ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

[113]

MESSRS. NEAL, TIERNEY, POE OF Texas, AND AL GREEN OF Texas changed their vote from "aye" to "no."

Mrs. RICHARDSON changed her vote from "no" to "aye."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against: Mr. HULTGREN.

Mr. Speaker, on rollcall No. 904, had I been present, I would have voted "no."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal. The question was taken; and the Speaker announced that the ayes had to have it.
H8274

CONGRESSIONAL RECORD — HOUSE

December 8, 2011

Rothman (NJ)           Shimkus           Van Hollen
Royal-Allard           Shuster           Velázquez
Royce                 Simpson           Walberg
Ryan (WI)              Smith (IN)        Waskom (MN)
Sears                 Smith (NJ)        Waltz
Schiff                 Smith (PA)        Weldon
Schneider             Smith (TX)        West
Schock                 Stearns           Wharton
Schrader              Stevens          Whiteman
Schwartz              Sullivan          Wittman
Schweikert            Thaddeus (PA)    Wolf
Scott (CO)             Tiberi            Woodall
Scott (VA)             Tomney           Womack
Scott, David          Tonko              Woolsey
Sensenbrenner         Toomey            Womack
Serrano               Towns             Yarmuth
Sessions              Tower             Young (FL)
Sewell                Turner (NY)       Young (FL)
Sherman               Upson

NOES—94

Altmire               Grijalva          Pallone
Anderson             Hanna            Pastor (AZ)
Baldwin              Harris            Peterson
Bass (CA)             Hastings (FL)    Poe (TX)
Benishek             Heck             Quayle
Bishop (NY)           Herrera Beutler   Rangel
Boren                Hoit              Reed
Brady (PA)            Honodel          Renacci
Burgess              Inseli            Ribble
Cappato               Johnson (OH)  Roe (TN)
Cardona               Knauss           Rouoggle
Carson (IN)           Kind              Rush
Chandler             King (NV)        Ryan (OH)
Chesney               Kinzinger (IL)  Sanchez, Linda
Coneaway             Kucinich         Sanchez, Loretta
Costa                 Larsen           Sarbanes
Costello             Latham            Schakowsky
Cravack               Lee (CA)         Schueller
Culver               Lewis (GA)       Shuler
Cummings             LeBlanc          Sifton
DeFazio               Lynch             Smithson
Dell                 Mackey           Stearns
Donnelly (IN)         Matheson         Sutton
Duffy                 Matesi           Terry
Ellison               Matther          Thomas (CA)
Finner                McDermott       Tipton
Fitzpatrick           McGovern         Turner (OH)
Poe                   Mehran           Visclosky
Garnder               Miller, George   Walden
Garrett               Moore            Woodall
Gibson                Maloney         Yoder
Green, Gene           Oliver           Young (AK)

ANSWERED “PRESENT” — 1

Amash

NOT VOTING—26

Bachmann              Gohmert          Paul
Blumenauer            Himes            Pelosi
Boswell              Higgs            Poli
Castor (FL)           Hooyer           Rahall
Clayburn             Israel           Stark
Davis (IL)            Jackson (IL)    Walsh (IL)
Diaz-Balart           Lucas            Waters
Frank (MA)            Myrick           Nadler
Gifford               Nebra            Webster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection. The SPEAKER pro tempore. Pursuant to House Resolution 487 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1633.

□ 1119

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, with Mr. WOMACK in the chair.

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

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

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself 2 minutes.

No question, from the largest manufacturer to the smallest farm or ranch, not necessary and that rural America and local communities are better equipped to monitor and control farm dust. For another, dust issues differ greatly from location to location and thus are best addressed through a one-size-fits-all Federal approach. Further, these levels of governments do a much better job than the Federal EPA when it comes to weighing both the costs and the benefits of various options and choosing a path that is cost-effective and achieves the greatest benefits.

Finally, under this bill, in the absence of State, local, and tribal regulation, EPA may step in and regulate nuisance dust if the case for net benefits can be made for it. This bill is a commonsense bill that removes a regulatory threat to economic growth and prosperity across rural America. I urge all my colleagues to support it.

I reserve the balance of my time. Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Over the past year, Republicans have brought to the floor one bill after another to weaken the Clean Air Act and eliminate EPA authority to protect public health from dangerous air pollution. The bill has passed bills to nullify EPA’s rules on air pollution from incinerators, power plants, cement kilns, and industrial boilers. But the bill before us today breaks new ground. It would block EPA from taking an action that EPA has no plan to take.

This bill is called the “Farm Dust Regulation Prevention Act of 2011.” Well, that’s a misleading title. EPA currently does not regulate farm dust and they have no plans to regulate farm dust. EPA Administrator Jackson told Congress that she will propose no change to the current air quality standard for coarse particles, which have been in place since the Reagan administration.

This bill belongs in the False Advertising Hall of Fame. It is not really about farms at all. Its real effect is to exempt industrial mining operations and other large industries from regulation under the Clean Air Act. And it threatens to overturn the particulate pollution standards that protect families in both rural and urban communities.

Section three of the bill exempts so-called “nuisance dust” from any regulation under the Clean Air Act. It then defines nuisance dust as containing broadly. The definition covers both coarse particulates and deadly fine particulates. It covers particulates from earth-moving—which means industrial mining operations—and from activities typically conducted in rural areas, which include open-pit coal mining, coal processing plants, and other industrial activities that are common in rural areas.