was leasing and on which he was taking friends, colleagues, and supporters to hunt;

(2) calls on Governor Rick Perry's presidential rivals, who have not yet make strong statements of outrage over the rock that contained the word, to do so;

(3) calls upon Governor Rick Perry to condemn the use of this word as being totally offensive and inappropriate at anytime and anyplace in United States history; and

(4) calls upon Governor Rick Perry to list the names of all lawmakers, friends, and financial supporters he took with him on his hunting trips at ''Niggerhead''.

□ 1150

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Illinois will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time for consideration of the resolution.

EPA REGULATORY RELIEF ACT OF 2011

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

□ 1155

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 2250

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''EPA Regulatory Relief Act of 2011''.

SEC. 2. LEGISLATIVE STAY.

(a) ESTABLISHMENT OF STANDARDS.—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this Act referred to as the ''Administrator'') shall—

(1) propose regulations for industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incinerator units, subject to any of the rules specified in subsection (b)—

(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such boilers, process heaters, or incinerator units are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act'') for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and

(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.

(b) STAY OF EARLIER RULES.—The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a):

(1) ''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).

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

(3) ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 76 Fed. Reg. 15704 (March 21, 2011).

(4) ''Identification of Non-Hazardous Secondary Materials That Are Solid Waste'', published at 76 Fed. Reg. 15456 (March 21, 2011).

(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—With respect to any standard required by subsection (a) to be promulgated in regulations under section 112 of the Clean Air Act (42 U.S.C. 7412), the provisions of subsections (g)(2) and (j) of such section 112 shall not apply prior to the effective date of the standard specified in such regulations.

SEC. 3. COMPLIANCE DATES.

(a) ESTABLISHMENT OF COMPLIANCE DATES.—For each regulation promulgated pursuant to section 2, the Administrator—

(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for such compliance, shall take into consideration—

(A) the costs of achieving emissions reductions;

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

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

(i) obtain necessary permit approvals; and

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

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and

(E) potential net employment impacts.

(b) NEW SOURCES.—The date on which the Administrator proposes a regulation pursuant to section 2(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) 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)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

(c) RULE OF CONSTRUCTION.—Nothing in this Act 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)).

SEC. 4. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act''), in promulgating rules under section 2(a) addressing the subject matter of the rules specified in paragraphs (3) and (4) of section 2(b), the Administrator—

(1) shall adopt the definitions of the terms ''commercial and industrial solid waste incineration unit'', ''commercial and industrial waste'', and ''contained gaseous material'' in the rule entitled ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 65 Fed. Reg. 75338 (December 1, 2000); and

(2) shall identify non-hazardous secondary material to be solid waste only if—

(A) the material meets such definition of commercial and industrial waste; or

(B) if the material is a gas, it meets such definition of contained gaseous material.

SEC. 5. OTHER PROVISIONS.

(a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—In promulgating rules under section 2(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.

(b) REGULATORY ALTERNATIVES.—For each regulation promulgated pursuant to section 2(a), 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 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are harming brain development or causing learning disabilities in infants or children.

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

Mr. WAXMAN. Mr. Chairman, yesterday Republicans told us they aren't opposed to clean air, but we just can't afford it right now. And as their bills have no deadline for ever cleaning up toxic air pollution from these sources, it appears that they don't think we can ever afford clean air even in the future. The truth is we can't afford to wait for clean air any longer, and here's why.

Mercury is a potent neurotoxin. Numerous scientific studies from around the world show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak. EPA has estimated that about 7 percent of women of childbearing age are exposed to mercury at a level capable of causing adverse effects in the developing fetus. That may not sound like a big number, but that translates into thousands and thousands of children who may never reach their full potential.

Toxic pollution can have tragic consequences. That's why Republicans and Democrats, alike, voted in 1990 to strengthen the Clean Air Act to require dozens of industry sectors to install modern pollution controls on their facilities. And since then, EPA has set emission standards for more than 100 different categories of industrial sources. The standards simply require facilities to use pollution controls that others in their industry are already using. They are based on maximum achievable control technology.

EPA's approach has been successful. Emissions standards for these industrial sources have reduced emissions of carcinogens, mercury, and other highly toxic chemicals by 1.7 million tons each year. But a few major industrial sources so far have escaped regulation, and the Republicans appear to be on a mission to help them continue to evade emissions limits on toxic air pollution.

Coal-fired power plants are one major industrial source of hazardous air pollutants. In fact, they are the largest U.S. source of airborne mercury pollution. But just a couple of weeks ago, the Republicans passed the TRAIN Act to nullify EPA's rules to cut toxic air pollution from those sources.

Yesterday, we debated whether or not cement kilns, another major source of mercury, should have to clean up—the Republicans said ''no''—and today, we are talking about incinerators and dirty boilers at industrial facilities across the country, including chemical plants, refineries, and large manufacturing facilities.

H.R. 2250 nullifies EPA's rules to clean up toxic air pollution from these sources and requires EPA to issue new rules using confusing and unworkable criteria. These long overdue public health protections will be delayed for years. That's unacceptable for the people who live near a solid waste incinerator or a chemical plant using a dirty boiler. These communities already have been waiting for more than a decade for EPA to clean up these facilities.

My amendment is straightforward. It states that EPA can continue to require an incinerator or a facility using a dirty boiler to clean up its toxic air pollution if that facility is emitting mercury or other toxic pollutants that are damaging infants' developing brains. This amendment simply clarifies our choice: allow polluters to continue to harm infants and children on the one hand, which is what the Republicans would allow, or require facilities that are actually harming our kids to reduce their pollution.

I urge my colleagues to support this amendment and protect our children's future.

I know we hear a lot about jobs and we hear a lot about the economy. Our economy will not recover if our children's minds are not allowed to fully develop, if we don't have a population of young people that can be born healthy, can get educated, can learn, and can produce a good life for themselves, their families, and for our Nation's economy. So please support this amendment.

I yield back the balance of my time.

□ 1200

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

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

Mr. WHITFIELD. Our legislation, H.R. 2250, does not leave the American people with the choice of having to have unregulated air, polluted air that creates horrible health consequences. Our legislation is a balanced approach that simply says we think that Congress has the responsibility to review regulations where the American people have told us in hearings that they have great difficulty in complying—in some instances they are unable to comply—and that as a result jobs would be lost.

Sometimes, listening to the debate, it sounds like we have the most polluted air in the world. I would note that EPA reported that since 1990, nationwide air quality has improved significantly for the six common air pollutants. For example, ozone pollution has been lowered by 14 percent; coarse particulate matter—dust—by 31 percent; lead by 78 percent; nitrogen dioxide by 35 percent; carbon monoxide by 68 percent; sulfur dioxide by 59 percent. So we have a very clean air standard today.

Our legislation is not in any way going to change any of the health protections. We simply are asking, because of the concerns expressed by many people around the country, many industries around the country, that EPA should go back, within 15 months, issue, promulgate a new rule within 5 years, give the industry that much time to comply. If the EPA administrator thinks they need more time, then she or he may do that but is not required to do so.

So our position is that this is a balanced approach, particularly at this vulnerable time in our economy when our unemployment rate is high; that we can protect jobs, we can help stimulate the economy, and we can also protect health without endangering our young people.

So for that reason, I would oppose the amendment and ask Members to oppose this amendment.

I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the last word.

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

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of this amendment.

The bill before us nullifies EPA's rules to require industrial boilers and incinerators to reduce their emissions of toxic mercury and other toxic pollutants. The bill removes legal deadlines for pollution controls to be installed, fundamentally weakening the Clean Air Act and allowing years or decades of continued toxic air pollution.

Mr. Chairman, mercury is a potent neurotoxin. According to the California Department of Toxic Substances Control, human exposure to organic mercury can result in long-lasting health effects, especially if it occurs during fetal development. In addition, scientists have linked mercury poisoning to nervous system, kidney and liver damage, and impaired childhood development. Nervous system disorders can include impaired vision, speech, hearing, and coordination. In other words, babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological problems, including delays in speaking and difficulties in learning. Children suffering from the chronic effects of mercury exposure may never reach their full potential. This clearly has a profound impact on the affected children and their families, and it also has a long-term societal impact.

In 1990, Congress amended the Clean Air Act on a bipartisan basis to reduce emissions of mercury and other toxic pollutants from a range of industrial sources, including boilers and incinerators. Boilers and incinerators are one of the largest sources of airborne mercury pollution in the United States. For far too long, they have been allowed to pollute without installing modern technology to reduce their

emissions. This is of particular concern for women who are pregnant, may become pregnant, or who are nursing. Mercury exposure in the womb can adversely affect the developing brain and nervous system. This can lead to problems with a child's cognitive thinking, memory, attention, language, and fine motor skills.

As of 2008, 50 States, one U.S. territory, and three tribes have issued advisories for mercury. Earlier this year, EPA finalized standards to cut emissions of mercury and other toxic air pollution from boilers and incinerators. These rules were more than a decade late. EPA is in the process of reconsidering those rules and plans to finalize the revised rules by next April. Once finalized, EPA's rules for boilers and incinerators will cut mercury pollution from these sources.

The Republican leadership wants to nullify these rules. They have also passed legislation to nullify rules to clean up mercury pollution from cement plants, and they have passed legislation to nullify rules to clean up mercury pollution from dirty coal-fired power plants, the largest U.S. source of mercury pollution to the air. This is unacceptable for public health. People living near these polluting facilities have waited far too long for them to clean up their pollution. They shouldn't have to wait any longer.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging babies' developing brains.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

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

Ms. DELAURO. Mr. Chairman, I rise in support of this amendment. We should not be putting the interests of polluters before the health of our children.

Numerous studies have demonstrated a link between increased exposure to industrial contaminants and impaired brain development or learning disabilities in children. For example, according to the Centers for Disease Control, health effects linked to prenatal and childhood methylmercury exposure include problems with language, memory, attention, visual skills, and lower IQs. And exposure to mercury is particularly dangerous for pregnant and breastfeeding women, as well as children, since mercury is most harmful in the early stages of development.

In some cases around the world, such as in Minimata, Japan in the 1950s, we have seen exposure to industrial mercury sicken an entire generation of children. Mothers who exhibited no clinical symptoms of mercury poison gave birth to infants suffering from blindness, spasticity, and mental retardation.

We tend to think an environmental catastrophe like Minimata could not happen here, but it could. Already in the United States one in six women of childbearing age has blood mercury levels that exceed those considered safe by the EPA for a developing baby. This amounts to approximately 630,000 babies born every year at risk of developmental problems because of prenatal mercury exposure.

While America's approximately 600 coal-fired power plants are the single largest source of mercury contamination in the United States, boilers and waste incinerators that burn mercury-containing products and chlorine manufacturers rank close behind. And yet it is now proposed that we delay, that we weaken the regulations protecting infants and children and allow these incinerators and boilers to continue spewing significant amounts of mercury pollution into the air every year, harming the health of our children and future generations of our children. It is unconscionable.

And mercury is just one of the dangerous contaminants putting the development of children at risk. Exposure to lead threatens the health of young children and unborn babies in particular, can lead to miscarriage, preterm birth, low birth weight, and developmental delays.

□ 1210

And that is why it was banned from gasoline and house paint by the EPA in the 1980s. These contaminants are deadly, which is why the EPA, the Environmental Protection Agency, put forward a rule to reduce them. In fact, the implementation of the Boiler MACT would reduce mercury emissions from major-source boilers and process heaters nationwide by 1.4 tons a year. It would also cut non-mercury metals, including lead, by 2,700 tons per year, hydrogen chloride by 30,000 tons per year, particulate matter by 47,000 tons per year, volatile organic compounds by 7,000 tons per year, and sulfur dioxide by 440,000 tons per year.

According to the EPA, the benefits of reducing all of these dangerous emissions would outweigh costs by at least $20 billion a year. But even that aside, this act means 2,500 to 6,500 fewer premature deaths, 1,600 fewer cases of chronic bronchitis, 4,000 fewer heart attacks, 4,300 fewer hospital and emergency room visits, 3,700 fewer cases of acute bronchitis, 41,000 fewer cases of aggravated asthma, 78,000 fewer cases of respiratory systems, and 310,000 fewer missed work days. And it means fewer cases of impaired brain development and learning disabilities in our children.

So on one side of the equation, we have $20 billion in savings per year, cleaner air, thousands of fewer deaths, and the healthy development of our kids. On the other, we have polluters; we have polluters who want to just keep harming the health and the lives of Americans. I know what side I'm on, and I find it extraordinarily telling that this House majority would take the side of big polluters over the health and the welfare of America's children.

I urge my colleagues to stand up for America's children, stand against big polluters, and support this amendment.

I yield back the balance of my time.

Ms. CASTOR of Florida. I move to strike the last word.

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

Ms. CASTOR of Florida. Mr. Chairman, I rise in support of the Waxman amendment and in opposition to this GOP bill.

Mr. Chairman, all Americans should be concerned with the GOP push to roll back America's fundamental environmental protections and health protections. This GOP bill strikes at the heart of American values. We are not a smoggy, Third World country. This is the United States of America; and over the past decades since the passage of the Clean Air Act, businesses have flourished and the air and water has gotten cleaner. These are not mutually exclusive.

That's why this GOP bill takes a step backward. It fundamentally weakens the Clean Air Act and grants unnecessary breaks to toxic air polluters.

Now, Mr. WAXMAN's amendment is very important because it targets one of the most dangerous and toxic neurotoxins, that is, mercury. We know that babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological problems, including delays in speaking and difficulties learning.

Children suffering from the chronic effects of mercury exposure may never reach their full potential. This clearly has a profound impact on the affected children and their families, but it also has a long-term societal impact.

It was in 1990 when the Congress, in a bipartisan fashion, amended the Clean Air Act and targeted the particular, the specific, polluters coming from specific sources. These specific polluters, some of them created jobs, acted to bring in modern technology, the scrubbers. They took the mercury out of the air. There are many examples in my home State of Florida of these manufacturing plants and utilities that have taken the mercury out of the air by installing the up-to-date modern equipment.

But there have been some businesses that have been very resistant to this, and they need to get with the program because it has been since 1990 when the law has said it's time to clean it up.

Now what year is this? This is 2011. Now, I would offer that after 20 years, these businesses have been on notice that they can use the American know-how and modern technology to clean up their plants, just like a lot of their other competitors have done.

Now, I've heard the argument that, boy, this is bad for business. But I'll tell you, coming from the State of Florida, clean air and clean water are good for business. Our tourism industry relies on clean water and clean air. And for the plants in the State of Florida that have cleaned up, it has really improved the commercial fishing industry, the recreational fishing industry, billion-dollar industries in my State. If they had not—if the Congress had not acted in a bipartisan way decades ago to say we're going to clean up the air and the water, I don't think we'd have as many visitors coming to my beautiful State for their vacations and fishing.

And fishing is important because we have so many that go out in the Gulf of Mexico or the Atlantic or out in the Keys and they fish and they bring it home to eat. Now, because mercury is not cleaned up to the greatest extent that we can clean it up, the Florida Department of Health has advised here, and I'm reading from the Florida Department of Environmental Protection Advisory: ''The Florida Department of Health has advised the public to limit their consumption of fish from hundreds of waterbodies throughout the State due to unacceptable risk of mercury exposure. As a result, these waterbodies have been listed as 'impaired' for mercury.'' This doesn't mean it's unsafe. But it means that you can't go overboard.

But you know what? We have the technology to continue to clean up so that people can eat all the great Florida seafood that is available to them. There is no reason to take a step backward. Other businesses have done this. They have cleaned up.

So earlier this year, after a decade of analysis and work by the EPA and interaction with businesses and other stakeholders all across the country, the EPA finalized standards to cut emissions of mercury and other toxic air pollution from these particular polluters. Their goal was to finally put these rules into effect this coming April. But, unfortunately, we're running into opposition from the most anti-environmental Congress in history.

People, this amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from these particular sites. If that facility is emitting mercury or other toxic pollutants, we're not going to proceed. I urge my colleagues to support the amendment.

I yield back the balance of my time.

Ms. HERRERA BEUTLER. Mr. Chairman, I move to strike the last word.

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

Ms. HERRERA BEUTLER. Mr. Chairman, I rise in support of this legislation, the underlying legislation, unamended, because it's going to protect and grow jobs, both in my region and across the country.

My district in southwest Washington is home to thousands of private forest landowners. Whether it's a family farm or a private business, such as Weyerhauser, which is one of our region's largest businesses and employers, we have pulp mills, paper mills and an emerging biomass industry. And what do all these things have in common?

They all provide tens of thousands of jobs, good family-wage jobs to the folks in my region. And they're all part of the forest products industry that has long been the cornerstone of southwest Washington's economy. And if we don't pass this underlying bill unamended, they will all shed those thousands of jobs in southwest Washington.

How many are we talking about? Well, a recent study shows that about 18 percent of those jobs would be lost. Those who produce pulp and paper would be laid off by this onerous Boiler MACT rule as it's written. Those are blue-collar families. Those are family-wage jobs. They're the ones that would pay the price for this if we do not act now to protect the environment where jobs can grow.

Now, the ripple effects in related industries in our region and across the country would be an additional 87,000 jobs lost if we do not act and pass this bill. In a place like Cowlitz County in my district, where more than one out of every 10 moms and dads are out of work, the effect of this rule, if we don't fix it and we don't fix it soon, would further devastate an already devastated economy.

In August 89,000 jobs were created. They were added nationwide. So, basically, if we don't move now, we're going to wipe out the entire month of August's growth. That's going to put our economy backwards, not forwards.

And make no mistake, Mr. Chairman, that's one thing the current majority in the House is about is creating jobs for the men and women at home to make sure they can provide for their families and their kids, their kids' college education, their health care and so on and so forth. It's the American Dream.

□ 1220

Let's pass this bipartisan piece of legislation today without this amendment. It won't add to the deficit, and it's going to preserve those jobs for those folks who are struggling in my home region, southwest Washington, and across the country.

Let's give the EPA the time it's requested to rewrite the rule in a commonsense way. The great thing about this is our environment and our economy don't have to be mutually exclusive, which is why we're taking a balanced approach to changing this rule. It's why I believe and I am assuming that's part of the reason the EPA wants more time to rewrite it, because it had the feedback. Yes, we can innovate and create and reduce, and I support reducing whatever type of emissions we're producing as a Nation. We need to go there, but we need to do it in a commonsense way that doesn't just handicap the economy at a time when we need it to grow.

So let's give the EPA that time that they've requested so that facilities like Longview Fibre in Longview, Washington, won't have to lay any more people off. With this legislation, we can protect our environment and protect American jobs.

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

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

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

Ms. ESHOO. I rise in support of this amendment. I think it's a very, very important one.

The bill nullifies the EPA's rules to require boilers and incinerators to reduce their emissions of toxic mercury. That's really quite a sentence: the bill would nullify rules to require boilers and incinerators to reduce their emissions of toxic mercury. In doing so, this bill nullifies the mercury reductions in our country that would have been achieved; and it indefinitely delays, not just for a given time frame, it's indefinite, indefinitely delays the implementation of any replacement standards that EPA issues.

My friend, Mr. WHITFIELD, said earlier today that the bill does not provide for an indefinite delay of any new rules. That is false. The bill clearly states that facilities have at least 5 years to comply without any hard deadline for compliance. That's the definition of an indefinite delay.

Our Republican colleagues also claim that mercury pollution from dirty boilers and incinerators does not harm public health. That is quite a stand. I think it's terrifying myself, in a civilized society, that this is not going to damage anyone and their health. They blame China, even though U.S. facilities are emitting toxic mercury pollution from smokestacks right here within our borders. I acknowledge that there is some that does come from China. Are we going to replicate China? I don't think that's the gold standard for our country. The mercury released here at home is just as toxic as mercury released anywhere. That's how toxic it is. Ours is not less toxic because it's U.S. It's the same horrible, dangerous stuff.

And how toxic is it? There are a lot of things under attack here in the House of Representatives, but I think one of the most serious attacks is the attack on science. We're coming up with a lot of political science for underlying legislation. Listen to what the National Academy of Sciences has said. They stated unequivocally that mercury is a powerful neurotoxin. The National Academy of Sciences has stated that mercury is highly toxic. They state, and I quote, exposure to mercury can result in adverse effects in several

organ systems throughout the life span of humans and animals. There are extensive data on the effects of mercury on the development of the brain in humans.

The National Academy of Sciences has also stated that exposure to mercury can cause ''mental retardation, cerebral palsy, deafness, and blindness'' in children exposed in utero and sensory and motor impairment in exposed adults. This is stunningly shocking. This is not Republican pollution or Democratic pollution. This is something that will harm our people. Why would we not protect them?

The National Academy of Sciences said again, and I quote, chronic, low-dose prenatal mercury exposure has been associated with impacts on attention, fine motor function, language and verbal memory. The National Academy of Sciences has stated that prenatal mercury exposure has, quote, the potential to cause irreversible damage to the developing central nervous system.

Our Republican friends say we shouldn't worry about mercury pollution from boilers, incinerators, cement kilns and power plants. I know who I trust, and it's not the phony baloney political science around here. I'll put my money any day on what the National Academy of Sciences says. They are the gold standard in our country. This is not something to be fooled around with. This is a huge danger to our people.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an incinerator or a chemical plant or a manufacturing plant with a dirty boiler if that facility is emitting mercury or other toxic pollutants.

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

Mrs. MILLER of Michigan. Mr. Chairman, I move to strike the last word.

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

Mrs. MILLER of Michigan. We all understand that our economy is struggling, that millions of Americans can't find a job, that too many families are struggling to make ends meet, and that the American people are very frustrated that Washington is simply not doing enough to get our economy moving. I would argue that not only is Washington not doing enough to get our economy moving but it is actually harming the efforts of American innovators, of manufacturers, of small businesses, of the job creators because of government over-regulation.

The fact is today that the Obama administration has publicly listed almost 220 new regulations just this year alone, a 15-percent increase in one year alone, of new regulatory actions under consideration. Each one of them is estimated to cost at least $100 million, if you can imagine.

Mr. Chairman, the bill that is currently under consideration would provide relief from some of the new EPA regulations that would cost American job creators more than $14 billion and threaten over 230,000 jobs. In my home State of Michigan, this government over-regulation would cost nearly $800 million and put nearly 13,000 jobs at risk. In my home State of Michigan, we are on our knees economically, and we cannot tolerate this anymore. It has to be stopped.

At home, I have talked to so many businesspeople, from small family businesses to major corporations, et cetera; and the message from all of them is always the same: that government over-regulation is absolutely killing their efforts to grow and to create jobs.

I'll give you one example. There's a company in Port Huron, Michigan, in my congressional district, called Domtar. Port Huron has been hit particularly hard. Current estimates are that the unemployment rate is approaching 20 percent, if you can imagine that. It's unbelievable how bad it is there at this time. Domtar is a paper company. It currently employs 245 people. It generates between $8 million and $12 million in revenue annually.

I talked to them about this regulation under consideration today, and they estimate that this regulation today would cost them $9 million to scrub the coal that they use to operate their boilers or would cost $3 million to $4 million to convert to natural gas and have an additional annual cost of $3 million to $4 million a year just to stay compliant. They estimate that these costs would likely force the company to shut down two of their four paper machines and, of course, force a reduction in jobs, Mr. Chairman. This company, this community, this Nation cannot handle that kind of loss in additional jobs that this regulation would force.

It seems today that the three most feared letters to American job creators, where it used to be IRS, today those letters are EPA. It's no longer the IRS. It's the EPA. And why is that?

□ 1230

On April 30 of 2010, the EPA issued a statement on a study of the impact of one of their proposed regulations. This is what they said:

''The regulatory impact assessment does not include either a qualitative or quantitative estimation of the potential effects of the proposed rule on economic productivity, economic growth, employment, job creation or international economic competitiveness.''

In other words, they don't care what their regulations have to do with job creation, much less with stifling and killing job creation in this country. This is what our own government is doing to our job creators, and this is from an administration that claims that job creation is its number one priority.

Are you kidding? You've got to be kidding.

We have to stop all of this government overregulation that is killing jobs. Certainly, House Republicans have been trying to lift the boot of Big Government off the necks—off the throats—of job creators and of workers who are looking for a job.

We've heard repeatedly from this President about the need to invest in transportation and infrastructure. At the same time, this President and this administration are talking about how infrastructure is such an economic lifeblood for our economy, which I agree with and which, I think, House Republicans agree with. But at the same time the President is saying we've got to invest in infrastructure—in fixing roads—his administration is moving forward on this regulation that we are talking about today that would put large segments of the American cement plants in this country out of business.

I would tell the President that it's very hard to have infrastructure investment to build roads if you don't have any concrete, if you don't have any cement.

I would say, Mr. Chairman, I speak against this amendment, but I speak in favor of the underlying bill. I would call on my colleagues to pass this bill now.

Pass this bill. Let's get America moving again.

I yield back the balance of my time.

Ms. TSONGAS. I move to strike the last word.

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

Ms. TSONGAS. I rise in support of the Waxman amendment.

Today, we are taking up yet another bill that continues the GOP majority's ongoing attack on public health. This bill seeks to gut EPA rules requiring reductions in emissions of toxic air pollutants, including mercury, from industrial boilers and incinerators. Industrial boilers and incinerators are among the largest sources of mercury pollution in the country, a potent brain poison that can cause severe developmental problems in children and toddlers.

According to the National Academy of Sciences, even in low doses, mercury can tragically affect a child's development, delaying walking and talking, and causing learning disabilities. Children suffering from the chronic effects of mercury exposure may never reach their full potential. This is simply unacceptable, especially when we have the technology to address it.

The Waxman amendment is straightforward. It says that the bill cannot stop the EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging to children's developing brains.

I urge my colleagues to support this commonsense amendment and to stand up for the health of our children and grandchildren.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Chairman, as a physician, a mother, and as a person of a racial minority, which often bears the disproportionate impact of pollution, I rise in opposition to H.R. 2250 as well as H.R. 2681, which was just passed, and I rise in strong support of the Waxman amendment, which I urge every colleague to support.

Both bills, H.R. 2681 and H.R. 2250, essentially wipe out EPA's regulations, first of cement kilns, now of industrial boilers and incinerators. It would have serious public health impacts because it would allow for the high emissions of dangerous pollutants, which would cause more asthma, heart attacks, birth defects, impaired brain development, which I'll come back to, and other illnesses at a time when we're working to improve the health of all Americans, to reduce health care costs, and when we are already struggling to remain competitive.

All EPA is asking these entities to do is to meet the best existing standards in the industry—existing standards—standards that they've had years to meet.

Mr. Chairman and colleagues, allowing these regulations to go forward is critical because these entities emit lead, arsenic, particulate matter, and other toxic substances, especially mercury. If the Republican majority proponents of this bill have their way, we will see more than 15,000 more cases of aggravated asthma, over 1,500 more heart attacks, over 600 more cases of chronic bronchitis every year, and we will also have over 100,000 additional missed working days, which means lost productivity—all at a time when we're trying to improve the health of all Americans, as I said, and improve American competitiveness.

But most importantly, the large boilers and incinerators are the second-largest source of mercury, which, as you've heard, is a grave risk to our children both before and after birth, especially on their brain development, which makes these bills especially dangerous to the public health and can damage the learning and, thus, the social and economic potential of our children, as mercury stays in the environment for a long time.

As an African American, I have to be particularly concerned. With more than 60 percent of polluting industries located in or near minority communities, it is clear that the learning and other neurological deficiencies caused by mercury would primarily impact our communities. This not only ought to concern African Americans, for the children of Latinos, Asians, and American Indians would also be more likely to be impaired. It should be of concern to all of us.

All the time spent on this bill and the other bill that was just passed that the House majority leadership knows are going nowhere is a pure waste of time and a waste of money. I guess it's not important, because it's being used to try to kill programs they've never liked. They probably think it could hurt President Obama if it doesn't pass. It also protects the big corporations. Beyond that, it creates no jobs. It just creates the potential to cause more sickness and premature deaths, to damage the potential of our children and, therefore, to damage our country's potential as well.

The claims of lost jobs, I believe, are highly exaggerated. Bringing forth and pushing these extremely misguided and dangerous bills says that the proponents are willing to put our country and the future of their and our constituents—of their and our children—at risk.

I ask my colleagues to vote for this amendment, this amendment that protects the public health and that will save our children from a life that would not be what we would want for them, one in which they might not be able to enjoy all of the benefits of this country or fully realize their potential or the American Dream.

Support this amendment. Reject the underlying bill and all of the bills that attempt to weaken the EPA. Vote, instead, for our children, our grandchildren and this country.

I yield back the balance of my time.

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

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

Mr. WHITFIELD. A number of speakers on the other side have indicated that, if our legislation passes, new regulations relating to Boiler MACT would be put off indefinitely. I would like to clarify and point out that, in section 3 on page 6 of this bill, it says:

For each regulation promulgated pursuant to this legislation, the administrator of the Environmental Protection Agency shall—not ''may''—shall establish a date for compliance.

So this is not being put off indefinitely. It explicitly says ''shall.''

Now, during the hearings that we've had, extensive hearings on this Boiler MACT that was adopted by the EPA in 2004, which was invalidated by the courts because of lawsuits filed by environmental groups, the typical testimony was this:

EPA final rules impose unrealistic and very costly requirements that EPA has not justified by corresponding environmental and health protection from reductions of hazardous air pollutants.

Just as a practical example of what I'm talking about, many universities, in order to comply with that 2004 rule, spent large sums of money. The University of Notre Dame spent $20 million to comply with that rule, which has now been invalidated, and EPA has come out with an even more stringent rule that's going to cause a lot more money to be spent.

□ 1240

So we genuinely believe that EPA has the health standards in effect that will protect our children. There's nothing in this bill that's going to change any of that.

But we know that if these universities continue to spend that kind of money on regulations that are invalidated and then have to come back and spend more money, tuition costs are going to go up, which makes it more difficult for some children to go to college. So this simply is a commonsense approach, a balanced approach, saying: EPA go back, revisit this issue. In 15 months, come out with a new regulation. And the EPA administrator shall set a compliance date not sooner than 5 years after the final rule.

But we have also heard a lot of discussion today about mercury, and, yes, we're all concerned about mercury. But EPA, itself, in developing the benefits of their regulation that we're trying to postpone, did not assign one dollar, one dime, or one penny of benefit for the reduction of mercury emissions. And the reason they didn't: because there was not enough reduction, because we've already cleaned up the air a great deal relating to mercury.

All of the benefits that they calculated from their rule came from reduction of particulate matter. In fact, they said, the mercury reductions would be less than three-hundredths of 1 percent of global emissions. We've heard all sorts of testimony about mercury, that 90 percent or so of mercury comes from nature or from sources outside of the U.S.

So I don't think we need to be alarmist about this. This is simply an approach that, hey, our economy is pretty weak right now. We're losing a lot of jobs. We're having difficulty creating jobs. So, look, let's just go back, look at this, in 15 months come back with a new regulation, set a date for compliance, and let's move forward.

I don't think anyone can make a credible, verifiable argument that we're out to destroy every young person in America, every child in America. As a matter of fact, we have a lot of Democrats on this bill. There's been a similar bill introduced to this on the Senate side with Democratic support.

I urge all the Members to defeat the Waxman amendment and support our underlying legislation, H.R. 2250.

I yield back the balance of my time.

Ms. EDWARDS. Mr. Chairman, I move to strike the last word.

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

Ms. EDWARDS. Mr. Chairman, I was going to speak about mercury, and I will get to that, but I really have to clarify for the RECORD and the public record.

We keep hearing, and we've heard once again on this floor from our Republican colleagues, that the bill won't harm public health or weaken health

standards, and this is just not accurate. It's really important, Mr. Chairman, for the public to understand that. In fact, section 2 of the bill lists four final clean air rules and says they shall have ''no force or effect.'' Section 3 of the bill eliminates the 3-year compliance deadline in the Clean Air Act and doesn't set any new deadline. And, for the record, section 5 of the bill directs the EPA to set weaker standards than the clean air requirements.

So make no mistake. H.R. 2250, contrary to what the other side is saying, has real legal effect and consequence, and those effects weaken our protection from air pollution and harm the health of Americans, especially our children.

Now, I recognize that there is a zeal for deregulation, but for clean air standards, for clean water standards, this really makes no sense. In fact, the bill throws out EPA's rules to require boilers and incinerators to reduce their emissions of toxic mercury. And unlike the statements that have been made on this floor, this comes in the wake of a bill to nullify EPA's rules to clean up cement kilns, and yet another bill to nullify EPA's rules to clean up power plants.

When does it stop? When does the public health and the consequences of these actions become important to the American people instead of just this move to deregulation? Just this last month, the Republicans have pushed legislation to let the Nation's largest source of toxic mercury pollution off the hook for cleaning up their emissions, jeopardizing public health. And for what?

Now, I've heard that we shouldn't have so much concern about mercury, but somebody in this House, somebody in this Congress has to be concerned about the public health consequences to our children of toxic mercury emissions.

They also cite studies from the American Forest & Paper Association, from the Council of Industrial Boiler Owners, and these are nothing more than industry studies that seek to absolve the industry from cleaning up its own mess. They've been refuted by actual scientists. And I suggested on this floor we actually pay attention to science and facts and not just a move to deregulate because we're interested in doing industry a favor at the expense of public health.

And we know that, contrary to what's been said, the public health consequences of mercury are clear; they're stated; they're facts; they're science. So let's not undercut that. Mercury is a powerful neurotoxin. It harms developing brains of infants. It leads to learning disabilities. It causes attention deficits and behavioral problems and a whole range of other problems.

So the Republicans cannot be allowed, Mr. Chairman, to pick and choose their facts and their science. The facts and the science are as they are, and we should not be nullifying EPA's rules that protect the public health.

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

Ms. HAHN. Mr. Chairman, I move to strike the last word.

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

Ms. HAHN. Mr. Chairman, I rise in support of this amendment.

By the way, I believe we should be alarmist; and I am an alarmist, and maybe that's because I'm a mother, maybe that's because I'm a grandmother, and maybe that's because I represent Los Angeles, which has some of the worst air in their country.

Just last year, in California, we had 2,400 deaths because of cargo-related pollution. We're paying for the costs of people all over this country getting goods on time in their local stores. Because of cargo-related pollution, there is about 350,000 days of lost school.

That is a real problem for this country. Pollution does impact our children. Pollution does impact their lives. We know even there is a million days of lost work, lost productivity in this country because of pollution-related illnesses in the workplace.

I'm for this amendment because the underlying bill nullifies EPA's rules to require boilers and incinerators to reduce their emissions of toxic mercury. And this comes in the wake of a bill to nullify EPA's rules to clean up cement kilns and another bill to nullify EPA's rules to clean up power plants.

Just within the last month, my colleagues on the other side have pushed legislation to let the Nation's largest sources of toxic mercury pollution off the hook for cleaning up their emissions. And they defend this policy by pointing to these industry studies about the costs of complying with these rules.

One study that gets cited over and over is a study by the Council of Industrial Boiler Owners, or CIBO. This study, by the way, has been completely discredited. For example, the nonpartisan Congressional Research Service examined this study and concluded: ''the base of CIBO's analysis is flawed. As a result, little credence can be placed in CIBO's estimate of job losses.''

They also cite a study by the American Forest & Paper Association concluding that the boiler rules will cost jobs.

□ 1250

Mr. Chairman, Dr. Charles Kolstad, chair of the department of economics at the University of California, Santa Barbara, reviewed this analysis and said: ''If I were grading this, I would give it an F. The economics is all wrong.''

Dr. Kolstad described the methods as ''fundamentally flawed.'' And he said that, as a result, the jobs estimates were ''completely invalid.''

We know that the National Academy of Sciences and independent public health experts around the world have proven time and again that mercury is a powerful neurotoxin that harms the developing brains of infants, leading to learning disabilities, attention deficits, behavioral problems, and a range of other problems.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging babies' developing brains. Who can vote against this?

You know, you talk about jobs. My colleague, Mrs. MILLER, earlier talked about jobs and the economy and the cost of the regulations. But at what price do we have to pay for the next generation's health and quality of life? And by the way, the last I checked, adding more pollution into the air is not a jobs plan.

I yield back the balance of my time.

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

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

Mr. GRIFFITH of Virginia. Mr. Chairman, I listened to the gentlelady with interest. And, of course, it's easy to sit in Washington and whatever group you may be with and say this group is wrong or that group is wrong, and everybody can trot out their experts. But, ladies and gentlemen, the CRS doesn't own and operate boilers, businesses do. Lots of them are going to be impacted by this—big businesses, small businesses, and the people who work for them.

Last week I referenced a letter to the editor of the Virginian Leader sent in by Mr. and Mrs. Kinney, in which they said: ''I'm going to be very blunt with the following opinion: As a factory worker and taxpayer, I'm getting sick and tired of these Federal agencies who have nothing better to do except sit in their Washington offices and draw up rules and regulations to kill American jobs. Why don't they get off their sorry behinds and go out across the Nation and try to help industry save what jobs we have left? And who is paying these EPA people's salary? We are, the American workers. I believe in protecting the environment, but we can't shut the whole country down to achieve it.''

I referenced that letter last week, and I referenced Giles County in my comments in a Republican radio address later that week. And in response to that, Mr. and Mrs. Kinney wrote again to the Leader. And we're not talking about big businesses here, we're talking about businesses that affect employees in small counties all across this country. The Leader, for example, has 5,100 subscribers. It's not a giant newspaper.

The Kinneys wrote back in: ''As I stated in the 9/21/11 letter to the editor, I'm a blue collar factory worker with

limited education, and I have worked for our county's largest employer for nearly 35 years. The only reason I am speaking out on this issue is this: To get others involved. Our economic future and way of life here in Giles County could be on the line unless residents, business owners, civic organizations, and others come together and support H.R. 2250.''

You know what, ladies and gentlemen? The people of America understand that the EPA is in fact killing jobs. They understand that while we have to have a clean environment, and we all want a clean environment, as the gentleman from Kentucky said earlier today, we can do that. This is a reasonable approach. H.R. 2250 is a very reasonable approach which will do both, continue us on the regulatory path but make sure those regulations are reasonable and effective, and make sure that we protect the jobs of the United States of America while we go forward in protecting the environment as well.

I yield back the balance of my time.

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

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. I just want to point out to my colleagues that what the bill does is repeals the previous rule, regulation, and then prohibits EPA from adopting another regulation for 15 months. And when they adopt another regulation, it can't be enforced for another 5 years. And then there's no deadline. But meanwhile, they lower the standard for EPA in setting that regulation.

EPA is in the process now of negotiating with the industry to work out the information and the problems that have been brought to their attention. We ought to give EPA the chance to do that and get the full input from the industry. If legislation is needed, we ought to consider what legislation is needed. The approach of this bill is to set us back enormously. When you don't have anything in place but the weakest possible criteria, and then nothing can happen for 5 years, and maybe even longer because it takes 15 months to get the regulation, no enforcement for 5 years after that—and maybe never—that's not a reasonable approach.

If the industry wants a law, the industry ought to work on telling us what they need, and not going on this escapade with the Republicans who would like to repeal the whole Clean Air Act and repeal the ability of the EPA to protect the public from toxic pollution. And, of course, the amendment that's before us is that insofar as this bill becomes law, when we're talking about poisoning children's brains, we're not going to stop EPA from getting their regulations in place and getting them enforced. It's obscene to think, the idea that we would wait another 6½ years, and maybe longer, before we can do anything to start down the road to reduce the pollution that's going to poison these kids.

I ask for an ''aye'' vote on the amendment, and I hope that people realize this is a bill that will pass the House, but in my view, given the President's statement of a veto, it's not going to become law.

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. 6 OFFERED BY MR. RUSH

Mr. RUSH. 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 section 5, add the following:

(c) RULE OF CONSTRUCTION.—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

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

Mr. RUSH. Mr. Chairman, let us not be distracted by this confused, backward, and short-term thinking on the part of our Republican colleagues. This bill represents just another attack on the Nation's long-standing environmental protection laws in general and the EPA in particular.

On behalf of a select few polluting industries that operate under the assumption that the timing is right to permanently alter, gut, and obliterate the Clean Air Act, the law that the chairman of the subcommittee and many others have said is working on behalf of the American people.

While most businesses have been planning and preparing for these rules, which have already been delayed for years and in some cases have been delayed over a decade, some of the more opportunistic dirty industries see this radical Republican majority and their radical agenda targeting the EPA and all of our clean air laws as the perfect time to try and permanently alter the Clean Air Act.

Section 5 of H.R. 2250 disregards the clean air standards that will help reduce toxic air pollution, like mercury and soot from some of our Nation's biggest polluters—cement plants, industrial boilers, and incinerators.

Instead, this section would make fundamental and damaging changes to the Clean Air Act and would ensure that future standards do not meaningfully reduce emissions into the air.

□ 1300

So, Mr. Chairman, I must offer an amendment that will clarify that section 5 of H.R. 2250 is intended to supplement the provisions of and shall not be construed to supersede any requirement, limitation or other provision of sections 112 and 129 of the Clean Air Act.

This single provision in section 5 will have the effect of exempting incinerators, exempting industrial boilers, and exempting cement plants from maximum reductions in toxic air pollution emissions, in contrast to every other major industrial source of toxic air pollution in this Nation.

The majority, even after being asked repeatedly over and over and over again, has yet to explain why Congress should carve out exemptions for the Nation's dirtiest polluters, in total disregard for the public health of the American people and at the expense of those very companies that have already invested in the technology to meet the minimum requirements of this law.

Mr. Chairman, if it is truly the majority's intent to clarify the rules and to provide certainty for business, then this amendment will accomplish that purpose; but I don't believe that that is their intent, and I don't believe that that is what their goal and objectives are. They have a singular purpose in all of these bills that we have been debating on this floor as it relates to the Clean Air Act, and that is to completely nullify and gut the Clean Air Act so that polluters in this Nation can keep on polluting the very air that we breathe.

So, Mr. Chairman, I urge all of my colleagues to support my amendment.

The Acting CHAIR (Mr. YODER). The time of the gentleman from Illinois has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. RUSH was allowed to proceed for 1 additional minute.)

Mr. RUSH. I yield to the ranking member.

Mr. WAXMAN. I thank you for yielding to me. I want to join you in urging support for this amendment.

Whatever the motivation is of your legislation—and I can understand your reason for being very skeptical. I share it. But what the industry should want is regulatory certainty. And this bill adds more confusion to what is already a long overdue effort to reduce toxic air pollution from boilers and incinerators. With no timeline for implementation of new emissions standards, the bill creates significant questions about how EPA would set limits for toxic air pollution. If they think it's regulatory certainty that they don't have to do anything for years, they'd better not count on it. And if they want regulatory certainty, they'd better come forward and work something out.

In the meantime, your clarification provides the certainty, and I urge Members to support it.

Mr. RUSH. I yield back the balance of my time.

Mr. WHITFIELD. I rise in opposition to the amendment.

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

Mr. WHITFIELD. The gentleman's amendment would simply add an additional paragraph at the end of section 5 of our bill, and basically it would say that section 5 in our bill would not be construed to supersede any requirement, limitation or other provision of sections 112 and 129 of the Clean Air Act. And because his amendment would say ''it does not supersede'' is the reason that we want to oppose the amendment.

Now section 5 says this, and this is what we want to supersede section 112 and 129 of the Clean Air Act, in promulgating rules, the administrator shall ensure that emission standards for existing and new sources established under section 112 or 129 can be met under actual operating conditions consistently and concurrently with emissions standards for all other air pollutants regulated by the rule for the source category taking into account variability and actual source performance, source design, fuels, input, controls, ability to measure pollutants' emissions and operating conditions.

In other words, we want to be sure that can be met under actual operating conditions.

And then the second part of our section 5 that we want to be sure supersedes, which this amendment would not allow, is that we put in section 5 the President's own executive order in which he says that the administrator shall impose the least burdensome regulation consistent with the purposes of the act.

So all we're doing in section 5 is saying we want to make sure that it's the least burdensome pursuant to the President's own executive order and that we want to be sure that it can be met in actual operating conditions.

So for that reason, we would respectfully oppose the gentleman's amendment.

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

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

Mr. RUSH. 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 Illinois will be postponed.

AMENDMENT NO. 15 OFFERED BY MS. HAHN

Ms. HAHN. 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 section 2, add the following:

(d) TEN METROPOLITAN AREAS OF THE UNITED STATES WITH THE WORST AIR QUALITY.—

(1) STAY OF EARLIER RULES INAPPLICABLE.—Insofar as the rules listed in subsection (b) apply to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, such rules shall, notwithstanding subsection (b), continue to be effective.

(2) NEW STANDARDS INAPPLICABLE IF LESS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT.—With respect to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, the provisions of the regulations promulgated under subsection (a)—

(A) shall apply to such sources, and shall replace the rules listed in subsection (b), to the extent such provisions are equally or more protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b); and

(B) shall not apply to such sources, and shall not replace the rules listed in subsection (b), to the extent such provisions are less protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b).

(3) DEFINITIONS.—In this subsection:

(A) The term ''metropolitan area''—

(i) for purposes of subparagraph (B)(i), means the metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census) most closely corresponding to the city or group of cities ranked among the cities with the worst year-round particle pollution in the ''State of the Air 2011'' report of the American Lung Association; and

(ii) for purposes of subparagraph (B)(ii), means a metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census).

(B) The term ''10 metropolitan areas of the United States with the worst air quality'' means—

(i) during the 5-year period beginning on the date of the enactment of this Act, the 10 metropolitan areas listed in the ''State of the Air 2011'' report of the American Lung Association as having the worst year-round particle pollution; and

(ii) during each successive 5-year period, the 10 metropolitan areas determined by the Administrator of the Environmental Protection Agency to have the highest year-round levels of particulate matter in the air.

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

Ms. HAHN. Mr. Chairman, today I'm offering an amendment that will preserve the critical air pollution protections for the places that they are needed most. For the people in my district, air pollution is a major health problem. The Los Angeles region always is near the top of the Nation's worst air quality rankings. Unfortunately, the people of my district don't need to read the statistics from the American Lung Association to know that there's a pollution problem in our communities.

They see it in the dark soot that seeps into the homes of families living near the port in Wilmington. They see it in the labored breathing of a little girl in Lomita staying home from school because of asthma. They see it in the tears of loved ones in San Pedro burying someone lost before their time to cancer or lung disease.

But the statistics are there too. In Los Angeles, 6 to 7 percent of all children have asthma—higher than the national average, and disproportionately impacting minority children. When our kids can't run around outside to exercise, when they're missing school with asthma, we're creating all sorts of other health and educational deficits.

Los Angeles has recognized its air quality problems. Since the Clean Air Act amendments of 1990, we've made dramatic air quality improvements. In the last decade, we've managed to reduce particulate pollution levels in Los Angeles by 40 percent. We cannot afford to go backwards. That's why I'm offering this amendment today.

My amendment would ensure that the Environmental Protection Agency will keep their higher standards of clean air protections for the 10 metropolitan areas with the worst air quality. The American Lung Society lists the 10 worst regions with year-round particulate matter.

They are Bakersfield-Delano in California; Los Angeles-Long Beach-Riverside in California; Visalia-Porterville in California; Phoenix-Mesa-Glendale in Arizona; Hanford-Corcoran in California; Fresno-Madera in California; Pittsburgh-New Castle in Pennsylvania; Birmingham-Hoover-Cullman in Alabama; Cincinnati-Middletown-Wilmington in Ohio, Kentucky, and Indiana; Modesto in California; and Louisville-Jefferson County-Elizabethtown-Scottsburg in Kentucky and Indiana.

□ 1310

I believe that the underlying bill is a giant step backwards for those communities and for the air quality and environment of people living in this country. My amendment solely focuses on trying to continue to protect people in communities with the worst air quality standards. These communities cannot afford to have lower standards that will result in more asthma, more cancer.

By protecting our public health, we will not lose jobs. It's a false premise that to create jobs we need to hurt our Nation's environment and health. For example, the ports of Los Angeles and Long Beach were able to improve air quality and create jobs and industry. These ports are the economic engine of this country. I call them ''America's ports.'' About 44 percent of all the cargo in this country comes through those ports.

A lot of people said you can't have clean air and good jobs, but let me tell you what really happened. We cut port pollution by 70 percent since 2005 without losing a single job. I'll say that again: a 70 percent reduction in pollution at the cost of zero jobs. In fact, the green industry jobs were spawned, creating more jobs.

Our more vigorous environmental standards in California aren't stopping the facilities in my district from thriving. That's why I find it so upsetting that, under the banner of protecting jobs, our colleagues on the other side of the aisle are moving to delay or destroy the protections that ensure our children can grow up breathing clean air.

My colleagues on the other side of the aisle claim making our air dirtier is a way to stimulate the economy, but a peer-reviewed Cal State, Fullerton study found that dirty air in the costs residents $22 billion a year in health costs, premature deaths, lost days of work, lost days of school—$22 billion a year wasted because of dirty air.

I reject the false choice between good jobs and clean air. We've already proven that they can go hand in hand with the Clean Air Action Plan at the Port of Los Angeles.

I also want to add that environmental regulations are not topping the list of problems that small businesses in my community are facing. Last week, I met with over 50 small businesses, and they said they need more access to capital, not less regulation.

I yield back the balance of my time.

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

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

Mr. WHITFIELD. The gentlelady from California may view this argument about jobs as a false choice, but we do have letters from over 300 organizations concerned about the impact on jobs that these EPA regulations will have, including letters of support from five of the largest labor unions in the country.

The gentlelady's amendment would basically say that, in the 10 metropolitan areas chosen by the American Lung Association, the current boiler rules would be retained regardless of what our legislation may do.

So we are opposed to her amendment for two reasons. One, we don't want the legislation to be changed because we think it's necessary to have the balanced approach throughout the country and not to exclude 10 metropolitan areas. But the second reason we would be opposed to it is that to allow one private entity—even if it's the American Lung Association, an organization we all have respect for. But we don't think that they should be determining what should be in this legislation.

So for that reason, I would respectfully oppose the amendment and ask that the amendment be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

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

Mr. WAXMAN. I support this amendment, and I want to congratulate the gentlelady from California for offering this amendment. Her constituents should be rightfully proud of the fact that she is fighting for them and for the good health of the American people.

Her amendment recognizes the fact that we've made great progress on air pollution in this country because we've had a strong Clean Air Act and because we've let EPA do its job under both Democratic and Republican administrations. But let's not pretend that the job is done.

In the 10 worst polluted areas—these are the worst polluted, nonattainment areas in the country—every day, people are breathing unhealthy levels of air pollution, and they're going to emergency rooms because the air outside is making them sick. And every day, some are dying before their time. In the summer, cities and towns across the country have red alerts, and moms are afraid to let their kids play outside. There's something fundamentally wrong with that.

Despite the progress we've made, we need to make sure that we cut these air pollutants that are very, very harmful. We've been talking a lot today about mercury, but the EPA boiler rules would reduce the emissions of fine particle pollution, which can lodge deep in the lungs and cause serious health effects.

Living in the United States should not be a health risk, and I hope that we will not vote to nullify these EPA boiler rules and also nullify the health benefits in these various polluted areas.

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

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

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

Ms. HAHN. 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 gentlewoman from California (Ms. HAHN) will be postponed.

AMENDMENT NO. 16 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 2. FINDING.

The Congress finds that, according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least $10 to $24 in health benefits, due to the avoidance each year of—

(1) 2,600 to 6,600 premature deaths;

(2) 4,100 nonfatal heart attacks;

(3) 4,400 hospital and emergency room visits;

(4) 42,000 cases of aggravated asthma; and

(5) 320,000 days of missed work or school.

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

Mrs. CAPPS. Mr. Chairman, it's my hope that we can all simply agree to this amendment. It would simply add a finding to the bill illustrating the health benefits of EPA's mercury and air toxic cleanup standards for industrial boilers and incinerators.

Opponents of these cleanup standards argue that they cost too much and will lead to job losses. I don't agree with that assessment.

Over the past 40 years, the Clean Air Act has fueled American innovation and has created jobs, and it has made the United States a leader in the multibillion-dollar environmental technology sector.

Mr. Chairman, the health benefits of EPA safeguards are not in dispute, and that's why those facts should be included as part of this bill.

For decades, industrial boilers and incinerators have been some of the largest pollution emitters in the United States. They're responsible for some of the most dangerous air pollutants we have in this Nation, including mercury, lead, and cancer-causing dioxins. That's why EPA took action last year to require that industrial boilers and incinerators cut their emissions and simply follow the Clean Air Act.

But instead of supporting EPA's action, the bill before us would delay their standards by at least 3½ to 4 years. It would eliminate any deadline by which industrial boilers and incinerators must comply with EPA safeguards. It could mean thousands and thousands of additional pounds of mercury and other toxic pollution released into our air each year.

Now, proponents of this legislation are quick to say EPA safeguards to cut this pollution would—and now comes the drumroll—cause economic ruin and job losses, and they point to industry-paid-for studies to provide evidence. But indefinitely delaying EPA safeguards will not lead to the economic ruin and job losses. What it will do is put the lives and the health of millions of Americans at risk.

Failing to implement the EPA's air pollution standards for boilers and incinerators would result, just in 1 year, in as many as 6,600 premature deaths, 4,100 nonfatal heart attacks, 4,400 hospital and emergency room visits, 42,000 cases of aggravated asthma, and over 320,000 days of missed work and school. For every additional year of delay that H.R. 2250 allows, these numbers only continue to grow.

And we know this because EPA's analysis must follow the criteria set out by the Office of Management and Budget. Their analysis is based on peer-reviewed studies. The analysis is transparent, it is subject to public comment, and it has to be reviewed again by the Office of Management and Budget. The industry studies meet none of these criteria.

Mr. Chairman, it is true that EPA already announced it is reexamining aspects of these safeguards. They set out a time line providing industry more than enough time and opportunity to weigh in before refinalizing the rules by next April.

□ 1320

EPA has said that it does not need nor want additional time for Congress. Delays only hurt America's health.

Again, it's worth repeating. Hundreds of thousands of jobs are not at risk from these safeguards, like some of my colleagues say. EPA's analysis, reviewed by the Office of Management and Budget economists, project that these standards will have a net positive impact on EPA—that's EPA's analysis, reviewed by the Office of Management and Budget—and they will achieve enormous public health benefits that allow Americans to work and go to school and lead healthy lives.

For every dollar industry spends to clean up even one industrial boiler or incinerator, Americans get up to $24 back in health benefits. What other investment results in this astonishing return for the American people? And that's why I'm offering this simple amendment today. It would remind us all of the tremendous health benefits that EPA's mercury and air toxic cleanup standards will achieve, and they should be included in this bill.

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

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

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

Mr. WHITFIELD. The gentlelady made a comment that she genuinely questions whether jobs are at risk, and I would simply say that, as I said earlier, we received over 300 letters. We received phone calls. We received emails. We have five major labor unions, national labor unions, supporting this legislation. And the people involved in these businesses are telling us that they are going to have to cut off people from work. They're going to have to terminate people's employment in some instances.

And as I said, the University of Notre Dame said they spent $20 million trying to comply with the old rule that was invalidated, and now they're going to have to spend another X millions of dollars to meet these new rules.

I would oppose the amendment because, basically, the gentlelady from California is asking us to put into the findings of the Environmental Protection Agency's calculation that for every dollar in cost, the rule will provide at least $10 to $24 in health benefits. Now, that alone is kind of interesting. From $10 to $24, that's over a 100 percent variance there, flexible zone there. It's not very precise.

And then she says that it's going to avoid either 2,600—up to 6,600 premature deaths a year, so many nonfatal heart attacks, so many hospital emergency room visits, so many cases of aggravated asthma, so many cases of missed work and school.

Well, all of us have sat in a lot of these hearings. We've looked at a lot of numbers, and I tell you what. There's no agreement on any of these numbers. There are questions about the assumptions. There are questions about the modeling. There's questions about the lack of transparency, and different groups come up with different numbers.

Mrs. CAPPS. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield to the gentlewoman from California.

Mrs. CAPPS. I just wanted to ask if you are aware that these numbers have to be peer reviewed, so scientists and organizations have evaluated them, and they've come in. And they also have to be screened by the Office of Management and Budget, OMB, and then they're sent back to EPA. So they've gone through quite a wide variety of verifications.

Would you disagree with that fact?

Mr. WHITFIELD. No. I agree that it's been peer reviewed, and I can also give you a long list of scientists who also have peer reviews that do not agree with these numbers. I can also give you a list of names of people at OMB who question these numbers. I can also give you a list of academics at universities that question these numbers.

Mrs. CAPPS. But they did go through the process.

Mr. WHITFIELD. Yes, they went through the process. And our analysis went through the process too. But they come up with different numbers. Therefore, because of that, we don't think it's right to put these particular numbers in there when there's so much disagreement on the numbers.

So with that, I would respectfully ask Members to oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. 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 gentlewoman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DOYLE

Mr. DOYLE. 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, beginning on line 20, strike paragraph (1) and insert the following paragraphs (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

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

Mr. DOYLE. Mr. Chairman, we've been debating this bill, H.R. 2250, for several months now in the Energy and Commerce Committee. And as we've heard from the bill's supporters, the bill is intended to address the Boiler MACT rule that was proposed by EPA in April of 2010 and finalized in February of 2011.

Many of us here know that when the Boiler MACT regulation was finalized, EPA asked for 15 months to issue a reproposal. The courts rejected that request and, thus, EPA was forced to issue the rule on time in February of 2011. However, EPA immediately instituted an administrative stay on several major rules within the regulation, saying that they would begin reconsideration with new information that had been made available.

In the last few months, I've met with many industries and companies that expressed concern with the provisions in this final rule. I've listened and even helped foster ongoing conversations between those industries and EPA as they worked toward a reproposal of the Boiler MACT rule.

Then we were offered this bill, the EPA Regulatory Relief Act. We were told that this bill would simply give EPA the time that they had already asked for to work on the rule and repropose a new final rule. After the conversations I had had with companies in my district, I thought this would be a good solution.

The problem is, when you dig a little deeper, I've said for a long time, this EPA Boiler MACT rule is far from perfect. But the trouble is the bill we have before us today is even further from perfect because it doesn't just give EPA time to reconsider the rule; it tells EPA they can't issue a new rule for at least 15 months. But there's no deadline for final action. Further, it practically rewrites sections 112 and 129 of the Clean Air Act by eliminating the need for numeric emission limits for MACT standards.

But perhaps the most egregious to me was section 3 of the bill. It once again rewrites the Clean Air Act. The Clean Air Act provides for 3 years for compliance with MACT standards with the possibility of a 4th. Section 3 of this bill tells us to throw that out. It tells us that for the Boiler MACT rule, compliance cannot be required for at least 5 years. However, it then says to the EPA administrator, it gives the administrator the ability to establish compliance dates. So depending on who the administrator is at the time these rules are finalized, compliance could be required in 5 years, in 10 years, in 50 years, in 105 years. That's just unacceptable, and that's why I'm offering this amendment today.

I support many of the things in this bill and I recognize the need for a reproposal of this rule, but I don't support 5 years to infinity for compliance. And so this amendment will simply require that we go back to the established compliance time lines in the Clean Air Act. It even gives the possibility for an additional year of compliance if a compelling reason is found.

I urge my colleagues to support this amendment and make this a bill that we can all support when it comes for final passage.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chair, I rise in opposition to the amendment.

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

Mr. WHITFIELD. Mr. Chairman, we all have great respect for the gentleman from Pennsylvania, and you could make some very good arguments for his amendment. Basically, he said the amendment would set a 3-year compliance date and allow a case-by-case extension for up to 2 years if the administrator of the EPA determined that there was a compelling need, and that's reasonable.

But one of the problems that we continue to run into on these Boiler MACT rules, and all the hearings have pointed this out: the fact that lawsuits are always being filed and litigation is continually going on at EPA and consent decrees are being entered into, and it's an ever-changing situation over there on the exact rule.

□ 1330

The one argument that we hear continually from the affected groups is that they need certainty, and even on a case-to-case basis, if the administrator determines a compelling need, we don't have that 100 percent certainty that we really want. And so our legislation does say that within 15 months, they have to come back with the promulgation of a new rule, and it does say that the administrator shall establish a date for compliance no earlier than 5 years after the effective date of the regulation, and it does say that the EPA administrator may provide additional time if he or she chooses to do so. Just looking at the track record of EPA, I don't suspect that they would be doing that a lot, but they might. But they do have to set a compliance date. We say you must set a compliance date not earlier than 5 years.

Mr. DOYLE. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Mr. DOYLE. I would say to my friend—and this is my good friend—I'm with you all the way right till the very end. The one concern that we have is you say that the compliance date can't be any less than 5 years. If you would have just said that compliance shall be at 5 years, that there's a date certain, the problem with your legislation is there's no date certain. It sort of says to the administrator, it can't be sooner than 5 years, but it could be as long as you determine that you want it to be. It could theoretically be a hundred years. I'm not saying it would be a hundred years, but theoretically speaking.

We realize that the proposed rule has flaws and it needs to be reworked. I'm with you on the 15-month rewrite, and we're working with industries right in Pittsburgh with EPA on this as we speak. What concerns many of us is that there's no time line, there's no end line, for compliance in your legislation. You say no less than 5 years, but you never say when is the final deadline. All this amendment asks for is to go back to the Clean Air Act where there's some definition. It's 3 years with the possibility of additional time if the case calls for it. I think if we could get some sort of a finalized deadline on compliance, that you could get a lot of support on this side of the aisle and possibly even pass this bill. As it's written today, it makes it impossible for those of us that are sympathetic to a lot of what is in this bill to be able to support it, and I think it makes it difficult for the President to sign it and for it to pass the Senate.

I would just ask my friend, as we consider this legislation, that we at least give some certainty to the folks who want their air clean that at some point there's going to be a line that says, this is the end date, this is when you comply, not some date in the future that's not defined in the bill.

I thank my friend for yielding.

Mr. WHITFIELD. I thank the gentleman for his comment. Those are very good thoughts and very good ideas. As you know, a similar bill has been introduced in the Senate. We don't know if it's going to pass or not. If it does pass, we want to be able to go into conference with as much flexibility as possible. That's why we chose a 5-year period instead of a 3-year period, recognizing that there is some uncertainty in both the 3-year and the 5-year. Under your situation if there's a compelling need, on a case-by-case basis, they could extend it. In ours, the administrator under certain circumstances could extend it. We do have some Democratic support. We would love to have your support. If we get into conference, that is one of the parts of this bill that we hope that we can negotiate with the other side and come up with something that's satisfactory for both.

I really appreciate your bringing it to our attention and offering your amendment. As I have said, with as much reluctance as I have, I still will have to oppose it and hopefully we can work it out in conference with the other body.

Mr. DOYLE. If my friend could yield one more second, I would just say to you, if your bill simply had a 5-year compliance deadline and the Clean Air Act said 3 years with the possibility of an extension, I think you would have something that many of us would consider because you would have a 5-year deadline. You don't have a deadline. That's my problem. You have a no-sooner-than, but you don't have a deadline.

I thank my friend.

Mr. WHITFIELD. I yield back the balance of my time.

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

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

Mr. GRIFFITH of Virginia. Mr. Chairman, I would have to rise in opposition to the amendment. I agree with many of the comments that were made in regard to everybody trying to be reasonable and work some things out on this, but one of the concerns that I have and the reason that the language is as it is in the bill, which says that it's 5 years unless there's an extension by the administrator, is that in the real world sense of things, many companies find it difficult to hit the target, and I would hate to see us losing jobs because we had 5 years and 1 month. Under this amendment if they needed 5 years and 1 month or 5 years and 6 months to comply, then they would not be in compliance, and it may very well cost jobs and cause a company to make a decision that they don't think they can make it.

In real world examples, everything is not perfect, and I have discussed this several times, but one of the factories in my area of the Celanese company, they have to see what the regs look like, then they have to see if they can retool for using coal. That takes time to figure out whether they can retool their facility to meet the compliance. If they can't meet the compliance, then what about natural gas or some other fuel source? Well, guess what? They don't have a natural gas line coming into the community where they're located that would have enough natural gas in it for any industrial purpose. As a result of that, they then have to try to figure out how they're going to cross rivers and mountains in order to get natural gas into that community in order to keep those jobs available.

The problem with this amendment is it is a solid 5 years and you're done. What we're trying to do with the bill overall, while we want to be reasonable and we want to try to work something out, we want to also have the EPA administrator in a position that in real world circumstances, with real world jobs, not in the ivory towers of the universities necessarily or even here in the ivory towers of Washington, but out there on the hustings, the real world jobs have to be taken into account, and sometimes it takes 5 years and 1 month or 5 years and 6 months. That's why I would urge that we defeat this amendment.

I yield back the balance of my time.

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

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 Pennsylvania will be postponed.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. JACKSON of Illinois. Mr. Speaker, I offer the resolution previously noticed.

The SPEAKER pro tempore (Mr. YODER). The Clerk will report the resolution.

The Clerk read as follows:

Whereas on October 2, 2011, the Washington Post reported a story called ''Rick Perry And A Word Set On Stone'';

Whereas upon reading that story the vast majority of people in the United States were morally outraged;

Whereas most of the facts in this resolution come from that Washington Post story;

Whereas Governor Rick Perry has described a childhood in Haskell County in Paint Creek, Texas, as centered on Boy Scouts, school, and church;

Whereas Texas Governor Rick Perry is from West Texas and was originally a Southern Democrat—often known as Dixiecrats—who switched parties in the late 1980s to become a Republican and is currently a leading Republican presidential candidate;

Whereas ranchers who once grazed cattle on the 1,070-acre parcel in Throckmorton County on the Clear Fork of the Brazos River—near where Governor Perry was raised in Paint Creek, Texas—it has since become a hunting ground that was called by the name ''Niggerhead'' well before Governor Perry and his father, Ray, began hunting there in the early 1980s even though there is no definitive account of when the rock first appeared on the property;

Whereas the use of the term ''Niggerhead'' to describe a hunting retreat is morally offensive;

Whereas Ronnie Brooks, a local resident who guided a few turkey shoots for Governor Perry between 1985 and 1990, said he holds Governor Perry ''in the highest esteem'' but said this of the rock at the camp: ''It kind of offended me, truthfully'';

Whereas Haskell County Judge David Davis, sitting in his courtroom and looking at a window there, said the word was ''like those are vertical blinds. It's just what it was called. There was no significance other than a hunting deal''—in other words, the judge was morally vacuous;

Whereas the name of this particular parcel did not change for years and for many remained the same after it became associated with Rick Perry, first as a private citizen, then as a State official, and finally as Texas Governor;

Whereas some local residents still call it by the morally repugnant name ''Niggerhead'';

Whereas as recently as this summer, the slab-like rock—lying flat, portions of the name still faintly visible beneath a coat of white paint—remained by the gated entrance to the camp;

Whereas asked last week about the name, Governor Perry said the word on the rock is an offensive name that has no place in the modern world—implying that it may have been okay and had an appropriate place in that community when he was growing up;

Whereas Mae Lou Yeldell has lived in Haskell County, Texas, for 70 years and recalls the racism she faced in the 1950s and 1960s in West Texas, when being called an offensive name—like Whites greeting Blacks with ''Morning nigger''—was ''like a broken record'';

Whereas Throckmorton County, where the hunting camp is located near Haskell County, was for years considered a virtual no-go zone for African-Americans because of old stories told by locals about the lynching of an African-American man there;

Whereas Haskell County began observing Martin Luther King Jr. Day just two years ago according to a county commissioner in Haskell County;

Whereas Governor Perry grew up in a segregated era whose history has defined and complicated the careers of many Southern politicians;

Whereas Governor Perry has spoken often about how his upbringing in this sparsely populated farming community influenced his conservatism;

Whereas Governor Perry says he mentioned the offensive word on the rock to his parents shortly after they had signed a lease and he had visited the property, and they rather immediately painted over the word during the next July 4 holiday, but seven people interviewed by the Washington Post said they still saw the word on the rock at various points during the years that the Perry family was associated with the property through his father, partners, or his signature on a lease;

Whereas another local resident who visited the property with Governor Perry and the legislators he brought there to go hunting recalled seeing the rock with the name clearly visible;

Whereas how, when, or whether Governor Perry dealt with it when he was using the property isn't clear and adds a dimension to the emerging biography of Governor Perry who quickly moved into the top tier of Republican presidential candidates when he entered the race in August; and

Whereas Herman Cain is the only Republican presidential candidate to criticize Governor Rick Perry for being ''insensitive'' when the word was not immediately condemned, but we would remind Herman Cain that the word is not only ''insensitive'', but is also ''offensive'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on Governor Rick Perry to apologize for not immediately doing away with the rock that contained the word ''Niggerhead'' at the entrance of a ranch he was leasing and on which he was taking friends, colleagues, and supporters to hunt;

(2) calls on Governor Rick Perry's presidential rivals, who have not yet make strong statements of outrage over the rock that contained the word, to do so;

(3) calls upon Governor Rick Perry to condemn the use of this word as being totally offensive and inappropriate at anytime and anyplace in United States history; and

(4) calls upon Governor Rick Perry to list the names of all lawmakers, friends, and financial supporters he took with him on his hunting trips at ''Niggerhead''.

The SPEAKER pro tempore. Does the gentleman from Illinois wish to present argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. JACKSON of Illinois. Very quickly, Mr. Speaker, just before you do rule, the House of Representatives does have a history of passing resolutions that have been privileged in the past on questions that are offensive and morally repugnant to many Americans.

There was a minister on the south side of Chicago, for example, for which this House took up a particular resolution and denounced that minister for language that he used on numerous occasions against minorities in the United States.

Consistent with the language with this resolution that I have offered, the House has taken a position in the past that allows Members of Congress to express their consciences and their sentiments about the matters that are in front of us.

Now, as a Member of Congress and a member of this institution, my final argument is that each one of these Presidential candidates, whether they are on the Democratic side or on the Republican side, stands the chance to stand in front of us and provide us with a state of the Union address—a state of our country's fiscal health, its social health, its mental health, its physical health—and protect us from enemies both foreign and domestic.

If my motion for someone who might stand in front of me as a Member of Congress and share with me their vision potentially of the United States fails today, it simply suggests that the Congress of the United States is painting over a profound problem that exists in this Nation.

I know that my time has expired for making my argument; but I personally would be offended that the Congress of the United States would not understand the gravity of this resolution by granting Members an opportunity to vote on the specific arguments laid out by The Washington Post for which they've offered their story.

Mr. Speaker, ''nigger'' is offensive.

''Niggerhead'' is offensive.

And for a Governor of one of the great States of our Nation to hunt at Niggerhead Ranch, it's offensive; and I think that I am expressing the moral outrage of all Americans.

I thank the gentleman for allowing me to make my argument.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution offered by the gentleman from Illinois makes several assertions about the Governor of a State