The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REDUCTION OF LEAD IN DRINKING WATER ACT

Mr. DOYLE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3874) to amend the Safe Drinking Act to reduce lead in drinking water.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3874

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 ''Reduction of Lead in Drinking Water Act''.

SEC. 2. REDUCING LEAD IN DRINKING WATER.

(a) IN GENERAL.—Section 1417 of the Safe Drinking Water Act (42 U.S.C. 300g–6) is amended—

(1) by adding at the end of subsection (a) the following:

''(4) EXEMPTIONS.—The prohibitions in paragraphs (1) and (3) shall not apply to—

''(A) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

''(B) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.''; and

(2) by amending subsection (d) to read as follows:

''(d) DEFINITION OF LEAD FREE.—

''(1) IN GENERAL.—For the purposes of this section, the term 'lead free' means—

''(A) not containing more than 0.2 percent lead when used with respect to solder and flux; and

''(B) not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

''(2) CALCULATION.—The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (1)(B). For lead content of materials that are provided as a range, the maximum content of the range shall be used.''.

(b) EFFECTIVE DATE.—The provisions of subsections (a)(4) and (d) of section 1417 of the Safe Drinking Water Act, as added by this section, apply beginning on the day that is 36 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DOYLE) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DOYLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DOYLE. Mr. Speaker, I yield myself as much time as I shall consume.

Mr. Speaker, I'm honored to manage consideration of S. 3874, the Reduction of Lead in Drinking Water Act. This is the Senate companion to Ms. ESHOO's bill, the Get the Lead Out Act. This bill will update the national lead content standard to nearly eradicate lead in faucets and fixtures which currently contribute up to 20 percent of human lead exposure, according to the EPA.

In a 21st century America, we have a responsibility to do more to protect our children and families against the lead exposure acquired through plumbing systems. The Safe Drinking Water Act, which determines the national lead content standards, currently allows up to 8 percent lead content for faucets and other plumbing fixtures and limits the amount of lead that can leach from plumbing into drinking water.

But health studies have concluded that much smaller amounts of lead exposure can have serious impacts on children and adults, including kidney disease, reduced IQ, hypertension, hearing loss, and brain damage. States have recognized this threat, and in 2006, California enacted the toughest lead content standard for drinking water faucets, fittings, and plumbing systems anywhere in the world. Since then, Vermont and Maryland have also adopted identical laws, and the District of Columbia and Virginia are considering similar legislation.

□ 1030

This bill mirrors the California legislation and will provide for a consistent and effective national standard to ensure that no one will be exposed to a serious health threat which can easily be avoided. This legislation has garnered the support of State health officials, numerous children's health organizations, prominent national environmental organizations, local governments, scientific associations, and national drinking water associations. The Plumbing Manufacturers Institute, the association that represents all major faucet companies and other manufacturers of drinking water plumbing fittings, also supports this legislation.

On December 16, this bill passed the Senate unanimously with bipartisan support. I urge my colleagues to vote for this critical bill in the House today.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, good morning. I rise in opposition to Senate bill 3874 that was introduced by BARBARA BOXER of California, the Reduction of Lead in Drinking Water Act, and urge my colleagues to do likewise.

I want to be clear that simply by opposing this bill, I do not support lead in drinking water, obviously. Let's clear the air on that. Rather, I am opposed to the manner in which this bill tackles the problem and, simply, Mr. Speaker, the unintended consequences that could result. So bear with me.

This legislation lowers the Federal limit for lead allowed in the manufacturing of certain plumbing fixtures that come into contact with water that Americans drink. However, reports in The Washington Post and testimony before Congress suggest that lead service lines are the biggest culprits of leeched lead. People should not mistake this bill as a panacea when other actions like corrosion protection and other treatments, including some lead line replacement, have just as much, if not more, impact on what this legislation purports to do.

Second, we need an education component to this bill. I urge my colleagues to vote against this bill so we can get an education component part of it. I am concerned that do-it-yourselfers, much like me, are going to see this legislation pass, think that their existing faucets are toxic fountains, go to their hardware store to get a new faucet, cut their home piping, thereby releasing lead shavings into their home's pipes, and wind up with water streaming from their faucets with even more lead than had they just left the faucet alone.

And, third, I know many of this bill's supporters believe we need this bill in order to prevent disparate standards among the States and that much of the industry is either meeting the most stringent State standards or is ready to make the move to do so. But, Mr. Speaker, I am not convinced, though, that this bill will provide the kind of preemption that prevents States from enacting different laws after this bill's enactment. The 50 States could do that. If the major producers of faucets in this country are already making the kinds of changes that the bill seeks, and the bill does not solve this preemption problem, then why do we have to pass a Federal bill in the first place?

And, finally, my colleagues and, importantly, the Congressional Budget Office estimate for identical provisions in a House bill projected the cost of the mandate in this bill, introduced by BARBARA BOXER, would be the additional costs to manufacturers, importers, or users associated with producing or acquiring compliant products.

So based on information from industry sources, CBO wrote on July 27, 2010, to expect that some manufacturers would already be in compliance with the new standard because of existing

standards in some States, for example, California, Maryland, and Vermont: ''However, information from those sources suggest that the incremental cost of manufacturing or importing such products would total hundreds of millions of dollars to the private sector in at least some of the first 5 years the mandate is in effect.'' Some of those costs could be passed through to end users, including public entities.

While the additional cost to State, local, and tribal entities could be significant, CBO estimates that those costs would total less than the annual threshold established in the Unfunded Mandate Reform Act in 1995 for intergovernmental mandates.

Now what does that mean? Let me just explain. Just because it doesn't create unfunded mandates on the United States Government doesn't mean it is not going to create a huge amount of unfunded mandates on the private sector. In fact, this would be a large cost for the private sector, even though the advocates for this bill will say there is no unfunded mandates on the government.

To be fair, the industry has challenged these figures that the proponents of this bill have suggested, and most companies will just simply pass their costs along in a highly competitive market. When you look at this bill, the industry is saying that at a maximum the best guess would be almost a 3 percent increase to consumers if and when they need a new faucet valve or fitting. This is not the kind of disparity that we need. We should be able to reconcile these numbers before American jobs are challenged by this bill.

So, Mr. Speaker, there are probably some very worthy reasons to pass this bill, including perhaps stopping bad products produced overseas from entering the stream of U.S. commerce, and we know counterfeit products will be provided. However, and unfortunately, the issues that I have mentioned outweigh the good intentions of this bill that was introduced by BARBARA BOXER in California, and I would urge my colleagues to oppose its passage.

I reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would say to my friend—and he is my good friend—that the bill passed unanimously in the Senate. I know he likes to invoke Senator BOXER's name a lot. But the fact of the matter is, every Republican and every Democrat in the United States Senate supported this bill.

I would like to make a couple of points. He talks about the lead in the service lines. And that's true, utility companies—and we have literally dozens of utilities that are in support of this bill—are already constantly making efforts to get lead out of their lines. What we are trying to do is not to make that an exercise in futility by allowing the faucets to return the lead into the lines that they are working so hard to take out.

We talk about preemption. Right now, the standard is 8 percent, so that's a maximum. And the gentleman is correct: a lot of States have gone under that 8 percent limit. But the new standard that we are proposing, the 0.25 percent, is state of the art. That is about as low as you can get it, based on the technology that we have available today. So in effect, the idea that States would somehow be able to preempt and go below that, it just isn't possible as we speak today. So it sort of deals with the preemption issue.

The bill doesn't require people to buy replacements. No one is forced to replace their faucets. And lastly, and dealing with the issue of cost, I have a letter from the Plumbing Manufacturers Institute, and I would like to quote from it. In the one paragraph dealing with cost, it says: ''It is safe to say that this one-time cost for faucet manufacturers will not be anywhere in the magnitude of 'hundreds of millions of dollars' as set forth in the House report for H.R. 5320, the AQUA bill. Unfortunately, the faucet industry source for those numbers failed to vet the calculations with the industry representatives prior to providing the estimate to CBO. We find those numbers to be unreliable and greatly exaggerated.''

The SPEAKER pro tempore. The time of the gentleman has expired.

□ 1040

Mr. DOYLE. I yield myself an additional 30 seconds.

So when you put this all together and you see that we have a piece of legislation here which passed the Senate unanimously, and we have an opportunity to set a national standard which is state of the art with the technology that we have today, at a cost that the industry has said is minimal, and many are already complying with, it seems that it would be a shame to let this opportunity pass to protect the health of millions of Americans by making changes that are not onerous on the industry by their own letter, and they endorse the bill and it had unanimous support in the Senate. I would hope that my colleagues in the House will see fit, in a bipartisan fashion, to do this for Americans, make people more safe, improve the quality of water that Americans drink, and do so at a cost that is not onerous to the public or the industry.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman will realize, of course, that oftentimes a bill has a wonderful-sounding name on it. And bills sometimes pass here by unanimous consent; and lo and behold, we go back and find there are unintended consequences. I submit to the gentleman that when the Senate passed this, they might have done that under the same auspices. And I suspect if they looked at it carefully, particularly some of the folks over there that I know, they would not have been in unanimous support of this.

Also when you talk about the Plumbing Manufacturers Institute, as you know, lots of times when people are quoted down here, there are sometimes, and I'm not saying this is always true, but sometimes there is vested interest in an issue. We see sometimes on the floor some people are proponents of an issue, and lo and behold there is some perhaps indirect, discrete, perhaps some vested interest. I have not seen the Plumbing Manufacturers Institute letters, I am not familiar with that, but I suspect I could find a letter on this side that would refute the Plumbing Manufacturers Institute. In fact, we have many people who have pointed out to us that this is going to increase cost.

So your other argument that people will not react, I have seen people react, particularly young families who perhaps think that there might be lead in the water with their infants, and they might overreact. And what happens when new detection levels are achieved?

So I would say to my friend that we have here a clear case of a difference of opinion. Here we are in 2010 before the Christmas holidays, and we are still talking about something that I think for the most part even you admitted it, a lot of the States are complying and are underneath the requirement. So if that is true, why do we need the bill? You are even making my argument of why do we need this bill that would have unintended consequences when you admit yourself that the States now are underneath the requirement.

I think all of us do not want to have lead in our water. All of us believe that there is some reason for Congress to get involved and to make sure that States comply to Federal preemption and that we also continue to monitor this and see what the latest detection levels are.

But I submit I have been in Congress a number of years, just as you have, and we have specified again and again requirements to not have lead in our water. So I think at this point this bill is probably an overstep, an overreach. And taking your own comment that a lot of the States are underneath the requirement, I'm not sure that we need the bill.

I reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself 2 minutes.

I would just say to my friend that Senator INHOFE and Senator ALEXANDER are cosponsors of this bill. I think those two gentlemen, very conservative gentlemen, I think my friend would agree, have looked at the bill and are cosponsors of the bill. I would also say to my friend that I would be happy to share a copy of my letter from the Plumbing Manufacturers Institute with him if he would like to share a letter that he has from anyone who contradicts this. I believe we have shared this letter with your staff, and I hope you would look it over.

I would say to the gentleman and my colleagues, Mr. Speaker, I think we

should try to do the best we can do for the American people when it comes to their health. It is true that a handful of States have already adopted lower standards, but it is just a handful of States. We have 50 States, and over 40 still have not done this. So I think it is important we set a national standard. This will in effect set a national standard which uses the best technologies available to get us as low as we can based on what we know today.

The industry has said that we can do this at minimal cost to the industry. We force no individual to buy replacements. This is something people can choose to do if they want to. I think most families will take advantage of this. For the average faucet, if you look at a faucet that is about $85, and everyone knows when you go into a store, you can buy faucets that cost $500, and you can buy faucets that cost $30 or $40, or anywhere in between. But if you look at the average, which is around $80, what we are talking about is somewhere between $1.70 extra on a faucet, so we are not talking about a big cost.

As I said, I have the industry letter, which I am happy to share with you, saying that they think that it is a good thing, too.

So I would just say to my colleagues, let's do the best we can for all of America. Sure, a handful of States have already taken the lead and have gone further.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOYLE. I yield myself an additional 30 seconds.

When people's health and safety is involved, we should never skimp on that. If we are going to err, let's err on the side of doing the most we can do based on the technology we have with a bill that does not put any onerous burden on manufacturers, by their own statements, and which many dozens of organizations and utility companies support and that has the support of conservative Senators, cosponsors like Senator INHOFE of Oklahoma and Senator ALEXANDER of Tennessee, and a unanimous vote in the Senate. Let's have a unanimous vote here in the House.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all say, when you are quoting conservatives, the former chairman of the Energy and Commerce Committee, Ranking Member JOE BARTON, is against this bill. So when you talk about who is the spokesman in the House, JOE BARTON on Energy and Commerce is the spokesman. You serve on Energy and Commerce, so you obviously would respect his opinion.

Also, I would say to my colleague, we are not a subcommittee of the Senate. We are an independent body. So as much as I respect your voicing accommodation to the Senate frequently here, I submit that the House of Representatives is a totally different body and represents closer to the people, the people who go to Lowe's, the people who go to the hardware stores, and the people who don't want to have overregulation and are trying to create jobs in this economy.

You keep mentioning how the Senate overwhelmingly supports this bill. I would say rhetorically to you: Did you support the tax cuts last night? Did you support the tax cut extension? A lot of people on the majority did not; yet in the Senate, it was overwhelmingly supported. So oftentimes there is a different approach in the Senate than in the House.

And I suspect if you get elected every 6 years as opposed to every 2 years, you are going to have a little more close relationship with your constituents. You will do town meetings. You will do telephone town meetings. Whereas if you are a U.S. Senator, perhaps you have a large State, you will be doing it through the media. But if you are there in a town meeting when somebody comes up to you face to face and says, STEARNS, why are you going to put this new requirement in? I thought we had the proper levels already in place, and why are you stipulating more regulation?

And so I go back again to your statement that basically this is a case where the States are underneath the requirement. Going by your own statement, I think you have summed up my argument that the bill is not needed.

I reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself such time as I may consume.

I would just say to my friend, the one thing I would agree with my friend on is that the House of Representatives is not the United States Senate. I wholeheartedly agree with that.

I would also say to my friend, and I believe he may not have been present that day, but on May 26 of this year, we had a vote in committee on this bill, and Representative BARTON voted for this bill in committee as part of our drinking water bill. So did 18 other Republicans. So the bill passed our committee with 45 members voting in favor.

□ 1050

Mr. STEARNS. Will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from Florida.

Mr. STEARNS. At that point, that was not the bill that BARBARA BOXER introduced in the Senate. That was a bill that was instituted and created in the House.

Mr. DOYLE. Reclaiming my time, that bill was the companion bill here in the House, which was the same as the Boxer bill. It was Ms. ESHOO's bill, which passed the committee 45–1, with 18 Republicans supporting it, including Chairman BARTON, who is my dear friend.

So I would just say to my friend that I would be more concerned with someone coming up to a town hall meeting to me and asking me why we haven't done everything we could to get lead out of drinking water. The standard is 8 percent in my State; to my knowledge, we don't have a lower standard. So I certainly appreciate legislation like this which sets the lowest standard we can attain with the technology we have and do so in a way that's not onerous to either the public or the manufacturers who support this bill.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

This debate has probably gone on too long for this. I will wrap up and just say to my colleagues that at the point that Mr. BARTON had an understanding with Mr. WAXMAN, it was under different understandings for the funding of the bill, the science of the bill, and the labor provisions. These things have since changed.

As you know, if it was the same bill, it would come back under a House bill number, but it is coming back as a Senate bill that was introduced by BARBARA BOXER. So, as you would realize, this is not the same bill; otherwise, what Mr. BARTON agreed upon with Mr. WAXMAN, that would be the bill that we would be voting on. As you know, this is not the bill. This is a different bill.

I urge my colleagues, with that, to vote against the bill, and I yield back the balance of my time so we can move on to other important bills.

Mr. DOYLE. I yield myself 30 seconds.

I want to thank my friend for this debate. I would say to my friend that this bill is identical to the bill that we had in the House. It is an identical bill. It is identical in portion. It is not the entire bill that we had in the House, but this portion of the bill is identical to the bill that we had in the House.

I would hope my colleagues would join our colleagues in the Senate in supporting this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DOYLE) that the House suspend the rules and pass the bill, S. 3874.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LOCAL COMMUNITY RADIO ACT OF 2010

Mr. DOYLE. Mr. Speaker, I move to suspend the rules and pass the bill