)	Miller, Gary	Sensenbrenner
Hultgren	Mulvaney	Sessions
Hunter	Murphy (PA)	Shimkus
Hurt	Myrick	Shuler
Issa	Neugebauer	Shuster
Jenkins	Noem	Simpson
Johnson (IL)	Nugent	Smith (NE)
Johnson (OH)	Nunes	Smith (NJ)
Johnson, Sam	Nunnelee	Smith (TX)
Jones	Olson	Southernland
Kelly	Palazzo	Stearns
Kind	Paulsen	Stivers
King (IA)	Pearce	Sullivan
King (NY)	Pence	Terry
Kingston	Peterson	Thompson (PA)
Kinzinger (IL)	Petri	Thornberry
Kline	Pitts	Tiberi
Labrador	Platts	Tipton
Lamborn	Poe (TX)	Turner (NY)
Lance	Pompeo	Turner (OH)
Landry	Posey	Upton
Lankford	Price (GA)	Walberg
Latham	Quayle	Walden
LaTourette	Reed	Walsh (IL)
Latta	Rehberg	Webster
Lewis (CA)	Reichert	West
LoBiondo	Renacci	Westmoreland
Long	Ribble	Whitfield
Lucas	Rigell	Wilson (SC)
Luetkemeyer	Rivera	Wittman
Lummis	Roby	Wolf
Lungren, Daniel	Roe (TN)	Womack
E.	Rogers (AL)	Woodall
Mack	Rogers (KY)	Yoder
Manzullo	Rogers (MI)	Young (FL)
Marino	Rohrabacher	Young (IN)
Matheson	Ros-Lehtinen	

NAYS—166

Ackerman	DeFazio	Kaptur
Altmire	DeGette	Keating
Andrews	DeLauro	Kissell
Baca	Deutch	Kucinich
Baldwin	Dicks	Langevin
Barrow	Dingell	Larsen (WA)
Berkley	Doggett	Larson (CT)
Berman	Donnelly (IN)	Lee (CA)
Bishop (GA)	Doyle	Levin
Bishop (NY)	Edwards	Lewis (GA)
Blumenauer	Ellison	Lipinski
Boswell	Eshoo	Loeb sack
Brady (PA)	Farr	Lofgren, Zoe
Bralley (IA)	Filner	Lowe
Brown (FL)	Frank (MA)	Lujan
Butterfield	Fudge	Lynch
Capps	Garamendi	Maloney
Capuano	Green, Al	Markey
Cardoza	Green, Gene	Matsui
Carnahan	Grijalva	McCarthy (NY)
Carney	Hahn	McCollum
Carson (IN)	Hanabusa	McDermott
Castor (FL)	Hastings (FL)	McGovern
Chandler	Heinrich	McNerney
Chu	Higgins	Michaud
Ciilline	Himes	Miller (NC)
Clarke (MI)	Hinche	Miller, George
Clarke (NY)	Hinojosa	Moore
Cleaver	Hiron	Moran
Clyburn	Hochul	Murphy (CT)
Cohen	Holden	Nadler
Connolly (VA)	Holt	Napolitano
Conyers	Honda	Neal
Cooper	Hoyer	Owens
Costa	Inslee	Pallone
Courtney	Israel	Pascarell
Critz	Jackson (IL)	Pastor (AZ)
Crowley	Jackson Lee	Payne
Cuellar	(TX)	Peters
Davis (CA)	Johnson (GA)	Pingree (ME)
Davis (IL)	Johnson, E. B.	Price (NC)

Quigley	Schiff	Towns
Rahall	Schwartz	Tsongas
Rangel	Scott (VA)	Van Hollen
Reyes	Scott, David	Velázquez
Richardson	Serrano	Visclosky
Richmond	Sewell	Walz (MN)
Rothman (NJ)	Sherman	Wasserman
Roybal-Allard	Sires	Schultz
Ruppersberger	Smith (WA)	Waters
Rush	Speier	Watt
Ryan (OH)	Stark	Waxman
Sánchez, Linda	Sutton	Welch
T.	Thompson (CA)	Woolsey
Sanchez, Loretta	Thompson (MS)	Yarmuth
Sarbanes	Tierney	
Schakowsky	Tonko	

NOT VOTING—30

Bachmann	Fattah	Pelosi
Barton (TX)	Giffords	Perlmutter
Bass (CA)	Gonzalez	Polis
Becerra	Jordan	Rokita
Benishkek	Kildee	Rooney
Clay	Marchant	Schrader
Costello	McIntyre	Slaughter
Cummings	Meeks	Stutzman
Emerson	Olver	Wilson (FL)
Engel	Paul	Young (AK)

□ 1038

Mr. CRITZ changed his vote from “yea” to “nay.”

Messrs. SHUSTER and CULBERSON changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 792, I was unavoidably detained. Had I been present I would have voted “yea.”

Mr. ROKITA. Mr. Speaker, on rollcall 792, I was unavoidably detained. Had I been present I would have voted “yea.”

(By unanimous consent, Mr. YARMUTH was allowed to speak out of order.)

ROLL CALL RYDER CUP

Mr. YARMUTH. Mr. Speaker, on October 3, eight Democrats and eight Republicans met in an epic competition here at Columbia Country Club in Washington to contest, for the 10th time, the battle for the Roll Call Ryder Cup. This is a competition which is intense but with great sportsmanship, and, of course, the ultimate beneficiary is The First Tee of Washington for whom this competition has now raised more than \$1 million over the last 10 years.

Despite an average age of 58.6 years, which means that all but one of our players was eligible for the seniors tour, we were able to parlay our experience and caginess into a great victory—our sixth conservative victory on the Democratic side. I want to congratulate our team of BACA, CLYBURN, COURTNEY, SIREs, COOPER, DOYLE, RICHMOND and myself. We look forward to an even tougher competition next year.

But I do want to say that the principles that The First Tee espouses, things like honest, integrity, sportsmanship and responsibility, were all on great display during this competition, even to the extent that TREY GOWDY and MICK MULVANEY called a penalty on themselves during one of the team matches. So, I think the competition lived up to the principles of The First Tee, and we look forward to next year’s match.

With that, I yield to the gentleman from Florida, the captain of the Republican side.

Mr. CRENSHAW. I thank the gentleman for yielding.

On behalf of the Republican participants, I want to congratulate Captain YARMUTH and his team for their outstanding play and for their narrow victory, and I want to thank all the members of the Republican team for participating and for showing up.

I think the big winner is The First Tee.

I want to thank all the sponsors because, over the years, they’ve raised over \$1.5 million for this organization that is involved in all 50 States and that touches the lives of about 5 million young people in order to teach them through the game of golf about honesty, integrity, character, and about sportsmanship.

So, again, I thank everyone for being involved.

I just remember the words of those people who watched the University of Florida football team, which are: Wait until next year.

Mr. YARMUTH. I thank the gentleman.

It was an incredible competition. As TREY GOWDY said just this morning, if you were there during this event and during the event preceding, the night before, you could not have told who was a Republican and who was a Democrat, because the comradery was so nice.

Once again, congratulations to The First Tee.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. YODER). The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Without objection, this will be a 5-minute vote. There was no objection.

The vote was taken by electronic device, and there were—ayes 244, noes 163, not voting 26, as follows:

[Roll No. 793]

AYES—244

Adams	Boren	Coffman (CO)
Aderholt	Boustany	Cole
Akin	Brady (TX)	Conaway
Alexander	Brooks	Cravaack
Amash	Brown (GA)	Crawford
Amodei	Buchanan	Crenshaw
Austria	Bucshon	Culberson
Bachus	Buerkle	Davis (KY)
Barletta	Burgess	DeGette
Bartlett	Burton (IN)	Denham
Barton (TX)	Calvert	Dent
Bass (NH)	Camp	DesJarlais
Berg	Campbell	Diaz-Balart
Biggert	Canseco	Dold
Bilbray	Cantor	Donnelly (IN)
Bilirakis	Capito	Dreier
Bishop (UT)	Carter	Duffy
Black	Cassidy	Duncan (SC)
Blackburn	Chabot	Duncan (TN)
Bonner	Chaffetz	Ellmers
Bono Mack	Coble	Farenthold

Fincher	Labrador	Ribble
Fitzpatrick	Lamborn	Rigell
Flake	Lance	Roby
Fleischmann	Landry	Roe (TN)
Fleming	Lankford	Rogers (AL)
Flores	Latham	Rogers (KY)
Forbes	LaTourette	Rogers (MI)
Fortenberry	Latta	Rohrabacher
Fox	Lewis (CA)	Rokita
Franks (AZ)	LoBiondo	Rooney
Frelinghuysen	Long	Ros-Lehtinen
Galleghy	Lucas	Roskam
Gardner	Luetkemeyer	Ross (AR)
Garrett	Lummis	Ross (FL)
Gerlach	Lungren, Daniel	Royce
Gibbs	E.	Runyan
Gibson	Mack	Ryan (WI)
Gingrey (GA)	Manzullo	Scalise
Gohmert	Marino	Schilling
Goodlatte	Matheson	Schmidt
Gosar	McCarthy (CA)	Schock
Gowdy	McCaul	Schweikert
Granger	McClintock	Scott (SC)
Graves (GA)	McCotter	Scott, Austin
Graves (MO)	McHenry	Scott, David
Green, Gene	McKeon	Sensenbrenner
Griffin (AR)	McKinley	Sessions
Griffith (VA)	McMorris	Shimkus
Grimm	Rodgers	Shuler
Guinta	Meehan	Shuster
Guthrie	Mica	Simpson
Hall	Miller (FL)	Smith (NE)
Hanna	Miller (MI)	Smith (NJ)
Harper	Miller, Gary	Smith (TX)
Harris	Mulvaney	Southerland
Hartzler	Murphy (PA)	Stearns
Hastings (WA)	Myrick	Stivers
Hayworth	Neugebauer	Sullivan
Heck	Noem	Terry
Hensarling	Nugent	Thompson (PA)
Herger	Nunes	Thornberry
Herrera Beutler	Nunnelee	Tiberi
Huelskamp	Olson	Tipton
Huizenga (MI)	Palazzo	Turner (NY)
Hultgren	Paulsen	Turner (OH)
Hunter	Pearce	Upton
Hurt	Pence	Walberg
Issa	Peterson	Walden
Jenkins	Petri	Walsh (IL)
Johnson (IL)	Pitts	Webster
Johnson (OH)	Platts	West
Johnson, Sam	Poe (TX)	Westmoreland
Jones	Pompeo	Whitfield
Kelly	Posey	Wilson (SC)
Kind	Price (GA)	Wittman
King (IA)	Quayle	Wolf
King (NY)	Rahall	Womack
Kingston	Reed	Woodall
Kinzinger (IL)	Rehberg	Yoder
Kissell	Reichert	Young (FL)
Kline	Renacci	Young (IN)

NOES—163

Ackerman	Critz	Holt
Altmire	Crowley	Honda
Andrews	Cuellar	Hoyer
Baca	Cummings	Inlee
Baldwin	Davis (CA)	Israel
Barrow	Davis (IL)	Jackson (IL)
Berkley	DeFazio	Jackson Lee
Berman	DeLauro	(TX)
Bishop (GA)	Deuth	Johnson, E. B.
Bishop (NY)	Dicks	Kaptur
Blumenauer	Dingell	Keating
Boswell	Doggett	Kucinich
Brady (PA)	Doyle	Langevin
Braley (IA)	Edwards	Larsen (WA)
Brown (FL)	Ellison	Larson (CT)
Butterfield	Eshoo	Lee (CA)
Capps	Farr	Levin
Capuano	Fattah	Lewis (GA)
Cardoza	Filner	Lipinski
Carnahan	Frank (MA)	Loebsack
Carney	Fudge	Lofgren, Zoe
Carson (IN)	Garamendi	Lowey
Castor (FL)	Green, Al	Luján
Chandler	Grijalva	Lynch
Chu	Gutierrez	Maloney
Ciçilline	Hahn	Markey
Clarke (MI)	Hanabusa	Matsui
Clarke (NY)	Hastings (FL)	McCarthy (NY)
Cleaver	Heinrich	McCollum
Clyburn	Higgins	McDermott
Cohen	Himes	McGovern
Connolly (VA)	Hinchev	McNerney
Conyers	Hinojosa	Michaud
Cooper	Hirono	Miller (NC)
Costa	Hochul	Miller, George
Courtney	Holden	Moore

Moran	Richmond	Sutton
Murphy (CT)	Rothman (NJ)	Thompson (CA)
Nadler	Roybal-Allard	Thompson (MS)
Napolitano	Ruppersberger	Tierney
Neal	Rush	Tonko
Olver	Ryan (OH)	Towns
Owens	Sanchez, Loretta	Tsongas
Pallone	Sarbanes	Van Hollen
Pascrell	Schakowsky	Velázquez
Pastor (AZ)	Schiff	Visclosky
Payne	Schwartz	Walz (MN)
Perlmutter	Scott (VA)	Wasserman
Peters	Serrano	Schultz
Pingree (ME)	Sewell	Waters
Price (NC)	Sherman	Watt
Quigley	Sires	Waxman
Rangel	Smith (WA)	Welch
Reyes	Speier	Woolsey
Richardson	Stark	Yarmuth

NOT VOTING—26

Bachmann	Gonzalez	Polis
Bass (CA)	Johnson (GA)	Rivera
Becerra	Jordan	Sánchez, Linda
Benishke	Kildee	T.
Clay	Marchant	Schrader
Costello	McIntyre	Slaughter
Emerson	Meeks	Stutzman
Engel	Paul	Wilson (FL)
Giffords	Pelosi	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1048

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 793 I was unavoidably delayed. Had I been present, I would have voted "aye."

COAL RESIDUALS REUSE AND MANAGEMENT ACT

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2273 and to insert extraneous material.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 431 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2273.

□ 1049

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels, with Mr. YODER in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Illinois.

□ 1050

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

Mr. Chairman, I rise in support of H.R. 2273, the Coal Residuals Reuse and Management Act.

Fifty percent of our Nation's electricity generation comes from coal. This means that we need to do something to address the long-term disposal issues presented by these wastes. This bill is a measured, appropriate, protective response to the issue of coal waste generated to safely, responsibly, and affordably provide heat to communities across the country.

The trash we throw out daily contains everything from milk cartons to household cleaning items and pesticides, all mixed and destined for the same destination. The chemical characteristics of coal ash put it somewhere in between these two extremes. For years, States have been successfully managing these nonhazardous wastes through their municipal solid waste programs.

Yet even though EPA has confirmed on multiple occasions that coal ash does not trigger its own toxicity test to be labeled as hazardous, regulation was proposed by the EPA in June 2010 that would do just that. EPA's regulation would have prevented coal ash from being governed under the municipal solid waste programs despite its nonhazardous nature and EPA saying in its proposed rule that it preferred the municipal solid waste option.

The results of EPA's regulations would have been devastating effects on jobs, higher utility rates at home, and crippling of a very successful emerging byproducts industry.

H.R. 2273 strikes the right balance to provide certainty to producers and recyclers of coal combustion byproducts at a time when recyclers do not have time to wait. It also facilitates a safe and appropriate disposal and monitoring of coal combustion byproducts.

The bill establishes, for the first time ever, comprehensive Federal standards specific to coal ash disposal. These new standards for the management and disposal of coal combustion residuals are based on existing Federal regulations issued by EPA to protect human health and the environment.

H.R. 2273 provides a benchmark for States to regulate under their existing municipal solid waste programs, which are already required to meet this Federal baseline of protection. These standards will include groundwater protection and detection and monitoring, liners at landfills, corrective action when environmental damage occurs, structural stability criteria, financial assurance, and recordkeeping.

EPA will continue to have an oversight role to ensure States are meeting their obligations. EPA will review the contents of a State permit program and determine whether it meets the

minimum specifications set in H.R. 2273. They will also review State implementation of permit programs to make sure States are implementing a permit program meeting the minimum specifications.

However, discretion will remain with the States to regulate coal ash even more stringently than the Federal standards set in H.R. 2273. And should a State fail to meet these baseline standards or decline to regulate coal ash, EPA has the authority under the bill to come into a State and operate a program.

H.R. 2273 received strong 3-1 bipartisan support when it was favorably passed out of the Energy and Commerce Committee. We have continued to work hard since then with colleagues on both sides of the aisle to clarify and address additional concerns reflected in the manager's amendment. This has resulted in a bipartisan product that empowers States, saves jobs, controls public and private costs, and protects people and the environment.

H.R. 2273 has endorsements by a diverse stakeholder community as well from the Environmental Council of the States, State environmental officials, the beneficial use community, labor unions, and a coalition of regulated stakeholders.

Mr. Chairman, some of our colleagues are going to oppose this bill based upon this information or misguided policy. That is unfortunate. We will hear plenty about that in this debate. I urge Members to pay attention to the debate as many of our Nation's environmental laws already apply to the concerns being raised. More laws requiring the same thing to be done that is required in other laws do not improve the environment nor the law. We need to be serious about that point.

Most importantly, our economy continues to struggle and businesses are trying to figure out how to get out from underneath the weight of overly burdensome regulations. H.R. 2273 is a jobs bill that gives us yet another chance in the House to regulatory certainty and unemployment relief with passage of H.R. 2273.

This bill protects the working men and women of this country. It encourages jobs in road building and construction industries and encourages an affordable and more secure standard of living in this country for all Americans and their families. This bill is worthy of all my colleagues' support.

I urge my colleagues to vote for H.R. 2273, and I reserve the balance of my time.

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

Today the assault on the environment in this body continues. Two weeks ago the House voted to repeal the health standards in the Clean Air Act and block the Environmental Protection Agency from regulating toxic emissions from power plants. Earlier