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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 3, 2014.

I hereby appoint the Honorable DOUG COLLINS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

NATIONAL OZONE POLLUTION STANDARDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, since the Clean Air Act was enacted into law more than 40 years ago, we have seen tremendous progress in cleaning up our air and in protecting thousands of communities around the country.

Unfortunately, many Americans are still living in communities where poor air quality puts them and their loved ones' health at risk. That is why I am proud to support the EPA's new standard for ground level ozone pollution.

Whether we work outdoors or simply want our children to be able to play outside, the EPA's recent national ozone pollution standards bring us one step closer to cleaner, healthier communities for everyone to enjoy. This proposal would lower the current standard of 75 parts per billion to a standard in the range of 65 to 70 parts per billion, while taking public comments on a level as low as 60.

Despite what many of my colleagues seem to believe, successful public health protection depends on the latest scientific data, and as many Members have been so eager to point out, we are not scientists. All we can do is rely on the best data out there from experts in the field, and in this case the data is quite clear.

A significantly expanded body of scientific evidence, including more than 1,000 new studies since the last review of the standards, show that ozone can cause harmful effects to health and the environment. Health experts, epidemiologists, and numerous medical organizations have clearly stated that the existing EPA smog standard of 75 parts per billion is not adequate to protect public health, particularly for vulnerable populations such as children, the elderly, outdoor workers, and those with chronic medical conditions like asthma. In all, 147 million people in the U.S., almost half of the country, are breathing unhealthy air.

Earlier this year the American Lung Association's State of the Air 2014 ranked Chicago as the 14th most polluted city in the Nation for short-term particle pollution. The city also ranked 20th for most ozone-polluted and for year-round particle pollution. In fact, nearly half of all Americans live in counties where ozone or particle pollution levels make the air unhealthy to breathe.

Studies have linked breathing ozone to an increased risk of premature deaths and difficulty breathing, as well

as other serious illnesses. In the U.S. today, one child in 10 already suffers from asthma, and ozone pollution only makes things worse.

When asked what steps need to be taken to reduce the air pollution, the American Lung Association said that Federal action, including the EPA setting strong, health-based standards to limit ozone pollution, is one of the most important action steps we can take.

When we update our national ozone pollution standards, we are not only cleaning up our air but also protecting those most at risk. These changes would have a lasting and positive impact on my home State of Illinois, where 1.2 million adults and 13 percent of children suffer from smog-related asthma, well above the national average.

President Theodore Roosevelt once said, "In any moment of decision, the best thing you can do is the right thing. The worst thing you can do is nothing." Knowing the tremendous impact ozone pollution has on our environment and community health, the decision to do nothing is not a viable option.

Per usual, there are those here attacking this new proposal with claims of job loss and economic harm. According to science deniers and special interests, this proposal will cause the sky to fall. The facts, however, state otherwise.

Since 1970 we have cut harmful air pollution by almost 70 percent while the U.S. economy has more than tripled. An ozone standard in the proposed range of 65 to 70 parts per billion has public health benefits worth billions of dollars. Reducing ozone and particle pollution nationwide will avoid countless premature deaths and thousands of asthma-related emergency room visits, not to mention fewer missed school and work days.

The impact of ozone on agricultural workers is also important in its own

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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right. A reduction in the ozone standard would translate into an annual cost savings of approximately \$1 billion in labor expenditure.

We have countless scientific studies that clearly display the negative health risks associated with unregulated ozone pollution. Nevertheless, critics continue to play a dangerous role in denouncing the science and the law EPA has used for more than 40 years.

The science cannot be ignored. Now is the time to protect the most vulnerable among us. Now is the time to fight for better air quality across the country. Now is the time for action to protect American health and the environment.

We cannot afford to wait. Clean air is essential to a healthy community and a strong economy.

GENIUS OF THE CONSTITUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, the genius of our Constitution can be found in the separation of powers that has preserved our freedom for 225 years.

The American Founders recognized that what had gone so terribly wrong in Europe was that the same organ of government that made the law also enforced that law and adjudicated it. All the powers were in the same hands. They wanted to protect their new Nation from such a fate.

So they divided the powers of government. Congress, and Congress alone, makes the law. "All legislative power herein granted shall be vested in a Congress of the United States."

You want many voices in that decisionmaking process. You want a great, big, messy debate. That is the Congress.

Once that decision is made, it needs to be carried out by a single will, a single branch, headed by one individual whom the Constitution commands to "take care that the laws be faithfully executed." One person does not get to make the law in this Republic. The President is called upon to enforce the law.

Fundamentally, that means he does not get to pick and choose which laws he will enforce and which laws he will ignore. He does not get to pick and choose who must obey the law and who gets to live above the law. And he does not get to change laws or make laws by decree.

That is the difference between the American Republic that prides itself on being a nation of laws and not of men and the European despots of old who boasted that the law was in their mouths.

Mr. Speaker, last week the President asserted an entirely unconstitutional power to nullify existing immigration law by ordering the executive branch to simply ignore it. Further, he has or-

dered 34 million green cards to allow businesses to hire illegal immigrants, despite Federal law that explicitly forbids their employment.

Throughout our Nation's history, executives have tested the limits of their power, but this act crosses a very bright line. Fortunately, the American Founders anticipated that some day a President might attempt to subvert the Constitution in this manner, and they provided a variety of defenses available to both the legislative and the judicial branches.

The legislative branch has the power of the purse, but that power is temporarily constrained by the partisan division between the House and the Senate. Fortunately, the American people have acted to end that division in January.

But I fear that any confrontation between the executive and the legislative branches could ultimately end in stalemate. The third branch of government, the judiciary, must be brought into this process.

Since our earliest days, the Supreme Court has guarded our Nation from unconstitutional acts by both the legislative and executive branches, and that role is desperately needed now. I believe there is no substitute for Congress doing everything within its power to invoke judicial intervention.

I cannot believe that even the most devoted liberals on the bench can be comfortable with this brazen act of usurpation. Assuming the Court stands with the Constitution, the President would have no choice but to back down or face a catastrophic public and congressional backlash.

Whether we choose to recognize it, this is a full-fledged constitutional crisis. If allowed to stand, this precedent renders meaningless the separation of powers and the checks and balances that comprise the fundamental architecture of our Constitution. If it stands, every future President, Republican and Democrat, will cite it as justification for lawmaking by decree.

The seizure of legislative authority by the executive is fatal to a republic such as ours. Indeed, it was Julius Caesar's usurpation of the Roman senate's legislative prerogatives that brought down the Roman republic and began four centuries of dictatorship. Once the rule of one man is established over the rule of law, it is a very difficult thing to stop.

Unlike every law that is passed under our Constitution, the Constitution itself has no penalties for those who break it. The reason is that the Constitution was written to be self-enforcing, but that only happens if the powers of government are evenly balanced. The Founders relied on each branch acting to keep those powers in balance. Now, in our time, that responsibility is ours.

ASSESSMENTS IN EDUCATION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon (Ms. BONAMICI) for 5 minutes.

Ms. BONAMICI. Mr. Speaker, I am here this morning to discuss an important issue that we hear about when we talk with teachers, parents, students, and school administrators. In conversation after conversation, they have expressed concern about what seems like an endless stream of tests that, in many cases, do little, if anything, to improve learning or classroom instruction.

Of course, assessments play an important role in education, and high-quality assessments are valuable for informing meaningful instruction. Nonetheless, too much time is devoted to redundant, low-quality, or unnecessary tests.

In many cases, teachers administer tests, but the results aren't made available for months, and hardworking educators have little opportunity to design individualized support based on the results of those tests.

Furthermore, some of the tests are redundant. They take up time that could be used on meaningful instruction, use resources best spent elsewhere, and cause students undue stress. In other schools, too much time is dedicated to preparing for tests that are not well-aligned with State standards. Simply put, unnecessary assessments have hindered our progress as a global leader in education.

We know that the Federal Government mandates several tests each year, and States and school districts often require even more tests. Does this all make sense? Do all of these tests improve instruction, improve public education?

Today, I rise to discuss legislation that I am working on to help States and local districts implement good, reliable assessments aligned to standards, and importantly, eliminate redundant, poor-quality assessments that take valuable time from teachers and students, time that could be used on meaningful instruction.

We don't need more tests. We need better tests. My bill will use an existing grant to provide States with funding to develop assessment systems that ensure the best use of students' test results and that align assessments with college and career-ready standards.

The transition to rigorous content standards is hard work, and my bill will support States as they implement high-quality assessments linked to those standards.

Working with local educational agencies, States will create assessment plans outlining how they will improve the quality of their tests, how they will use the assessment data, and how they will make the data more accessible to educators, students, and parents.

This legislation will also support States and local districts that want to lead the way on developing more sensible assessment systems. States will be able to volunteer to audit their assessment systems and use the results to design plans to eliminate unnecessary and redundant testing.