

Jordan	Mulvaney	Scalise	Gardner	Long	Rogers (MI)	Neal	Roybal-Allard	Stark
Kelly	Murphy (PA)	Schilling	Garrett	Lucas	Rohrabacher	Olver	Ruppersberger	Sutton
King (IA)	Myrick	Schmidt	Gerlach	Luetkemeyer	Rokita	Owens	Rush	Thompson (CA)
King (NY)	Neugebauer	Schock	Gibbs	Lummis	Rooney	Pallone	Ryan (OH)	Thompson (MS)
Kingston	Noem	Schweikert	Gibson	Lungren, Daniel	Ros-Lehtinen	Pastor (AZ)	Sánchez, Linda	Tierney
Kinzinger (IL)	Nugent	Scott (SC)	Gingrey (GA)	E.	Roskam	Paul	T.	Tonko
Kline	Nunes	Scott, Austin	Gohmert	Mack	Ross (FL)	Payne	Sanchez, Loretta	Towns
Labrador	Nunnelee	Sensenbrenner	Goodlatte	Manzullo	Royce	Pelosi	Sarbanes	Tsongas
Lamborn	Olson	Sessions	Gosar	Marchant	Runyan	Perlmutter	Schakowsky	Van Hollen
Lance	Palazzo	Shimkus	Gowdy	Marino	Ryan (WI)	Peters	Schiff	Visclosky
Landry	Paul	Shuster	Granger	McCarthy (CA)	Scalise	Peterson	Schrader	Walz (MN)
Lankford	Paulsen	Simpson	Graves (GA)	McCaul	Schilling	Polis	Schwartz	Wasserman
Latham	Pearce	Smith (NE)	Griffin (AR)	McClintock	Schmidt	Price (NC)	Scott (VA)	Schultz
LaTourette	Pence	Smith (NJ)	Grimm	McCotter	Schock	Quigley	Scott, David	Waters
Latta	Petri	Smith (TX)	Guinta	McHenry	Schweikert	Rahall	Serrano	Watt
Lewis (CA)	Pitts	Southernland	Guthrie	McKeon	Scott (SC)	Rangel	Sewell	Waxman
Lipinski	Poe (TX)	Stearns	Hall	McKinley	Scott, Austin	Reichert	Sherman	Weiner
LoBiondo	Pompeo	Stivers	Hanna	McMorris	Sensenbrenner	Reyes	Simpson	Welch
Long	Posey	Sullivan	Harper	McMorris	Sessions	Richardson	Sires	Wilson (FL)
Lucas	Price (GA)	Terry	Harris	Meehan	Shimkus	Richmond	Slaughter	Woolsey
Luetkemeyer	Quayle	Thompson (PA)	Hartzler	Miller (FL)	Shuster	Ross (AR)	Smith (WA)	Wu
Lummis	Reed	Thornberry	Hastings (WA)	Miller (MI)	Smith (NE)	Rothman (NJ)	Speier	Yarmuth
Lungren, Daniel	Rehberg	Tiberi	Hayworth	Miller, Gary	Smith (NJ)			
E.	Reichert	Tipton	Heck	Mulvaney	Smith (TX)			
Mack	Renacci	Turner	Heller	Murphy (PA)	Southerland			
Manzullo	Ribble	Upton	Hensarling	Myrick	Stearns			
Marchant	Rigell	Walberg	Herrera Beutler	Neugebauer	Stivers			
Marino	Rivera	Walden	Huelskamp	Noem	Stutzman			
McCarthy (CA)	Roby	Walsh (IL)	Huizenga (MI)	Nugent	Sullivan			
McCaul	Roe (TN)	Webster	Hultgren	Nunes	Terry			
McClintock	Rogers (AL)	West	Hurt	Nunnelee	Thompson (PA)			
McCotter	Rogers (KY)	Westmoreland	Issa	Olson	Thornberry			
McHenry	Rogers (MI)	Whitfield	Jenkins	Palazzo	Tiberi			
McKeon	Rohrabacher	Wilson (SC)	Johnson (OH)	Paulsen	Tipton			
McKinley	Rokita	Wittman	Johnson, Sam	Pearce	Turner			
McMorris	Rooney	Wolf	Jones	Pence	Upton			
Rodgers	Ros-Lehtinen	Womack	Jordan	Petri	Walberg			
Meehan	Roskam	Woodall	Kelly	Pitts	Walden			
Mica	Ross (FL)	Yoder	King (IA)	Poe (TX)	Walsh (IL)			
Miller (FL)	Royce	Young (AK)	King (NY)	Pompeo	Webster			
Miller (MI)	Runyan	Young (FL)	Kingston	Posey	West			
Miller, Gary	Ryan (WI)	Young (IN)	Kinzinger (IL)	Price (GA)	Westmoreland			

NOT VOTING—9

Barton (TX)	Giffords	Platts
Campbell	Pascrell	Shuler
Frelinghuysen	Pingree (ME)	Stutzman

□ 1701

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ISSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 195, not voting 12, as follows:

[Roll No. 204]

AYES—225

Adams	Broun (GA)	Davis (KY)
Aderholt	Buchanan	Denham
Akin	Bucshon	Dent
Alexander	Buerkle	DesJarlais
Amash	Burgess	Diaz-Balart
Austria	Burton (IN)	Dreier
Bachmann	Calvert	Duffy
Bachus	Camp	Duncan (SC)
Barletta	Canseco	Duncan (TN)
Bartlett	Cantor	Ellmers
Bass (NH)	Capito	Emerson
Benishkek	Carter	Farenthold
Berg	Cassidy	Pincher
Bilbray	Chabot	Fitzpatrick
Bilirakis	Chaffetz	Flake
Bishop (UT)	Coble	Fleischmann
Black	Coffman (CO)	Fleming
Blackburn	Cole	Flores
Bonner	Conaway	Forbes
Bono Mack	Cravaack	Fortenberry
Boustany	Crawford	Fox
Brady (TX)	Crenshaw	Franks (AZ)
Brooks	Culberson	Gallegly

Ackerman	Cuellar
Altmire	Cummings
Andrews	Davis (CA)
Baca	Davis (IL)
Baldwin	DeFazio
Barrow	DeGette
Bass (CA)	DeLauro
Becerra	Deutch
Berkley	Dicks
Berman	Dingell
Biggart	Doggett
Bishop (GA)	Dold
Bishop (NY)	Donnelly (IN)
Blumenauer	Doyle
Boren	Edwards
Boswell	Ellison
Brady (PA)	Engel
Braley (IA)	Eshoo
Brown (FL)	Farr
Butterfield	Fattah
Capps	Filner
Capuano	Frank (MA)
Cardoza	Fudge
Carnahan	Garamendi
Carney	Gonzalez
Carson (IN)	Graves (MO)
Castor (FL)	Green, Al
Chandler	Green, Gene
Chu	Griffith (VA)
Cicilline	Grijalva
Clarke (MI)	Gutierrez
Clarke (NY)	Hanabusa
Clay	Hastings (FL)
Cleaver	Heinrich
Clyburn	Higgins
Cohen	Himes
Connolly (VA)	Hinche
Conyers	Hinojosa
Cooper	Hirono
Costa	Holden
Costello	Holt
Courtney	Honda
Critz	Hoyer
Crowley	Inslee

NOES—195

Israel	Johnson (GA)
Jackson (IL)	Johnson (IL)
Jackson Lee	Johnson (IL)
(TX)	Johnson, E. B.
Kaptur	Kucinich
Keating	Langevin
Kildee	Larsen (WA)
Kind	Larson (CT)
Kissell	Lee (CA)
Kucinich	Levin
Langevin	Lewis (GA)
Larsen (WA)	LoBiondo
Larson (CT)	Loeb
Lee (CA)	Loeb
Levin	Lofgren, Zoe
Lewis (GA)	Lowey
LoBiondo	Lujan
Loeb	Lynch
Loeb	Maloney
Lofgren, Zoe	Markey
Lowey	Matheson
Lujan	Matsui
Lynch	McCarthy (NY)
Maloney	McCollum
Markey	McDermott
Matheson	McGovern
Matsui	McIntyre
McCarthy (NY)	McNerney
McCollum	Meeks
McDermott	Michaud
McGovern	Miller (NC)
McIntyre	Miller, George
McNerney	Moore
Meeks	Moran
Michaud	Murphy (CT)
Miller (NC)	Nadler
Miller, George	Napolitano
Moore	
Moran	
Murphy (CT)	
Nadler	
Napolitano	

NOT VOTING—12

Barton (TX)	Herger	Pingree (ME)
Campbell	Hunter	Platts
Frelinghuysen	Mica	Shuler
Giffords	Pascrell	Velázquez

□ 1708

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PLATTS. Mr. Speaker, on rollcall No. 204, I was not present for the vote due to my participation, as Co-Chair of the House Traumatic Brain Injury (TBI) Task Force, in a meeting with Department of Defense officials regarding the treatment of wounded warriors suffering from TBIs.

Had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Mr. PASCHELL. Mr. Speaker, on March 30th, I was unavoidably detained and missed three rollcall votes. Had I been present, I would have voted “yea” on rollcall vote #202 on agreeing to the Norton Amendment in the Nature of a Substitute. Had I been present I would have voted “yea” on rollcall vote #203, on the Motion to Recommit H.R. 471 With Instructions. And finally, had I been present, I would have voted an emphatic “nay” on rollcall vote #204, on passage of H.R. 471, the “Scholarships for Opportunity and Results Act.”

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, H-232 U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 30, 2011 at 9:32 a.m.:

That the Senate passed without amendment H.R. 1079.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

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