

those powers not outlined. It was built on a system of federalism, a system of separation of powers between the states and the federal union.

The fact that 55 men showed up was something of a feat in and of itself. Seventy-four were appointed to attend, but 19 chose to skip the meeting. They were wise in their suspicions that the goal was to give the national government more power, but missed a tremendous opportunity to shape the nation that they all loved.

Sixteen men refused to sign the Document. One of them was firebrand orator Patrick Henry (my favorite of all of the Founders). He refused to sign the Document because it contained no "Bill of Rights." Another, George Mason, declared that he "would sooner chop off his right hand than put it to the Constitution as it now stands." Yet, the Document was signed by 39 men, and they left Philadelphia with the challenge of convincing the states to ratify it. Largely thanks to the efforts of James Madison, Alexander Hamilton and John Jay, through the Federalist Papers, the required nine states had ratified and the Constitution took effect.

Two years later, James Madison introduced the Bill of Rights in the U.S. House of Representatives, outlining specific rights that each American should be guaranteed and limiting what government could do to the people. Without the Bill of Rights, we would not be the America that we are today. It guarantees that we can live in a country where we can speak our opinions without fearing punishment; where you can practice the religion of your choice in peace; where you have the right to share your ideas or complaints with the government; where you have certain inalienable rights—the right to life, liberty, and the pursuit of happiness.

On September 17, we celebrated Constitution Day, a national holiday that celebrates the one document that has made America what it is today: the land of the free and the home of the brave. In the 225 years since the signing of this great document, this nation has grown, adding territories and states, including Texas in 1845 (by 1 vote, I must say). What was in 1787 a new nation trying to get on its feet and find its way, is today a robust beacon of freedom and democracy. May we never forget what this nation stands for. And that's just the way it is.

#### CONGRATULATING THE BATON ROUGE AREA FOUNDATION

#### HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CASSIDY. Mr. Speaker, today I rise to congratulate the Baton Rouge Area Foundation on obtaining their National Standards for U.S. Community Foundations accreditation from the Community Foundations National Standards Board.

Achieving confirmation and reconfirming compliance with Community Foundations National Standards Board is a rigorous process, guaranteeing that every community foundation that receives the designation has adhered to excellent philanthropic practice. This program requires community foundations to document

their policies for governance, donor services, investments, grantmaking, community leadership, and administration.

The Baton Rouge Area Foundation has obtained its National Standards accreditation by demonstrating a commitment to operational quality, integrity, accountability, and adherence to the highest standards for grantmaking.

The Baton Rouge Area Foundation worked rigorously in the aftermath of Hurricane Katrina, and issued over \$600,000 in emergency grants to aid organizations and shelters within 10 days of the storm. This is but one case of the exemplary work that the foundation achieves day in and day out.

On behalf of the residents of Louisiana's Sixth District, I congratulate the Baton Rouge Area Foundation on receiving its National Standards accreditation and commend the foundation's dedicated service to Louisiana's communities.

#### STOP THE WAR ON COAL ACT OF 2012

SPEECH OF

#### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977:

Mrs. CAPITO. Mr. Chair, I rise today in support of H.R. 3409, the Stop the War on Coal Act of 2012. Across multiple federal government agencies, there is a regulatory assault underway against coal. The War on Coal has focused both on the production of coal and on the use of coal by electric utilities. The regulatory actions of the Environmental Protection Agency (EPA) and other federal government agencies are picking winners and losers in the energy industry by propping up companies like Solyndra while purposefully making it harder for coal producers to operate.

The Stop the War on Coal Act returns climate policy to Congress, where it belongs in the hands of elected representatives who are subject to the will of the people. Americans want environmental policies that are fairly balanced against economic considerations such as the need for jobs and low cost electricity. These balancing decisions are best made in Congress. Federal agencies need to understand that the absence of a congressional authorization is not a green light for the agency to pursue whatever policy it wishes.

I want to be clear that I support an all of the above energy policy.

I believe that coal, natural gas, oil, nuclear, wind, solar, biomass, and geothermal energy sources all have a role to play in our national energy portfolio. There is no question, however, that electricity from coal and natural gas is cheaper and more abundant than electricity generated from renewable sources. A 2010 Heritage Foundation study found that the average family of four would pay on average \$189 per month if it obtained 100 percent of its electricity from coal, but \$504 per month if the same family purchased 100 percent of its electricity from solar power.

That's a difference of \$315 per month. With 47 million Americans on Food Stamps and everything from the price of gas to the price of milk increasing, Americans are looking to save money in every way possible.

Coal fired electricity simply makes economic sense for families in my state and across the country.

Additionally, while 42 percent of U.S. electricity was generated from coal last year, and 25 percent came from natural gas—all renewable sources combined accounted for only 13 percent of the electric supply. It will be many years before renewable fuels are ready to shoulder the burden of providing the energy on which American's rely.

There are three reasons why I stand on the floor this evening to discuss the importance of coal. First, I am here to stand up for the jobs of tens of thousands of West Virginians and hundreds of thousands of others across the country who are employed mining coal, transporting coal, generating electricity from coal or work in jobs that support the coal industry. Second, I am here to stand up for the families and businesses that will see increases in their electric bills as the administration imposes extreme regulations on both the production and utilization of coal. Finally, I am here to stand up for the reliability of our electric grid, which could be at risk over the long term if too much of our ability to generate electricity from coal is lost.

My State and our neighbors in Appalachia have suffered significant job losses in the coal industry recently. Just yesterday, Alpha Natural Resources announced 1,200 layoffs companywide and hundreds of those job losses will occur in my state of West Virginia. Over 300 miners at Consol Energy lost their jobs when the Fola Mine in Clay County, in my congressional district was idled earlier this summer. Arch Coal laid off 750 miners earlier this summer across West Virginia, Virginia, and Kentucky. Patriot Coal laid off 250 miners last week and the company filed for bankruptcy this summer. A local television station in my district tallied nearly 2,000 job losses in the mining industry in early August, and more layoffs have been announced since then.

Besides layoffs by mining companies, job losses in related fields such as transportation usually accompany job losses in mines.

There is more than one reason why job losses are occurring in the coal industry, and I understand that not all of the job losses that have occurred are attributable to over regulation. Natural gas prices are at historic lows and the price for metallurgical coal is softening. Nonetheless, the excessive regulatory burden placed on the coal industry is certainly part of the reason that jobs are being lost.

I am pleased that the bill that the House will vote on this week includes the text of H.R. 1872, the Employment Protection Act, which I introduced in order to require the EPA to consider the impact that any new regulation, guidance, policy statement or permitting decision would have on jobs and the economy. All of us want clean air and clean water, but I believe that environmental regulations should be balanced with the need to maintain jobs and employment opportunities for workers in the mining industry.

Under the Employment Protection Act, EPA would be required to have a public hearing in any state where a decision it makes would have more than a de minimis negative impact

on jobs or economic activity. Therefore, before EPA can take any action that costs a state more than 100 jobs or costs more than \$1 million in economic activity, it would be required to host a public hearing in the impacted state and engage in a conversation with local residents about the costs and benefits of their regulatory action. Too often federal agencies that are separated from local communities lose sight of the fact that their decisions have real impacts on workers and their families. I drafted the Employment Protection Act with the idea of empowering local residents with respect to decisions that impact them. Certainly if the benefits of a regulatory decision outweigh the negative economic consequences of the decision, then EPA should be able to articulate that fact to the impacted members of the local community.

I am also proud of the other provisions that compromise H.R. 3409.

The Clean Water Cooperative Federalism Act is critical legislation that will restore the balance between state and federal regulators when it comes to the issuance of permits under the Clean Water Act. It was clear when Congress enacted that Clean Water Act that states would have the ability to define water quality standards for pollutants, subject to approval from the EPA.

Unfortunately, the federal regulators have attempted to supersede state regulators whenever possible.

H.R. 3409 clarifies that EPA cannot issue a revised water quality standard that supersedes the approved state standard without the state's consent. The legislation also prevents the EPA from revoking certification of a state's Section 402 permitting program based on a disagreement with the state regarding a water quality standard that a state has adopted and EPA has approved, or the implementation of any federal guidance that directs a re-interpretation of the state's approved water quality standards.

Perhaps most importantly, this bill prohibits the EPA from vetoing a Section 404 permit issued by the Army Corps of Engineers unless the state concurs with the veto.

This addresses the issue created by the EPA when it sought to veto a permit issued to the Spruce Mine in West Virginia. Despite the fact that EPA never stated that the holder of the permit violated any of the permit's terms, the agency sought to take back a permit that had already been issued. This action came after a lengthy review process that led to the issuance of the permit.

Operating a coal mine requires a significant capital investment—an investment that cannot be made if the Federal Government is able and willing to take back a permit that it has issued even when the permittee abides by the conditions of the permit and otherwise follows the law. A federal judge in Washington, DC has already held that EPA acted unlawfully in taking back the permit from the Spruce Mine, but that ruling is currently being appealed.

The Stop the War on Coal Act makes it absolutely clear that no 404 permit issued by the Corps of Engineers could be vetoed without consent of the affected state government.

Jobs are at risk in West Virginia and across Appalachia because of the slow progress in obtaining required permits under Sections 404 and 402 of the Clean Water Act. Much of the permitting backlog is the result of Enhanced Coordination Procedures implemented by the

EPA and the Corps of Engineers that gave EPA an increased role in the permitting process. In two court decisions, Federal courts found that these Enhanced Coordination Procedures violated the Clean Water Act. Specifically, the Court found that the EPA "has a very limited role in the issuance of CWA permits and has only the authority to develop the 404(b)(1) guidance with the Corps" while the Corps is responsible for determining compliance.

I strongly agree with the Court's interpretation of the existing provisions of the Clean Water Act. The Corps of Engineers is the permitting authority with respect to 404 permits. After a fair period for interagency comments, the Corps of Engineers should make a permitting decision—either denying the permit and allowing the entity seeking a permit to make modifications necessary to ensure proper environmental protection, or granting the permit and allowing mining to take place.

Under the Enhanced Coordination Procedures, EPA assumed a role that goes far beyond what was contemplated in the Clean Water Act and led to many permits being placed in a holding pattern. Now that the District Court has ruled that the Enhanced Coordination Procedures are unlawful, it is my hope that the Corps of Engineers and state governments will be able to return to the traditional method of considering Clean Water Act permit applications without undue interference from the EPA. The legislation we are considering this week will go a long way in ensuring the fairness of the permitting process.

#### STREAM BUFFER ZONE RULE

The current Stream Buffer Zone Rule was put into effect in 2008, after roughly five years of work. In 2009, however, OSM sought to vacate 2008 rule and asked a federal court to reinstate the 1980s regulation. The court denied this request, and OSM has worked to rewrite the 2008 rule which remains in place. Information provided by a contractor employed by OSM stated that 7,000 jobs would be lost in the mining industry if OSM's preferred alternative regulation were put into effect. To date, OSM has not issued a new stream buffer rule. Unemployment has remained over 8 percent for 43 straight months and we cannot afford to lose thousands of coal jobs.

I commend my colleague BILL JOHNSON from Ohio for drafting this section of the bill. The legislation would prohibit the Department of the Interior from issuing or approving any rule under SMCRA that would adversely impact employment in coal mines, cause a reduction in coal revenues received from production on federal lands, reduce the amount of coal available for domestic consumption or export, designate any area as unsuitable for surface mining or expose the federal government to liability for a regulatory taking of privately owned coal before the end of 2013.

There is no reason to rush into any modification of the Stream Buffer Rule at the expense of jobs in the coal industry.

#### CAP AND TAX

The Stop the War on Coal Act also addresses the threat of EPA regulations on carbon dioxide and other greenhouse gases from stationary sources. Congress has not enacted legislation that would create a cap and trade system, a cap and tax system, or that would otherwise expressly permit the EPA to regulate carbon dioxide from stationary sources. Like Clean Water Act permitting, EPA's at-

tempt to regulate carbon dioxide from stationary sources is another area where the agency has stepped beyond its boundaries and into the realm properly occupied by Congress.

I support efforts to develop Carbon Capture and Storage technologies and believe that they will allow coal to be cleaner in the future. Any effort to require CCS technology for new plants or existing plants, however, should come only when that technology is feasible economically and technologically—and only when Congress expressly authorizes such regulations. The Stop the War on Coal Act will make sure that elected representatives, rather than unelected bureaucrats, are in control of our climate policy.

#### EXPENSIVE REGULATIONS

The expense of EPA's regulations is dramatic. National Economic Research Associates examined the impact of four anti-coal regulations imposed by the EPA: the Cross State Air Pollution Rule, Utility MACT, Cooling Tower regulations, and regulation of coal combustion residuals. The study found that compliance with these regulations would cost \$127 billion by 2020, cause 183,000 net job losses each year, and lead to a cumulative loss of \$190 billion in our country's gross domestic product. The NERA study found that the average American family would lose \$270 per year in disposable income as a result of these four regulations.

Our legislation addresses these expensive and burdensome regulations. The bill negates EPA's efforts to regulate coal combustion residuals as either a solid waste or a hazardous waste. Instead, this bill would ensure that states have the primary responsibility for regulating coal combustion residuals and encourages recycling. The use of coal ash in concrete for example, makes the concrete stronger and requires less cement—thereby reducing the use of water and energy.

Under this bill, the Utility MACT rule must be reissued by EPA with an increased compliance period provided to utilities.

EPA has estimated that the cost of complying with the Utility MACT rule would exceed \$10 billion annually in 2016—more than the cost of all other Clean Air Act regulations on power plants combined. These costs will cause power plants to close, workers to lose their jobs, and families to pay higher utility bills.

The CSAPR rule, already found unlawful by a panel of the U.S. Court of Appeals for the DC Circuit, would be scrapped and replaced by the former Clean Air Interstate Rule, which better balanced environmental and economic considerations.

The coal utility sector was well on its way to reducing emissions and investing in clean coal technologies without the administration's costly regulations. Between 1970 and 2011, emissions of sulfur dioxide, nitrogen oxide, and particulate matter from coal fired power plants were reduced by almost 90 percent according to EPA and EIA figures, while the use of coal increased substantially over the same period. Over that same period, the industry invested nearly \$100 billion in emission control technologies.

Rather than continuing this progress, the EPA's regulatory course has led numerous coal plants to close and will lead to still more coal plant retirements in years to come.

According to EIA figures, plant operators expect to retire almost 27 gigawatts of coal fired

generation capacity between 2012 and 2016—approximately 8.5 percent of the total 2011 capacity. The 9 gigawatt retirement in 2012 will be the largest single year reduction in coal fired capacity in history—but EIA projects that figure will be exceeded by a 10 gigawatt retirement of coal capacity in 2015. EIA estimates that more than 55 coal generating units will be taken off line in 2012 alone.

Losing coal generation capacity is bad for the future reliability of our electrical grid as well as for the cost of electricity in the long term. Natural gas prices are low today. In the event natural gas prices were to increase—something that certainly has happened before—a lack of coal generation capacity would cause utility rates to skyrocket. My state has an abundance of natural gas as well as coal, and I want to see both of these fuels succeed and maintain their roles as the two largest generators of electricity in our country.

Regulating coal out of our nation's energy portfolio is not a responsible long term course. It has been said that the United States is the Saudi Arabia of coal. Our country has 260 billion short tons of recoverable coal—enough to meet existing production levels for 222 years.

Low cost energy aids in job growth not only in the energy sector, but in manufacturing, transportation, and across our economy. The best way to provide low cost energy for businesses and for individuals for years to come is to avoid over regulating any single energy source, and instead allow both coal and natural gas to be produced and utilized as the free market dictates.

Our current regulatory environment chooses winners and losers in the energy markets—and there is no question that this administration has chosen coal to be the biggest loser.

The Stop the War on Coal Act takes responsible steps that allow both for environmental protection and economic protection. I encourage my colleagues to support the legislation this week.

#### PAYING TRIBUTE TO LANCE CORPORAL CLARK CAVALIER

#### HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CASSIDY. Mr. Speaker, I rise today to honor one of Louisiana's most heroic sons, Lance Corporal Clark Cavalier, 2nd Battalion 8th Marines, from the city of Plaquemine in Louisiana's Sixth Congressional District.

While out on patrol in Afghanistan on April 24, 2011, Lance Corporal Cavalier nearly died in an IED explosion. Almost mortally wounded, and losing both of his legs, he is now on the road to recovery. Clark is known as a grunt, the boots on the ground who take the fight to the enemy every day. In honor of his courage and his selfless sacrifice, I hereby submit that the text of the poem "The Couragejun Cajun!", penned by Albert Caswell, be placed in the RECORD.

#### THE COURAGEJUN CAJUN!

The Couragejun Cajun!  
What is courage all about?  
In times of war,  
there are but all those who our peace is so  
insure no doubt!  
Who so go where angels so fear to tread!

Who cheat death and when almost mortally  
wounded,  
while living by a thread through the dark-  
ness of death come out!  
Teaching us all what courage is all about!  
Who Dat?

Dat's Lance Corporal Clark Cavalier!  
From Dat Bayou State, Dat's an American  
Hero so very clear!

From that great State of Louisiana,  
where men come from without fear!  
Dat's, A United States Marine!  
One of the greatest things,  
Dat D'his country Dat ever seen!  
Dressed,  
all so heroically all in Dat D'hose Shades of  
Dat Green!

Who upon a battlefield of honor,  
Dat Did so convene!  
For he's a grunt,  
ever on the hunt for an enemy to confront!  
While, out on patrol he almost lost his life  
so!

When, and IED took his two strong legs,  
and death but lie just moments away!  
But could not take his heart that day!  
As this young hero from the south,  
So rose up and so showed us what Dat cour-  
age is Dat courage is Dat all about!

As this Couragejun Cajun's courage would so  
Dat shout!

And What Dat Honor and Duty, and Courage  
are all about!

Dat's Da Truth no Dat Doubt!  
And his New Orleans Saints  
well he just can't live without!  
Yea, one day he wants to smoke a gar with  
Drew,

and shoot the Breese and talk about!  
But, right now he got mountains to so climb  
no doubt!

All out on that road to recovery!  
As Dat's a place where we will discover we!  
What Dat Couragejun Cajun is all about you  
must believe!

Because, not even a GATOR could slow this  
man down!

And every day is Fat Tuesday in this man's  
heart, SO HOW!

BECAUSE THIS DADDY, DON'T CRAWL!  
And there's nothing going to slow him down,  
not Dat ALL!

As he so Dat Teaches,  
And so DAT Beseeches Us all in what's his  
heart so sounds!

Because, arms and legs we all need,  
But it's Dat with his great heart Dat Clark  
gains Dat speed!

and we can live without!  
but, without Dat Couragejun Heart,  
we will surely perish as no doubt!

And Dat'd What Lance Corporal Cavalier is  
all about!

And one day when Dat Da Saints Come  
Marching In,  
up in Heaven he will be up front with Dat all  
them no doubt!

For Heroes come in all shapes and sizes,  
but it's really what's Dat Dere In Der Heart's  
which so comprises!

Who they are!  
As why down on the Bayou,  
why you as a hero Clark are so seen!  
And yes Clark,  
Marine, with your Couragejun Cajun heart  
you so shine like a star!

For you have people to so touch,  
and so many hearts to so heal as such!  
All in what Dat your fine Couragejun Cajun  
heart,

has to so Dat reveal!  
Oooh . . . Rah . . . Dat Jar Head!

#### IN HONOR OF THE VILLAGE OF BROOKLYN HEIGHTS

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Village of Brooklyn Heights, Ohio. Since 1903, the Village of Brooklyn Heights has been an exemplary community within Northeast Ohio.

Originally a part of Brooklyn Township, which was established in 1818, Brooklyn Heights' residents seceded from the township to form their own village. On February 28, 1903, the Village of Brooklyn Heights was officially established.

What was once an area of predominately farmland is now full of residential homes and interstate highways. Despite only comprising 1.8 square miles of land, Brooklyn Heights is a desirable area for industry and for raising a family.

Today, the Village of Brooklyn Heights is home to approximately 1,600 residents who are led by Mayor Michael Procuk. There are six members on the Village Council: John Black, Bruce Cichocki, Michael D'Amico, Leslie Foote, Tom Lahiff, Jennifer Presot and Henry Stankiewicz.

Mr. Speaker and colleagues, please join me in honoring the Village of Brooklyn Heights and all of its residents.

#### RECOGNIZING THE GIRL SCOUTS COUNCIL OF TROPICAL FLORIDA

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ROS-LEHTINEN. Mr. Speaker, today I recognize the Girl Scouts Council of Tropical Florida, an organization dedicated to empowering girls so that they can become exemplary leaders of our community by building courage, confidence, and character.

On August 1, 1963 the Girl Scout Council of Dade County merged with the Florida Keys Girl Scout Council to develop into the Girl Scout Council of Tropical Florida, now enriching the lives of more than 20,000 girls and 3,600 adults from Miami-Dade and Monroe counties.

Girl Scouts Council of Florida has prepared numerous activities throughout South Florida to commemorate the centennial anniversary of the Girl Scouts of the United States of America, a movement that started in Georgia with only 18 girls and that has grown to more than 3.2 million members nationwide.

Mr. Speaker, I thank the Board of Directors: Irela Bague, Wanda Hewitt, Lilian A. Walby, Alice N. Bravo, Georgia McLean, Nancy Pastroff, Maria D. Tejera, Lilly Monzon Aguirre, Carolann Baldyga, Guillermo "Bill" Cruz, Elvira Dopico, Melissa A. Dunn, Frank Fernandez, Lourdes Fernandez, Maria I. Gonzalez, Johnette Hardiman, Althea Harris, Jenny Arias May, Joyce Ann Hanks Moorehead, Grace O'Donnell, Jack Plunkett, Jr., Lisa D. Sparks, Margarita Villoch, Margarita Weidener, Peggy Wingard, and Mary Young; the Council Nominating Committee: