[Roll No. 591]

YEAS—237

Aderholt
Amodei
Andrews
Baca
Bachmann
Bachus
Baldwin
Barber
Barrow
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Buchanan
Buerkle
Burton (IN)
Butterfield
Calvert
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Coble
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duncan (TN)
Ellmers
Engel
Eshoo
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gardner
Garrett
Gingrey (GA)
Gonzalez
Gosar
Graves (MO)
Green, Gene
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Harper
Harris
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinojosa
Hochul
Holden
Holt
Hoyer
Israel
Issa
Johnson (IL)
Johnson, Sam
Kaptur
Keating
Kildee
Kind
King (IA)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lipinski
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
McCarthy (NY)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Murphy (CT)
Myrick
Nadler
Noem
Nunes
Nunnelee
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pitts
Platts
Posey
Price (NC)
Quigley
Rahall
Rehberg
Reichert
Reyes
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Sánchez, Linda T.
Sarbanes
Schiff
Schilling
Schock
Schrader
Schwartz
Serrano
Sessions
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Stearns
Sutton
Terry
Thornberry
Tierney
Tipton
Turner (OH)
Van Hollen
Walden
Walz (MN)
Wasserman Schultz
Waxman
Welch
Wilson (FL)
Wilson (SC)
Wolf
Womack
Woodall
Young (FL)

NAYS—180

Ackerman
Adams
Alexander
Altmire
Amash
Austria
Barletta
Bartlett
Bass (CA)
Benishek
Bilbray
Bishop (NY)
Blumenauer
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Burgess
Camp
Cassidy
Chabot
Chaffetz
Chu
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Conyers
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dent
Doyle
Duffy
Duncan (SC)
Edwards
Ellison
Emerson
Farenthold
Flake
Foxx
Franks (AZ)
Garamendi
Gerlach
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Graves (GA)
Green, Al
Griffin (AR)
Griffith (VA)
Gutierrez
Hanabusa
Hanna
Hartzler
Hastings (FL)
Hensarling
Herger
Herrera Beutler
Hinchey
Hirono
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jackson Lee (TX)
Johnson (OH)
Johnson, E. B.
Jordan
Kelly
King (NY)
Kingston
Kucinich
Labrador
Landry
Lankford
Latta
Lee (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Long
Lummis
Mack
Manzullo
Marchant
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
Meehan
Meeks
Miller (FL)
Moore
Mulvaney
Murphy (PA)
Napolitano
Neal
Neugebauer
Nugent
Olson
Olver
Palazzo
Paul
Pence
Petri
Pingree (ME)
Poe (TX)
Polis
Pompeo
Price (GA)
Quayle
Rangel
Reed
Renacci
Ribble
Richardson
Richmond
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Rush
Ryan (OH)
Sanchez, Loretta
Scalise
Schakowsky
Schmidt
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sewell
Sherman
Shuster
Smith (NJ)
Southerland
Stark
Stivers
Stutzman
Sullivan
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tonko
Tsongas
Turner (NY)
Upton
Velázquez
Visclosky
Walberg
Walsh (IL)
Waters
Watt
Webster
West
Westmoreland
Whitfield
Wittman
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—12

Akin
Filner
Gallegly
Granger
Jackson (IL)
Jenkins
Johnson (GA)
Jones
Ross (AR)
Ryan (WI)
Speier
Towns

□ 1711

Messrs. OLSON, SCOTT of South Carolina, Ms. SEWELL and Mr. DUFFY changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 591, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

STOP THE WAR ON COAL ACT OF 2012

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 3409.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 788 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. 3409.

The Chair appoints the gentleman from Ohio (Mr. LATOURETTE) to preside over the Committee of the Whole.

□ 1716

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. 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, with Mr. LATOURETTE 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.

General debate shall be confined to the bill and amendments specified in House Resolution 788 and shall not exceed 1 hour equally divided among and controlled by the chair and ranking minority member of the Committee on Natural Resources, the chair and ranking minority of the Committee on Energy and Commerce, and the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Washington (Mr. HASTINGS), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. WAXMAN), the gentleman from Florida (Mr. MICA), and the gentleman from West Virginia (Mr. RAHALL) each will control 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, in his 2008 campaign, President Obama plainly declared the policies he supports would bankrupt American coal production. Since taking office, the Obama administration has waged a multi-front war on coal, on coal jobs, on the small businesses in the mining supply chain, and on the low cost energy that millions of Americans rely on.

Mr. Chairman, amazingly the Obama administration has repeatedly tried to deny that they've launched a war on coal, yet the facts are stubborn things. Just this week, Alpha Natural Resources announced the closure of 8 coal mines that will cost over 1,200 good-paying jobs. Aggressive regulations were specifically cited by the company for the closure of these mines.

New regulations opposed by the Obama EPA threaten to shut down the Navajo Generating Station, a coal-fired power plant in Arizona. This would cost hundreds of jobs and eliminate millions of dollars in revenue for Navajo tribal economic development, education, and basic services.

□ 1720

These lost jobs aren't random events. They are the direct result of the policies and actions of the Obama administration. These are the outcomes of their regulatory war on coal.

For more than a year and a half, the Natural Resources Committee has been aggressively investigating one of the Obama administration's most covert but outrageous fronts in this war—a decision by the Interior Department to rapidly rewrite a regulation governing coal mining near streams.

Within days of taking office, the Obama administration simply threw out the Stream Buffer Zone Rule that had undergone 5 years of environmental analysis and public review. They used a short-circuited process to hire a contractor to write this new regulation. When the news media revealed the official analysis of this rewrite and of the new Obama regulation showing that it would cost 7,000 jobs and cause economic harm in 22 States, the administration fired the contractor and continued to charged ahead.

To date, the committee's investigation has exposed gross mismanagement of the rulemaking process, potential political interference, and the widespread economic harm this regulation would cause. The Interior Department refuses to comply with congressional subpoenas to produce documents and information that would fully reveal how and why this regulation was being rewritten. An interim report by the committee was issued today that details the specific findings and information uncovered in this investigation. The report is available at the committee's Web site at naturalresources.house.gov.

Mr. Chairman, it's not a matter of if the new Obama regulation will be imposed, but when. Television cameras overheard President Obama whispering to the Russian Prime Minister that he will have more flexibility after the election. It doesn't take a canary in the coal mine—no pun intended—to figure out the Interior Department's new Stream Buffer Zone regulation on coal is being held back and concealed until after the November election, which is when this President would have more flexibility to unleash its job-destroying impacts.

That's why Congress must act now to stop this. This new regulation must be halted. Title I of today's bill, the Stop the War on Coal Act, is authored by our colleague from Ohio (Mr. JOHNSON), and it prohibits the Obama administration from issuing this new regulation. It allows time to responsibly undertake an open, transparent rulemaking that fairly accounts for job and economic impacts.

President Obama's war on coal is real. The lost jobs are already happening, and thousands more are at risk. Americans' energy costs are already too high, and the war on coal will drive them even higher. So I urge my colleagues on both sides of the aisle and from all regions in the country to support this bill and to stop these red tape attacks on American jobs and on American-made energy.

With that, I reserve the balance of my time.

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

I rise in opposition to this bill. The Republicans are saying that there is a war on coal, but the only battle coal is losing is in the free market—to natural gas, to wind and to solar. Just 4 years ago, coal generated 51 percent of the electricity in the United States. Now it is down to 35 percent. When you add up hydropower, the renewables, natural gas, and the other gases, you get 44 percent of our electricity sector.

Just like Governor Romney says he has given up on 47 percent of Americans, the House Republicans have given up on 44 percent of our electricity sector. Just like their politics grips tightly to the past, their energy policies hold fast to the energy technologies and the fuels of yesterday, like coal and oil.

The free market has been replacing coal with natural gas, which has grown from 21 percent of our electricity generation back in 2005 and 2006, and has now risen to 30 percent of all electrical generation in the United States. Natural gas. It's not a war, it's a revolution. What has happened is, simultaneously, coal has come down to 35 percent. Surprising, isn't it? The numbers look like they match up pretty perfectly, especially if you add up the rise from 1 percent to 4 percent of the electricity in the United States which has been generated by wind over the last 5 years. That's what's happening, ladies and gentlemen.

All the rest of this I don't understand, to be honest with you. It's almost like the Republicans are rejecting the free market as it is now operating as the country is moving to natural gas. I understand the coal State Members have to stand up and defend this change in the marketplace, but I don't understand why my other Republican friends would reject those free market principles.

Why is this switch from coal to natural gas happening? It's because natural gas is cheaper. Natural gas prices have decreased by 66 percent since 2008. It is cheaper to produce new electricity from natural gas than from coal. This isn't a conspiracy—it is a competition—but Republicans say that there is a war on coal. Well, in a market sense, that war is now being won. When I was a boy, I had to go down into the basement with my father to shovel the coal. That's how we kept our house warm. Then my mother said let's move to home heating oil, and so my father had the home heating oil come. That was a revolution. And now there is another revolution going on.

Up in the Northeast, for example, because of the low price of natural gas, 1.4 million Northeast households have switched from oil to natural gas over the last decade. And why is that? Again, it costs $2,238 to heat your home through the winter with home heating oil, and it costs $629 to heat your home with natural gas. That's why they're switching. The same thing is happening in the petrochemical industry. They're switching from oil over to natural gas. In the fertilizer industry, they're switching from oil over to natural gas. The price is low. They are moving in that direction. That's the larger story that is occurring—the natural gas revolution in the United States of America.

So, ladies and gentlemen, I just urge all of you to understand that this is not the Obama administration in a war against coal. That is not what is going on. There is a paranoia-inducing, Darwinian marketplace revolution that is taking place—led by natural gas, followed by wind—that is changing the makeup of the electricity marketplace in our country. Only when you understand and admit this will we be able to have a real debate out here, because all the rest of this is really just meant to be political, in order to harm the President in the election of 2012, when the real harm to coal is being done in the marketplace.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the chairman of the House Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the chairman for yielding.

During his 2008 election campaign, President Obama had the audacity to set an energy goal to bankrupt the coal industry. Unfortunately, this is one promise the President is keeping. Coal mines are closing, miners are being sent home—our strategic energy advantage thrown away for windmills and Solyndras.

Mr. Chairman, I know miners. Day in and day out, they make real personal sacrifices—often doing difficult and, at times, dangerous jobs—not only to look out for their families but to keep our homes lit, to support their local churches, to keep our local businesses flourishing, and to help the American economy. Coal is not America's energy problem; it is America's energy solution.

Sadly, for the last 3 years, this administration has brought forth an onslaught of job-killing regulations, overstepped authority—three times condemned by the Federal court, and deadlocked the mine permitting process—all with the thinly veiled purpose of driving coal from the energy marketplace.

In Kentucky, the results are in. In my region, more than 2,000 coal miners have lost their jobs this year, and dozens of local support businesses are downsizing as a result.

□ 1730

The story is the same in Virginia, West Virginia, and Pennsylvania, where last week, 1,200 more workers were given pink slips. It's time for this to stop, Mr. Chairman. This war on coal is real. It threatens the way of life of these small town communities with rich legacies and real people, our countrymen.

Mr. Chairman, I'm proud to stand in support of coal miners and coal communities and support the Stop the War on Coal Act, H.R. 3409. It sends a clear message that the Obama policies are wrongheaded not only for coal, but for our country.

I urge passage to put coal miners back to work.

Mr. MARKEY. I yield the remainder of our time to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank my colleague, the ranking member on the committee.

This Republican-led House has already cast 302—soon to be more—anti-environmental votes in this Congress. In our last week in session before the election in November, our eighth day in session since the beginning of August, the majority now wants to use this precious time when we should be dealing with the Nation's economic problems. Instead, we are planning to consider legislation on the floor that will add to this total of anti-environmental votes.

No, there is no war on coal, not by the Obama administration or anyone else. Mr. MARKEY has explained the market forces at work. But there clearly has been a concerted effort. One out of every five votes we've taken in this Congress has been to reduce protections on our air, on our water, on our open spaces, et cetera.

This bill includes a coal ash title that endangers the health and safety of thousands of communities, provisions that would increase the levels of toxic mercury, lead, and cancer-causing toxins in the air and water. There are provisions in this bill that gut the Clean Air Act.

Why the House would waste precious time redebating these bills and voting on them once again is a mystery to me and I think must be a mystery to anyone who is observing the behavior of this House of Representatives. It only underscores the fact that the House Republican majority is more focused on passing message bills than addressing the real issues that face our Nation.

The remaining new title of this bill consists of a bill that was approved in the Resources Committee back in February. It purports to halt an ongoing effort by the Obama administration to rewrite a so-called ''midnight regulation'' that was adopted by the Bush administration on mountaintop removal mining. This Bush midnight mountaintop removal rule weakened a Reaganera regulation by increasing the ability of the mining companies to dump mining waste in streams. Yes, believe it or not, they want to weaken those protections. It's another provision of this bill before us today.

The Obama administration has signaled that it intends to revise the Bush administration regulation to better protect local communities, to better protect public health, to better protect the water. However, this effort is only at the very early stages, and the Obama administration has not even issued a proposed rule. This is unnecessary, going in the wrong direction, and weakening environmental protections for this country.

Those are reasons enough to oppose this bill.

Mr. HASTINGS of Washington. Mr. Chairman, how much time is remaining on both sides?

The CHAIR. The gentleman from Washington has 3½ minutes, and the gentleman from Massachusetts has 1½ minutes.

Mr. HASTINGS of Washington. I would be more than happy to yield 3 minutes to the author of the legislation that is encompassed in title I of this bill, the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, I thank the chairman for yielding me the time.

My colleague just commented on the Bush administration's rewrite of the Stream Buffer Zone rule that took 5 years. He qualified that as a ''midnight rewrite.'' My goodness, that was a really long night. It took 5 years to do it.

Today, I rise in strong support of legislation that I've sponsored to stop the administration's job-destroying war on coal. This legislation is in direct response to the President's ongoing rewrite of the Stream Buffer Zone rule, a rule that, according to the administration's own estimates, would cost at least 7,000 direct jobs and potentially tens of thousands of direct and indirect jobs.

Mere days after assuming office, President Obama set out to rewrite this rule that will cost tens of thousands of jobs, cut coal production by up to 50 percent in America, and cause electricity rates to skyrocket even higher than the President has already pushed them.

As we all know, the average utility bill for the middle class has risen over $300 a year because of this President's radical environmental policies. The last thing the middle class needs is their utility bills to go even higher. However, if the story ended there, it would be bad enough, but it doesn't end there. It actually gets much worse.

The President's administration has deliberately tried to hide the truth about the cost of this rule to the American public. In fact, a Presidential appointee asked the contractors working on the rule to lie about the job loss numbers so the administration could convince the American public that this rule was good public policy. Thankfully, the contractors were men and women of character and would not lie for the administration. The President's administration then fired those contractors.

The Natural Resources Committee has subpoenaed the administration for documents and audio recordings relating to the rule. Not surprisingly, as we have seen many times before, the President has failed to live up to his campaign promise of leading the most open and transparent government ever, because he has not allowed the administration to turn over the documents that we've asked for because he knows they will hurt his reelection prospects.

This legislation is not about a sloppy and unethical rules process. This legislation is about saving tens of thousands of jobs for hardworking Americans, and it's about providing reliable and affordable energy resources for hardworking taxpayers and businesses all across America.

Throughout the country, hardworking coal miners and utility plant workers are losing their jobs because of this President's radical environmental policies. Just this week, hundreds of coal miners were told they would lose their jobs because of the President's anticoal stance. Just today, a utility company announced that they would close a coal-fired power plant and hundreds more workers would lose their jobs. These job losses are in addition to the thousands of Ohioans in eastern and southeastern Ohio that have lost their jobs because of the President's radical policies.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. JOHNSON of Ohio. This legislation will bring a stop to the administration's war on coal by not only stopping the job-destroying rewrite of the Stream Buffer Zone rule, but it also contains four bipartisan bills that have already been passed through the House.

I urge all of my colleagues to support this job-saving legislation.

Mr. MARKEY. Mr. Chair, I yield the balance of my time to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman from Massachusetts.

Mr. Chairman, this legislation is drafted so broadly that it's likely to cause real damage. It would prevent the Interior Department from issuing nearly any new regulation under the Surface Mining Control and Reclamation Act. The bill would prevent the Interior Department from undertaking any of a number of actions that it is considering to ensure that mining operations are safe for the workers and for the public and for our environment. I filed an amendment to narrow the scope of this title, but the majority would not make it in order.

Furthermore, H.R. 3409 would completely paralyze the Office of Surface Mining, which is responsible for protecting the citizens and workers, and we should not limit this agency when it comes to worker safety.

□ 1740

This bill would threaten public health by blocking the critical Clean Air Act regulations that limit dangerous air pollutants, as I said earlier, including mercury in the air that we breathe.

This is an irresponsible bill; it is unnecessary. We have important work to do to shore up this economy and to create jobs. Why in the world we are doing this is beyond anybody's reasonable explanation.

Mr. HASTINGS of Washington. I yield myself the balance of my time, and I will do my best to capsulize.

Mr. Chairman, it was the President, when he was a candidate, that said that his policies, if enacted, would cost coal jobs.

For nearly 4 years we have seen evidence of that, and the latest example of that was when Alpha Coal Company laid off 1,200 people, citing the regulations that the President said he would promulgate. This is a good bill. I urge its adoption.

I yield back the balance of my time.

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

I am going to say that I'm a little bit shocked that people would be so critical of this bill and saying that this bill is not important.

All of us know that President Obama, when he was running for President, made the comment that if he was elected President, you could build a coal-power plant, but he would bankrupt the industry.

Our friends on the other side of the aisle say, well, coal is having problems today because natural gas prices are going down. Let's let the free market work, and coal is losing out because of these natural gas prices.

The truth of the matter is, if natural gas prices were higher than they had been in the history of America, under this administration, if they finalize the greenhouse gas regulation, you cannot build a new coal-powered plant in America. One of the things that this bill does is it simply says, no, you're not going to regulate the greenhouse gases with this regulation.

The second thing that it does is this administration has been more aggressive than any in recent history on regulating the coal industry. The second thing that we do is we simply require the Department of Commerce to lead an interagency committee that will complete analysis of key EPA rules and regulations and the impact that they have on jobs in America, on our ability to compete in the global marketplace, on the energy prices, on energy reliability, and on the benefits.

What is so radical about that? An interagency task force to simply examine the cost of this cumulation of the impact of the regulations on energy prices, impact on global competitiveness, impact on energy reliability. What is so radical about that?

Then, finally, the third thing that it does is we say we're going to establish minimum Federal requirements for the management of coal ash. Coal ash has been used in America for 50 years or more to build highways and to be used in concrete. All we're saying is we're going to set a minimum Federal standard, and we're going to let the States enforce it through enforceable permits. Then EPA can get into the action if they want to if the State fails to act.

I don't view this as anything radical. If you go to any coal mine today, and you tell people that work in those coal mines that this administration is not harming their ability to work, I think you would be facing a losing argument.

One of the things that upsets me most about all these regulations is that when Lisa Jackson comes to testify, she talks about all of the benefits from a health perspective. I would be the first to acknowledge our air today is cleaner than it has ever been and all of us can take pleasure in that and feel very proud about the effectiveness that the Clean Air Act has given us.

The important thing today is to recognize that there are diminishing returns in these additional regulations.

If you look at the cost to the coal miner and his family when they lose their health care, the EPA does not look at the impact that that will have, the costs that that will have to society; but they look at models, and they determine that maybe next year they're going to prevent 1 million people from having asthma, which is quite subjective.

This is a reasonable piece of legislation that simply tries to slow down EPA, particularly at a time when our economy is weak, when we're trying to create jobs, not lose jobs, and when we're trying to be and remain competitive in the global marketplace with countries like China that are stepping up the use of their coal when we're sitting here with a 225-year reserve of coal.

I reserve the balance of my time.

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

Over the past 2 years, this Republican House has amassed the most anti-environment record in the history of Congress.

During this period, the Republican House has voted more than 300 times on the floor to weaken long-standing public health and environmental protections, block important environmental standards, and even halt environmental research. It's an appalling record.

I remember a time when there was bipartisan support for protecting the environment. Some of our best allies were Republicans like former Science Committee Chairman Sherwood Boehlert. It would have been unthinkable then to bring a bill that eviscerates the Clean Air Act and the Clean Water Act to the floor. But those days are apparently over.

Our last order of business before the election in 2012 is this bill, H.R. 3409. This is the single worst anti-environment bill to be considered during the most anti-environment House of Representatives in history. Under the guise of protecting coal mining jobs, House Republicans have resurrected their most extreme anti-environmental bills.

This new Frankenstein legislation is a sweeping attack on environmental protections, many of which had nothing to do with coal. It's an all-out assault on America's bedrock environmental protections.

Since 1970, when Richard Nixon was the President of the United States, the U.S. has had a national policy that air should be safe enough for people to breathe. The Republican bill that we're considering today would overturn this policy and cut the heart out of the Clean Air Act by allowing air quality standards to be set on the basis of polluter profits rather than health. This would reverse decades of progress in cleaning up our air. The gentleman that just last spoke on the floor said it was great, he likes the fact that we have cleaner air, but enough is enough.

□ 1750

The standards that we see being changed would no longer be based on health.

The bill also nullifies EPA's rules to require power plants to finally reduce their emissions of toxic mercury, which can cause brain damage and learning disabilities in infants and children. Blocking reductions in toxic air pollution means more heart attacks, more asthma attacks, more emergency room visits, and more premature deaths. Well, we've had enough of those kinds of clean air. Why have we've got to go backwards and allow toxic pollution to do harm to so many people?

But the bill doesn't stop there. It would overturn the Obama administration's historic vehicle fuel efficiency and carbon pollution standards. These standards are supported by the auto industry because they provide the industry with regulatory certainty and a single, national program. The standards will boost our energy independence by saving over 2 million barrels of oil a day. They will save consumers thousands of dollars at the pump over the life of a vehicle. The savings to American consumers will be equivalent to lowering gasoline prices by $1 per gallon.

These standards that the Republican bill would overturn are a victory for the auto industry, consumers, and the environment. They have nothing to do with coal. But House Republicans are targeting them anyway.

The legislation would prohibit EPA from taking any action to reduce dangerous carbon pollution. It codifies climate science denial by overturning EPA's scientific finding that carbon pollution endangers health and welfare. The premise of title II of this bill is that climate change is a hoax. The bill even eliminates the existing requirement that oil refineries, chemical plants, and other large polluters disclose how much carbon pollution they are releasing.

The signs that climate change is already occurring are all around us. The recent wildfires, drought, and heat

waves are exactly the types of extreme weather events that scientists have been predicting for years. The House Republican solution to the greatest environmental challenge of our time is to bury their heads in the sand and pretend it isn't happening. And they call this bill a moderate, not extreme, one.

This assault on the Nation's environmental laws will be the last order of business before the House adjourns for the election. It won't go anywhere in the Senate. It is a partisan, political bill that is distracting us from dealing with the real problems facing our Nation, like creating jobs and strengthening our economy.

We should stay here, Mr. Chairman, and do some real work for a change. This political bill is the wrong direction for America.

I urge my colleagues to oppose this legislation, and I reserve the balance of my time.

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

The Acting CHAIR (Mr. WOODALL). The gentleman from Kentucky has 4½ minutes remaining.

Mr. WHITFIELD. Thank you.

At this time I yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN), who's a valuable member of the Energy and Commerce Committee.

Mrs. BLACKBURN. I thank the gentleman from Kentucky for his good work on this piece of legislation.

Mr. Chair, there is a war being waged on energy and on coal in this country. But it's not coming from another country; it is coming from our own government. And we see this taking place every day.

Here are a few facts. The United States produces 35 percent of the world's coal, which is more than any other country in the entire world. Most Americans think that we should be using our natural resources to improve the quality of life and to benefit our citizens. And indeed we should. We have more than 250 billion tons of recoverable coal here in this country.

Coal produced about 42 percent of all the electricity that was generated in the U.S. last year. Shutting down the coal industry might sound like a good idea at the Sierra Club meeting, but it doesn't make any sense. This legislation is needed because it puts the brakes on the EPA. I encourage my colleagues to support the bill.

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

Mr. WHITFIELD. I yield 1 minute to the gentleman from West Virginia (Mr. MCKINLEY).

Mr. MCKINLEY. I rise today in an effort to stop this administration's war on coal. Those who believe that there is no war on coal are in dangerous denial. The actions of this administration against coal have caused massive uncertainty in the marketplace.

Obama's war on coal has come in waves. First, with the retroactive retracting of mine water permits, shutting down a coal mine. New source performance standards, shutting down all new coal mine construction. Utility MACT is shutting down all existing powerhouses. Boiler MACT; particulate matter; stream buffer rule; treating coal ash as a hazardous material; cross-state air pollution; slow-walking over 900 coal mining permits.

I'm here to support the coal ash provision with this. The majority in the House and the Senate have already four times passed this concept. They support this issue.

This is not a war on coal, though. It's a war on the communities that mine coal. When you shut down a coal mine, you shut down concrete block suppliers, timber cribbing, machinists who maintain the motors and equipment, and electrical workers.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time remains on each side?

The Acting CHAIR. The gentleman from California has 3¾ minutes remaining. The gentleman from Kentucky has 2½ minutes remaining.

Mr. WAXMAN. We have an additional speaker who is on his way, so I continue to reserve the balance of my time.

Mr. WHITFIELD. At this time I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN), who's the vice chairman of the Energy and Power Subcommittee.

Mr. SULLIVAN. Thank you, Chairman WHITFIELD.

Mr. Chair, I rise today in strong support of H.R. 3409, the Stop the War on Coal Act. This bill would help reverse the negative impact of President Obama's coal policies and protect American jobs from overregulation by the EPA.

The Obama administration is trying to regulate what they don't have the votes to legislate, and it's costing American jobs. Just this week, Alpha Natural Resources announced the elimination of 1,200 jobs due to the Obama administration's hostility towards the coal industry. The relief this bill provides cannot come soon enough.

One of the main provisions of the bill is the TRAIN Act. It's bipartisan legislation I authored and the House passed last year. The TRAIN Act forces EPA to conduct an in-depth cost benefit analysis of their most expensive power sector regulations so the American people can fully understand how the EPA's train wreck of regulations is impacting our economy.

At its heart, the TRAIN Act simply asks these questions:

What do these EPA regulations mean for the ability to compete in a global marketplace?

Will electricity prices climb, and by how much?

How would higher electricity prices and power plant closures affect jobs in the U.S. economy?

This is the right thing to do. I urge the passage of this measure.

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

Mr. WHITFIELD. At this time I yield 1 minute to the gentleman from Kansas (Mr. POMPEO), a member of the Energy and Commerce Committee.

Mr. POMPEO. Thank you, Mr. Chairman.

When you think of coal and jobs, you don't necessarily think of Kansas. But in Kansas we depend on affordable, abundant energy to build airplanes, to grow crops—all of the things that come with affordable energy. This legislation stopping the President's war on coal is important to jobs not only in coal country, but in Kansas and everyplace. We're trying for economic growth all across the country.

It's simply implausible to imagine how you can regulate an industry and try and shut down any new coal-fired power plants, and then try and take money and subsidize it and think you've got good energy policy all across America. It should come as no surprise that we have 23 million people out of work, economic growth under 2 percent, and these EPA regulations that continue, one on top of another, are a primary cause of that.

I urge my colleagues to support this legislation.

Mr. WHITFIELD. We have no further requests for time, and I reserve the balance of my time to close.

The Acting CHAIR. The gentleman from Kentucky has 45 seconds remaining.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of New Jersey, an important member of our committee, the ranking member of the Health Subcommittee, FRANK PALLONE.

□ 1800

Mr. PALLONE. Mr. Chairman, I rise today to speak in opposition to H.R. 3409, another in a string of bills put forth by the most anti-environment House in the history of Congress.

I would like to specifically reference title V of the legislation, which bars EPA from reviewing permits that allow mining companies to dump the material they blast off the top of mountains into streams and valleys.

Last year, EPA issued a decision to reject proposed disposal of mountaintop mining waste into West Virginia streams on the Spruce Mine No. 1 property.

Let me stress that this was an extremely rare action taken by EPA, and the first time it has used the Clean Water Act to overturn an approved mining permit.

This mine would have dumped 110 million cubic yards of coal mine waste into nearby streams, burying more than 6 miles of high-quality streams in Logan County and causing permanent damage to the ecosystem.

The surface mining in the steep slopes of Appalachia has disrupted the biological integrity of an area about

the size of Delaware, buried approximately 2,000 miles of streams with mining waste, and contaminated downstream areas with toxic elements.

People have been drinking the byproducts of coal waste from mountaintop removal for more than two decades. Rather than clean and clear water running out of their faucets, the people of Appalachia are left with orange or black liquid instead.

But this is not just about the environment. It's about public health. The health problems caused by exposure to these chemicals and heavy metals include cancer, organ failure, and learning disabilities. Not only that, but there are multiple cases of children suffering from asthma, headaches, nausea, and other symptoms likely due to toxic contamination from coal dust.

This is environmental injustice, Mr. Chairman. My colleagues on the other side of the aisle will claim EPA is killing jobs, and I disagree. What EPA is doing is protecting the people of Appalachia from exposure to toxic chemicals that are harming them.

We must put a stop to the dangerous practice of mountaintop removal mining, and I'm the lead sponsor of the Clean Water Protection Act, which would do just that.

I urge my colleagues to oppose this harmful legislation.

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

Mr. Chairman and my colleagues, there is no war on coal. If coal is not able to compete with cheaper natural gas, that's not the government's fault. That's the market. That's the way it works. Do we blame the government for the failure of typewriter manufacturers to stay in business because they've been replaced by computers?

Coal is not going to go out of business.

The President said in his Statement of Administration Policy:

> To be clear, the administration believes that coal is and will remain an important part of our energy mix for decades to come. For that reason, since 2009, the administration has committed nearly $6 billion in advanced coal research, development and deployment and continues to work with industry on important efforts to demonstrate advanced coal technologies.

Let me just tell you what the American Heart Association, the American Lung Association, American Public Health Association, Asthma and Allergy Foundation of America, Health Care Without Harm, National Association of County and City Health Officials, Physicians for Social Responsibility, and Trust for America's Health say. They say:

> With such dramatic consequences for public health and enormous costs from air-pollution-related illnesses, we urge you to stand up to the pressure of big polluters and reject H.R. 3409 for what it is, a war on lungs.

That has no place at the top of Congress's legislative agenda.

Coal has had a pretty good deal. They've never had to carry the full cost of burning coal because they have never had to pay for the external consequences to human health and the environment.

But their failure in the market is because of lower competition.

I yield back the balance of my time.

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

America would not be where it is today economically without the use of coal. I think all of us recognize that.

I would like to just read a couple of statements from recent court decisions about EPA.

The court called EPA's rationale magical thinking and its stunning power for an agency to arrogate to itself. It says, EPA acted arbitrarily and capriciously and in excess of its statutory authority.

The President says different things at different times. When he was a candidate last time, he said that he would bankrupt the coal industry. When he's a candidate today, he says he supports the coal industry. But his administration, through the EPA, shows clearly that they oppose coal.

The proposed greenhouse gas regulations, if finalized, would prohibit the building of a coal-power plant in America.

I yield back the balance of my time.

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

I rise in strong support of H.R. 3409, the Coal Miner Employment and Domestic Infrastructure Protection Act. Almost four decades ago, when Congress enacted the Clean Water Act, Congress established a system of cooperative federalism by making the Federal Environmental Protection Agency, the EPA, and the States partners in regulating the Nation's water quality and allocated the primary responsibilities for dealing with the day-to-day water pollution control matters to the States.

For most of these almost-four decades, this system of cooperative federalism between the EPA and the States has worked quite well. However, in recent years, the EPA has begun to use questionable tactics to usurp the States' role under the Clean Water Act in setting water quality standards and to invalidate legally issued permits by the States.

The EPA has decided to get involved in the implementation of State standards, second-guessing States with respect to how standards are to be implemented and even second-guessing EPA's own prior determinations that a State standard meets the minimum requirements of the Clean Water Act.

The EPA also has inserted itself into the States' and the Army Corps of Engineers' permit issuance decision and is second-guessing States' and other agencies' permitting decisions.

EPA's actions increasingly are amounting to bullying the States and are unprecedented.

Title V of H.R. 3409 is the text of H.R. 2018, a bill that has already been approved by the House of Representatives overwhelmingly in a bipartisan vote. Title V of H.R. 3409 will clarify and restore the long-standing balance that has existed between the States and the EPA as co-regulators under the Clean Water Act and preserve the authority of the States to make determinations relating to their water quality standards and permitting.

The language in title V was carefully and narrowly crafted to preserve the authority of States to make decisions about their own water quality standards and permits without undue interference or second-guessing from the EPA bureaucrats in Washington with little or no knowledge of local water quality conditions.

Title V reins in EPA from unilaterally issuing a revised or new water quality standard for a pollutant whenever a State has adopted, and EPA already approved, a water quality standard for that pollutant.

Title V restricts the EPA from withdrawing its previous approval of a State's NPDES water quality permitting program, or from limiting Federal financial assistance for a State water quality permitting program on the basis that the EPA disagrees with that State.

Further, title V restricts the EPA from objecting to NPDES permits issued by a State. Moreover, title V clarifies that the EPA can veto an Army Corps of Engineers Clean Water Act section 404 permitting decision when the State concurs with the veto.

These limitations apply only in situations where the EPA is attempting to contradict and unilaterally force its own one-size-fits-all Federal policies on a State's water quality program.

By limiting such overreaching by the EPA, title V in no way affects EPA's proper role in reviewing States' permits and standards and coordinating pollution control efforts between the States.

□ 1810

The EPA just has to return to a more collaborative role it has long played as the overseer of the State's implementation of the Clean Water Act.

Detractors of this legislation claim that the bill only intends to disrupt the complementary roles of EPA and the States under the Clean Water Act, and eliminate EPA's ability to protect water quality and public health in downstream States from actions in upstream States.

In reality, these detractors want to centralize power in the Federal Government so it can dominate water quality regulation in the States. Implicit in their message is that they do not trust the States in protecting the quality of their waters and the health of their citizens.

Title V of H.R. 3409 returns the balance, certainty, and cooperation between States and the Federal Government in regard to the environment that our economy, job creators, and permit holders have been begging for.

I urge passage of H.R. 3409 and reserve the balance of my time.

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

I rise in support of the Stop the War on Coal Act, or as I prefer to call it, the ''Defense of Coal Miners Jobs Act.''

It has already been made clear on this floor that America's coal industry is under siege. Coal companies themselves have been very upfront about the chief source of their troubles, their lost revenues, mine closures, and layoffs. According to coal company officials and their own corporate financial statements, the biggest factor negatively affecting coal of late has been economic—involving declining demand in metallurgical coal, softness in the thermal coal market, a slowdown in the worldwide economy, milder than expected weather, and the resulting growth in coal stockpiles—all, of course, amplified by the low cost of natural gas. But when these factors began to evolve, already darkly looming over coal were the ever-tightening constrictions of the Clean Water Act—that regulatory perpetual motion machine from which rule after rule has rolled out with no regard for the condition of the economy or the effect those regulations would have on the livelihoods of American families.

Meanwhile, long-running legal skirmishes—lawsuit on top of lawsuit—challenging coal mine permitting in my home State had, for decades, unfairly and inhumanely left coal miners and their families constantly looking over their shoulders, waiting to be told that their mine was shutting down and their paychecks were stopping.

And then along came the current EPA leadership and what may be the most flagrantly offensive tactic aimed squarely at undoing coal. This agency has singled out what I believe it saw as a politically expendable region of the country and imposed a wholly new permitting regime.

This EPA has run roughshod over my State and others in central Appalachia to impose its own ideological agenda. It usurped the legal authorities of other Federal agencies. It brazenly misused and abused its regulatory powers to put a stranglehold on coal mine permitting in these States. This is not just my assessment; this is the assessment of the courts, which found:

The EPA has overstepped its statutory authority under the Clean Water Act and infringed on the authority afforded by law to the States.

I know quite possibly better than anyone else on this floor today how the regulatory arm of the government can wreak havoc on the people we represent. I know because the real front lines of this war are not here in Washington; they run through the hills and hollows of southern West Virginia, throughout our coal fields, through our very vein. The true soldiers in this war are our coal miners, who simply want to do their jobs. They want to earn an honest living and decent benefits for themselves and their families.

Now, I've been proud to stand in this body for over three decades, to stand in the trenches and fight with our coal miners, and I'm not about to break ranks with them one iota. In defense of our coal miners, along with Chairman MICA of our Transportation Committee and myself, we drafted H.R. 2018, the Clean Water Cooperative Federalism Act, which is a key part of this bill we consider today, as Chairman GIBBS knows well and has been helpful with as well.

I have, as well, supported the other measures that comprise this legislation when they passed the House as standalone bills, with the exception of the base bill to which they have been attached, as it has not been considered on the floor on its own.

I stand here now on this floor in support of this bill to once again defend our coal miners and their families in my State of West Virginia. Coal miners have risen up against their government before—just look at the history. They've marched on Washington before; we've heard their voices. If this EPA continues to turn a blind eye to the law to impose its anti-coal views, if it continues to unlawfully mess with our miners to cut off their paychecks and cut short their dreams, then I have a message for the EPA from the folks back home: You've not heard the last from us. You've not heard the last at all.

American workers want to work. Jobs are hard to come by these days. This government ought not to be a party to eliminating the ones that still exist. So in defense of our coal miners' jobs, I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Mr. GIBBS. Mr. Chairman, we have no more speakers. I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, let me just say that the bottom line is that the coal industry, as do all industries, needs regulatory stability. As the only sitting Member of this body who was a conferee on the bill which became SMCRA—the Surface Mining Control and Reclamation Act—I well recall that our goal back in 1977, when that legislation passed, was to create a dovetailing between coal production and environmental protection. My own State of West Virginia at that time was—and still is—a leader in surface mine reclamation.

Our industry was doing the job. Indeed, under SMCRA, we almost achieved that goal until recent years, when an activist EPA sought to usurp all authorities of other agencies—be it the Corps of Engineers or the Office of Surface Mining under the Department of the Interior. SMCRA should run the permitting process. Water quality permits should then follow, not vice versa.

So, again, I urge support of this bill. And I point to how we have been able to do it in West Virginia—effectively reclaim our land, provide jobs for our people, and have an environmentally sound environment in which our people are proud and in which jobs are provided—and good-paying jobs, I might add—for the people of West Virginia and all of our Appalachian States.

So I would urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. GIBBS. Mr. Chairman, I will conclude and yield myself the balance of my time.

I want to thank my colleague from West Virginia, who is understanding of what's happening in the United States Environmental Protection Agency, the revocation of the permits.

As a freshman here in Congress, I've been here not quite 2 years, and I have witnessed one of the most egregious things I have ever seen—I call it un-American. I think maybe I will just talk for a couple of minutes here and give the example of what happened with that, which just blew me away when I learned what happened.

We had an operation in the State Mr. RAHALL represents that went through 10 years of an environmental impact study—did everything they did, went beyond what they needed to do. In 2007, they were granted their permits and they started the operation up, the mining operation. In 2010, when this administration came into power, they revoked their permits. And I was arguing then that they didn't have the authority under the Clean Water Act to revoke the permit 3 years later, especially when there was no due reason, no cause.

We held hearings on this in my committee. What we discovered is that the State of West Virginia EPA did not support those actions, and the Army Corps of Engineers stated that there were no problems at the operation, there were no permit violations. So this is the first time in American history, I believe, that a permit to be in business was revoked when there were no permit violations.

□ 1820

Now, this sets a very dangerous precedent because lots of entities, not just in the coal industry, but lots of entities have to have a permit from the government to be in business. And if the government can come in and take your permit for no true cause, real cause, not in violation of the permit, who's going to invest? How are we going to grow this economy?

This is all about jobs and growing the economy. And so this is why it's so important that title V of this bill needs to be passed.

I want to applaud Mr. RAHALL and his support of that because he understands what the workers in his State are going through, and as we saw this week, all the thousands of layoffs of coal miners because there is a war on coal, and it's a war on our economy and it lessens our opportunity and, in essence, our freedoms.

So I urge Members to support this bill, and I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Chair, I rise in opposition to H.R. 3409, the ''Stop the War on Coal Act.'' This legislation represents the wish list of our Nation's worst polluters. It would do nothing to make our country more energy independent, but it would strip Americans of basic clean air and clean water protections. Several provisions of the bill have previously been considered by the Energy and Commerce Committee, on which I serve, and they are no better than when they were first introduced. They would all have a devastating impact on human health and the environment.

H.R. 3409 would eliminate tailpipe standards to reduce carbon pollution from model year 2017–2025 vehicles, bar EPA from requiring power plants and refineries to reduce carbon pollution, and undo requirements for power plants and refineries to disclose their carbon pollution. Those provisions would make our air dirtier without promoting job growth or energy independence.

The bill would delay the enforcement of the Mercury and Air Toxics and Cross-State Air Pollution standards. The Mercury and Air Toxics Standard will prevent 4,500 cases of acute bronchitis, 12,000 emergency room visits, 120,000 cases of aggravated asthma and more than 6,800 premature deaths annually. The Cross-State Air Pollution Rule will prevent 19,000 cases of acute bronchitis, 15,000 nonfatal heart attacks, 400,000 cases of aggravated asthma, and 34,000 deaths per year. Every year these regulations are delayed, over 40,000 preventable deaths will occur.

In 2008, the Kingston coal ash disaster dumped over one billion gallons of coal ash into the Emory River, contaminating drinking water with arsenic, chromium, selenium, lead, and mercury. The EPA submitted two options for regulating of coal ash disposal to prevent a similar disaster in the future. H.R. 3409 would require a standard weaker than either recommendation made by the EPA. It would allow states to regulate coal ash landfills by the same standards we use for ordinary household garbage, subjecting millions of Americans to increased risk of cancer, neurological disorders, birth defects, reproductive failure, asthma, and other complications.

This legislation would allow states to veto EPA water quality decisions even when a water source is heavily polluted. It would also restrict EPA from requiring improvements to state water quality standards when they fail to protect public health. Waterways cross state boundaries, and the effects of one state's lax regulations can have terrible consequences not just to their populations, but also to states downstream.

We have a responsibility to our children and grandchildren to protect the air they breathe and the water they drink. Legislation like H.R. 3409 puts the priorities of a few selfish corporate polluters ahead of hundreds of millions of Americans. I strongly oppose this bill and urge my colleagues to join me in voting against final passage.

Mr. GEORGE MILLER of California. Mr. Chair, I rise today to oppose this bill because it's a mere political message—not a solution for the Nation's coal mining communities.

Simply put: Jobs are being lost in the coalfields because natural gas is cheaper.

Adopting this bill will do nothing to change those market forces.

Likewise, this bill has nothing to do with protecting coal miners or ensuring they return home safely after their shift.

It's been more than two years since 29 miners died in the Upper Big Branch mine. And for more than two years, families who lost a loved one in the mine have demanded congressional action.

They want to ensure that the system does not let unscrupulous mine owners cover up unsafe conditions.

All they want is to be sure that no other family will have to go through what they did.

Well, more than two years and four investigative reports later, this Congress still has not acted.

I've met plenty of miners in my day. They're smart enough to see through this stunt.

I urge my colleagues to vote ''no'' on this bill, and turn our attention to job creation and job safety.

Mr. QUIGLEY. Mr. Chair, it's like we're stuck in some sort of time warp—a Groundhog Day to end all Groundhog Days.

This House has voted 302 times to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands and coastal areas, and to weaken the protection of the environment in other ways.

But, not everybody's got their head in the sand. Richard Muller, a physicist at the University of California, Berkeley, and a prominent climate change skeptic, recently announced a change in his stance on the issue.

''Call me a converted skeptic,'' he wrote this July. ''Three years ago I identified problems in previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.''

The debate is over. Climate change is real. But this bill ignores sound science, and would actually speed up climate change rather than slow it down. This bill, despite sound science, tells us that we should decrease ozone standards nationally, and increase the risk of skin cancer.

This bill, despite sound science, tells us that the new CAFE standards—supported by the Alliance of Automobile Manufacturers, the automobile industry, states and others—aren't worth the 2.2 million barrels of oil per day that would be saved; or worth the $1 per gallon consumer savings that would be achieved by 2025.

Denying climate science, eliminating the EPA's ability to reduce carbon pollution, killing the high-paying, long-term green industry jobs we're working so hard to create, endangering public health by allowing coal ash and mountaintop mining removal materials to pollute our valleys and streams—these are not new topics to this Congress.

These are all bills we've passed before, bills that have no hope in the Senate, no hope on the President's desk, and no hope to do any good for this country. What would be new is a solution-oriented policy discussion surrounding the extension of the Production Tax Credit, or PTC, which provides tax incentives for clean, renewable energy sources.

I oppose today's bill, as I've opposed these devastating measures in the past, and will continue to fight to bring the PTC successfully across the finish line.

If this so-called ''war on coal'' was really all about jobs, then we'd be leaving in place important rules like the Mercury Air Toxics Standard, which actually creates jobs, as do all of the rules that pertain to pollution controls—jobs in expert science industries.

But we've become so focused on repeal, repeal, repeal, that we fail to listen to utility and energy industry experts who tell us that their bottom line is being impacted by this fervor to eliminate rules and regulations for fair play.

We fail to listen to nearly 100 prominent economists—including Nobel Prize winners Joseph Stiglitz, Kenneth Arrow and Robert Solow—who tell us we've got the tools of job creation at hand.

''The Antiquities Act of 1906,'' these economic leaders wrote in a letter to the President last fall, ''would establish new national parks and monuments that can be one of the quickest ways to spur local hiring and build productive communities.''

When the Antiquities Act of 1906 was established, Teddy Roosevelt was fighting with Congress over the importance of preserving the Grand Canyon as a national park.

Way back when, the fight was whether to preserve the canyon or mine it for zinc, copper, asbestos and the like. Sounds a lot like today. A similar threat loomed over the Canyons this year, where international and domestic mining companies were clamoring for the rights to extract uranium from the nearby national forest.

That was, until the President and Secretary Salazar instated a plan to ban new uranium and other mining claims on 1 million acres of federal lands bordering the Grand Canyon for the next 20 years. It is my humble estimation that President Roosevelt would approve these efforts, and so do I.

''We regard attic temples and Roman triumphal arches and Gothic cathedrals as a priceless value,'' Roosevelt wrote. ''But we are, as a whole, still in that low state of civilization where we do not understand that it is also vandalism wantonly—to destroy or to permit the destruction of what is beautiful in nature, whether it be a cliff or forest, or a species of mammal or bird.''

Mountaintop mining, ocean acidification, epidemic rates of asthma—this destruction of nature is economic destruction at best, and vandalism at worst. Land, water, air—our economy, our lives—they're all at stake today.

I oppose this bill, I oppose this sentiment to cast aside rules and laws that preserve and protect, and I ask my colleagues to join me in the fight for green, clean energy.

Mr. DINGELL. Mr. Chair, the definition of insanity is doing the same thing over and over again and expecting a different result each time. We have voted over 30 times to repeal the health care law. We have already voted on a number of provisions in the bill before us. Each time the Republican majority has forced through legislation with little to no bipartisan support and each time the Senate has refused to consider any one of those bills.

Where are the jobs bills? Where are the new ideas from the Republican majority? How much time have we wasted this Congress on legislation that will never be considered by the Senate and would never be signed by the President?

A partisan agenda is not what this country needs; what we need are investments in innovative technologies and sources of energy so America does not fall further behind countries such as China, Korea, Germany, and others

who are subsidizing innovative energy technology.

This bill and the bills we've already voted on this package are simply veto bait that does nothing to help working families, invest in innovative technology, or boost our manufacturing industry.

The majority of the bill before us today deals with the Clean Air Act. In passing the Clean Air Act Amendments of 1990, which a number of my Republican colleagues in this House cosponsored, the Energy and Commerce Committee held over 70 hearings during a 10 year period and 21 more during the 101st Congress. A total of seven House Committees participated in the Conference Committee. My point in saying all of this is that any changes to the Clean Air Act must include vigorous debate, not just with the people we agree with, but also those we disagree with. It must also include careful analysis of the Clean Air Act and what problems it creates and what this Committee and Congress should do about these problems. To my colleagues I would say if there is a problem, we should use the limited time we have to address the question of what are the problems and what are the alternatives or solutions.

Just because members disagree with some of the actions taken by the EPA recently doesn't mean we need to defund and dismantle the EPA. As I have said a number of times, the Clean Air Act alone has reduced key pollutants by 60 percent since 1970 while at the same time the economy grew by over 200 percent. We can maintain a healthful environment while creating jobs and growing businesses without going back to the days of undrinkable water and unbreathable air.

We cannot simply be the House of "no." We can and we must do better for the sake of our country. I must ask my Republican colleagues, is your priority this Congress to build partisan talking points or build a stronger American economy that can compete in the global economy of the 21st century? I hope it is the latter because I know I was elected to do the work of the people and I hope my colleagues on the other side of the aisle will start doing the same.

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

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–32. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Stop the War on Coal Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—LIMITATION ON AUTHORITY TO ISSUE REGULATIONS UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

SEC. 101. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.

The Secretary of the Interior may not, before December 31, 2013, issue or approve any proposed or final regulation under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) that would—

(1) adversely impact employment in coal mines in the United States;

(2) cause a reduction in revenue received by the Federal Government or any State, tribal, or local government, by reducing through regulation the amount of coal in the United States that is available for mining;

(3) reduce the amount of coal available for domestic consumption or for export;

(4) designate any area as unsuitable for surface coal mining and reclamation operations; or

(5) expose the United States to liability for taking the value of privately owned coal through regulation.

TITLE II—NO GREENHOUSE GAS REGULATION UNDER THE CLEAN AIR ACT

SEC. 201. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (as published at 75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and implementation and enforcement of the rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' (as published at 76 Fed. Reg. 57106 (September 15, 2011) and without further revision).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, demonstration programs and voluntary programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I substances or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act', published at 74 Fed. Reg. 66496 (December 15, 2009).

''(C) 'Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs', published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (December 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action to Ensure Authority to Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for actions listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that constitutes a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISION DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 202. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be construed to waive the application of subsection (a).''.

TITLE III—TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON NATION

SEC. 301. COMMITTEE FOR THE CUMULATIVE ANALYSIS OF REGULATIONS THAT IMPACT ENERGY AND MANUFACTURING IN THE UNITED STATES.

(a) ESTABLISHMENT.—The President shall establish a committee to be known as the Committee for the Cumulative Analysis of Regulations that Impact Energy and Manufacturing in the United States (in this Act referred to as the ''Committee'') to analyze and report on the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, in accordance with sections 302 and 303.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Agriculture, acting through the Chief Economist.

(2) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(3) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(4) The Secretary of Energy, acting through the Administrator of the Energy Information Administration.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Administrator of the Environmental Protection Agency.

(7) The Chairman of the Council of Economic Advisors.

(8) The Chairman of the Federal Energy Regulatory Commission.

(9) The Administrator of the Office of Information and Regulatory Affairs.

(10) The Chief Counsel for Advocacy of the Small Business Administration.

(11) The Chairman of the United States International Trade Commission, acting through the Office of Economics.

(c) CHAIR.—The Secretary of Commerce shall serve as Chair of the Committee. In carrying out the functions of the Chair, the Secretary of Commerce shall consult with the members serving on the Committee pursuant to paragraphs (5) and (11) of subsection (b).

(d) CONSULTATION.—In conducting analyses under section 302 and preparing reports under section 303, the Committee shall consult with, and consider pertinent reports issued by, the Electric Reliability Organization certified under section 215(c) of the Federal Power Act (16 U.S.C. 824o(c)).

(e) TERMINATION.—The Committee shall terminate 60 days after submitting its final report pursuant to section 303(c).

SEC. 302. ANALYSES.

(a) SCOPE.—The Committee shall conduct analyses, for each of the calendar years 2016, 2020, and 2030, of the following:

(1) The cumulative impact of covered rules that are promulgated as final regulations on or before January 1, 2013, in combination with covered actions.

(2) The cumulative impact of all covered rules (including covered rules that have not been promulgated as final regulations on or before January 1, 2013), in combination with covered actions.

(3) The incremental impact of each covered rule not promulgated as a final regulation on or before January 1, 2013, relative to an analytic baseline representing the results of the analysis conducted under paragraph (1).

(b) CONTENTS.—The Committee shall include in each analysis conducted under this section the following:

(1) Estimates of the impacts of the covered rules and covered actions with regard to—

(A) the global economic competitiveness of the United States, particularly with respect to energy intensive and trade sensitive industries;

(B) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach;

(C) any resulting change in national, State, and regional electricity prices;

(D) any resulting change in national, State, and regional fuel prices;

(E) the impact on national, State, and regional employment during the 5-year period beginning on the date of enactment of this Act, and also in the long term, including secondary impacts associated with increased energy prices and facility closures; and

(F) the reliability and adequacy of bulk power supply in the United States.

(2) Discussion of key uncertainties and assumptions associated with each estimate.

(3) A sensitivity analysis.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health;

(G) local and industry-specific labor markets; and

(H) agriculture,

as well as key uncertainties associated with each topic.

(c) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(d) DATA.—In conducting analyses under this section, the Committee—

(1) shall use the best data that are available to the public or supplied to the Committee by its members, including the most recent such data appropriate for this analysis representing air quality, facility emissions, and installed controls; and

(2) is not required to create data or to use data that are not readily accessible.

(e) COVERED RULES.—In this section, the term ''covered rule'' means the following:

(1) The following published rules (including any successor or substantially similar rule):

(A) The Clean Air Interstate Rule (as defined in section 304(a)(4)).

(B) ''National Ambient Air Quality Standards for Ozone'', published at 73 Fed. Reg. 16436 (March 27, 2008).

(C) ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'', published at 76 Fed. Reg. 15608 (March 21, 2011).

(D) ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'', published at 76 Fed. Reg. 15554 (March 21, 2011).

(E) ''National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'', published at 77 Fed. Reg. 9304 (February 16, 2012).

(F) ''Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities'', published at 75 Fed. Reg. 35127 (June 21, 2010).

(G) ''Primary National Ambient Air Quality Standard for Sulfur Dioxide'', published at 75 Fed. Reg. 35520 (June 22, 2010).

(H) ''Primary National Ambient Air Quality Standards for Nitrogen Dioxide'', published at 75 Fed. Reg. 6474 (February 9, 2010).

(I) ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants'', published at 75 Fed. Reg. 54970 (September 9, 2010).

(2) The following additional rules or guidelines promulgated on or after January 1, 2009:

(A) Any rule or guideline promulgated under section 111(b) or 111(d) of the Clean Air Act (42 U.S.C. 7411(b), 7411(d)) to address climate change.

(B) Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).

(C) Any rule establishing or modifying a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409).

(D) Any rule addressing fuels under title II of the Clean Air Act (42 U.S.C. 7521 et seq.) as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, or any substantially similar rule, including any rule under section 211(v) of the Clean Air Act (42 U.S.C. 7545(v)).

(f) COVERED ACTIONS.—In this section, the term ''covered action'' means any action on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality) or title V (relating to permitting) of the Clean Air Act (42 U.S.C. 7401 et seq.), if such application occurs with respect to an air pollutant that is identified as a greenhouse gas in ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'', published at 74 Fed. Reg. 66496 (December 15, 2009).

SEC. 303. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than March 31, 2013, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 302.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 120 days after such submission.

(c) FINAL REPORT.—Not later than September 30, 2013, the Committee shall submit to Congress a final report containing the analyses conducted under section 302, including any revisions to such analyses made as a result of public comments, and a response to such comments.

SEC. 304. ADDITIONAL PROVISIONS RELATING TO CERTAIN RULES.

(a) CROSS-STATE AIR POLLUTION RULE/TRANSPORT RULE.—

(1) EARLIER RULES.—The rule entitled ''Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals'', published at 76 Fed. Reg. 48208 (August 8, 2011), and any successor or substantially similar rule, shall be of no force or effect, and shall be treated as though such rule had never taken effect.

(2) CONTINUED APPLICABILITY OF CLEAN AIR INTERSTATE RULE.—In place of any rule described in paragraph (1), the Administrator of the Environmental Protection Agency (in this section referred to as the ''Administrator'') shall continue to implement the Clean Air Interstate Rule.

(3) ADDITIONAL RULEMAKINGS.—

(A) ISSUANCE OF NEW RULES.—The Administrator—

(i) shall not issue any proposed or final rule under section 110(a)(2)(D)(i)(I) or section 126 of the Clean Air Act (42 U.S.C. 7410(a)(2)(D)(i)(I), 7426) relating to national ambient air quality standards for ozone or particulate matter (including any modification of the Clean Air Interstate Rule) before the date that is 3 years after the date on which the Committee submits the final report under section 303(c); and

(ii) in issuing any rule described in clause (i), shall base the rule on actual monitored (and not modeled) data and shall, notwithstanding section 110(a)(2)(D)(i)(I), allow the trading of emissions allowances among entities covered by the rule irrespective of the States in which such entities are located.

(B) IMPLEMENTATION SCHEDULE.—In promulgating any final rule described in subparagraph (A)(i), the Administrator shall establish a date for State implementation of the standards established by such final rule that is not earlier than 3 years after the date of publication of such final rule.

(4) DEFINITION OF CLEAN AIR INTERSTATE RULE.—For purposes of this section, the term ''Clean Air Interstate Rule'' means the Clean Air Interstate Rule and the rule establishing Federal Implementation Plans for the Clean Air Interstate Rule as promulgated and modified by the Administrator (70 Fed. Reg. 25162 (May 12, 2005), 71 Fed. Reg. 25288 (April 28, 2006), 72 Fed. Reg. 55657 (October 1, 2007), 72 Fed. Reg. 59190 (October 19, 2007), 72 Fed. Reg. 62338 (November 2, 2007), 74 Fed. Reg. 56721 (November 3, 2009)).

(b) STEAM GENERATING UNIT RULES.—

(1) EARLIER RULES.—The proposed rule entitled ''National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial- Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'' published at 76 Fed. Reg. 24976 (May 3, 2011), and any final rule that is based on such proposed rule and is issued prior to the date of the enactment of this Act, shall be of no force and effect, and shall be treated as though such proposed or final rule had never been issued. In conducting analyses under section 302(a), the Committee shall analyze the rule described in section 302(e)(1)(E) (including any successor or substantially similar rule) as if the preceding sentence did not apply to such rule.

(2) PROMULGATION OF FINAL RULES.—In place of the rules described in paragraph (1), the Administrator shall—

(A) issue regulations establishing national emission standards for coal-and oil-fired electric utility steam generating units under section 112 of the Clean Air Act (42 U.S.C. 7412) with respect to each hazardous air pollutant for which the Administrator finds such regulations are appropriate and necessary pursuant to subsection (n)(1)(A) of such section;

(B) issue regulations establishing standards of performance for fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units under section 111 of the Clean Air Act (42 U.S.C. 111); and

(C) issue the final regulations required by subparagraphs (A) and (B)—

(i) after issuing proposed regulations under such subparagraphs;

(ii) after consideration of the final report submitted under section 303(c); and

(iii) not earlier than the date that is 12 months after the date on which the Committee submits such report to the Congress, or such later date as may be determined by the Administrator.

(3) COMPLIANCE PROVISIONS.—

(A) ESTABLISHMENT OF COMPLIANCE DATES.—In promulgating the regulations under paragraph (2), the Administrator—

(i) shall establish a date for compliance with the standards and requirements under such regulations that is not earlier than 5 years after the effective date of the regulations; and

(ii) in establishing a date for such compliance, shall take into consideration—

(I) the costs of achieving emissions reductions;

(II) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(III) the feasibility of implementing the standards and requirements, including the time needed to—

(aa) obtain necessary permit approvals; and

(bb) procure, install, and test control equipment;

(IV) the availability of equipment, suppliers, and labor, given the requirements of the regulations and other proposed or finalized regulations; and

(V) potential net employment impacts.

(B) NEW SOURCES.—With respect to the regulations promulgated pursuant to paragraph (2)—

(i) the date on which the Administrator proposes a regulation pursuant to paragraph (2)(A) establishing an emission standard under section 112 of the Clean Air Act (42 U.S.C. 7412) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4));

(ii) the date on which the Administrator proposes a regulation pursuant to paragraph (2)(B) establishing a standard of performance under section 111 of the Clean Air Act (42 U.S.C. 7411) shall be treated as the date on which the Administrator proposes such a regulation for purposes of applying the definition of a new source under section 111(a)(2) of such Act (42 U.S.C. 7411(a)(2));

(iii) for purposes of any emission standard or limitation applicable to electric utility steam generating units, the term ''new source'' means a stationary source for which a preconstruction permit or other preconstruction approval required under the Clean Air Act (42 U.S.C. 7401 et seq.) has been issued after the effective date of such emissions standard or limitation; and

(iv) for purposes of clause (iii), the date of issuance of a preconstruction permit or other preconstruction approval is deemed to be the date on which such permit or approval is issued to the applicant irrespective of any administrative or judicial review occurring after such date.

(C) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

(4) OTHER PROVISIONS.—

(A) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—The regulations promulgated pursuant to paragraph (2)(A) of this section shall apply section 112(d)(3) of the Clean Air Act (42 U.S.C. 7412(d)(3)) in accordance with the following:

(i) NEW SOURCES.—With respect to new sources:

(I) The Administrator shall identify the best controlled similar source for each source category or subcategory.

(II) The best controlled similar source for a category or subcategory shall be the single source that is determined by the Administrator to be the best controlled, in the aggregate, for all of the hazardous air pollutants for which the Administrator intends to issue standards for such source category or subcategory, under actual operating conditions, taking into account the variability in actual source performance, source design, fuels, controls, ability to measure pollutant emissions, and operating conditions.

(ii) EXISTING SOURCES.—With respect to existing sources:

(I) The Administrator shall identify one group of sources that constitutes the best performing 12 percent of existing sources for each source category or subcategory.

(II) The group constituting the best performing 12 percent of existing sources for a category or subcategory shall be the single group that is determined by the Administrator to be the best performing, in the aggregate, for all of the hazardous air pollutants for which the Administrator intends to issue standards for such source category or subcategory, under actual operating conditions, taking into account the variability in actual source performance, source design, fuels, controls, ability to measure pollutant emissions, and operating conditions.

(B) REGULATORY ALTERNATIVES.—For the regulations promulgated pursuant to paragraph (2) of this section, from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.), including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order No. 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

SEC. 305. CONSIDERATION OF FEASIBILITY AND COST IN ESTABLISHING NATIONAL AMBIENT AIR QUALITY STANDARDS.

In establishing any national primary or secondary ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

TITLE IV—MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS

SEC. 401. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

''SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

''(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program.

''(b) STATE ACTIONS.—

''(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section (except as provided by the deadline identified under subsection (d)(3)(B)), the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—Not later than 36 months after the date of enactment of this section (except as provided in subsections (f)(1)(A) and (f)(1)(C)), in the case of a State that has notified the Administrator that it will implement a coal combustion residuals permit program, the head of the lead State agency responsible for implementing the coal combustion residuals permit program shall submit to the Administrator a certification that such coal combustion residuals permit program meets the specifications described in subsection (c).

''(B) CONTENTS.—A certification submitted under this paragraph shall include—

''(i) a letter identifying the lead State agency responsible for implementing the coal combustion residuals permit program, signed by the head of such agency;

''(ii) identification of any other State agencies involved with the implementation of the coal combustion residuals permit program;

''(iii) a narrative description that provides an explanation of how the State will ensure that the coal combustion residuals permit program meets the requirements of this section, including a description of the State's—

''(I) process to inspect or otherwise determine compliance with such permit program;

''(II) process to enforce the requirements of such permit program;

''(III) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program; and

''(IV) statutes, regulations, or policies pertaining to public access to information, such as groundwater monitoring data;

''(iv) a legal certification that the State has, at the time of certification, fully effective statutes or regulations necessary to implement a coal combustion residuals permit program that meets the specifications described in subsection (c); and

''(v) copies of State statutes and regulations described in clause (iv).

''(C) UPDATES.—A State may update the certification as needed to reflect changes to the coal combustion residuals permit program.

''(3) MAINTENANCE OF 4005(C) OR 3006 PROGRAM.—In order to adopt or implement a coal combustion residuals permit program under this section (including pursuant to subsection (f)), the State agency responsible for implementing a coal combustion residuals permit program in a State shall maintain an approved program under section 4005(c) or an authorized program under section 3006.

''(c) PERMIT PROGRAM SPECIFICATIONS.—

''(1) MINIMUM REQUIREMENTS.—

''(A) IN GENERAL.—A coal combustion residuals permit program shall apply the revised criteria described in paragraph (2) to owners or operators of structures, including surface impoundments, that receive coal combustion residuals.

''(B) STRUCTURAL INTEGRITY.—

''(i) ENGINEERING CERTIFICATION.—A coal combustion residuals permit program shall require that an independent registered professional engineer certify that—

''(I) the design of structures is in accordance with recognized and generally accepted good engineering practices for containment of the maximum volume of coal combustion residuals and liquids appropriate for the structure; and

''(II) the construction and maintenance of the structure will ensure dam stability.

''(ii) INSPECTION.—A coal combustion residuals permit program shall require that structures that are surface impoundments be inspected not less than annually by an independent registered professional engineer to assure that the design, operation, and maintenance of the surface impoundment is in accordance with recognized and generally accepted good engineering practices for containment of the maximum volume of coal combustion residuals and liquids which can be impounded, so as to ensure dam stability.

''(iii) DEFICIENCY.—

''(I) IN GENERAL.—If the head of the agency responsible for implementing the coal combustion residuals permit program determines that a structure is deficient with respect to the requirements in clauses (i) and (ii), the head of the agency has the authority to require action to correct the deficiency according to a schedule determined by the agency.

''(II) UNCORRECTED DEFICIENCIES.—If a deficiency is not corrected according to the schedule, the head of the agency has the authority to require that the structure close in accordance with subsection (h).

''(C) LOCATION.—Each structure that first receives coal combustion residuals after the date of enactment of this section shall be constructed with a base located a minimum of 2 feet above the upper limit of the water table, unless it is demonstrated to the satisfaction of the agency responsible for implementing the coal combustion residuals permit program that—

''(i) the hydrogeologic characteristics of the structure and surrounding land would preclude such a requirement; and

''(ii) the function and integrity of the liner system will not be adversely impacted by contact with the water table.

''(D) WIND DISPERSAL.—

''(i) IN GENERAL.—The agency responsible for implementing the coal combustion residuals permit program shall require that owners or operators of structures address wind dispersal of dust by requiring cover, or by wetting coal combustion residuals with water to a moisture content that prevents wind dispersal, facilitates compaction, and does not result in free liquids.

''(ii) ALTERNATIVE METHODS.—Subject to the review and approval by the agency, owners or operators of structures may propose alternative methods to address wind dispersal of dust that will provide comparable or more effective control of dust.

''(E) PERMITS.—The agency responsible for implementing the coal combustion residuals permit program shall require that the owner or operator of each structure that receives coal combustion residuals after the date of enactment of this section apply for and obtain a permit incorporating the requirements of the coal combustion residuals permit program.

''(F) STATE NOTIFICATION AND GROUNDWATER MONITORING.—

''(i) NOTIFICATION.—Not later than the date on which a State submits a certification under subsection (b)(2), the State shall notify owners or operators of structures within the State of—

''(I) the obligation to apply for and obtain a permit under subparagraph (E); and

''(II) the groundwater monitoring requirements applicable to structures under paragraph (2)(A)(ii).

''(ii) GROUNDWATER MONITORING.—Not later than 1 year after the date on which a State submits a certification under subsection (b)(2), the State shall require the owner or operator of each structure to comply with the groundwater monitoring requirements under paragraph (2)(A)(ii).

''(G) AGENCY REQUIREMENTS.—Except for information described in section 1905 of title 18, United States Code, the agency responsible for implementing the coal combustion residuals permit program shall ensure that—

''(i) documents for permit determinations are made available for public review and comment under the public participation process described in subsection (b)(2)(B)(iii)(III);

''(ii) final determinations on permit applications are made known to the public; and

''(iii) groundwater monitoring data collected under paragraph (2) is publicly available.

''(H) AGENCY AUTHORITY.—

''(i) IN GENERAL.—The agency responsible for implementing the coal combustion residuals permit program has the authority to—

''(I) obtain information necessary to determine whether the owner or operator of a structure is in compliance with the coal combustion residuals permit program requirements of this section;

''(II) conduct or require monitoring and testing to ensure that structures are in compliance with the coal combustion residuals permit program requirements of this section; and

''(III) enter, at reasonable times, any site or premise subject to the coal combustion residuals permit program for the purpose of inspecting structures and reviewing records relevant to the operation and maintenance of structures.

''(ii) MONITORING AND TESTING.—If monitoring or testing is conducted under clause (i)(II) by or for the agency responsible for implementing the coal combustion residuals permit program, the agency shall, if requested, provide to the owner or operator—

''(I) a written description of the monitoring or testing completed;

''(II) at the time of sampling, a portion of each sample equal in volume or weight to the portion retained by or for the agency; and

''(III) a copy of the results of any analysis of samples collected by or for the agency.

''(I) STATE AUTHORITY.—A State implementing a coal combustion residuals permit program has the authority to—

''(i) inspect structures; and

''(ii) implement and enforce the coal combustion residuals permit program.

''(J) REQUIREMENTS FOR SURFACE IMPOUNDMENTS THAT DO NOT MEET CERTAIN CRITERIA.—

''(i) IN GENERAL.—In addition to the groundwater monitoring and corrective action requirements described in paragraph (2)(A)(ii), a coal combustion residuals permit program shall require a surface impoundment that receives coal combustion residuals after the date of enactment of this section to—

''(I) comply with the requirements in clause (ii)(I)(aa) and subclauses (II) through (IV) of clause (ii) if the surface impoundment—

''(aa) does not—

''(AA) have a liner system described in section 258.40(b) of title 40, Code of Federal Regulations; and

''(BB) meet the design criteria described in section 258.40(a)(1) of title 40, Code of Federal Regulations; and

''(bb) within 10 years after the date of enactment of this section, is required under section 258.56(a) of title 40, Code of Federal Regulations, to undergo an assessment of corrective measures for any constituent identified in paragraph (2)(A)(ii) for which assessment groundwater monitoring is required; and

''(II) comply with the requirements in clause (ii)(I)(bb) and subclauses (II) through (IV) of clause (ii) if the surface impoundment—

''(aa) does not—

''(AA) have a liner system described in section 258.40(b) of title 40, Code of Federal Regulations; and

''(BB) meet the design criteria described in section 258.40(a)(1) of title 40, Code of Federal Regulations; and

''(bb) as of the date of enactment of this section, is subject to a State corrective action requirement.

''(ii) REQUIREMENTS.—

''(I) DEADLINES.—

''(aa) IN GENERAL.—Except as provided in item (bb), subclause (IV), and clause (iii), the groundwater protection standard for structures identified in clause (i)(I) established by the agency responsible for implementing the coal combustion residuals permit program under section 258.55(h) or 258.55(i) of title 40, Code of Federal Regulations, for any constituent for which corrective measures are required shall be met—

''(AA) as soon as practicable at the relevant point of compliance, as described in section 258.40(d) of title 40, Code of Federal Regulations; and

''(BB) not later than 10 years after the date of enactment of this section.

''(bb) IMPOUNDMENTS SUBJECT TO STATE CORRECTIVE ACTION REQUIREMENTS.—Except as provided in subclause (IV), the groundwater protection standard for structures identified in clause (i)(II) established by the agency responsible for implementing the coal combustion residuals permit program under section 258.55(h) or 258.55(i) of title 40, Code of Federal Regulations, for any constituent for which corrective measures are required shall be met—

''(AA) as soon as practicable at the relevant point of compliance, as described in section 258.40(d) of title 40, Code of Federal Regulations; and

''(BB) not later than 8 years after the date of enactment of this section.

''(II) CLOSURE.—If the deadlines under clause (I) are not satisfied, the structure shall cease receiving coal combustion residuals and initiate closure under subsection (h).

''(III) INTERIM MEASURES.—

''(aa) IN GENERAL.—Except as provided in item (bb), not later than 90 days after the date on which the assessment of corrective measures is initiated, the owner or operator shall implement interim measures, as necessary, under the factors in section 258.58(a)(3) of title 40, Code of Federal Regulations.

''(bb) IMPOUNDMENTS SUBJECT TO STATE CORRECTIVE ACTION REQUIREMENTS.—Item (aa) shall only apply to surface impoundments subject to a State corrective action requirement as of the date of enactment of this section if the owner or operator has not implemented interim measures, as necessary, under the factors in section 258.58(a)(3) of title 40, Code of Federal Regulations.

''(IV) EXTENSION OF DEADLINE.—

''(aa) IN GENERAL.—Except as provided in item (bb), the deadline for meeting a groundwater protection standard under subclause (I) may be extended by the agency responsible for implementing the coal combustion residuals permit program, after opportunity for public notice and comment under the public participation process described in subsection (b)(2)(B)(iii)(III), based on—

''(AA) the effectiveness of any interim measures implemented by the owner or operator of the facility under section 258.58(a)(3) of title 40, Code of Federal Regulations;

''(BB) the level of progress demonstrated in meeting the groundwater protection standard;

''(CC) the potential for other adverse human health or environmental exposures attributable to the contamination from the surface impoundment undergoing corrective action; and

''(DD) the lack of available alternative management capacity for the coal combustion residuals and related materials managed in the impoundment at the facility at which the impoundment is located if the owner or operator has used best efforts, as necessary, to design, obtain any necessary permits, finance, construct, and render operational the alternative management capacity during the time period for meeting a groundwater protection standard in subclause (I).

''(bb) EXCEPTION.—The deadlines under subclause (I) shall not be extended if there has been contamination of public or private drinking water systems attributable to a surface impoundment undergoing corrective action, unless the contamination has been addressed by providing a permanent replacement water system.

''(iii) SUBSEQUENT CLOSURE.—

''(I) IN GENERAL.—In addition to the groundwater monitoring and corrective action requirements described in paragraph (2)(A)(ii), a coal combustion residuals permit program shall require a surface impoundment that receives coal combustion residuals after the date of enactment of this section to comply with the requirements in subclause (II) if the surface impoundment—

''(aa) does not—

''(AA) have a liner system described in section 258.40(b) of title 40, Code of Federal Regulations; and

''(BB) meet the design criteria described in section 258.40(a)(1) of title 40, Code of Federal Regulations;

''(bb) more than 10 years after the date of enactment of this section, is required under section 258.56(a) of title 40, Code of Federal Regulations, to undergo an assessment of corrective measures for any constituent identified in paragraph (2)(A)(ii) for which assessment groundwater monitoring is required; and

''(cc) is not subject to the requirements in clause (ii).

''(II) REQUIREMENTS.—

''(aa) CLOSURE.—The structures identified in subclause (I) shall cease receiving coal combustion residuals and initiate closure in accordance with subsection (h) after alternative management capacity for the coal combustion residuals and related materials managed in the impoundment at the facility is available.

''(bb) BEST EFFORTS.—The alternative management capacity shall be developed as soon as practicable with the owner or operator using best efforts to design, obtain necessary permits, finance, construct, and render operational the alternative management capacity.

''(cc) ALTERNATIVE MANAGEMENT CAPACITY PLAN.—The owner or operator shall, in collaboration with the agency responsible for implementing the coal combustion residuals permit program, prepare a written plan that describes the steps necessary to develop the alternative management capacity and includes a schedule for completion.

''(dd) PUBLIC PARTICIPATION.—The plan described in item (cc) shall be subject to public notice and comment under the public participation process described in subsection (b)(2)(B)(iii)(III).

''(2) REVISED CRITERIA.—The revised criteria described in this paragraph are—

''(A) the revised criteria for design, groundwater monitoring, corrective action, closure, and post-closure, for structures, including—

''(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding design requirements described in section 258.40 of title 40, Code of Federal Regulations, except that the leachate collection system requirements described in section 258.40(a)(2) of title 40, Code of Federal Regulations do not apply to structures that are surface impoundments;

''(ii) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding groundwater monitoring and corrective action requirements described in subpart E of part 258 of title 40, Code of Federal Regulations, except that, for the purposes of this paragraph, the revised criteria shall also include—

''(I) for the purposes of detection monitoring, the constituents boron, chloride, conductivity, fluoride, mercury, pH, sulfate, sulfide, and total dissolved solids; and

''(II) for the purposes of assessment monitoring, establishing a groundwater protection standard, and assessment of corrective measures, the constituents aluminum, boron, chloride, fluoride, iron, manganese, molybdenum, pH, sulfate, and total dissolved solids;

''(iii) for all structures that receive coal combustion residuals after the date of enactment of this section, in a manner consistent with subsection (h), the revised criteria for closure described in subsections (a) through (c) and (h) through (j) of section 258.60 of title 40, Code of Federal Regulations; and

''(iv) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for post-closure care described in section 258.61 of title 40, Code of Federal Regulations, except for the requirement described in subsection (a)(4) of that section;

''(B) the revised criteria for location restrictions described in—

''(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, sections 258.11 through 258.15 of title 40, Code of Federal Regulations; and

''(ii) for existing structures that receive coal combustion residuals after the date of enactment of this section, sections 258.11 and 258.15 of title 40, Code of Federal Regulations;

''(C) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for air quality described in section 258.24 of title 40, Code of Federal Regulations;

''(D) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations;

''(E) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for surface water described in section 258.27 of title 40, Code of Federal Regulations;

''(F) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for recordkeeping described in section 258.29 of title 40, Code of Federal Regulations;

''(G) for landfills and other land-based units, other than surface impoundments, that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-on and run-off control systems described in section 258.26 of title 40, Code of Federal Regulations; and

''(H) for surface impoundments that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-off control systems described in section 258.26(a)(2) of title 40, Code of Federal Regulations.

''(d) WRITTEN NOTICE AND OPPORTUNITY TO REMEDY.—

''(1) IN GENERAL.—The Administrator shall provide to a State written notice and an opportunity to remedy deficiencies in accordance with paragraph (2) if at any time the State—

''(A) does not satisfy the notification requirement under subsection (b)(1);

''(B) has not submitted a certification under subsection (b)(2);

''(C) does not satisfy the maintenance requirement under subsection (b)(3);

''(D) is not implementing a coal combustion residuals permit program that—

''(i) meets the specifications described in subsection (c); or

''(ii)(I) is consistent with the certification under subsection (b)(2)(B)(iii); and

''(II) maintains fully effective statutes or regulations necessary to implement a coal combustion residuals permit program; or

''(E) does not make available to the Administrator, within 90 days of a written request, specific information necessary for the Administrator to ascertain whether the State has complied with subparagraphs (A) through (D).

''(2) REQUEST.—If the request described in paragraph (1)(E) is made pursuant to a petition of the Administrator, the Administrator shall only make the request if the Administrator does not possess the information necessary to ascertain whether the State has complied with subparagraphs (A) through (D) of paragraph (1).

''(3) CONTENTS OF NOTICE; DEADLINE FOR RESPONSE.—A notice provided under this subsection shall—

''(A) include findings of the Administrator detailing any applicable deficiencies in—

''(i) compliance by the State with the notification requirement under subsection (b)(1);

''(ii) compliance by the State with the certification requirement under subsection (b)(2);

''(iii) compliance by the State with the maintenance requirement under subsection (b)(3);

''(iv) the State coal combustion residuals permit program in meeting the specifications described in subsection (c); and

''(v) compliance by the State with the request under paragraph (1)(E); and

''(B) identify, in collaboration with the State, a reasonable deadline, by which the State shall remedy the deficiencies detailed under subparagraph (A), which shall be—

''(i) in the case of a deficiency described in clauses (i) through (iv) of subparagraph (A), not earlier than 180 days after the date on which the State receives the notice; and

''(ii) in the case of a deficiency described in subparagraph (A)(v), not later than 90 days after the date on which the State receives the notice.

''(e) IMPLEMENTATION BY ADMINISTRATOR.—

''(1) IN GENERAL.—The Administrator shall implement a coal combustion residuals permit program for a State only if—

''(A) the Governor of the State notifies the Administrator under subsection (b)(1) that the State will not adopt and implement a permit program;

''(B) the State has received a notice under subsection (d) and the Administrator determines, after providing a 30-day period for notice and public comment, that the State has failed, by the deadline identified in the notice under subsection (d)(3)(B), to remedy the deficiencies detailed in the notice under subsection (d)(3)(A); or

''(C) the State informs the Administrator, in writing, that such State will no longer implement such a permit program.

''(2) REVIEW.—A State may obtain a review of a determination by the Administrator under this subsection as if the determination was a final regulation for purposes of section 7006.

''(3) OTHER STRUCTURES.—For structures located on property within the exterior boundaries of a State for which the State does not have authority or jurisdiction to regulate, the Administrator shall implement a coal combustion residuals permit program only for those structures.

''(4) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1) or (3), the permit program shall consist of the specifications described in subsection (c).

''(5) ENFORCEMENT.—

''(A) IN GENERAL.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1)—

''(i) the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures for which the Administrator is implementing the coal combustion residuals permit program; and

''(ii) the Administrator may use those authorities to inspect, gather information, and enforce the requirements of this section in the State.

''(B) OTHER STRUCTURES.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (3)—

''(i) the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures for which the Administrator is implementing the coal combustion residuals permit program; and

''(ii) the Administrator may use those authorities to inspect, gather information, and enforce the requirements of this section for the structures for which the Administrator is implementing the coal combustion residuals permit program.

''(f) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—

''(1) STATE CONTROL.—

''(A) NEW ADOPTION AND IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(A), the State may adopt and implement such a permit program by—

''(i) notifying the Administrator that the State will adopt and implement such a permit program;

''(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

''(iii) receiving from the Administrator—

''(I) a determination, after providing a 30-day period for notice and public comment that the State coal combustion residuals permit program meets the specifications described in subsection (c); and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(B) REMEDYING DEFICIENT PERMIT PROGRAM.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(B), the State may adopt and implement such a permit program by—

''(i) remedying only the deficiencies detailed in the notice provided under subsection (d)(3)(A); and

''(ii) receiving from the Administrator—

''(I) a determination, after providing a 30-day period for notice and public comment, that the deficiencies detailed in such notice have been remedied; and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(C) RESUMPTION OF IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(C), the State may adopt and implement such a permit program by—

''(i) notifying the Administrator that the State will adopt and implement such a permit program;

''(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

''(iii) receiving from the Administrator—

''(I) a determination, after providing a 30-day period for notice and public comment, that the State coal combustion residuals permit program meets the specifications described in subsection (c); and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(2) REVIEW OF DETERMINATION.—

''(A) DETERMINATION REQUIRED.—The Administrator shall make a determination under paragraph (1) not later than 90 days after the date on which the State submits a certification under paragraph (1)(A)(ii) or (1)(C)(ii), or notifies the Administrator that the deficiencies have been remedied pursuant to paragraph (1)(B)(i), as applicable.

''(B) REVIEW.—A State may obtain a review of a determination by the Administrator under paragraph (1) as if such determination was a final regulation for purposes of section 7006.

''(3) IMPLEMENTATION DURING TRANSITION.—

''(A) EFFECT ON ACTIONS AND ORDERS.—Actions taken or orders issued pursuant to a coal combustion residuals permit program shall remain in effect if—

''(i) a State takes control of its coal combustion residuals permit program from the Administrator under paragraph (1); or

''(ii) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (e).

''(B) CHANGE IN REQUIREMENTS.—Subparagraph (A) shall apply to such actions and orders until such time as the Administrator or the head of the lead State agency responsible for implementing the coal combustion residuals permit program, as applicable—

''(i) implements changes to the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

''(ii) certifies the completion of a corrective action that is the subject of the action or order.

''(4) SINGLE PERMIT PROGRAM.—If a State adopts and implements a coal combustion residuals permit program under this subsection, the Administrator shall cease to implement the permit program implemented under subsection (e)(1) for such State.

''(g) EFFECT ON DETERMINATION UNDER 4005(C) OR 3006.—The Administrator shall not consider the implementation of a coal combustion residuals permit program by the Administrator under subsection (e) in making a determination of approval for a permit program or other system of prior approval and conditions under section 4005(c) or of authorization for a program under section 3006.

''(h) CLOSURE.—

''(1) IN GENERAL.—If it is determined, pursuant to a coal combustion residuals permit program, that a structure should close, the time period and method for the closure of such structure shall be set forth in a closure plan that establishes a deadline for completion and that takes into account the nature and the site-specific characteristics of the structure to be closed.

''(2) SURFACE IMPOUNDMENT.—In the case of a surface impoundment, the closure plan under paragraph (1) shall require, at a minimum, the removal of liquid and the stabilization of remaining waste, as necessary to support the final cover.

''(i) AUTHORITY.—

''(1) STATE AUTHORITY.—Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

''(2) AUTHORITY OF THE ADMINISTRATOR.—

''(A) IN GENERAL.—Except as provided in subsections (d) and (e) and section 6005, the Administrator shall, with respect to the regulation of coal combustion residuals, defer to the States pursuant to this section.

''(B) IMMINENT HAZARD.—Nothing in this section shall be construed as affecting the authority of the Administrator under section 7003 with respect to coal combustion residuals.

''(C) ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State agency that is implementing a coal combustion residuals permit program, the Administrator may provide to such State agency only the enforcement assistance requested.

''(D) CONCURRENT ENFORCEMENT.—Except as provided in subparagraph (C), the Administrator shall not have concurrent enforcement authority when a State is implementing a coal combustion residuals permit program.

''(E) OTHER AUTHORITY.—The Administrator shall not have authority to finalize the proposed rule published at pages 35128 through 35264 of volume 75 of the Federal Register (June 21, 2010).

''(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

''(j) MINE RECLAMATION ACTIVITIES.—A coal combustion residuals permit program implemented by the Administrator under subsection (e) shall not apply to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

''(k) DEFINITIONS.—In this section:

''(1) COAL COMBUSTION RESIDUALS.—The term 'coal combustion residuals' means—

''(A) the solid wastes listed in section 3001(b)(3)(A)(i), including recoverable materials from such wastes;

''(B) coal combustion wastes that are co-managed with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure;

''(C) fluidized bed combustion wastes;

''(D) wastes from the co-burning of coal with non-hazardous secondary materials, provided that coal makes up at least 50 percent of the total fuel burned; and

''(E) wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.

''(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—The term 'coal combustion residuals permit program' means all of the authorities, activities, and procedures that comprise the system of prior approval and conditions implemented by or for a State to regulate the management and disposal of coal combustion residuals.

''(3) CODE OF FEDERAL REGULATIONS.—The term 'Code of Federal Regulations' means the Code of Federal Regulations (as in effect on the date of enactment of this section) or any successor regulations.

''(4) PERMIT; PRIOR APPROVAL AND CONDITIONS.—The terms 'permit' and 'prior approval and conditions' mean any authorization, license, or equivalent control document that incorporates the requirements and revised criteria described in paragraphs (1) and (2) of subsection (c), respectively.

''(5) REVISED CRITERIA.—The term 'revised criteria' means the criteria promulgated for municipal solid waste landfill units under section 4004(a) and under section 1008(a)(3), as revised under section 4010(c).

''(6) STRUCTURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'structure' means a landfill, surface impoundment, or other land-based unit which may receive coal combustion residuals.

''(B) DE MINIMIS RECEIPT.—The term 'structure' does not include any land-based unit that receives only de minimis quantities of coal combustion residuals if the presence of coal combustion residuals is incidental to the material managed in the unit.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting after the item relating to section 4010 the following:

''Sec. 4011. Management and disposal of coal combustion residuals.''.

SEC. 402. 2000 REGULATORY DETERMINATION.

Nothing in this title, or the amendments made by this title, shall be construed to alter in any manner the Environmental Protection Agency's regulatory determination entitled ''Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels'', published at 65 Fed. Reg. 32214 (May 22, 2000), that the fossil fuel combustion wastes addressed in that determination do not warrant regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.).

SEC. 403. TECHNICAL ASSISTANCE.

Nothing in this title, or the amendments made by this title, shall be construed to affect the authority of a State to request, or the Administrator of the Environmental Protection Agency to provide, technical assistance under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 404. FEDERAL POWER ACT.

Nothing in this title, or the amendments made by this title, shall be construed to affect the obligations of the owner or operator of a structure (as defined in section 4011 of the Solid Waste Disposal Act, as added by this title) under section 215(b)(1) of the Federal Power Act (16 U.S.C. 824o(b)(1)).

TITLE V—PRESERVING STATE AUTHORITY TO MAKE DETERMINATIONS RELATING TO WATER QUALITY STANDARDS

SEC. 501. STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''(4)'' and inserting ''(4)(A)'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) The Administrator shall promulgate''; and

(4) by adding at the end the following:

''(C) Notwithstanding subparagraph (A)(ii), the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the Administrator's determination that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of such Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

(c) STATE NPDES PERMIT PROGRAMS.—Section 402(c) of such Act (42 U.S.C. 1342(c)) is amended by adding at the end the following:

''(5) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO WITHDRAW APPROVAL OF STATE PROGRAMS.—The Administrator may not withdraw approval of a State program under paragraph (3) or (4), or limit Federal financial assistance for the State program, on the basis that the Administrator disagrees with the State regarding—

''(A) the implementation of any water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

(d) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO OBJECT TO INDIVIDUAL PERMITS.—Section 402(d) of such Act (33 U.S.C. 1342(d)) is amended by adding at the end the following:

''(5) The Administrator may not object under paragraph (2) to the issuance of a permit by a State on the basis of—

''(A) the Administrator's interpretation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

SEC. 502. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) AUTHORITY OF EPA ADMINISTRATOR.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the Administrator's determination that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(b) STATE PERMIT PROGRAMS.—The first sentence of section 404(g)(1) of such Act (33 U.S.C. 1344(g)(1)) is amended by striking ''The Governor of any State desiring to administer its own individual and general permit program for the discharge'' and inserting ''The Governor of any State desiring to administer its own individual and general permit program for some or all of the discharges''.

SEC. 503. DEADLINES FOR AGENCY COMMENTS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) in subsection (m) by striking ''ninetieth day'' and inserting ''30th day (or the 60th day if additional time is requested)''; and

(2) in subsection (q)—

(A) by striking ''(q)'' and inserting ''(q)(1)''; and

(B) by adding at the end the following:

''(2) The Administrator and the head of a department or agency referred to in paragraph (1) shall each submit any comments with respect to an application for a permit under subsection (a) or (e) not later than the 30th day (or the 60th day if additional time is requested) after the date of receipt of an application for a permit under that subsection.''.

SEC. 504. APPLICABILITY OF AMENDMENTS.

The amendments made by this title shall apply to actions taken on or after the date of enactment of this Act, including actions taken with respect to permit applications that are pending or revised or new standards that are being promulgated as of such date of enactment.

SEC. 505. REPORTING ON HARMFUL POLLUTANTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report on any increase or reduction in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a State under the provisions of this title, including the amendments made by this title.

SEC. 506. PIPELINES CROSSING STREAMBEDS.

None of the provisions of this title, including the amendments made by this title, shall be construed to limit the authority of the Administrator of the Environmental Protection Agency, as in effect on the day before the date of enactment of this Act, to regulate a pipeline that crosses a streambed.

SEC. 507. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1201 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–680. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–680.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, strike the period at line 12 and insert a semicolon, and after line 12 insert the following:

unless it is found by the Secretary of Interior, in consultation with Secretary of Health and Human Services, that such a rule would reduce the prevalence of pulmonary disease, lung cancer, or cardiovascular disease or reduce the prevalence of birth defects or reproductive problems in pregnant women or children.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself as much time as I may consume.

With just 1 more day left until Congress recesses until the election, the Republican majority has decided that, instead of dealing with real problems facing Americans by passing a jobs package dealing with the looming fiscal cliff or providing tax certainty to middle class families, we will instead debate a bill that deals with an imaginary war on coal, fabricated by Republicans in order to justify their real war on the environment, the most anti-environment Congress in history.

In reality, this bill just represents a war on us. It's the Republicans in Congress making clear that their priority is not protecting the well-being of the American people. The Republican majority has already acted on four out of the five titles in this bill, and the Senate has rejected every single one of them. The President has vowed to veto every single one of them.

The only new title that is presented is one aimed at preventing the administration from moving forward with a rule that does not yet even exist, that would limit coal mining companies from dumping tons of their toxic mining waste directly into streams and rivers.

The ironic part is that, according to CBO, this bill won't even prevent the administration from doing that. But it does prevent the administration from undertaking any action that would ensure that mountaintop mining operations are safe for workers and safe for the health of those who live and work nearby.

Mr. Chairman, I would like to, at this point, reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim the time in opposition.

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

Mr. HASTINGS of Washington. I yield 3 minutes to the gentleman from Ohio (Mr. JOHNSON), the author of title I of this legislation.

Mr. JOHNSON of Ohio. Thank you, Mr. Chairman, for yielding.

You know, it absolutely amazes me that our colleagues on the opposite side of the aisle can honestly, and with a straight face, stand up and say that this Republican-led House has not put forth jobs bills. There have been 40 jobs bills sent to the Senate from this House already. This is another jobs bill that is prepared to be sent to the Senate.

I want to also remind my colleague that the Stream Buffer Zone rule that we're talking about here today, it took 5 years to put that rule in place. The administration went after that rule with a vengeance, without even seeing what the rule would do in terms of providing the protections that they're so adamantly arguing about right now.

Instead, they used an environmental lawsuit to go after the coal industry and to undermine job creators all across America, and it's driving up America's energy prices. It's irresponsible. It's wrong. This amendment is only meant to distract the public from the job-killing policies of this administration.

The gentleman from Massachusetts knows all too well that SMCRA was not written nor intended to deal with health issues. The gentleman's amendment would change the stated goal and reason for SMCRA completely and would duplicate laws and mandates that are already in the Federal code.

The other side of the aisle also seems to think that they are the only Members of this body that are concerned about public health and the environment. Nothing could be further from the truth.

I grew up on a two-wheel wagon rut mule farm, and I know the importance of having a clean and vibrant environment. I also have kids and grandkids, and I want to ensure that our generation leaves them with an environment healthier than the one our generation inherited; however, this legislation today is about balancing job creation and economic prosperity with sensible environmental regulations. This amendment does neither of those things, and I urge all of my colleagues to defeat this amendment.

Mr. MARKEY. Mr. Chairman, I yield myself as much time as I may consume.

So the Republicans say that this legislation is all about creating jobs. They say that we will save money by passing this disastrous bill. But the numbers just don't add up.

According to the Environmental Protection Agency, mountaintop mining has already buried nearly 2,000 miles of streams with mining waste that leaches dangerous heavy metals into that water. One study puts the cost of reclaiming a stream impacted by this type of mining at as much as $800 per linear foot.

If we do a little arithmetic, $800 multiplied by 5,280 feet in 1 mile, multiplied by the 2,000 miles of streams already buried, that's $8.5 billion. That's what it would cost to clean that up. And that's just to clean up the streams that have already been decimated.

But that's not the only cost included in this provision. We also have the cost to health, the cost to children.

Studies have shown that communities located near mountaintop mining sites have as much as a 42 percent increase in infants born with birth defects. These communities also have a 16 percent higher risk of giving birth to a child with low birth weight, a factor that is closely associated with fetal death, inhibited cognitive development, and chronic diseases later in life.

And that's not all. Communities located near mountaintop mining sites also have significantly higher rates of lung disease, cardiovascular disease, pulmonary disease, and a higher likelihood that these diseases will kill them.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'd advise my friend from Massachusetts that we're prepared to close if he is prepared to close on his side.

Mr. MARKEY. Could I inquire from the Chair how much time is remaining on either side?

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining. The gentleman from Washington State has 2½ minutes remaining.

Mr. MARKEY. I yield myself the remainder of my time.

While it is impossible to put a dollar figure completely on the suffering that those families will feel, one study has put the public health burden from premature deaths in the Appalachian communities at $74 billion per year. Now, that's arithmetic that even Governor Romney would understand. In fact, when he was Governor of the great State of Massachusetts, he stood in front of a coal plant, and here's what he said. He said, ''I will not create jobs or hold jobs that kill people, and that plant kills people.''

□ 1830

My amendment is simple. It says, if the Secretary of the Interior is allowed to issue a rule that would protect pregnant women and children from adverse reproductive outcomes or birth defects or would reduce the prevalence of cardiovascular disease, pulmonary disease or lung cancer, that that rule can go into effect.

I urge all Members of this body to support this amendment, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield the balance of my time to the author of title I, the gentleman from Ohio (Mr. JOHNSON).

The Acting CHAIR. The gentleman is recognized for 2½ minutes.

Mr. JOHNSON of Ohio. I thank you, Mr. Chairman, for yielding me the balance of the time.

It is mindboggling to sit here and listen to this. I've got to remind us again that we are talking about an administration that before they even came into office said they were going to bankrupt the coal industry. That's one promise that they have kept. It's an administration whose Vice President said in 2007 that coal is more dangerous than high fructose corn syrup and terrorists. That's the kind of reasoning that we are getting out of this administration.

My colleague was quick to try and hold a math class here. Let's talk about a different set of numbers.

Let's talk about the 7,000 direct jobs that are going to be cut—that are going to be lost—if this rule goes forward. Let's talk about the thousands of indirect jobs that are going to be lost as a result of this rule going forward. Let's talk about the 50 percent reduction in coal production across America when America is still dependent upon coal for the very energy that it needs to fuel the manufacturing that America does. Let's talk about those numbers if we want to talk about what it's going to do to America if this rule goes forward.

Let's talk about the thousands of people who are going to be hurt when their families don't have jobs to go to. Let's talk about the checkbooks at the end of the month that don't balance because of increased, skyrocketing utility rates, and now Mom and Dad can't pay the bills, and they can't go buy a new pair of tennis shoes because they've got an electricity bill that's going off the charts.

When we talk about something that's going to hurt the middle class, this rule is what will hurt the middle class. It's irresponsible. This amendment does nothing to move America forward. I urge my colleagues to oppose this amendment.

Mr. HASTINGS of Washington. I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 2 OFFERED BY MR. BUCSHON

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–680.

Mr. BUCSHON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I (page 3, after line 12) add the following:

SEC. ___. PUBLICATION OF SCIENTIFIC STUDIES FOR PROPOSED RULES.

(a) REQUIREMENT.—Title VI of the Surface Mining Control and Reclamation Act of 1977 (16 U.S.C. 1291 et seq.) is amended by adding at the end the following:

''PUBLICATION OF SCIENTIFIC STUDIES FOR PROPOSED RULES

''SEC. 722. (a) REQUIREMENT.—The Secretary, or any other Federal official proposing a rule under this Act, shall publish with each rule proposed under this Act each scientific study the Secretary or other official, respectively, relied on in developing the rule.

''(b) SCIENTIFIC STUDY DEFINED.—In this section the term 'scientific study' means a study that—

''(1) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to the subject matter involved;

''(2) presents findings and makes claims that are appropriate to, and supported by, the methods that have been employed; and

''(3) includes, appropriate to the rule being proposed—

''(A) use of systematic, empirical methods that draw on observation or experiment;

''(B) use of data analyses that are adequate to support the general findings;

''(C) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(D) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

''(E) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(F) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(G) consistency of findings across multiple studies or sites to support the generality of results and conclusions.''.

(b) CLERICAL AMENDMENT.—The table of contents at the end of the first section of such Act is amended by adding at the end of the items relating to such title the following:

''Sec. 722. Publication of scientific studies for proposed rules.''.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Indiana (Mr. BUCSHON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUCSHON. Mr. Chairman, coal provides affordable domestic energy that supports millions of direct and indirect jobs. In my State of Indiana, 90 to 95 percent of all electrical power comes from coal. This keeps the costs of energy down, and it attracts millions of jobs to my State through our manufacturing industry.

This amendment would require that the Secretary or any other Federal official proposing a rule under this act publish with each rule the scientific studies the Secretary or other official relied on in developing the rule. This amendment is simple, and it will ensure that rules being issued are based on valid scientific studies that can be peer reviewed and replicated.

This amendment should be supported by everyone in this body who values sound science and who wants to ensure transparency with the rulemaking process. Federal agencies are promulgating more rules each year that control greater aspects of our personal and professional lives. Often these rules are pages long, instituted with little or no congressional input, and can have a devastating effect on job creation and our economy.

It is important for all Federal agencies to provide to the public the science and research behind proposed rules. It enables the scientific community and the general public to scrutinize how unelected Washington, D.C., bureaucrats are writing rules that increase costs for businesses and hurt our economy.

I have personally met with numerous government officials, such as those from the Mine Safety and Health Administration, and have discussed their rulemaking process. More than once, I have been told that proposed rules related to the coal industry are based on scientific studies and data—most recently, the underground coal mine dust regulation. I have asked to see these studies both in private meetings and in committee hearings, and I have never been provided with the scientific data that they say supports the new rule.

As a scientist and medical doctor, nobody understands the importance of good science more than I. Whether it is in medicine or whether it relates to public policy, good science makes for good policies. It's important for the Members of this body and the American people to be able to review the science and the studies that contribute to Federal rulemaking and to know that every rule and regulation is based upon sound science.

I urge my colleagues to support this amendment, requiring that we have a transparent rulemaking process that allows every concerned American to review the science behind a proposed rule.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. BUCSHON. I yield to the gentleman.

Mr. HASTINGS of Washington. I appreciate the gentleman's amendment. I think it adds a great deal to this legislation. Too often, we overlook common sense, and that's precisely what the gentleman's amendment does, so I support his amendment.

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

Mr. MARKEY. I rise to claim the time in opposition.

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

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

I actually have no problem with the gentleman's amendment. If he wants to require the publication of scientific studies used to develop regulations, I am just fine with that. I'm sure he knows, of course, that this is already a Federal requirement, but I don't object to the redundancy of an amendment's passing that says they should do something that they do already.

But I do want to take a moment to talk about the Republican war on science, because this bill that we are debating today is their battle plan. The essence of today's bill is that science and facts do not matter and that, when science and facts become inconvenient, we can just repeal them.

Take the provision of this bill that legislatively overturns a scientific finding that greenhouse gas pollution is dangerous, which is a decision that was made based on 2 full years of work and on a 200-page synthesis of major scientific assessments, including assessments performed by the U.S. Global Change Research Program and the Intergovernmental Panel on Climate Change's Fourth Assessment Report. In fact, the U.S. Court of Appeals in Washington recently rejected challenges to EPA's scientific endangerment finding, saying that EPA used an ''ocean of evidence'' to support its decision that it was ''unambiguously correct'' in its determination and that ''EPA is not required to reprove the existence of the atom every time it approaches a scientific question.''

Republicans decided that peer-reviewed science was inconvenient because that analysis was what started the pretend ''war on coal.'' So we have to vote again and again and again to eliminate all of that science.

This bill tells EPA to ignore the science that air pollution causes lung disease and that mercury damages children's developing brains. In fact, it tells EPA, Don't even look at the science; look at the costs. If controlling air pollution is expensive, then we shouldn't do it even if it would save lives. It says, no matter what EPA learns about the sludge that comes out of coal-fired power plants, no matter how high the concentrations of poisonous arsenic, mercury or chromium and that no matter what EPA learns about how these materials find their way into our drinking water, EPA is not allowed to scientifically determine that material to be hazardous.

This bill turns a blind eye to science. The only time Republicans value science is when science can be used as a weapon. When science can be used to delay regulations, when endless analysis can be used to create paralysis, the Republicans suddenly value science. The Republican majority doesn't like that every respected scientific entity over the last decade has concluded that greenhouse gases cause climate change.

Their solution: repeal the science.

Republicans aren't happy that the Secretary of Health and Human Services has issued a report that finds that formaldehyde causes cancer. Sure, the World Health Organization already determined that 17 years ago.

□ 1840

Their solution: We should study it again. We should allow a National Academy of Sciences review so that we can prevent the administration from taking any action to protect the public against dangerous formaldehyde. In fact, there has already been a rider to the health appropriations bill that does just that, while also stripping funding for any subsequent reports on cancer. It is a strategy taken right out of the American Chemical Council's playbook. It is act one of Big Coal's comedy of errors.

We've seen it over and over again on the House floor: first deny the science; second, delay the regulations by legislating a new scientific study to review the first science the industry doesn't like; and third, deter efforts to protect the health and security of millions of Americans by requiring yet another third party to review the scientific study that was just legislated and postponing regulatory action until after that is complete.

This bill isn't about the war on coal. It's about the Republicans' war on science. That's why we're out here. It continues unabated today.

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

Mr. BUCSHON. May I inquire as to how much time I have?

The Acting CHAIR. The gentleman from Indiana has 2 minutes remaining.

Mr. BUCSHON. Mr. Chairman, my amendment addresses timing. Timing is important when it comes to this issue because the public needs to know and this Congress needs to know what the science is before the rule is finalized, not after the rule has already been essentially finalized and the public comment period has passed.

I had direct experience with this recently with the coal dust regulation. After the rule was essentially finalized, I asked for the data myself and was denied the data claiming that there would be HIPAA violations if they released scientific data on black lung disease, for example, that this coal dust regulation was based on, which is not true. I'm a physician, and there are scientific studies released every day in journals across America that show X-rays and other things of patients without names on them, and they don't violate HIPAA regulations.

I think the timing of this is important because if the rule is finalized, even if you see the science, it makes it very difficult to overturn the rule and the opportunity has passed for peer review and congressional review of the science behind a proposed rule.

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–680.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, lines 18 to 21, strike subparagraph (B) (and redesignate the following subparagraphs accordingly).

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, this bill is 80 pages of one reckless assault after another on public health and environmental protections. It is probably the single worst anti-environment bill in the most anti-environment House of Representatives in history.

The bill continues the Republican war on science and head-in-the-sand approach to climate change, which is the biggest environmental challenge of our time. This bill attempts to legislate away the scientific findings by the Environmental Protection Agency that emissions of carbon pollution endanger public health and welfare by contributing to climate change. I have news for my Republican colleagues: You can rewrite the Clean Air Act, but you can't change the laws of nature.

In June, the D.C. court of appeals upheld EPA's endangerment finding in a unanimous decision led by the Reagan-appointed Chief Judge Sentelle. The court stated that ''EPA's interpretation of the governing Clean Air Act provisions is unambiguously correct.'' The court dismissed every challenge to the adequacy of the scientific record supporting the EPA's findings.

Now that the courts have decisively rejected the Republican arguments against the endangerment findings, House Republicans want to change the law. But denying scientific reality is not going to change climate change.

My amendment is very simple. It strikes the language in the bill that would repeal the endangerment finding. It does not fix the other egregious anti-environment provisions of the bill, but at least Congress would not be doubling down on science denial. When the Energy and Commerce Committee first produced the language in title II of the bill last year, here's what one of the world's preeminent science journals, ''Nature,'' wrote about the votes to deny the existence of climate change:

It's hard to escape the conclusion that the U.S. Congress has entered the intellectual wilderness, a sad state of affairs in a country that has led the world in many scientific arenas for so long. Misinformation was presented as fact, truth was twisted, and nobody showed any inclination to listen to scientists, let alone learn from them. It has been an embarrassing display, not just for the Republican Party but also for Congress.

What this amendment would do is to accept the scientific consensus, support our amendment, and restore the findings as they should be in this bill. It does not change the bill, except for the findings that, I think, are embarrassing to this institution and don't deserve to be in this legislation.

With that, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise to claim time in opposition to the gentleman's amendment.

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

Mr. WHITFIELD. I would say to the gentleman that we can accept all of the scientific evidence.

When the Administrator of the EPA, Lisa Jackson, came to the committee, she was asked the question: What will happen if other countries don't do the same thing that we're doing? In other words, what's going to happen if other countries don't regulate greenhouse gases? She said the benefits for Americans will be very small, if anything, if that happens. EPA even conceded in its own analysis of its automobile regulations that it estimates it will reduce the Earth's future temperature by one one-hundredth of a degree in 90 years.

So let's just do a balancing act here. We have a regulation proposed which, when finalized, would prohibit the building of any coal-powered plant in America, and the administrator of EPA says that the regulation would be ineffective unless other countries joined in.

With that, I respectfully request the defeat of the gentleman's amendment, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman and my colleagues, I ask for support of this amendment. Let's not have the House of Representatives take a position on a bill upholding findings that are inaccurate, go against the scientific consensus, and put our head in the sand about the whole problem of climate change.

I know that many of the people that don't want to deal with climate change are going to be coming to us, asking us to bail out their farmers for the crop losses. We're going to have people coming in and asking those of us from other parts of the country to help pay for the other climate disasters. We're Americans, and we try to take care of each other, but we also owe it to this country to try to prevent the damage that we're seeing and will only increase in the years ahead if we do nothing about climate change, and certainly if we deny the very reality of the carbon emissions that are causing greenhouse gases, global warming, and climate change.

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

Mr. WHITFIELD. I've already stated my reasons to oppose the amendment, and I would urge everyone to vote in opposition to the gentleman's amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MR. KELLY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–680.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 202 of the Rules Committee Print, strike ''Section 209(b) of the Clean Air Act'' and insert the following:

(a) FINDING.—Congress finds that the emissions of greenhouse gases from a motor vehicle tailpipe are related to fuel economy.

(b) REPORT REQUIRED.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Congress that, notwithstanding section 201, assumes the implementation and enforcement of the final rule entitled ''2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards'' (issued on August 28, 2012) and estimates—

(1) the total number of jobs that will be lost due to decreased demand by year caused by the rule;

(2) the number of additional fatalities and injuries that will be caused by the rule; and

(3) the additional cost to the economy of the redundant regulation of fuel economy and greenhouse gas emissions by the Environmental Protection Agency and State agencies for model years 2011 through 2025.

(c) CONSULTATION.—Other than to gather basic factual information, the Secretary of Transportation shall not consult with the Administrator of the Environmental Protection Agency or any official from the California Air Resources Board in fulfilling the requirement described in subsection (b).

(d) AMENDMENT TO THE CLEAN AIR ACT.—Section 209(b) of the Clean Air Act

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Pennsylvania (Mr. KELLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KELLY. Mr. Chairman, I yield 2 minutes to my friend from Texas (Mr. CARTER).

□ 1850

Mr. CARTER. I thank the gentleman for yielding.

This amendment would require the Secretary of Transportation to submit a report to Congress estimating: one, the number of jobs lost from the rule; two, the fatalities and injuries caused

by the rule; three the cost to the economy caused by the rule. And it prohibits the Department of Transportation from consulting with the Environmental Protection Agency or the California Air Resources Board to complete the project.

What we really have here is a situation of executive overreach. We have seen a lot from the Obama administration along those lines. He told us when Congress doesn't act, he will.

Well, the EPA has never been involved in fuel standards for the industry. This has been the job that the Congress authorized the Department of Transportation to do through the CAFE standards, Corporate Average Fuel Economy standards, not the EPA. California has State standards that they have established, but that doesn't make them the sole authority on the right standards.

What this rule will do is raise the average cost of a car by $3,000. It will cost 160,000 jobs by the Department of Transportation's own flawed analysis. It will cost industry and consumers $210 billion, the most expensive rule ever for the automobile industry.

This rule will price 7 million Americans out of the new car market. It will end the cars that are priced under $15,000. It will reduce vehicle safety mainly by reducing the weight and producing lighter vehicles, which are more susceptible to fatal collisions.

Finally, and most importantly to the State of Texas, this will reduce access to pickup trucks and other work vehicles, which are abundant in our State. This is overreach by the government.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

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

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

There is a tremendous revolution going on in the United States right now that the Kelly amendment would cut right to the heart of.

Between 2017 and 2025, as fuel economy standards in America would rise to 54.5 miles per gallon just because of those additional 8 years of higher fuel economy standards, we would back 2 million additional barrels of oil per day out of the United States. How much is that?

Well, let me just give you an idea. There is conversation about whether or not there might be a war with Iran. Well, the United States imports 1.8 million barrels of oil per day out of the Persian Gulf, 1.8 million barrels a day.

This amendment would kill the efforts, which the auto industry has accepted, to back out 2 million barrels of oil per day by increasing the fuel economy standards between 2017 and 2025. This is one of the most anti-national security amendments that we could ever have out here on the House floor. Combined with the dramatic increase in CO_2 that would go into the atmosphere—an additional 6 billion metric tons of CO_2 would go up into the atmosphere if this amendment passed. Now, how much CO_2 is that? That's as much CO_2 as the entire United States emitted in the year 2010 in our country.

If you look at these two issues in combination, you look at the fact that the auto workers endorsed the increase in fuel economy standards, the auto industry endorses the increase in fuel economy standards, it's not unlike this myth that's been created that it's anything other than the marketplace that is the problem that the coal industry is principally having with natural gas coming as a substitute across the country, and the petrochemical industry, and the utility industry, and consumers choosing it for home heating rather than oil.

Well, the same thing is happening here. Where's the problem? Who wants this change? The auto industry doesn't want it. The auto workers don't want it. Clearly it's a huge national security issue. And the auto industry enjoyed last year and is repeating this year record sales as their fuel economy standards go up.

So I would just say that if you care about national security, you really don't want to change the law tonight that backs out 2 million barrels of oil per day, that the industry that is living under the regulation supports. That makes no sense at all as we're getting briefed in secret this afternoon about al Qaeda all across the Middle East, all across North Africa. Why would we do this?

I reserve the balance of my time.

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

This is a subject I know a little bit about because my family actually has been in the business since 1953.

I find it unique that really just inside the Beltway we're able to pick and chose winners and losers, and we're able to tell people, you know what, you're not able to drive what you want to drive, and you're not able to use the source of energy that you want to use. You know why? Because we know better.

I tell you what: the track record here doesn't show me that you really know better—a $16 trillion business in the red, and it continues? I would look at the President. I think he has got a war on wheels.

The big thing about America is you were always able to pick the car you wanted to use. You could drive it anywhere you wanted. You could do anything you want. In this country you can leave here and drive to California if you want. You don't have to worry about it.

This amendment only asks us to do something that's common sense. I know that's hard to understand here. I have been here for 20 months, I'm still trying to figure it out, and I've pretty much got it down now.

When you take things away from people and replace them with something that they don't want, let me tell you what happens. When you raise the price of a car, what it does is take off the ability for somebody at the entry level to buy a car.

Now, the unintended consequences in this town are absolutely astounding. We talk about the loss of jobs. We talk about the loss of jobs, not just the people who build the cars but how about the people who make the tires. How about all the different elements that go into a car, all the different things that go into a car? We have a direct effect on these people being successful.

You have to get these cars lighter. When you make them lighter, what do you do? There's a safety impact there. The losses that we continue to put on our job creators is staggering here. I think the reason why is because most of the people here have never been a job creator. They have been debt creators.

They love coming up with legislation that the average American couldn't begin to figure out. They scratch their head and they raise their shoulders and say, how is this happening? I say it's happening by irresponsible legislation, or if we can't legislate it, let's just regulate it.

We understand what CAFE is all about. I was there when it first started. I understand, it was about dependence on foreign oil. The administration says, you know what, though? If you do this 54.5 miles per gallon, you know what? You'll save $8,000 in fuel. Now what they don't tell you is you have to drive 224,000 miles to reach that, but that's just a little detail. Why would we even worry about the details when we know so well what we're doing here? My goodness, it's evident.

Now there is a war on wheels. There's a war on fossil fuels, there's a war on just about everything here that would help a job creator create a job. Then we tell these people, look, we want you in here with both feet, we want you in the game. And all I say to these folks is, you know what? You need to get some skin in the game too. I want to see your noses bloodied a little bit when you come out with these ridiculous regulations.

I tell you what, as a job creator I'm being tired of being water-boarded by our own government. I'm tired of being told that you're going to have to meet these standards. How did you come up with those standards? Well, we have got some fuzzy science that we will bring in.

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

Mr. KELLY. Now I will just close with this. We can continue this silliness, or we can get America back to work. My suggestion is get Americans back to work.

Mr. MARKEY. May I inquire of the Chair how much time I have remaining?

The Acting CHAIR. The gentleman from Massachusetts has 2 minutes remaining.

Mr. MARKEY. Let me just say this again, don't quote me. I'm going to

give you Dan Akerson, the CEO of General Motors. This is what he said about the standards that this amendment would repeal here tonight: Not only would it end our ability to back out 2 million barrels of oil a day that we would import from the Persian Gulf, but the CEO of General Motors says that these standards were a ''win for American manufacturers.''

□ 1900

Hear what I'm saying? The CEO of General Motors said these regulations are a win for the manufacturers of automobiles in the United States. It's not my quote. That's the CEO of General Motors. What's good for General Motors is good for America. I don't know if you've ever heard that. But let me tell you, he's not alone. It's also Ford, Chrysler, BMW, Honda, Hyundai, Jaguar, Land Rover, Kia, Mazda, Mitsubishi, Nissan, Toyota, Volvo, as well as the United Auto Workers, the State of California consumer groups, and environmental organizations. Everyone agrees on this.

So where is the opposition coming from? Who doesn't like this? Why are we having a debate here? There's no point in trying to repeal something that enhances dramatically our national security, saves consumers—because it will be 54.5 miles a gallon by the time it ends. That means since the car goes twice as far on a gallon, instead of $4 a gallon, it's only $2 a gallon. That's a big savings for everyone every time they fill up their tank. We know that the technology is there because that's every ad that we see on television every night now. It's for the new hybrid. It's for the new technology that they're all touting.

So it's all there. The industry supports these regulations that they're seeking to repeal. So it's just ideological. They don't like the government. The Republican paradox is they don't like the government, but they have to come to Washington in order to make sure it doesn't work. Here, the private sector says it's working.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–680.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II of the Rules Committee Print, add the following new section:

SEC. 203. REDUCING DEMAND FOR OIL.

Notwithstanding any limitation on agency action contained in the amendment made by section 201 of this Act, the Administrator of the Environmental Protection Agency may use any authority under the Clean Air Act, as in effect prior to the date of enactment of this Act, to promulgate any regulation concerning, take any action relating to, or take into consideration the emission of a greenhouse gas to address climate change, if the Administrator determines that such promulgation, action or consideration will increase North American energy independence by reducing demand for oil.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. My amendment is very simple: If you want to keep America on its current path towards North American energy independence by 2020, then let us ensure that EPA uses the authority to reduce demand for oil that this bill rescinds.

In 1985, after the first-ever fuel economy standards mandated by Congress were implemented, we imported only a quarter of our oil. But after the Republicans and the auto industry spent decades blocking further standards from being set, that number skyrocketed to a staggering 57 percent of our oil being imported on the day in 2009 when George Bush walked out of the White House. We were importing 57 percent of our oil. And remember, we put 70 percent of all the oil we consume in our country into gasoline tanks.

Well, 57 percent is a lot to be dependent upon foreign oil, especially at this perilous time in our Nation's history—paid for with money that supports Iran's nuclear program, roadside bombs in Iraq, rockets for Hezbollah and Hamas, and hate-filled Wahhabi teachings in Saudi Arabia.

We broke that destructive cycle when the Democrats passed, and to his credit, President Bush signed, the 2007 energy bill that included the energy bill that I coauthored to require new fuel economy standards to be set. President Obama accelerated the implementation and used the Clean Air Act to require additional reductions in demand for oil, and we are now back down to importing only 45 percent of our oil.

Got that arithmetic? Fifty-seven percent imported oil on the day George Bush walked out of the White House in January 2009 and 45 percent dependence today. Good job, President Obama. Let's stay on that path.

That was not accomplished by launching a war on the auto industry, because 13 major auto companies support these standards. The unions support the standards, environmental organizations.

By repealing these standards, Republicans have launched a war against every single resident of this country whose hard-earned paycheck gets poured into their gas tanks and have to pay for the defense budget to have all of that protection over in the Middle East to ensure that that oil from that dangerous part of the world comes into our country.

And let's be very clear: If the Obama administration is allowed to continue with all of its energy policies, we will be 95 to 99 percent North American energy independent by the year 2020. That is something we should not get off the path for.

I reserve the balance of my time.

Mr. WHITFIELD. I rise to claim time in opposition to the gentleman's amendment.

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

Mr. WHITFIELD. I stand in opposition to the gentleman's amendment very simply because we know that the Clean Air Act—under the greenhouse gas regulations as proposed by EPA, it will be impossible to build a new coal-powered plant in America. Because of that, we're going to lose a lot of jobs in this country.

At this time, I yield the balance of my time to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. I thank the gentleman.

It's intriguing. And again, I've actually not just talked the talk; I've walked the walk. I'm always fascinated by these facts and figures that we throw around, and we talk about all the things that we're doing and we talk about General Motors.

The General Motors that I understand, the General Motors that my father started with in 1936 as a parts picker, was not the same General Motors that told me in 2009 I could no longer be a dealer, because it wasn't the same General Motors. You see, General Motors kind of went by the wayside and a new General Motors came into view.

And as we talk about all these folks that fell in line with what the administration wanted, of course they did. Who do they owe the money to? Who got bailed out in this great auto bailout? Who are the people whose jobs were saved? Who were the people whose pensions were made full and who was left hanging?

So we can talk about all these wonderful things that happened, and these are flights of fancy. This gets to be a little bit silly to me when the company that agreed to these new standards was beholden to the people who put them forward. It wasn't good enough that we already had standards on the books. No, no, no, no, 32½ miles a gallon aren't enough. We've got to get to 54½ miles a gallon. Why is that? Because that's what we want. We've got to get California involved. We've got to get the EPA involved. We've got to get everybody else involved.

I go back to day one when it was a CAFE standard and the idea was to get away from dependence on foreign oil.

We can talk about this and we can pretend that these things didn't happen. We can pretend that General Motors went bankrupt—and the idea of taking money from the government was to keep General Motors from going bankrupt. Amazingly, they went bankrupt. And isn't it something that a company the size of General Motors could emerge from bankruptcy in 11 days? My gosh, that's fantastic. Not only did they emerge, but you know what they were able to keep? They were able to keep carry-forward tax losses. That usually doesn't happen in normal bankruptcy. But we can game that a little bit.

So when we talk to these other manufacturers and we say we'll give a carrot here, but we also got a little stick that goes with it, yeah, they went along with it. But look who went along with it. The board of directors was not elected by shareholders. It was appointed by the administration.

Now these flights of fancy are a little bit funny inside here, but for a guy that actually walked that walk and had a dealership taken away from him—not because I couldn't run it but because the administration decided under the new General Motors that I wasn't going to be a dealer anymore—that's hard to take. My dad started in 1953, worked very hard to get there. We actually did build it. I mean, we physically built it ourselves. And now to be told, Well, we've made a decision; you're not going to.

Now, this energy stuff gets a little bit weird to me. And I know the President likes to take credit for all the things that the Bush administration did. The fact of the matter is permitting has been stopped. And what I would encourage all Members to do is go out in the field, talk to the people in the coal business, talk to people in the oil business, talk to people that are having a tough time staying open because they can't get a permit. Now you can get a permit, but you just have to wait in line a long time to get it.

These things, again, this is common sense. And if we can't come together in this House and do what's right for the people of the United States, then there's something dramatically wrong. We've got tremendous natural resources. You just have to take advantage of it.

Mr. MARKEY. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 2½ minutes.

Mr. MARKEY. Again, let me make this very clear. The increase in the fuel economy standards that we're debating here were the fuel economy standards that George W. Bush signed into law in December of 2007.

□ 1910

That was George W. Bush. The increase in the fuel economy standards that we're talking about here tonight are all supported by General Motors and Ford, all the major 13 auto manufacturers in the United States. The standards that we're talking about that the Republicans want to repeal are supported by the United Auto Workers and by all of the major environmental groups.

Where is the fight? It's George Bush and General Motors and the environmental groups. You are all saying that you want Washington to work. You're all saying you want partisanship to be put aside. How can you look past something here that is the perfect example of how the whole system should work?

You know, Bill Clinton said it right at the Democratic convention. It's all about the arithmetic. The D in the automobile is to drive forward; the R is for the reverse. The R's are the Republicans; the D's want to continue to move forward. They're trying to put this country in reverse here tonight, reverse a consensus that was established when George Bush was President that we had to do something about imported oil, and this is the act that we all agreed that we had to take.

So what does this legislation portend for our country? Well, jobs saved: 1 million plus; gas pump savings: double the gas mileage means the consumers' costs are cut in half no matter where they drive in these new, more efficient vehicles; and energy independence. When it's all said in done, it's 3.1 million barrels of oil per day, and we can tell the Middle East we don't need their oil any more than we need their sand.

I'm missing something in this debate. I still haven't heard why you would want to repeal something that helps our country on so many fronts and at the same time reduces, by 6 billion metric tons, the amount of CO_2 that goes into the atmosphere that is dangerously warming our planet while America is going to sell 14 million new vehicles this year, the most since 2007, since the recession started, under this new law.

I urge adoption of the Markey amendment, and I yield back the balance of my time.

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

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

The Acting CHAIR. The amendment is agreed to.

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

Mr. MARKEY. If I may inquire, I do not think that that objection was, in fact, made in a timely fashion, Mr. Chairman.

The Acting CHAIR. The gentleman from Michigan was on his feet seeking recognition in a timely manner.

A recorded vote is requested.

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

AMENDMENT NO. 6 OFFERED BY MR. BENISHEK

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–680.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 15, line 16, insert ``, including health effects associated with regulatory costs'' before the semicolon.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Michigan (Mr. BENISHEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

My amendment is very simple. It's a single line that adds, at line 15, ``including the health effects associated with the regulatory costs.''

It's a simple principle. Regulations cost money to implement. No one will dispute that. In fact, when the EPA or any other Federal agency wants to issue a new regulation, it's legally obligated to let Americans know both the costs and the benefits of these proposed rules. However, due to a narrow interpretation of this obligation, the EPA often avoids measuring all aspects of the full costs of its proposed regulations, including the impact of jobs lost and the adverse health effects of those lost jobs.

Why is this important? I'm a doctor, and there's near universal agreement among doctors, scientists, and statisticians that joblessness and higher energy prices result in negative health outcomes—including suicide, respiratory illness, and a much higher likelihood of early deaths.

Despite this, the EPA never admitted that there was a simple negative health effect resulting from its heavy-handed air quality regulations.

Dr. Harvey Brenner of the University of North Texas has found that a substantial reduction in coal-powered electricity could cause between 170,000 and 300,000 premature deaths.

A 2011 study by the Stony Brook University found that the risk of premature death was 63 percent higher for people who experienced an extended period of unemployment.

According to a 2012 report by the American Legislative Exchange Council, Michigan will rank as the fifth worst hit State impacted by the EPA's most recent onslaught. Total job losses in the State could reach almost 15,000.

To make matters worse, while employment is decreasing, the electricity rates would be increasing, potentially by as much as 30 percent. Not only would EPA regulations be responsible for Michigan residents losing their jobs and paying more for electricity, it's estimated the State could lose $1.9 billion in manufacturing output by 2015,

as well as suffer a loss of $1.7 billion in the State and local government revenue.

Let's talk a little bit more about the families in Michigan.

We know that the 54 percent of Michigan families that earn $50,000 or less a year currently spend 23 percent of their after-tax income on energy and that Michigan families earning $10,000 a year or less devote 85 percent of their income to energy.

As for jobs, a recent study on the economic impact of lakes-seaway shipping found that waterborne commerce sustains almost 27,000 jobs in Michigan. In 2008, over 16 million tons of coal were delivered to Michigan ports, most via the Soo Locks in my district.

Although the amount of mercury emitted from U.S. power plants has been cut in half since 2005, the Obama administration continues to insist on implementing harsh new regulations that will not only increase energy prices, but they allow marginal benefits. For example, the EPA already admits that virtually all, more than 99 percent of the claimed benefits of the Utility MACT rule will come from reductions in particulate matter that is already regulated under separate regulations.

Families in my district simply can't afford these burdensome regulations, and they deserve an administration that will be truthful about the real economic and health impact of any regulations they propose.

I urge Members to support my amendment which, again, is simple. The underlying bill creates an interagency committee to assess the cumulative impacts of current and pending environmental regulations. My amendment would simply require this committee to evaluate the health effects associated with the regulatory costs.

Like everyone, I want clean air and water. I grew up on the Great Lakes. I believe those of us who call northern Michigan ''home'' are blessed to live near three of the five Great Lakes. Anyone who visits our area is able to enjoy the clear blue waters of our vast lakes that stretch from horizon to horizon. I would never vote for a bill that would endanger such a national treasure.

My friends across the aisle will make all kinds of claims, but the truth is this: This bill does not affect the authority under the Clean Air Act to regulate mercury and other hazardous air pollutants but, rather, will help ensure that those regulations are cost effective and use improved processes.

Right now, my constituents need jobs, not more regulations. Our Federal agencies need to consider the full costs, both health and economic, of proposed regulations.

Mr. Chairman, I thank you for my time, and I urge my colleagues to vote for my amendment and the underlying bill.

I reserve the balance of my time, if there's any left.

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

Mr. MARKEY. Mr. Chairman, I claim the time in opposition.

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

Mr. MARKEY. I thank the Chair.

I yield myself such time as I may consume just to say that this amendment just makes a terrible bill even worse. The bill requires a new interagency committee to conduct an impossible study of EPA rules that haven't even been proposed using data that doesn't even exist. This amendment requires additional nonexistent information to be included in the study.

My colleague's amendment would require an interagency committee to examine what he calls the health effects of regulatory costs. This is ironic since the Republicans have shown little interest in discussing the health effects of the legislative monstrosity which we are debating today.

I urge my colleagues to oppose this amendment and to oppose the bill, and I yield back the balance of my time.

□ 1920

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

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. HARRIS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–680.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, line 18, strike ''and''.

Page 22, line 2, strike the period and insert a semicolon.

Page 22, after line 2, insert the following:

(iii) shall not issue any proposed or final rule under section 109 of the Clean Air Act (42 U.S.C. 7409) that relies upon scientific or technical data that have not been made available to the public; and

(iv) shall not issue any proposed or final rule under section 109 of the Clean Air Act (42 U.S.C. 7409), unless the accompanying regulatory impact analysis, as required under Executive Order 12866, is peer reviewed in a manner consistent with the Office of Management and Budget's ''Final Information Quality Bulletin for Peer Review'' and the third edition of the Environmental Protection Agency's ''Peer Review Handbook''.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Maryland (Mr. HARRIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HARRIS. Mr. Chairman, the sad fact is that the Environmental Protection Agency bases its regulations on data and modeling that is often withheld from the public. My amendment simply requires that the Environmental Protection Agency make available to the public the data that regulations are based on and to follow its own guidelines and submit regulatory impact analyses to peer review. It's my hope that transparency, sound science and peer review are principles that everyone can support.

For example, it is frequently claimed that the Clean Water Act generates benefits that outweigh costs by a 30–1 ratio, but almost 90 percent of these claimed benefits are based on two studies whose underlying data has never been made public. I can verify this firsthand because for the last year I've asked the administration at committee hearings and on the record for this information and have been repeatedly rebuffed. This is not an acceptable way to run a regulatory agency that impacts our country's health, economy, unemployment—as we heard from the gentleman from Michigan—and ability to compete internationally.

Both President Obama's senior science adviser and the head of EPA's independent science advisory board agreed with me at recent hearings that the scientific data used by the government to justify its regulatory actions should be made publicly available. EPA also states in its own Peer Review Handbook that ''one important way to ensure decisions are based on defensible science is to have an open and transparent peer review process.'' Unfortunately, when EPA conducts a cost-benefit analysis for these major Clean Air Act rules, they are not subjected to peer review.

Mr. Chairman, we live in a world where people increasingly expect direct access to information. Government regulations should be able to withstand public scrutiny. If the benefits outweigh the costs, then prove it; and if you believe that a government regulation is justified, then you should have nothing to hide.

I respectfully request support for my amendment, and I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

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

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

This amendment would prevent EPA from using important high-quality scientific research when setting standards to protect public health and save lives. This amendment establishes an entirely new requirement when EPA sets national ambient air quality standards—the scientific health-based standards that essentially tell us how much pollution is safe to breathe. Under this amendment, EPA cannot use any study in setting these air quality standards unless the study's underlying data has been made public.

Why is this a problem? Because data sets underlying peer-reviewed scientific studies are the private property of the scientists that gathered them. In many cases, those data sets may include confidential business information, or personal information such as

an individual's health records. And the public availability of underlying data is not relevant to the quality of a study. Publication of data sets is not required by peer review journals and such publication is not a common practice in the scientific community.

EPA cannot require scientists to give up their private property when they publish their peer-reviewed studies, so in many cases this amendment would block EPA from using relevant, high-quality studies. This policy has long been on the industry's wish list, and we just have to make sure that we don't make it possible for them to put it on the books as a law. This is not because of the data quality concerns or transparency concerns, but because all of these studies conclusively show that air pollution kills people, which is the very subject they do not want to be able to debate.

This is a very dangerous amendment, and I urge my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. HARRIS. Mr. Chairman, what's there to hide? As I said, if a regulation is justified, why should the government hide data from the public in their justification of a regulation?

Mr. Chairman, I've done scientific studies. I've been the peer reviewer on scientific studies. If I have a question about data, I ask for it and I get it and I review it myself. This is the same access the public should have.

Nobody wants dirty air, nobody wants dirty water; but if we're going to pass job-killing regulations, we better be sure that that is sound science it's based on. That's what this amendment does, and I urge support.

I yield back the balance of my time.

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

The amendment was agreed to.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POMPEO) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

FEDERAL RESERVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I appreciate you coming in tonight and allowing me to have the time.

I'm going to get a little outside of my comfort zone tonight, Mr. Speaker. You talk about the 20 months you and I have been on the job here in this body. We've talked a lot about tax policy. And I feel like we're going to have a conversation. I think, as we stand in this Chamber a year from today, we will have signed fundamental tax reform into law. I'm excited about seeing this body do that.

I think about health care reform. As we stand here today, I feel like this time next year, we will have much more freedom in our health care system. I feel like we'll have skin in the game in our health care system. That's a conversation that America has had and will continue to have.

But a conversation America has not been having, Mr. Speaker, is one about the Federal Reserve and what the Federal Reserve is doing to help with jobs and the economy. We talk about that here on the floor of the House on a regular basis: What are we doing to help jobs and the economy?

As you know, Mr. Speaker, we have about 30 bills sitting over in the Senate that we've passed here in the House that would stimulate the economy, that would help American workers get back to work, but the Senate has failed to act. And in the absence of action by the Senate and in the absence of being able to move legislation to the President's desk, the economy continues to flounder.

□ 1930

The President has orchestrated about $800 billion worth of stimulus programs, but that has not gotten the economy back on track. Not only did we not get unemployment down, it continued to rise under that stimulus program. And so what we have, and so if you folks in America talk about it, we have an independent Federal Reserve that engages in monetary policy, and these days, in economic stimulation.

I want to point, Mr. Speaker, to an article by—well, I'll call him Dr. Phil Gramm. I mean, in fact, he's Senator Phil Gramm, from the great State of Texas, but he was born in the great State of Georgia and got his Ph.D. from the University of Georgia, his Ph.D. in economics. And he had an article in The Wall Street Journal just this past week, and I want to tell you what it said.

Phil Gramm writes this, Senator Gramm writes this, Dr. Gramm writes this:

> Since mid-September of 2008, the Federal Reserve balance sheet has grown to $2.8 trillion, from $924 billion, as it purchased massive amounts of U.S. Treasury's and mortgage-backed securities. To finance these purchases, the Fed increased currency and bank reserves, base money. That kind of monetary expansion would normally be a harbinger of inflation. However, the bank's holding the excess reserves, rather than lending them out, and with velocity, the rate with which money turns over, generating national income at a 50-year low and falling, the inflation rate has stayed close to the Fed's 2 percent target.

Now, Mr. Speaker, I work hard. I study hard. I get through paragraph one of Dr. Gramm's editorial, I'm already getting confused because we don't spend enough time talking about velocity of the money supply. We don't spend enough time talking about what the Federal Reserve's doing in terms of purchasing the bonds. And we don't spend enough time talking about monetary expansion.

But let me get into some terms that we do talk about more, Mr. Speaker. The second paragraph of the editorial. While the Fed considered its previous rounds of easing, QE1, QE2 and Operation Twist, the argument was consistently made that the cost of such actions was low because inflation was nowhere on the horizon.

That same argument is now being made as the central bank contemplates QE3 during the Federal open market committee meetings on Wednesday and Thursday. Inflation is not, however, the only cost of these unconventional monetary interventions. As investors try to predict the timing and effect of Fed policy on financial markets and on the economy, monetary policy adds to the climate of economic uncertainty and status already caused by current fiscal policy. There will be even greater costs when the economy begins to grow, and the Fed, to prevent inflation, has to reverse course and sell bonds and securities to the public.

Now, I'm not going to say that's still perfectly clear, Mr. Speaker. But I am going to say, we're starting to talk about QE1, QE2, now QE3 because that open market committee met and decided to proceed with QE3, and Operation Twist. Now what are these terms, and why don't we talk about them more often?

Let me just go briefly, Mr. Speaker, to the Federal Reserve Act. Just to be clear, section 2(a), monetary policy objectives, this is what, we, the Congress, Mr. Speaker, have charged the Federal Reserve with. And I'll quote from the statute:

> The Board of Governors of the Federal Reserve System and the Federal Open Market Committee, shall maintain long-run growth of the monetary and credit aggregates commensurate with the economy's long-run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates.

Now, when folks want to know what it is the Federal Reserve does, this is the congressional mandate: increase production so as to promote efficiently—effectively, pardon me—the goals of maximum employment, stable prices, and moderate long-term interest rates.

Now, Mr. Speaker, I'm not a Ph.D. economist, but I've taken a few economics classes over the years. And what I would tell you is I have always imagined that full employment and stable prices and moderate long-term interest rates are often in conflict with one another.

You know, when you want to stimulate the economy, you try to lower interest rates so folks borrow more