

Manzullo	Poe (TX)	Sensenbrenner
Marchant	Pompeo	Sessions
Marino	Posey	Sewell
Matheson	Price (GA)	Shimkus
McCarthy (CA)	Quayle	Shuster
McCaul	Rahall	Simpson
McClintock	Reed	Smith (NE)
McCollum	Rehberg	Smith (TX)
McCotter	Reichert	Southerland
McHenry	Renacci	Stearns
McKeon	Ribble	Stivers
McKinley	Rigell	Stutzman
McMorris	Rivera	Sullivan
Rodgers	Roby	Terry
Meehan	Roe (TN)	Thompson (PA)
Mica	Rogers (AL)	Thornberry
Miller (FL)	Rogers (KY)	Tiberi
Miller (MI)	Rogers (MI)	Tipton
Miller, Gary	Rohrabacher	Turner (NY)
Mulvaney	Rokita	Turner (OH)
Murphy (PA)	Rooney	Upton
Myrick	Ros-Lehtinen	Walberg
Neugebauer	Roskam	Walden
Noem	Ross (AR)	Walsh (IL)
Nugent	Ross (FL)	Webster
Nunes	Royce	West
Nunnelee	Runyan	Westmoreland
Olson	Ryan (WI)	Whitfield
Palazzo	Scalise	Wilson (SC)
Paul	Schilling	Wittman
Paulsen	Schmidt	Wolf
Pearce	Schock	Womack
Pence	Schrader	Woodall
Peterson	Schweikert	Yoder
Petri	Scott (SC)	Young (AK)
Pitts	Scott, Austin	Young (FL)
Platts	Scott, David	Young (IN)

NOT VOTING—10

Bachmann	Giffords	Sánchez, Linda
Blumenauer	Holden	T.
Boren	Olver	Wilson (FL)
Coble	Polis	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1146

Mr. BACA changed his vote from “aye” to “no.”  
 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 for:  
 Mr. COBLE. Mr. Speaker, on rollcall No. 764 I was unavoidably detained. Had I been present, I would have voted “aye.”

Stated against:  
 Ms. MCCOLLUM. Mr. Speaker, on rollcall vote 764, I incorrectly voted in favor of passage of H.R. 2681, the Cement Sector Regulatory Relief Act. I am strongly opposed to this destructive bill and strongly support the Environmental Protection Agency’s mandate to uphold our nation’s Clean Air Act laws.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. JACKSON of Illinois. Mr. Speaker, pursuant to clause 2 of rule IX, I rise to give notice of my intention to raise a question of the privileges of the House.

The form of the resolution is as follows:

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

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

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

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

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

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

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

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

Whereas Haskell County Judge David Davis, sitting in his courtroom and looking

at a window there, said the word was “like those are vertical blinds. It’s just what it was called. There was no significance other than a hunting deal”—in other words, the judge was morally vacuous;

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved, That the House of Representatives—

(1) calls on Governor Rick Perry to apologize for not immediately doing away with the rock that contained the word “Niggerhead” at the entrance of a ranch he

NOES—161

Ackerman	Hanabusa	Pallone
Andrews	Hastings (FL)	Pascarell
Baca	Heinrich	Pastor (AZ)
Baldwin	Higgins	Payne
Bass (CA)	Himes	Pelosi
Becerra	Hinchee	Perlmutter
Berman	Hinojosa	Peters
Bishop (NY)	Hirono	Pingree (ME)
Brady (PA)	Holt	Price (NC)
Braley (IA)	Honda	Quigley
Brown (FL)	Hoyer	Rangel
Butterfield	Inslee	Reyes
Capps	Israel	Richardson
Capuano	Jackson (IL)	Richmond
Carnahan	Jackson Lee	Rothman (NJ)
Carney	(TX)	Roybal-Allard
Carson (IN)	Johnson (GA)	Ruppersberger
Castor (FL)	Johnson, E. B.	Rush
Chu	Jones	Ryan (OH)
Ciциlline	Kaptur	Sanchez, Loretta
Clarke (MI)	Keating	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kind	Schiff
Cleaver	Kucinich	Schwartz
Cohen	Langevin	Scott (VA)
Connolly (VA)	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sherman
Cooper	Lee (CA)	Shuler
Courtney	Levin	Sires
Crowley	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (NJ)
Davis (CA)	Loeb sack	Smith (WA)
Davis (IL)	Lofgren, Zoe	Speier
DeFazio	Lowey	Stark
DeGette	Lujan	Sutton
DeLauro	Lynch	Thompson (CA)
Deutch	Maloney	Thompson (MS)
Dicks	Markey	Tierney
Dingell	Matsui	Tonko
Doggett	McCarthy (NY)	Towns
Doyle	McDermott	Tsongas
Edwards	McGovern	Van Hollen
Ellison	McIntyre	Velázquez
Engel	McNerney	Visclosky
Eshoo	Meeks	Walz (MN)
Farr	Michaud	Wasserman
Fattah	Miller (NC)	Schultz
Filner	Miller, George	Waters
Frank (MA)	Moore	Watt
Fudge	Moran	Waxman
Garamendi	Murphy (CT)	Welch
Green, Al	Nadler	Woolsey
Grijalva	Napolitano	Yarmuth
Gutierrez	Neal	
Hahn	Owens	

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

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

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

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

□ 1150

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

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

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

#### EPA REGULATORY RELIEF ACT OF 2011

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

□ 1155

#### IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

H.R. 2250

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

#### SECTION 1. SHORT TITLE.

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

#### SEC. 2. LEGISLATIVE STAY.

(a) *ESTABLISHMENT OF STANDARDS.—In place of the rules specified in subsection (b), and not-*

*withstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this Act referred to as the "Administrator") shall—*

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

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

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

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

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

(1) *"National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters", published at 76 Fed. Reg. 15608 (March 21, 2011).*

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

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

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

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

#### SEC. 3. COMPLIANCE DATES.

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

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

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

(A) *the costs of achieving emissions reductions;*

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

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

(i) *obtain necessary permit approvals; and*

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

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

(E) *potential net employment impacts.*

(b) *NEW SOURCES.—The date on which the Administrator proposes a regulation pursuant to*

*section 2(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).*

(c) *RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).*

#### SEC. 4. ENERGY RECOVERY AND CONSERVATION.

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

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

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

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

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

#### SEC. 5. OTHER PROVISIONS.

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

(b) *REGULATORY ALTERNATIVES.—For each regulation promulgated pursuant to section 2(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).*

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

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows: