ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

REDUCING REGULATORY BURDENS ACT OF 2011

Mr. GIBBS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 872) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 872

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 ''Reducing Regulatory Burdens Act of 2011''.

SEC. 2. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.''.

SEC. 3. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GIBBS) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. GIBBS. 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 materials on H.R. 872.

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

There was no objection.

Mr. GIBBS. Mr. Speaker, I yield 10 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT) and ask unanimous consent that she be allowed to control that time.

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

There was no objection.

Mrs. SCHMIDT. I rise in support of the bill, and I yield myself such time as I may consume.

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, it is imperative that we act in a timely manner on H.R. 872 to ensure that our small businesses, farmers, communities, counties, and State and Federal agencies will not be burdened with a costly, duplicative permit requirement that offers no environmental or health benefits. It is important to note that pesticides play an important role in protecting our Nation's food supply, public health, natural resources, infrastructure, and green spaces. They are used not only to protect crops from destructive pests, but also to manage mosquitoes and other disease-carrying pests, invasive weeds, and animals that can choke our waterways, impede our power generation, and damage our forests and recreational areas.

The Reducing Regulatory Burdens Act of 2011 amends FIFRA and the Clean Water Act to eliminate the requirement of a permit for applications of pesticides approved for use under FIFRA. This Act is being passed in response to National Cotton Council v. EPA, which found NPDES permits are required for point source discharges of biological pesticides and chemical pesticides that leave a residue.

This legislation, Mr. Speaker, is not intended to exempt waste-streams or discharges from regulation simply because they may contain pesticides or pesticide residues. This legislation, Mr. Speaker, makes clear that the NPDES exemption only addresses discharges of pesticide or pesticide residue resulting from applications consistent with FIFRA. The legislation does not exempt applications of pesticides that violate the relevant requirements of FIFRA.

There have been accusations that this bill would cause contamination of our waterways. But, Mr. Speaker, I challenge those accusations. Today, some will argue in defending the Sixth Circuit Court decision that pesticide applications were a violation of FIFRA. The case in question is the Talent Water District in Jackson County, Oregon, where it is claimed that the application of pesticides in violation of the FIFRA label resulted in a fish kill of more than 92,000 juvenile steelhead. I point out that these pesticide applications were in violation of FIFRA and the requirements of FIFRA, and therefore would be addressed under that law. Requiring a duplicative permit under the Clean Water Act would not offer any additional environmental safety standard.

Mr. Speaker, H.R. 872 is a simple fix. The legislation before us passed unanimously through the House Agriculture Committee and with an overwhelming 46–8 vote in the House Transportation and Infrastructure Committee. This proves that this is not a partisan issue but an issue of such importance that Republicans and Democrats and even the EPA have worked together to provide a solution.

H.R. 872 makes clear that it was never the intent of Congress to require this redundant layer of bureaucracy, especially since the EPA already comprehensively regulates the distribution, sale, and use of pesticides. Although the court did extend the effective date of its order to October 31, it did not fix the underlying problem. The impact on all pesticide users required to obtain this extra permit will be the same in October as it is today. There is no difference in the burdensome cost or real impact on their livelihoods. The only things this extension provides is more months of regulatory uncertainty.

I ask my colleagues to support this necessary piece of legislation and to ensure that FIFRA remains the standard for pesticide regulation. Let us help protect our mutual constituency from duplicative obligations that provide no qualified benefit to human health or environmental concerns.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent that the

gentleman from California (Mr. BACA) be permitted to control 10 minutes of my time.

The SPEAKER pro tempore (Mr. NUGENT). Without objection, the gentleman from California will control the time.

There was no objection.

Mr. BISHOP of New York. I yield to the gentleman from California.

Mr. BACA. Thank you very much.

I want to thank the gentleman from New York, TIM BISHOP, our third baseman—an excellent third baseman—for yielding the time.

Mr. Speaker, I rise today in strong support of H.R. 872, the Reducing Regulatory Burdens Act of 2011. I want to thank Nutrition and Horticulture Subcommittee Chair JEAN SCHMIDT and I also want to thank Water Resources Subcommittee Chair BOB GIBBS for their leadership on this issue. I appreciate the opportunity to work with my colleagues on the Transportation and Infrastructure Committee to jointly resolve an important issue and to build a relationship across jurisdictions and across the aisle.

H.R. 872 is a straightforward bipartisan bill that creates a necessary fix to the flawed National Cotton Council v. EPA Sixth Circuit Court decision. If the decision is implemented, pesticide applicators will be forced into a duplicative regulatory process that would require permitting under both FIFRA and the Clean Water Act. We don't need to duplicate. We don't need additional costs and burdens on many of the individuals. We need one agency that can handle it, not two agencies.

While the new regulation will provide no environmental benefit, it will add millions in new costs to State regulating agencies, agricultural producers, mosquito control districts, and small businesses. The EPA understands this. That's why they have helped us write this bill. The EPA estimates that the permit process would add $1.7 million in annual costs to our cash-strapped States. But during a hearing on this issue last month, former Congressman John Salazar testified that the cost of implementation for the State of Colorado would be even greater—upwards of $20 million.

□ 1720

In addition, the permitting process is estimated to add another $50 million to the cost of pesticide applicators, and most of them are small businesses.

In my home State of California, we face a 12.2 percent unemployment rate and a $25 billion to $31 billion deficit. We simply can't afford this regulatory burden on them or on anyone else throughout the State. Likewise, the negative impact on agricultural, irrigation—and I state on agricultural, irrigation—and pest control professionals is a cause for serious public concern.

My congressional district, located in California's Inland Empire, has long had problems with the West Nile virus. The ability of mosquito and pest control to respond quickly to any situation must not be jeopardized. If we have one agency, it can act quickly. If we have two, it's not only costly, but can you imagine what would happen if we didn't act quickly?

For over 30 years, FIFRA has ensured that when a pesticide is used in accordance with label requirements, it will not bring unnecessary risk to our communities or to the environment. Let's work together to pass this simple fix to protect the public health—and I state to protect the public health—of our communities and to prevent costly duplicative regulatory burdens on us.

With that, Mr. Speaker, I have a letter that I would like to submit. It is from the National Association of Conservation Districts, which is a nonprofit organization that represents the Nation's 3,000 conservation districts. For more than 70 years, the NACD has worked with the landowners and managers of private working lands to help them apply effective conservation practices. They understand that the EPA already conducts a rigorous analysis of the health and environmental effects of any proposed usage of a pesticide under FIFRA.

I also have another letter to submit for the RECORD, Mr. Speaker, that has been signed by 138 different agricultural, irrigation, and pest control organizations from across the Nation.

I ask my colleagues on both sides of the aisle to support this legislation. It's good bipartisan legislation. It deals with duplicative efforts, and consolidates some of them. It is also cost-effective. We don't need to put the burden on anyone else.

NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS,
Washington, DC, March 30, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER: On behalf of the National Association of Conservation Districts (NACD) and America's 3,000 conservation districts, I write to voice our support for H.R. 872 to allow farmers, ranchers, and foresters to continue pesticide use in compliance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). We appreciate your recognition of this important issue and encourage bipartisan congressional action to address the significant regulatory concerns arising from a 2009 court ruling.

In 2009, the U.S. Sixth Circuit Court of Appeals ruled that Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permits are required for pesticide applications made ''in, over, or near'' water. Prior to this ruling, the Environmental Protection Agency (EPA) has not required CWA permits for pesticides applied according to the FIFRA label. This ruling creates confusion, uncertainty and increased regulatory burdens.

EPA conducts a rigorous analysis of the health and environmental effects of a proposed use of a pesticide; when used in compliance with the EPA-approved label, FIFRA-registered pesticides have already been proven safe. Rather than spending precious time and resources on duplicative permitting efforts, EPA should instead be focused on working with landowners to support on-the-ground conservation solutions with true environmental value. Forcing producers to go through an additional burdensome permitting process will only increase production costs and add stress on already overburdened state resources, without providing any additional environmental benefits.

H.R. 872 would continue to ensure the protection of water during routine, FIFRA-label pesticide use, while clarifying that applicators abiding by these strict standards do not need to go through the unnecessary and burdensome process of obtaining CWA permits.

Thank you for your leadership on this important issue. We look forward to working with you as we continue to provide the benefits of locally-led natural resource conservation across the country.

Sincerely,

GENE SCHMIDT,
President.

MARCH 29, 2011.

Hon. JOE BACA,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BACA: The undersigned organizations urge you to support H.R. 872, the Reducing Regulatory Burdens Act, which will be considered on the House floor on the suspension calendar later this week. Based on a court ruling in the National Cotton Council v. EPA (6th Cir. 2009) case, the Environmental Protection Agency (EPA) and delegated states are required to establish permit programs under the Federal Clean Water Act for aquatic pesticide applications. H.R. 872 is a bipartisan bill aimed at reducing the regulatory burden and duplication posed by this court mandate.

Pesticides play an important role in protecting the nation's food supply, public health, natural resources, infrastructure and green spaces. They are used not only to protect crops from destructive pests, but also to manage mosquitoes and other disease carrying pests, invasive weeds and animals that can choke our waterways, impede power generation and damage our forests and recreation areas.

Since the inception of the Clean Water Act in 1972, water quality concerns from pesticide applications have been addressed during the registration and labeling process under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Imposing a national pollutant discharge elimination system (NPDES) permit in addition to FIFRA regulation will not provide any identifiable additional environmental benefits.

The proposed permit means further unfunded mandates on already struggling governments, and it creates additional red tape, squeezing existing resources and threatening added legal liabilities. The permit's complex compliance requirements will impose tremendous new burdens on thousands of small businesses, farms, communities, counties and state and federal agencies legally responsible for pest control, and expose them to legal jeopardy through citizen suits over paperwork violations. It could jeopardize jobs, the economy and human health protections across America as regulators and permittees struggle to implement and comply with these permits.

This week's court decision to grant a 6-month extension to comply with permit requirements from April 9 to October 31, 2011 is welcome news. However, it does not change the urgency, to pass H.R. 872 and fix the underlying problem of regulatory redundancy and bureaucratic burden. We urge Congress to pass H.R. 872 into law before the permit becomes final this year.

We respectfully ask that you join Transportation & Infrastructure Chairman John Mica (R–FL) and Subcommittee Chair Bob

Gibbs (R–OH), as well as Agriculture Committee Chairman Frank Lucas (R–OK), Ranking Member Collin Peterson (D–MN), Subcommittee Chair Jean Schmidt (R–OH), and Ranking Member Joe Baca (D–CA) in supporting this bipartisan bill.

Sincerely,

Agricultural Alliance of North Carolina, Agribusiness Association of Iowa, Agribusiness Association of Kentucky, Agribusiness Council of Indiana, Agricultural Retailers Association, American Chemistry Council—Biocides Panel, American Farm Bureau Federation, American Mosquito Control Association, American Nursery and Landscape Association, American Soybean Association, Alabama Agribusiness Council, Alabama Vegetation Management Society Inc., Aquatic Ecosystem Restoration Foundation, Aquatic Plant Management Society, Arizona Crop Protection Association, California Dried Plum Board, California Grape & Tree Fruit League, Chemical Producers & Distributors Association, Colorado Corn Growers Association, Commercial Flowers Growers of Wisconsin, Consumer Specialty Products Association, Cranberry Institute, CropLife America, Crop Protection Association of North Carolina, Delta Council (MS), DuPont Crop Protection, DuPont Professional Products, Far West Agribusiness Association, Florida Aquatic Plant Management Society, Florida Fruit & Vegetable Association, Florida Vegetation Management Association, Gardens Beautiful Centers (WI), Georgia Agribusiness Council, Georgia Urban Agriculture Council, Golf Course Superintendents Assoc of America, Gowan Group, Growmark, Hop Growers of America, Hop Growers of Washington, Illinois Fertilizer & Chemical Association, Iowa Corn Growers Association, Kansas Agribusiness Retailers Association, Kentucky Corn Growers Association, Land O'Lakes, Lawns of Wisconsin Network, Maryland Grain Producers Association, Michigan Agri-Buisness Association, Michigan Aquatic Managers Association, Midwest Aquatic Plant Management Society.

Midsouth Aquatic Plant Management Society, Minnnesota Agricultural Aircraft Association, Minnesota Agri-Growth Council, Minnesota Corn Growers Association, Minnesota Crop Production Retailers, Minnesota Pest Information & Education, Mississippi Vegetation Management Association, Missouri Agribusiness Association, Montana Agricultural Business Association, Mosquito & Vector Control Assoc of California, National Agricultural Aviation Association, National Alliance of Forest Owners, National Alliance of Independent Crop Consultants, National Assoc of State Departments of Agriculture, National Association of Wheat Growers, National Corn Growers Association, National Cotton Council, National Council of Farmer Cooperatives, National Farmers Union, National Grange, National Pest Management Association, National Potato Council, National Roadside Vegetation Management Assoc Inc, New Jersey Green Industry Council, New Jersey Mosquito Control Association, North Carolina Agribusiness Council Inc., North Carolina Growers Association, North Carolina State Grange, North Central Weed Science Society, Northeast Aquatic Plant Management Society, Northeastern Weed Science Society, Ohio Professional Applicators for Responsible Regulations, Oklahoma Agribusiness Retailers Association, Oregon Association of Nurseries, Oregonians for Food & Shelter, Professional Landcare Network, RISE (Responsible Industry for a Sound Environment), Rocky Mountain Agribusiness Association, Schertz Aerial Services, Society of American Florists, South Carolina Aquatic Plant Management Society, South Carolina Fertilizer & Agrichemical Assoc, South Dakota Agri-Business Association.

Southern Crop Production Association, Southern Weed Science Society, Syngenta, Texas Agricultural Industries Association, Texas Aquatic Plant Management Society, Texas Mosquito Control Association, Texas Vegetation Management Association, USA Rice Federation, US Apple Association, US Hop Industry Plant Protection Committee, Valent U.S.A., Vegetation Management Association of Kentucky, Virginia Agribusiness Council, Washington Friends of Farms & Forests, Washington Hop Commission, Washington State Potato Commission, Weed Science Society of America, Western Aquatic Plant Management Society, Western Growers Association, Western Plant Health Association, Western Society of Weed Science, Wild Blueberry Commission, Wisconsin Agribusiness Council, Wisconsin Christmas Tree Producers Association, Wisconsin Crop Protection Association, Wisconsin Landscape Contractors Association, Wisconsin Nursery Association, Wisconsin Potato & Vegetable Growers Assoc, Wisconsin Sod Producers Association, Wyoming Ag-Business Association, Wyoming Crop Improvement Association, Wyoming Wheat Marketing Commission, Wyoming Wheat Growers Association.

I yield the balance of my time to the gentleman from New York (Mr. BISHOP).

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 872, the Reducing Regulatory Burdens Act of 2011.

I recently introduced H.R. 872 to clarify congressional intent regarding how the use of pesticides in or near navigable waters should be regulated. The Federal Insecticide, Fungicide, and Rodenticide Act, also known as FIFRA, has long been the Federal regulatory statute that governs the sale and use of pesticides in the United States. However, more recently, as a result of a number of lawsuits, the Clean Water Act has been added as a new and redundant layer of Federal regulation over the use of pesticides. As a result, an additional set of permits will be required for the use of pesticides.

H.R. 872 is aimed at reversing a decision of the Sixth Circuit Court of Appeals in National Cotton Council vs. EPA. In this ruling, the Sixth Circuit substituted judge-made policy choices for reasonable agency interpretations of the law. In the process, the court undermined the traditional understanding of how the Clean Water Act interacts with other environmental statutes, and it judicially expanded the scope of Clean Water Act regulation further into areas and activities not originally envisioned or intended by Congress.

EPA has estimated that approximately 365,000 pesticide users, including State agencies, cities, counties, mosquito control districts, water districts, pesticide applicators, farmers, ranchers, forest managers, scientists, and even everyday citizens who perform some 5.6 million pesticide applications annually, will be affected by the court's ruling. This will virtually double the number of entities currently subject to NPDES permitting under the Clean Water Act.

With this ill-advised court decision, the States and a wide range of public and private pesticide users will face increased financial and administrative burdens in order to comply with the new permitting process, and all of this expense comes with no additional environmental protection.

This new permitting process was meant to take effect on April 9 of this year. However, just 2 days ago, the Sixth Circuit granted an extension through October 31, 2011. The court's extension only temporarily postpones the need for an NPDES permit for pesticide use, and does not completely eliminate the need for this legislation.

H.R. 872 fixes the problem. It exempts from the NPDES permitting process a discharge to waters involving the application of a pesticide authorized for sale, distribution, or use under FIFRA, where the pesticide is used for its intended purpose and where the use is in compliance with FIFRA pesticide label requirements.

H.R. 872 was drafted very narrowly to address the Sixth Circuit's holding the National Cotton Council case and return the state of pesticide regulation to the status quo before the court got involved. This bill passed unanimously out of the Agriculture Committee and passed the Transportation and Infrastructure Committee on a strong bipartisan vote of 46–8.

Many organizations, representing a wide variety of public and private entities, support a legislative resolution of this issue. Just to name a few, these organizations include:

The National Association of Counties; the National Association of State Departments of Agriculture; the National Water Resources Association; the American Mosquito Control Association; the American Farm Bureau Federation; the National Farmers Union; CropLife America; and Responsible Industry for a Sound Environment.

Mr. Speaker, I want to thank my colleague Chairman SCHMIDT for her leadership on this bill in both the Agriculture and the Transportation and Infrastructure Committees.

I also want to thank the ranking members of the Subcommittee on Water Resources and Environment and

of Transportation and Infrastructure for their support of the bill.

In addition, I want to thank Chairman MICA and Ranking Member RAHALL for their leadership of the Transportation and Infrastructure Committee, as well as Chairman LUCAS and Ranking Member PETERSON of the Agriculture Committee for their leadership.

I urge all Members to support H.R. 872.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, in light of the fact that Mr. BACA yielded the balance of his time to me, may I inquire as to how much time we have left on this side?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. BISHOP of New York. Thank you very much.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

We're here, and we're pretending we're doing something about a real problem. We are amending the wrong statute at the wrong time under the guise that this is a crisis, and we're bringing up a bill that will never see the light of day in the Senate.

So what could we really do?

Well, we could work with the Environmental Protection Agency. I've already written to the Environmental Protection Agency, and I would encourage others to as well who recently got an extension until October 31 from the court. So there is no immediate threat of these new regulations going into place. Particularly, the biggest problem with what they're proposing is the small size of general permitting. It's 640 acres. My State has 6,400 acres. That's a pretty big piece of property. I don't know many small farms or other folks who operate on more than 6,400 acres. Even at 6,400 acres, it's a three-page form that you fill out in my State.

Oregon is the State where this problem started because 90,000 juvenile salmon were killed by the improper application of a pesticide, so we would be particularly sensitive to that. We're pretty sensitive about our water. I think all of your constituents are sensitive about their water. So, to amend the Clean Water Act here, you're going at the wrong place. People don't want pesticides or herbicides in what they drink or in what their kids drink—plain and simple.

FIFRA is meaningless in terms of really regulating what goes into the water. The EPA doesn't test pesticides for their water quality standards, and FIFRA does not regulate how much of a pesticide is safe to apply to water. So we should be amending FIFRA, but that would have been a little more work, and that would have been real legislation, and that might have been something that the Senate would have taken up, and that might really have gotten something done.

But we don't want to do that. We want to play to the crowd here. Let's rage here and say it's going to cost $50,000 for every small business. That's a bunch of hooey.

In my State, like I say, we have a three-page application. So the point is that we can do something real. We can influence the EPA, get reasonable regulations, and protect the drinking water of this country—or you can do what you're doing here today, which is meaningless.

Mrs. SCHMIDT. Mr. Speaker, I yield 3 minutes to the chairman of the Agriculture Committee, the good gentleman from Oklahoma (Mr. LUCAS).

(Mr. LUCAS asked and was given permission to revise and extend his remarks.)

Mr. LUCAS. I rise in support of this bill.

Mr. Speaker, the piece of legislation before us today must be passed and placed on the President's desk as soon as possible if we want to prevent a possible blitz of regulatory burdens on our farmers and ranchers.

□ 1730

The 6-month delay that the EPA was granted by the court this past Monday evening may have bought us more time, but the delay does not fix the underlying problem.

The impact on those pesticide users who will be required to obtain a duplicative permit will be the same in October as it is today. There is no difference in the burden, the cost, or the real impact on their livelihoods. The only thing this extension provides farmers is 6 more months of regulatory uncertainty. We must act now to give our farmers the certainty they need to continue to produce the safest, most affordable, and abundant food supply in the history of the world.

If Congress does not act, more than 40 States will face increased financial and administrative burdens in order to comply with the new permitting requirement process during a time when many States are already being forced to make difficult budget decisions. This would be a crushing blow to an already fragile economy. Giving EPA and the States more time to develop a permit system does nothing to minimize the unnecessary expense this uninformed court decision has imposed.

Governments at all levels are facing a fiscal emergency. This exercise represents a tremendous waste of valuable time and resources. There is no need to send our States down a path of fiscal disaster when we have the opportunity to put a stop to it all today.

It was always the intent of Congress to exempt pesticide use from the Clean Water Act. The decision of the court represents a fundamental ignorance of congressional intent that will not be rectified by a delay. Congress has no choice but to act now.

I would like to serve note that on the Ag Committee as chairman, I'm very pleased with our point person's efforts on this behalf, Subcommittee Chairwoman JEAN SCHMIDT. I'd like to thank our ranking member, Mr. PETERSON, of the full committee, and subcommittee ranking member, Mr. BACA, for working with us in a very bipartisan way to address this issue. We all agree something has to be done, something needs to be done, and we have an opportunity to do it.

With that, I encourage my colleagues to vote in support of this legislation.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in reluctant opposition to H.R. 872.

Mr. Speaker, I find myself in an awkward position here today being asked to urgently vote on a bill where there is no real sense of urgency and where questions of its potential impact on human health and the environment far outweigh the answers.

I am also concerned that, in our effort to address concerns on implementation of two Federal statutes, we are neglecting a rational analysis of the best way to protect human health and the environment from the potential adverse effects of pesticides.

Finally, I stand in opposition to this legislation because it appears that the push to vote today on this bill is so great that it has stretched the bounds of traditional Member-to-Member commitments to resolve legitimate differences on issues of critical importance to all of us.

Mr. Speaker, let me state from the outset that I agree pesticides provide a valuable tool in controlling unwanted pests, whether they be mosquitoes in my home county of Suffolk County, New York, or corn borers in the Midwest. This bill is not about whether pesticides should or should not be used. However, what this bill does call into question is the best way to balance the use of pesticides with the protection of water quality, human health, and the environment, and the economic benefits associated with them.

On this point, I am not convinced that the current efforts to protect human health and the environment, which this bill seeks to maintain, are sufficient. If they were, pesticides would not continually show up in the urban and rural water bodies throughout the Nation. As States and the U.S. Geological Survey have told us, pesticides are frequently detected in streams and groundwater throughout the Nation, and literally thousands of streams and bays and lakes are currently impaired or threatened by pesticides. In the State of California alone, pesticides are listed as the number one source of water quality impairment in the State.

It is also telling that many States continue to find waters impaired by pesticides that have been banned in the United States for decades. In my view, this shows how the decisions we make today will have long-term impacts on human health, on our environment, and create long-lasting implications

and potential increased costs for generations to come.

According to the EPA, the potential human health implications of pesticide exposure depend on the type of pesticide and the pathway, concentration, and duration of exposure, and can range from minor skin irritations to developmental concerns to being linked to cancer. One potentially significant source of exposure comes from consuming pesticide-contaminated drinking water. Both the USGS and the U.S. Department of Agriculture have verified the presence of pesticides and pesticide byproducts in drinking water sources throughout the Nation.

While in the majority of these cases pesticide protection levels were below existing human health benchmarks for those pesticides that have standards, USGS found a number of instances where pesticide detection levels were above acceptable levels. Similarly, even in those instances where detection levels are below acceptable levels, there is still legitimate concern on long-term, low-level exposure to pesticides, especially to the health of children, pregnant women, and the elderly.

In my view, the combination of these factors, plus the uncertainty created by increased detection of pesticide-chemical mixtures and the fact that modern drinking water treatment technologies are not designed to detect or remove pesticides, compels me to move cautiously on any proposal that would permanently eliminate options for controlling the amount of pesticides being released into the Nation's waters.

In light of these concerns, and in light of the fact that the legislation before us provides for a permanent Clean Water Act exemption for pesticide use, during the markup of this bill in the Committee on Transportation and Infrastructure, I offered a simple, commonsense amendment to require Congress to revisit this issue in 5 years when we have a clearer picture on whether FIFRA is sufficiently protective of human health and water quality from pesticide contamination. If, in 5 years' time, we were to see progress in reducing pesticide contamination in surface and groundwaters, then we would have more information to justify a permanent Clean Water Act exemption for pesticide use. In my view, we simply do not have this critical information before us today.

This simple concept was echoed by a former Bush administration official who was recently quoted as saying that, when it comes to enacting statutory exemptions from environmental regulatory requirements, it is appropriate to periodically review whether the exemption continues to be supported by data and science.

Based on a commitment from the chairman of the full committee to work with me on this issue before this bill was to come to the floor, I withdrew my amendment and voted ''yes'' in the markup. Unfortunately, to date, my concerns remain unaddressed, and yet here we are today considering this bill under the suspension of the rules, where there is no opportunity to debate the issues I and several of my colleagues raised at the committee markup.

It seems that the push to vote today on this bill is so great that it has stretched the bounds of traditional Member-to-Member commitments to resolve legitimate differences on issues of critical importance to us all, especially related to the protection of human health and the environment.

I am aware that many of my colleagues and several constituencies have pushed for immediate consideration of this bill to respond to the looming court-ordered deadline for Clean Water Act permitting on April 9. I agree that concerns expressed by States and pesticide applicators on how they could be expected to comply with a yet-unreleased pesticide general permit by the April deadline were legitimate. However, that deadline has now been extended by the Sixth Circuit Court of Appeals until October 31, 2011. It appears, therefore, that we have additional time to work on this issue and to resolve some of the concerns expressed by several members of the committee.

Mr. Speaker, I believe a more prudent course would be to take the time necessary and work together to address the concerns of both sides in a manner that minimizes regulatory duplication, makes sense for pesticide applicators and the States, and addresses the concerns related to public health and water quality.

I reluctantly urge a ''no'' vote on H.R. 872 under suspension of the rules so that I may continue to work with my colleagues on improving this bill.

I reserve the balance of my time.

Mr. GIBBS. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. Mr. Speaker, I rise today in support of H.R. 872 because the last thing the agriculture industry needs is another regulation.

Pesticides are an integral part to ensuring that our Nation continues to produce the world's most abundant, safe, and affordable food supply. As it stands today, pesticides must already go through a minimum of 125 safety tests before being registered for use. On top of that, they are subject to strict labeling and usage requirements.

If we do not pass this bill, our farmers will be required to obtain permits that require them to state the amount of pesticides they will use for a 5-year period. That's not only next to impossible, it will be an expensive and time-consuming process that will harm American agricultural, as well as cost jobs.

Thank you very much.

□ 1740

Mr. BISHOP of New York. Mr. Speaker, I yield 4 minutes to the gentlelady from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I rise in strong opposition to H.R. 872, the Reducing Regulatory Burdens Act, in its current form. At issue, the exemption in the bill means that no Clean Water Act permit would be required for pesticide application to water bodies that are already impaired by pesticides.

Now, most pesticide applications in the United States are done in accordance with FIFRA, according to a 2006 USGS report on pesticides, and frequently are present in streams and groundwater, as you have just heard, at levels that exceed the human health benchmark and occur in many streams at levels that may affect aquatic life or fish-eating wildlife.

In the data that the States provide the EPA, more than 16,000 miles of rivers and streams, 1,380 of bays and estuaries, and 370,000 acres of lakes in the United States are currently impaired or threatened by pesticides. EPA suggests that these estimates may be low because many of these States do not test for or monitor all the different pesticides that are currently being used. I am very concerned of the effect these pesticides have on the health of our rivers, on our streams, and especially the drinking water supplies of all our citizens, especially the most vulnerable, the young, the elderly, and the poor and disenfranchised people who have no other representation.

Mr. Speaker, I would like to place into the RECORD two EPA reports on how pesticides in California are the number one cause of impairments to water quality, which means there are 1,787 causes in 162 water entities in California alone. This means that in all the waters in the States that are found through testing and monitoring to be impaired or polluted under the Clean Water Act, pesticides are the most significant cause of those problems.

We hear that pesticide application is already regulated under FIFRA and that the Clean Water Act review is not needed. I understand the concerns about duplication of effort and the need to minimize the impacts that regulations have on small business or business at large.

However, I am still very concerned that these pesticides are having a very significant impact on water quality and that we are creating this exemption from water quality protection requirements without considering the impacts to the waters that are already impaired with pesticides, as they are in California.

This, in turn, costs our ratepayers, our water users, hundreds of millions of dollars to filter these pollutants out of the water before it is potable. This is something I deal with on an ongoing basis, as the ranking member of the Subcommittee on Water and Power.

We currently have aquifers that are contaminated by the continued use of pesticides and fertilizers. Millions of dollars have been spent on the 15-year-long cleanup effort of a Superfund site

in my area that has pesticides as one of its contaminants.

I do oppose this bill. I do need further study on this issue before taking this very drastic step to reregulate pesticides that affect our Nation's water.

Again, I urge my colleagues on both sides to vote ''no'' on this bill.

CALIFORNIA 2006 CAUSES OF IMPAIRMENT FOR CALIFORNIA WATERS

Cause of impairment group name	Number of causes of impairment reported
Pesticides	312
Pathogens	245

CALIFORNIA 2006 CAUSES OF IMPAIRMENT FOR CALIFORNIA WATERS—Continued

Cause of impairment group name	Number of causes of impairment reported
Metals (other than Mercury)	228
Nutrients	140
Polychlorinated Biphenyls (PCBs)	103
Salinity/Total Dissolved Solids/Chlorides/Sulfates	103
Mercury	101
Sediment	87
Total Toxics	77
Organic Enrichment/Oxygen Depletion	47
Toxic Organics	45
Temperature	37
Trash	37
Ammonia	33
Dioxins	27
pH/Acidity/Caustic Conditions	27
Toxic Inorganics	24

CALIFORNIA 2006 CAUSES OF IMPAIRMENT FOR CALIFORNIA WATERS—Continued

Cause of impairment group name	Number of causes of impairment reported
Nuisance Exotic Species	24
Other Cause	20
Algal Growth	17
Taste, Color and Odor	15
Cause Unknown—Impaired Biota	12
Turbidity	8
Flow Alteration(s)	6
Habitat Alterations	5
Fish Consumption Advisory	3
Oil and Grease	2
Noxious Aquatic Plants	1
Cause Unknown—Fish Kills	1
Total	1,787

CALIFORNIA IMPAIRED WATERS, CAUSE OF IMPAIRMENT GROUP: PESTICIDES, REPORTING YEAR 2006

State	Waterbody name	State basin name	Location
CA	Abalone Cove Beach	Los Angeles	
CA	Alamo River	Colorado River Basin	
CA	Amarillo Beach	Los Angeles	
CA	Anaheim Bay	Santa Ana	
CA	Balboa Beach	Santa Ana	
CA	Bear River, Lower (Below Camp Far West Reservoir)	Central Valley	
CA	Big Rock Beach	Los Angeles	
CA	Blanco Drain	Central Coast	
CA	Bluff Cove Beach	Los Angeles	
CA	Buena Creek	San Diego	
CA	Butte Slough	Central Valley	
CA	Cabrillo Beach (Outer)	Los Angeles	
CA	Calaveras River, Lower	Central Valley	
CA	Calleguas Creek Reach 1 (Was Mugu Lagoon On 1998 303(D) List)	Los Angeles	
CA	Calleguas Creek Reach 2 (Estuary To Potrero Rd-Was Calleguas Creek Reaches 1 And 2 On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 4 (Was Revolon Slough Main Branch: Mugu Lagoon To Central Avenue On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 5 (Was Beardsley Channel On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 9a (Was Lower Part Of Conejo Creek Reach 1 On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 9b (Was Part Of Conejo Creek Reaches 1 And 2 On 1998 303d List).	Los Angeles	
CA	Calleguas Creek Reach 10 (Conejo Creek (Hill Canyon)-Was Part of Conejo Crk Reaches 2 & 3, and Lower Conejo Crk/Arroyo Conejo N Fk On 1998 303d List).	Los Angeles	
CA	Calleguas Creek Reach 11 (Arroyo Santa Rosa, Was Part Of Conejo Creek Reach 3 On 1998 303d List)	Los Angeles	
CA	Calleguas Creek Reach 13 (Conejo Creek South Fork, Was Conejo Cr Reach 4 And Part Of Reach 3 On 1998 303d List)	Los Angeles	
CA	Carbon Beach	Los Angeles	
CA	Carquinez Strait	San Francisco Bay	
CA	Castlerock Beach	Los Angeles	
CA	Castro Cove, Richmond (San Pablo Basin)	San Francisco Bay	
CA	Central Basin, San Francisco (Part of Sf Bay, Central)	San Francisco Bay	
CA	Coachella Valley Storm Water Channel	Colorado River Basin	
CA	Colorado Lagoon	Los Angeles	
CA	Colusa Basin Drain	Central Valley	
CA	Cottonwood Creek (San Marcos Creek Watershed)	San Diego	
CA	Coyote Creek	Los Angeles	
CA	Del Puerto Creek	Central Valley	
CA	Delta Waterways (Central Portion)	Central Valley	
CA	Delta Waterways (Eastern Portion)	Central Valley	
CA	Delta Waterways (Export Area)	Central Valley	
CA	Delta Waterways (Northern Portion)	Central Valley	
CA	Delta Waterways (Northwestern Portion)	Central Valley	
CA	Delta Waterways (Southern Portion)	Central Valley	
CA	Delta Waterways (Stockton Ship Channel)	Central Valley	
CA	Delta Waterways (Western Portion)	Central Valley	
CA	Dominquez Channel (Lined Portion Above Vermont Ave)	Los Angeles	
CA	Dominquez Channel Estuary (Unlined Portion Below Vermont Ave)	Los Angeles	
CA	Elkhorn Slough	Central Coast	
CA	English Canyon	San Diego	
CA	Escondido Beach	Los Angeles	
CA	Escondido Creek	San Diego	
CA	Espinosa Slough	Central Coast	
CA	Feather River, Lower (Lake Oroville Dam To Confluence With Sacramento River)	Central Valley	
CA	Five Mile Slough (Alexandria Place To Fourteen Mile Slough).	Central Valley	
CA	Flat Rock Point Beach Area	Los Angeles	
CA	Harding Drain (Turlock Irrigation District Lateral #5)	Central Valley	
CA	Huntington Harbour	Santa Ana	
CA	Imperial Valley Drains	Colorado River Basin	
CA	Ingram Creek (From Confluence With Hospital Creek To Hwy 33 Crossing)	Central Valley	
CA	Ingram Creek (From Confluence With San Joaquin River To Confluence With Hospital Creek)	Central Valley	
CA	Inspiration Point Beach	Los Angeles	
CA	Islais Creek	San Francisco Bay	
CA	Jack Slough	Central Valley	
CA	Kings River, Lower (Island Weir To Stinson And Empire Weirs).	Central Valley	
CA	La Costa Beach	Los Angeles	
CA	Lake Calabasas	Los Angeles	
CA	Lake Chabot (Alameda Co)	San Francisco Bay	
CA	Las Flores Beach	Los Angeles	
CA	Las Tunas Beach	Los Angeles	
CA	Long Point Beach	Los Angeles	
CA	Los Angeles Harbor-Cabrillo Marina	Los Angeles	
CA	Los Angeles Harbor-Consolidated Slip	Los Angeles	
CA	Los Angeles Harbor-Fish Harbor	Los Angeles	
CA	Los Angeles Harbor-Inner Cabrillo Beach Area	Los Angeles	
CA	Los Angeles River Estuary (Queensway Bay)	Los Angeles	
CA	Los Angeles River Reach 1 (Estuary To Carson Street)	Los Angeles	
CA	Los Angeles/Long Beach Inner Harbor	Los Angeles	
CA	Los Angeles/Long Beach Outer Harbor (Inside Breakwater)	Los Angeles	
CA	Los Cerritos Channel	Los Angeles	
CA	Machado Lake (Harbor Park Lake)	Los Angeles	
CA	Main Drainage Canal	Central Valley	
CA	Malaga Cove Beach	Los Angeles	
CA	Malibu Beach	Los Angeles	
CA	Malibu Lagoon Beach (Surfrider)	Los Angeles	
CA	Marina Del Rey Harbor-Back Basins	Los Angeles	
CA	Mcgrath Lake	Los Angeles	
CA	Merced River, Lower (Mcswain Reservoir To San Joaquin River)	Central Valley	
CA	Mission Creek	San Francisco Bay	
CA	Moro Cojo Slough	Central Coast	
CA	Mosher Slough (Downstream Of I-5)	Central Valley	

CALIFORNIA IMPAIRED WATERS, CAUSE OF IMPAIRMENT GROUP: PESTICIDES, REPORTING YEAR 2006—Continued

State	Waterbody name	State basin name	Location
CA	Moss Landing Harbor	Central Coast	
CA	Mud Slough	Central Valley	
CA	Natomas East Main Drainage Canal (Aka Steelhead Creek, Downstream Of Confluence With Arcade Creek).	Central Valley	
CA	New River (Imperial County)	Colorado River Basin	
CA	Newman Wasteway	Central Valley	
CA	Newport Bay, Lower	Santa Ana	
CA	Newport Bay, Upper (Ecological Reserve)	Santa Ana	
CA	Nicholas Canyon Beach	Los Angeles	
CA	Oakland Inner Harbor (Fruitvale Site, Part Of Sf Bay, Central)	San Francisco Bay	
CA	Oakland Inner Harbor (Pacific Dry-Dock Yard 1 Site, Part of Sf Bay, Central)	San Francisco Bay	
CA	Old Salinas River Estuary	Central Coast	
CA	Orcutt Creek	Central Coast	
CA	Orestimba Creek (Above Kilburn Road)	Central Valley	
CA	Orestimba Creek (Below Kilburn Road)	Central Valley	
CA	Oso Flaco Lake	Central Coast	
CA	Palo Verde Outfall Drain And Lagoon	Colorado River Basin	
CA	Palo Verde Shoreline Park Beach	Los Angeles	
CA	Paradise Cove Beach	Los Angeles	
CA	Peck Road Park Lake	Los Angeles	
CA	Petaluma River	San Francisco Bay	
CA	Petaluma River (Tidal Portion)	San Francisco Bay	
CA	Peters Canyon Channel	Santa Ana	
CA	Pogi Canyon Creek	San Diego	
CA	Point Dume Beach	Los Angeles	
CA	Point Fermin Park Beach	Los Angeles	
CA	Port Hueneme Harbor (Back Basins)	Los Angeles	
CA	Portuguese Bend Beach	Los Angeles	
CA	Puddingstone Reservoir	Los Angeles	
CA	Puerco Beach	Los Angeles	
CA	Redondo Beach	Los Angeles	
CA	Richardson Bay	San Francisco Bay	
CA	Rio De Santa Clara/Oxnard Drain No. 3	Los Angeles	
CA	Robert H. Meyer Memorial Beach	Los Angeles	
CA	Royal Palms Beach	Los Angeles	
CA	Sacramento San Joaquin Delta	San Francisco Bay	
CA	Salinas Reclamation Canal	Central Coast	
CA	Salinas River (Lower, Estuary To Near Gonzales Rd Crossing, Watersheds 30910 And 30920)	Central Coast	
CA	Salinas River (Middle, Near Gonzales Rd Crossing To Confluence With Nacimiento River)	Central Coast	
CA	Salinas River Lagoon (North)	Central Coast	
CA	Salt Slough (Upstream From Confluence With San Joaquin River).	Central Valley	
CA	San Diego Bay Shoreline, Near Switzer Creek	San Diego	
CA	San Diego Creek	Central Coast	
CA	San Diego Creek Reach 1	Santa Ana	
CA	San Francisco Bay, Central	San Francisco Bay	
CA	San Francisco Bay, Lower	San Francisco Bay	
CA	San Francisco Bay, South	San Francisco Bay	
CA	San Joaquin River (Mendota Pool To Bear Creek	Central Valley	
CA	San Joaquin River (Bear Creek To Mud Slough)	Central Valley	
CA	San Joaquin River (Mud Slough To Merced River)	Central Valley	
CA	San Joaquin River (Merced River To Tuolumne River)	Central Valley	
CA	San Joaquin River (Tuolumne River To Stanislaus River)	Central Valley	
CA	San Joaquin River (Stanislaus River To Delta Boundary)	Central Valley	
CA	San Juan Creek	San Diego	
CA	San Leandro Bay (Part Of Sf Bay, Central)	San Francisco Bay	
CA	San Marcos Creek	San Diego	
CA	San Pablo Bay	San Francisco Bay	
CA	San Pablo Reservoir	San Francisco Bay	
CA	San Pedro Bay Near/Off Shore Zones	Los Angeles	
CA	Santa Clara River Estuary	Los Angeles	
CA	Santa Clara River Reach 6 (W Pier Hwy 99 To Bouquet Cyn Rd) (Was Named Santa Clara River Reach 8 On 2002 303(D) List).	Los Angeles	
CA	Santa Maria River	Central Coast	
CA	Santa Monica Bay Offshore/Nearshore	Los Angeles	
CA	Sea Level Beach	Los Angeles	
CA	Smith Canal	Central Valley	
CA	Stanislaus River, Lower	Central Valley	
CA	Stevens Creek Reservoir	San Francisco Bay	
CA	Suisun Bay	San Francisco Bay	
CA	Tembladero Slough	Central Coast	
CA	Tijuana River	San Diego	
CA	Tijuana River Estuary	San Diego	
CA	Topanga Beach	Los Angeles	
CA	Trancas Beach (Broad Beach)	Los Angeles	
CA	Tuolumne River, Lower (Don Pedro Reservoir To San Joaquin River)	Central Valley	
CA	Ventura Marina Jetties	Los Angeles	
CA	Wadsworth Canal	Central Valley	
CA	Watsonville Slough	Central Coast	
CA	Whites Point Beach	Los Angeles	
CA	Zuma Beach (Westward Beach)	Los Angeles	

Mrs. SCHMIDT. Mr. Speaker, I would like to yield 2 minutes to my good friend from Idaho (Mr. SIMPSON), the chairman of the Interior, Environment, and Related Agencies Subcommittee on Appropriations.

Mr. SIMPSON. I thank the gentlelady for yielding.

I rise today in support of H.R. 872, the Reducing Regulatory Burdens Act of 2011. This bill is a much-needed legislative fix that clarifies how pesticide application should be regulated. Congress never intended for pesticide applications that are already regulated under FIFRA to also require permits under the Clean Water Act. Yet because a Federal court did not interpret congressional intent correctly in a 2009 ruling, Congress must act to ensure that farmers, ranchers, forest managers, and other water users, as well as mosquito abatement districts and local governments, won't face unnecessary and duplicative regulations that would make it more difficult to do their jobs.

Everyone here supports protecting our water supplies from polluters acting in violation of our Nation's environmental laws and regulations; but it is also clear that pesticides used around streams to spray for mosquitoes and other pests are already adequately regulated under statute. Adding another layer of regulation by requiring NPDES permits for application of these pesticides doesn't make them safer. It only piles unnecessary paperwork on top of day-to-day operations for small businesses, farmers, and local governments.

My good friend from Oregon mentioned that in Oregon the application is only three pages long. So why should it be a problem? It misses the point. It doesn't matter if it's one page long or 100 pages long. The question is unnecessary dual regulation.

The legislation before us today would clarify Congress' intent that existing FIFRA regulations are adequate for aquatic pesticide use and provide needed certainty for farmers and ranchers who provide our Nation's food supply. I urge our colleagues to support this important legislative fix.

Mr. BISHOP of New York. I reserve the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, may I inquire as to the balance of the time for both myself and Mr. GIBBS.

The SPEAKER pro tempore. The gentlewoman from Ohio has 1½ minutes, and the gentleman from Ohio has 5¼ minutes.

Mrs. SCHMIDT. I yield the balance of my time to the gentleman from North Dakota (Mr. BERG).

(Mr. BERG asked and was given permission to revise and extend his remarks.)

Mr. BERG. I rise today to strongly urge my colleagues to pass this legislation to protect American farmers from overreaching EPA rules and unnecessary regulations. If this ruling were to stand, the EPA would have full discretion over controlling a buffer zone for chemicals on crops near water sources.

Now, I have talked with farmers in North Dakota who rely on herbicides like Roundup to produce a good crop and to prevent weeds from growing. Most of central North Dakota sits in a water-rich region called the Prairie Pot Hole, and many of these farmers plant on land that is well within the EPA's buffer zone. This ruling could prevent these farmers from raising a good crop in this land.

If this ruling goes into effect, it will require over 6 million pesticide applications will have to be issued each year to tens or even hundreds of thousands of farmers. If they don't comply, they will be forced with a fine of up to $37,000 per day per incident. We know overregulation hurts American business. Overregulation hurts family farms. I strongly urge my colleagues to join me in supporting this legislation.

Mr. BISHOP of New York. I yield myself the balance of my time.

Mr. Speaker, I just want to make a couple of points. There does appear to be strong bipartisan agreement. I know it passed out of the Ag Committee on unanimous vote. There was a very heavy vote in the T&I Committee. My reservations are rooted in the fact that I believe that we are rushing to a judgment in terms of making this statute permanent. I believe we have ample evidence to suggest that we don't know enough about pesticide impairment of water bodies, both surface and groundwater, to determine whether or not it is prudent for us to make a permanent exemption to the Clean Water Act.

So when I offered the amendment, which I then withdrew, for a 5-year sunset so we could assess whether or not this action is the correct one, I believe that I was acting in a very prudent and defensible way. And I am very disappointed, again, that this was an issue that we rushed to the floor in a form that we were unable to amend so that we could get this bill passed.

Now, the urgency of time has become much less pronounced because of the court ruling that was just announced this past Monday with respect to delaying the implementation of the court ruling until the end of October.

□ 1750

Second point. I know it's very popular to talk about the Environmental Protection Agency as if they are in some ways the source of all evil in this world. This is an issue—it's important to clarify—this is not an issue that the EPA saw. We are here today because of a court ruling. And, in fact, for years, decades, FIFRA has been the controlling legislation with respect to pesticide application, and the Clean Water Act has not been invoked.

And, in fact, the EPA, in 2006, took a position that they would not engage in a process that would supersede FIFRA. It was that decision that was overturned by the Sixth Circuit Court.

We all want to come up with a way to handle this. We all recognize that pesticide application is something that is very important. I represent the largest agricultural county in the State of New York, and this is an issue that's very important to my farmers. But my farmers also recognize that they want to see to it that Federal policy is, in fact, consistent with their best interest.

There are no better environmentalists in this country than our farmers. They need clean air. They need clean water in order for them to do their jobs.

So as I say, I am opposed, reluctantly so, and I very much hope that as this goes forward and is considered by the Senate, if it, in fact, is considered by the Senate, that we will take our time, we will craft legislation that we can all support, and that we will particularly have legislation that has a sunset period so that we can evaluate whether or not we are right in taking this action today.

I yield back the balance of my time.

Mr. GIBBS. I yield myself the balance of my time.

Mr. Speaker, I would like to address a few of the concerns raised by my colleague, the ranking member of my committee. Sunset provision, it's not really necessary because this Congress can take it up anytime they want. They don't have to wait 5 years. They can take it up next week, next year. So I think that's just making a kind of a statement.

A couple of things I want to address. There was a reference to the geological survey. That reference was a report done over 10 years ago; and, really, with the detections we're finding in pesticides in our water bodies there are a lot of those pollutants from what we call legacy pollutants from years ago. Some of those detections are pesticides that haven't been used in the United States for many years. And, also, a majority of these detections are very, very low concentrations. We do have the technology to detect parts per trillion where not too many years it was parts per million, which are well below human health benchmarks.

As I said, the data is old. EPA, in the last 10 years or so, does regulate the pesticides. They certify pesticides coming on the market and the amounts that can be used under FIFRA. So that is working. The EPA can pull a product off the market if they deem necessary, if there's a problem.

The pesticides we're using today, and I'm speaking now as a farmer, are more biodegradable. They don't have the residue impact legacy. They don't stay around. They don't stick around in the soil. They break down in the soil. As a matter of fact, so many of our pesticides now break down so fast that farmers have to time the application to make sure they kill the weeds and there's enough—it's not too soon that the crop, what we call cover crop, shades out the sun for the weeds to come up underneath the canopy. And so that's important.

We're using less pesticides. The numbers will show that American agriculture is using less pesticides in lesser amounts and safer pesticides with the biodegradable aspect that we're seeing.

I think it's also important to keep in mind that this bill, it will help bring certainty. Agriculture producers, municipalities have to spray for mosquitos this summer; they know what the rules are. They have certainty to move forward by passing this legislation.

This legislation does not stop the EPA's having control over the regulation of pesticides and the certification of pesticides. And, again, many States also have pesticide applicator certification, depending on the pesticide, make a lot of applicators go through the same process. So there's some stringent rules and regulations in place.

And I would contend that FIFRA is working. If it's not, if my colleagues on the other side of the aisle feel that's not working, then we need to address FIFRA and have a bill to work on that, debate that issue.

But I think you'll find out that agriculture's moving in a safer manner to protect the environment; and this bill will keep the FIFRA in place and the EPA under their authority and their control to protect the environment and public safety when it comes especially to mosquito control districts.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise in strong support of H.R. 872, the Reducing Regulatory Burdens Act of 2011.

This bi-partisan bill, which I am proud to cosponsor, will prevent farmers all across Eastern Washington and our nation from being subject to a burdensome duplicative permitting requirement for already regulated pesticides. If we do not pass this bill today, on April 9, 2011, farmers and ranchers will be susceptible to fines and may be forced to stop producing.

American ingenuity has enabled farmers to produce healthier higher crop yields—that capability is regulated and monitored by the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) to ensure public and environmental safety. The delicate balance of responsible regulation of pesticides and innovation was subverted by the Sixth Circuit Court's decision in National Cotton Council v. EPA. That Court's decision mandates an unprecedented

expansion of the Clean Water Act's (CWA) clearly limited regulatory prerogative by ordering pesticides that are already regulated and permitted under FIFRA to apply for additional permits not authorized under the Clean Water Act.

Time after time, we have seen special interests abuse the court system to try to side-step Congress in order to get a "pro-environmental" agenda implemented. If left unchecked, this judicially created rule would impose a substantial regulatory burden on our farmers and ranchers—starting with requiring an extra permit for pesticide applications, thousands of dollars in fines for non-compliance, and an increased risk of lawsuits down the road. This is not what the authors of the CWA or FIFRA intended. The CWA is intended to protect our navigable waters—not prevent economic development.

I urge my colleagues to vote in favor of this commonsense bill and urge the Senate to immediately take up H.R. 872 and send it to the President for his signature so that farmers and ranchers in Eastern Washington can focus on feeding and powering America—not filing out duplicative permit applications.

Mr. GIBBS. I urge passage of 872, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GIBBS) that the House suspend the rules and pass the bill, H.R. 872, as amended.

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. BISHOP of New York. 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.

U.S. HELPING BRAZIL DRILL FOR OIL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, gasoline has reached nearly $4 a gallon, and 60 percent of the American people want the administration to open up offshore drilling. Yet the administration ignores the will of the people, remaining defiant in their war on domestic energy. They continue to block access to American natural resources, refusing to issue timely drilling permits, despite a Federal court order to do so.

However, the President has announced that the U.S. is going to help somebody drill for oil. We're going to send money, billions of dollars, to Brazil and their state-owned oil company. They will use American money to drill off their coast, and then we will buy the oil back from Brazil. Isn't that lovely?

It's mind-boggling and infuriating that instead of developing our own domestic energy supply and creating jobs in America for Americans, the administration wants to become more dependent on foreign oil. Instead of propping up foreign energy companies, we need to allow American workers to drill in American water. It is wrong for the administration to prevent the development of our own natural resources while promoting the drilling off the shores of other countries.

And that's just the way it is.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2011

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, today, H.R. 1250 was introduced. Congresswoman HIRONO, along with Mr. YOUNG from Alaska, were among those, with myself, who signed onto this bill. It is the Native Hawaiian Government Reorganization Act of 2011.

This is a very misunderstood act. Well, what does it do? It really establishes us as meeting the fiduciary obligations that we have to the Native Hawaiians. This is a trust obligation that's been created long ago with the creation of the Hawaiian Homes Commission Act of 1920—1920, Mr. Speaker.

In addition to that, when Hawaii became a State in 1959, in it was contained really a public trust obligation for the betterment of Native Hawaiians as defined by the Hawaiian Homes Commission Act.

And then, of course, in Public Law 103–150 we created the concept of the Apology Resolution and, in that, recognized that we owe a special apology to the Native Hawaiians and a process of reconciliation.

This is what this act will do. It will give us the right to make things correct, and that is why I ask that you, along with the rest of the colleagues, support this.

□ 1800

THE AMERICAN DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, there is a lot of discussion here on the floor, around Washington, and across this Nation about the American financial situation.

Some people say America is broke. There couldn't be anything further from the truth than that statement. America is a strong, vibrant economy that far and away is the largest economy in the world. We are nowhere near broke. We do have a problem. We are running at a current deficit, and that deficit is expected to grow. But to understand the deficit and to begin the process of addressing it, we need to understand from whence it came. And so I am going to start this discussion out with, hopefully, an opportunity to get a sense of how it is that the American deficit has risen to the point where it is today.

Really, we need to look back to the Ronald Reagan period. During the Ronald Reagan period, he ended his Presidency with a projected $1.4 trillion deficit for the 10 years beyond his Presidency. So we look at these things saying, okay, Ronald Reagan had 8 years. And then what was projected as a result of the policies during his Presidency? Well, what was projected was that the American deficit would grow by $1.4 trillion.

The first George Bush came into office, and at the end of his Presidency, 4 years, the projection for the 10 years after he left office, continuing the policies that were in place at the end of his Presidency, the deficit would grow to $3.3 trillion.

Similarly, the Clinton administration was in office for 8 years, and the policies that were put in place during those 8 years were projected to literally wipe out the American deficit—literally gone. A $5.6 trillion surplus as a result of the policies that were put in during the Clinton period. Those policies were tax policies. Those were the expenditure policies, a policy that we call today the PAYGO policy. That is, if you are going to start a new program, how are you going to pay for it? If you are going to cut taxes, what are you going to reduce in the expenditure pattern?

So, Reagan, a $1.4 trillion deficit projected beyond his Presidency. Bush, add another $3.3 trillion. Clinton comes along, 8 years, deficits turn into a whopping surplus and literally paying off the American debt.

George W. Bush comes in in 2001, and right off the bat, major tax cuts not associated with spending cuts but just major tax cuts. That was in 2001, followed up with a second round of major tax cuts in 2003, and in between a whole new Medicare entitlement adding a new expenditure at the same time that taxes were being reduced.

And for those of you that remember that period in 2001, we did have 9/11, and immediately we started the Afghanistan war. I think most of us would agree that that was the right thing to do, but it was not paid for. It was actually borrowed money that paid for the early Afghanistan war, followed a couple of years later, 18 months later, with the Iraq war, which once again was not paid for but, rather, borrowed money.

The result of all of that and the total pullback of the American Government from regulating the financial industry, the housing markets, was the Great Recession. At the end of the George W. Bush period, it was projected by the CBO, nonpartisan Budget Office, that the deficit would grow by $11.5 trillion if the same policies were left in place.

So where is today's deficit coming from? It is coming from the Reagan period, the first Bush period, the Clinton policies terminated, and the George W.