



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, FRIDAY, DECEMBER 2, 2011

No. 184

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, December 5, 2011, at 2 p.m.

## House of Representatives

FRIDAY, DECEMBER 2, 2011

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Compassionate and merciful God, we give You thanks for giving us another day.

As this House comes together at the end of the week, bless the work of its Members.

Give them strength, fortitude, and patience. Fill their hearts with charity, their minds with understanding, their wills with courage to do the right thing for all of America.

As it is so often easy for all of us to focus on what separates one from another, may our understanding that You have created us as one people remind us of the values that bind us all together as Americans in the human family. May that reminder empower the Members of this House to act courageously in the work they have to do for all Americans.

May all that is done this day be for Your greater honor and glory. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi (Mr. NUNNELEE) come forward and lead the House in the Pledge of Allegiance.

Mr. NUNNELEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### GOVERNOR WALLER

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

Mr. NUNNELEE. Mississippi experienced a great loss this week with the death of Governor Bill Waller. He served as our Governor from 1972 to 1976, and he provided steady leadership during tumultuous times in our State. He believed that Mississippi should be a place of liberty and justice for all.

Under his leadership, we had the largest pay raise for teachers in our State's history up to that point and the most significant investment in infrastructure and highways up to that point, all while leaving our State with the largest surplus in its history up to that point.

Mississippi is a better place because of Governor Waller's leadership; and this week, we mourn his passing.

### THE ELECTION PREVENTION ACT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, this week I voted against H.R. 3094, the so-called Workplace Democracy and Fairness Act, or, as it has become known, the Election Prevention Act. This bill's sole purpose is to delay and prevent workers from voting in workplace elections. It proposes a 35-day mandatory waiting period before a union election can be held. It encourages frivolous suits to be filed against union formation, and it allows companies to handpick union voters.

In Maine we have a tradition of incredibly hardworking people who are essential to the health, education, and safety of our families. Collective bargaining has been at the heart of American labor since the rise of trade unions during the 19th century. Thanks to strong unions and thousands of workers, over the years we have enacted child labor laws, laws for maternity leave, and we don't have to fear unemployment if we get sick.

I am proud to stand here today with organized labor and with the NLRB, which has served our workers so well.

### PULSE OF TEXAS—JOHN ON ENERGY

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Mr. POE of Texas. Mr. Speaker, I recently received this email from John of Houston, giving the pulse of Texans:

“As one of the 9.2 million people whose livelihoods is supported by America’s oil and natural gas industry, I am troubled by recent calls to raise taxes on our industry—one of the few bright spots in the American economy.

“Despite an economic slow-down, the oil and natural gas industry is creating jobs and can create many more.

“As Washington focuses on improving our struggling economy, Congress has an opportunity to take our economy in a new direction—one that leads to economic growth and energy security.

“By promoting policies that encourage domestic oil and natural gas production, we can create 1.4 million much needed jobs and generate \$800 billion in additional government revenue by 2030.”

Mr. Speaker, John, a person who works for a living, understands better than Washington elites that our God-given natural resources should be used to create jobs for Americans.

Time to stop sending American money and jobs to Middle Eastern countries to buy their natural resources. Time to start supporting American energy workers and American businesses.

And that’s just the way it is.

#### PAYROLL TAX CUT

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

Mr. CICILLINE. Mr. Speaker, I am asking the House to pass the expansion of the payroll tax cuts, which will put more money in the pockets of Americans and will boost economic growth and job creation.

American workers have received bigger paychecks in 2011 because of the payroll tax cut, helping families to pay their grocery bills, to pay their rents and mortgages, and helping to support local businesses. Allowing the payroll tax cuts to expire at the end of this month will result in less money in the pockets of hardworking middle class families at a time when our economy and our families can least afford it. With global financial uncertainty threatening our domestic recovery, this is not the time to take money out of the pockets of working families.

A family earning \$50,000 a year will receive a tax cut of about \$1,000 if the 2 percent payroll tax cut is extended. For Rhode Island, this would add \$400 million to the paychecks of roughly 600,000 workers. Expanding the payroll tax cut to 3.1 percent, as the President has proposed, could increase the flow of capital into our local economy in Rhode Island to approximately \$700 million.

It’s time for Congress to stand up for working American families by extending and expanding the payroll tax cut now.

#### FORT LEAVENWORTH CHANGE OF COMMAND

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Last week I had the immense pleasure of joining the folks at Fort Leavenworth for the Change of Command ceremony to welcome Lieutenant General David Perkins as the new commanding general of Fort Leavenworth, home of the prestigious Command and General Staff College.

It was fitting that General Perkins, a West Point grad, distinguished Iraq war commander and decorated career serviceman, took his post during Military Family Appreciation Month as his two children, Chad and Cassandra, both serve in the Army. There is no doubt that General Perkins, his wife, Ginger, and their two wonderful children exemplify what it means to be a military family.

I want to extend a warm welcome to General Perkins and my deepest thanks to departing General Robert Caslen, who has left Fort Leavenworth for his new post as Chief of Security Cooperation in Iraq.

Thank you both for your service to the Fort Leavenworth community and to our country.

#### EXTEND THE PAYROLL TAX CUT

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

Mr. JOHNSON of Georgia. The Census Bureau recently reported that 100 million Americans are on the brink of poverty. Maybe now Tea Partiers here in Congress will realize what millions of people already know, which is that Americans are barely getting by and that the misguided Republican agenda of deregulation, higher taxes for the middle class and tax cuts for the rich will do nothing for those who are struggling.

We should extend the payroll tax cut, toss a lifeline to struggling Americans who can barely make ends meet, and stop holding small businesses and American families hostage with the threat of higher taxes.

I hope my Tea Party colleagues will take a moment to put the interests of the majority of Americans over those of overpaid bankers and oil executives. We must extend the payroll tax cut, help renew opportunity, and restore the American Dream to the American people.

□ 0910

#### REGULATORY REFORM

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, despite the supercommittee’s inability to come to a bipartisan agreement recently, we

cannot stand idly by and hope that someone will fix the problem. Rather, we must come together to find common ground today.

In the President’s address before this body just a short time ago, he called for the removal of burdensome regulations on small businesses. I certainly hope that that’s something that both Republicans and Democrats can agree upon.

As a small business owner, I know that the economic uncertainty facing job creators today is largely based upon the threat of thousands of pages of new regulations that are coming out day after day. What we need to do is implement smart regulations and repeal duplicative and burdensome regulations that stand in the way of job creation.

We can all agree that we want clean air, clean water a healthy environment, and consumer protection, so let’s come together and implement smart regulations and get rid of the redtape and excessive regulations that are keeping our job creators and entrepreneurs from growing and expanding their businesses and hiring more workers.

Let’s get America back to work.

#### PUTTING AMERICA TO WORK

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. I agree, let’s do something meaningful to put America back to work. Let’s put millions to work rebuilding our crumbling infrastructure.

The Speaker promised us we’d do that this month, the Republicans would bring a surface transportation bill to the House, and they said no, can’t figure out how to pay for it. It’s more important to continue tax cuts for the rich.

Now, with millions unemployed, can’t find jobs, the Republicans want to jerk their lifeline. They want to kill off extended unemployment benefits. To do what? Preserve tax cuts for the rich, the job creators. Ah, they’re doing a heck of a job creating jobs, aren’t they?

This is the discredited theory of trickle-down economics. America’s unemployed are being trickled on, and it stinks.

#### CANADIAN KEYSTONE XL PIPELINE CREATES JOBS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, this President simply does not understand America’s energy needs.

Two weeks ago, this administration let politics trump policy by needlessly delaying the Canadian Keystone XL Pipeline. This is inexcusable.

The pipeline would carry 1.1 million barrels of oil per day to gulf coast refineries, create 20,000 American jobs,

and inject millions of dollars into local economies. Instead, the Canadian Prime Minister announced Canada will sell its oil to China.

Mr. Speaker, I've proudly supported numerous bills that will create American jobs and promote American energy production. Putting the Gulf of Mexico Back to Work Act, Restarting American Offshore Leasing Now Act, Reversing President Obama's Offshore Moratorium Act—these three bills will all promote American energy production and American jobs, and yet they're sitting in the Senate without action.

Let's pass these bills. Let's get them through the Senate. Mr. President, sign these bills and promote American energy production, American energy security, and American jobs.

#### GOP NO JOBS AGENDA

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

Mr. DEUTCH. Mr. Speaker, we've entered the 12th month of the Republican majority in this House, and if the past 11 are any indication, December will be a continuation of the GOP no jobs agenda.

My colleagues in the majority have shown no interest in tackling America's real economic challenges, no interest in the fact that small business owners say that weak sales, not government regulation, are the main source of their struggle.

No interest in the fact that it is tax relief for middle class families, not tax giveaways to corporations and to billionaires that our economy needs to boost consumer demand, and no interest in preventing the expiration of unemployment benefits for millions of struggling families and the havoc it would wreak on our economy. Mr. Speaker the majority's interest seems focused on one thing: an election still nearly a year away.

Americans want Congress to work for them. It's time we stand up for the middle class. Working families need us to work for them.

#### REGULATORY ACCOUNTABILITY ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 3010.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 477 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3010.

□ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Employers across America face an avalanche of unnecessary Federal regulatory costs.

Federal regulations cost our economy \$1.7 trillion every year, over \$15,000 for each household, according to the Small Business Administration. Yet the Obama administration seeks to add billions more to that cost.

The administration's record-setting issuance of major regulations is particularly troubling. By its own admission, the administration's 2011 regulatory agenda contains 200 regulations that typically will affect the economy by \$100 million or more every year.

For employers, the people who create jobs and pay taxes, the impact of these costly regulations is clear. Government regulation has become a barrier to economic growth and job creation. Faced with huge, new, regulatory burdens and uncertainties about what will come next, employers slow down hiring, stop investing, and wait for a bill from the Obama administration.

What enables the administration to issue so many new regulations with so little regard for their costs is the outdated Administrative Procedure Act. Enacted in 1946, the APA's minimal limitations on rulemaking have hardly changed in decades and do nothing to control costs.

The Regulatory Accountability Act fixes this problem by bringing the APA up to date. Under its commonsense provisions, agencies are required to assess the cost and benefits of regulatory alternatives. Unless interest of public health, safety, or welfare requires otherwise, agencies must adopt the least-costly alternative that achieves the regulatory objectives Congress has established.

The Regulatory Accountability Act has bipartisan support in both the House and the Senate, including from a number of House Democrats who have cosponsored the bill. In large part, this is because its provisions are modeled on the Executive orders that presidents Reagan, Clinton, Bush, and Obama have issued to compensate for the APA's weaknesses.

Opponents of the act claim that it requires the benefits of all new regulations to exceed their costs. They argue that as a result the act will prevent Federal agencies from issuing impor-

tant new public health, safety, and welfare regulations. This is false.

The Regulatory Accountability Act only requires agencies to adopt the lowest cost regulatory alternative that achieves the agency's statutory objectives. This assures that agencies will achieve all of those objectives but with much lower costs.

Opponents also assert that the act's new procedural requirements will halt all Federal rulemaking, but the act primarily codifies existing Executive order principles and practices under which agencies have been able to issue regulations for years.

The act's few additional requirements all are streamlined. They will improve the quality and lower the cost of regulations, but they will not unduly delay them. The act increases the transparency of the rulemaking process with more advance notices of proposed rulemaking, more opportunities for public comment, and more opportunities for public hearings. This will lessen the influence of all special interests.

The Regulatory Accountability Act provides the greatest opportunity yet for Republicans and Democrats to join together and lower the job-killing cost of regulations. And it allows costs to be lowered while it assures that all of Congress' regulatory objectives are, in fact, obtained.

The bill also provides a clear opportunity for the votes of Democrats in Congress to match President Obama's words on regulatory reform. In his State of the Union address, the President said that "to reduce barriers to growth and investment, when we find rules that put an unnecessary burden on businesses, we will fix them."

In Executive Order 13563, the President said that "our regulatory system must promote economic growth, innovation, competitiveness, and job creation; must allow for public participation and an open exchange of ideas; must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends; and must take into account benefits and costs."

□ 0920

The President was right. And the Regulatory Accountability Act does all those things.

I urge all of my colleagues to support the Regulatory Accountability Act.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, November 17, 2011.

Hon. LAMAR SMITH,  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR MR. CHAIRMAN: On November 3, 2011, the Committee on the Judiciary ordered H.R. 3010, the "Regulatory Accountability Act of 2011," reported to the House. Thank you for consulting with the Committee on Oversight and Government Reform with regard to H.R. 3010 on those matters within the committee's jurisdiction. I am writing to confirm our mutual understanding with respect to the consideration of H.R. 3010.

The Office of Information and Regulatory Affairs (OIRA) was created by the Paperwork Reduction Act of 1980 (PRA), legislation that originated in the House Committee on Government Operations. The PRA assigned OIRA responsibility for significant areas of the rulemaking process, including information collection request clearance and paperwork control and statistical policy and coordination. Additionally, the PRA's requirements cover rules issued by virtually all agencies, including Cabinet departments, independent agencies, and independent regulatory agencies and commissions.

In the interest of expediting the House's consideration of H.R. 3010, I will not request a sequential referral of the bill. However, I do so only with the understanding that this procedural route will not be construed to prejudice the Committee on Oversight and Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Oversight and Government Reform should this bill or a similar bill be considered in a conference with the Senate. I also request that you include our exchange of letters on this matter in the Committee Report on H.R. 3010 and in the Congressional Record during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

DARRELL ISSA,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 17, 2011.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN ISSA: Thank you for your letter regarding the Committee on Oversight and Government Reform's jurisdictional interest in H.R. 3010, "Regulatory Accountability Act of 2011," and your willingness to forego consideration of H.R. 3010 by your committee.

I agree that the Committee on Oversight and Government Reform has a valid jurisdictional interest in certain provisions of H.R. 3010 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 3010. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

LAMAR SMITH,  
Chairman.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I want to begin our discussion this morning with the reference that Federal regulations impose an annual cost of \$1.75 trillion on business. I would like the Members to know that the reference made to this study is the Crain study. I'd like to use the name so that you can track exactly what is being said about it.

The study was never intended to be used as a decisionmaking tool. Who says this? They said it as a preface to the study itself. And for the benefit of the 433 other Members besides myself and the chairman, I am going to put this in the RECORD and also make it available to all of our colleagues on the Judiciary Committee.

The Crain study was never intended to be used as a decisionmaking tool, and the Congressional Research Service, our own operation, criticized much of the Crain study's methodology and noted that the authors of the Crain study themselves told the Congressional Research Service that their analysis was not to be a decision-making tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation. So every time somebody mentions this study again on the floor, I am going to refer them to the Congressional Research study, which has never been disputed or disclaimed by anybody.

In no place in any of the reports do we imply that our reports should be used for this purpose—that's the Crain study people themselves. That's not the Congressional Research study; that's the authors. And here is the Congressional Research study that I would like to introduce into the RECORD at this time.

[From the Congressional Research Service]  
ANALYSIS OF AN ESTIMATE OF THE TOTAL  
COSTS OF FEDERAL REGULATIONS

(By Curtis W. Copeland, Specialist in American National Government, April 6, 2011)

[CRS Report for Congress, Prepared for Members and Committees of Congress—Congressional Research Service, 7-5700, www.crs.gov, R41763]

#### SUMMARY

Some policy makers have expressed an interest in measuring total regulatory costs and benefits (e.g., the Congressional Office of Regulatory Analysis Creation and Sunset and Review Act of 2011, H.R. 214, 112th Congress), and estimates of total regulatory costs have been cited in support of regulatory reform legislation (e.g., H.R. 10, the Regulations from the Executive In Need of Scrutiny (REINS) Act, H.R. 10, 112th Congress). However, measuring total costs and benefits is inherently difficult. This report examines one such study to illustrate the complexities of this type of analysis.

A September 2010 report prepared by Nicole V. Crain and W. Mark Crain for the Office of Advocacy within the Small Business Administration (SBA) stated that the annual cost of federal regulations was about \$1.75 trillion in 2008. This cost estimate was developed by adding together the estimated costs of four categories or types of regulation: economic regulations (estimated at \$1.236 trillion); environmental regulations (\$281 billion); tax compliance (\$160 billion); and regulations involving occupational safety and health, and homeland security (\$75 billion). Some commenters have raised questions about the validity and reliability of this estimate.

For example, Crain and Crain's estimate for economic regulations (which comprises more than 70% of the \$1.75 trillion estimate) was developed by using an index of "regulatory quality." One of the authors of the regulatory quality index said that Crain and Crain misinterpreted and misused the index, resulting in an erroneous and overstated cost

estimate. Other commenters have also raised concerns about using the index to estimate regulatory costs, and about the regression analysis that the authors used to produce the cost estimate. Crain and Crain said that they believe they interpreted and used the regulatory quality index correctly.

Crain and Crain's estimates for environmental, occupational safety and health, and homeland security regulations were developed by blending together academic studies (some of which are now more than 30 years old) with agencies' estimates of regulatory costs that were developed before the rules were issued (some of which are now 20 years old). Although the agency estimates were typically presented as low-to-high ranges, Crain and Crain used only the highest cost estimates in their report. The Office of Management and Budget has said that estimates of the costs and benefits of regulations issued more than 10 years earlier are of "questionable relevance."

Crain and Crain's estimate for the cost of tax paperwork was based on data from the Internal Revenue Service and the Tax Foundation, but OMB data indicate that the number of hours of tax paperwork may be much higher than Crain and Crain's estimate. On the other hand, the authors' assumptions regarding the cost of completing the paperwork may be too high. A threshold question, however, is whether tax paperwork should be considered in the same category as regulatory costs. OMB does not include tax paperwork in its annual reports to Congress.

Crain and Crain said they did not provide estimates of the benefits of regulations, even when the information was readily available, because the SBA Office of Advocacy did not ask them to do so. OMB's reports to Congress have generally indicated that regulatory benefits exceed costs. Crain and Crain said their report was not meant to be a decision-making tool for lawmakers or federal regulatory agencies to use in choosing the "right" level of regulation. This report will not be updated.

\* \* \* \* \*  
POLICYMAKING AND THE CRAIN AND CRAIN  
ESTIMATE

As noted at the beginning of this report, Crain and Crain's estimate that federal regulations cost \$1.75 trillion in 2008 has been cited as evidence of the need for regulatory reform legislation. However, Crain and Crain told CRS that their report was "not meant to be a decision-making tool for lawmakers or federal regulatory agencies to use in choosing the 'right' level of regulation. In no place in any of the reports do we imply that our reports should be used for this purpose. (How could we recommend this use when we make no attempt to estimate the benefits?)"<sup>103</sup>

As Crain and Crain suggest, information on regulatory costs alone, whether for individual rules or for all rules in the aggregate, provides only one piece of information that Congress and other policymakers can use in determining how to proceed. For example, even if all federal regulations did cost \$1.75 trillion in 2008 (which at least some commenters believe may not be correct), if the monetized benefits of those regulations were determined to be greater than those costs, then policymakers may conclude that those costs were (in the words of Executive Order 12866) "justified." On the other hand, if the monetized benefits of federal regulations were estimated to be less than the estimated costs, policymakers may reach another conclusion, or may decide to examine any non-monetized costs and benefits of

<sup>103</sup> E-mail to the author from Nicole V. Crain and W. Mark Crain, March 7, 2011.

those rules. But a valid, reasoned policy decision can only be made after considering information on both costs and benefits.

The Center for Progressive Reform is another study that notes that the \$1.75 trillion cumulative burden cited by the study fails to account for any benefits of the regulation. I am going to, at the appropriate time, introduce that into the RECORD.

The Congressional Research Service notes that the study's methodology is seriously flawed with respect to how it calculated economic costs.

So I would urge the Members to be aware of what I am going to do during this debate the next time somebody names this study without naming the name of the study and the fact that it was put together by Mark and Nicole Crain, commonly called the Crain study.

The Congressional Research Service notes that the study's methodology is seriously flawed with respect to how it calculated economic costs. The study relied on international public opinion polling by the World Bank on how friendly a particular country was to business interests and ignored actual data on costs imposed by the Federal regulation in the United States. The Congressional Research Service concluded that a valid, reasoned policy decision can only be made after considering information on both costs and benefits of regulation.

The next thing I would like to do is examine what seems to be a political or legislative strategy that is being used in this debate. You see, there are three bills that are antiregulatory bills—and there's no question or dispute about that—designed to slow or halt rulemaking and give industry more opportunities to disrupt the rulemaking process of the Federal Government. H.R. 3010, which we are taking up today, is one of them. H.R. 527, which we took up yesterday, is another one of them. H.R. 10, the king of all regulatory antiregulatory bills, is coming up next week, the REINS Act, which, for the first time in American history, determines that the Congress must also approve the rules of all the agencies, of which there are some 40 or 50.

And for the benefit of every Member of the Congress, I am getting together every agency that would now be involved and that would have to have their rules—believe it or not, this is not “Saturday Night Live”—would come through the Congress. Can you imagine what that would do to our schedule?

These bills are blatantly and unhesitatingly designed to slow down and even halt all Federal rulemaking, thereby threatening public health and safety by undermining the agencies' ability to address a whole range of issues.

What about food-borne illnesses? What about toy safety? What about infant formula safety? What about financial security?

All three antiregulatory bills also give industry more opportunities to

disrupt the rulemaking process. The bill under consideration now, for example, requires formal rulemaking and expands opportunities to challenge agency action in court. As if they need any help from the corporate lawyers that are all lined up to do their work at the present moment, but no, we want to give them more opportunities to go in court, as if they can't figure it out for themselves.

H.R. 527 of the previous day does this by expanding the use of small business review panels. The measure coming up next week would require Congress to approve all major rules. Not only do we have to do that, but we have to do it within 70 legislative days before they could take effect, effectively, of course, allowing industry to intervene in Congress to stop a rule.

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

□ 0930

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds.

Here is another poll that I'm going to cite that will support what this administration's own Small Business Administration has found about the cost of these regulations. This is an article by the Gallup Poll. The article is dated October 24, 2011, just a few weeks ago. Here's the headline on the article: “Government Regulations at Top of Small-Business Owners' Problem List. One in three small business owners are worried about going out of business.” The article was written by Dennis Jacobe, chief economist.

Here's the first line and the finding of the Gallup Poll: “Small-business owners in the United States are most likely to say complying with government regulations, 22 percent, is the most important problem facing them today; followed by consumer confidence in the economy, 15 percent; and lack of consumer demand, 12 percent.”

Mr. Chairman, arguably, the administration is responsible for every one of these problems because of the administration's policies.

I will now yield 5 minutes to the gentleman from North Carolina (Mr. COBLE), who is the chairman of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman from Texas (Mr. SMITH) for yielding.

Mr. Chairman, I rise in support of H.R. 3010. I reiterate what I said yesterday regarding regulatory legislation, that when critics accuse those of us who support it and furthermore accuse us of being willing to compromise health and safety standards: not guilty. But we are guilty of trying to reduce the number of redundant, excessive regulations—bad, onerous regulations. To that, I do plead guilty.

As I meet with representatives from industries in my congressional district and other districts here in Washington, one message is imminently clear: our regulatory process is out of control.

There's enormous uncertainty over what actions agencies will take, there's uncertainty over which agencies have jurisdiction, and there's concern about the actions of independent agencies.

It is important to note that these perceptions are not a part of a larger campaign to discredit the Republican or Democratic agendas. They highlight a growing perception that our government is simply out of touch. The process is missing checks and balances, which are the cornerstone of our democracy, while regulators have virtually limitless resources and power. The result has enabled special interests to impose their will on certain areas of our regulatory system after clearing few hoops and low hurdles. This was not the intent of the Administrative Procedures Act and explains a legacy of executive orders requiring that agencies issue narrowly tailored, less costly alternatives that began with the Reagan administration.

Other costs continue to hit close to home, Mr. Chairman. They drive businesses to other countries, costing thousands of jobs. Many will argue that regulations create jobs. That may well be true of good, sound regulations; but ask many of the employers who have relocated their manufacturing facilities, and they will tell you it's in large part due to our regulatory government. Every industry in America is concerned about our regulatory regime, and there is little doubt that bad regulations have driven American jobs to other countries.

The solution is not more regulation, Mr. Chairman. It's better and more effective regulation, which is exactly what H.R. 3010 is intended to create, much like H.R. 527, the small business regulatory reform bill that we approved yesterday.

When the Administrative Procedure Act was implemented, few imagined that our government would issue a regulation that would threaten the viability of an entire industry. Today, unfortunately, many would say this has become the routine practice. Prime examples are the EPA Cement MACT rule, OSHA's Noise Guidance, and HHS's grandfather plan rule. Some describe them as misguided. Others would say they're downright reckless.

H.R. 3010 addresses the situation by implementing new requirements that would give stakeholders a legitimate opportunity to improve regulations as they are proposed, promulgated, and ultimately implemented. In fact, most of the reforms included in this legislation simply codify President Obama's Executive Order 13563, Improving Regulation and Regulatory Review.

Finally, the bill will not change any existing regulatory standard or requirement.

The overwhelming view from my congressional district is that Federal regulations are driving American ingenuity and opportunity to other countries. Improving our regulatory process may be one of the most significant legislative considerations that we can provide

to help preserve our safety and provide economic opportunity for future generations.

Mr. Chairman, we continue to hear, Jobs, jobs, jobs, echoed from shore to shore, border to border. This is a good piece of legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee, STEVE COHEN, the ranking member of the Subcommittee on Courts, Commercial and Administrative Law.

Mr. COHEN. I want to thank the ranking member for the time.

I have a nice speech that was written by a fantastic staffer that I'm not going to use today because I've used it in the past. Most of the speeches today have been used—or parts of them—on the other bills we've had.

Because of what we've done this week and the wonderful gentlemen on the opposite side—Mr. SMITH and Mr. COBLE are two great, wonderful people who I think dearly of. They just have different philosophies than I have. Different perspectives.

These bills have been bills to basically be anti-government bills. That's what this Congress has been about. It's been about being anti-government, and it's been about defeating the President of the United States. These bills which we've got would destroy the Administrative Procedure Act and destroy the whole process of government that we've known for decades.

The fact is, President Bush had as many, if not more, rules than President Obama; but we didn't hear from the other side anything about the nefarious rulemaking process, the need for reform, the jobs that could be created by eliminating the rulemaking authority or stifling it and changing it, until President Obama became the President. We heard this morning from the other side that it's the administration that's at fault because of all the rules they've produced, and now they say some of rules can change. They say the administration is at fault for all the rules they passed. They made fewer rules than President Bush made. And there was silence on the other side. Silence.

All of a sudden there's a roar. This whole week, when we need jobs, when our economy needs job, when our people need unemployment compensation, unemployment insurance continued for the 99ers—not the 99 percent, although they're part of that—the 99ers in terms of weeks they get unemployment insurance; when we need the doctors and medical folks to get the Medicare fixed that we always put in to make sure that we continue to pay doctors a reasonable rate to treat our Medicare patients, we're not dealing with that. And when we need to be dealing with the payroll tax cut for the middle class, we're not dealing with that. We've spent a whole week on destroying government and being anti-government.

Rick Perry, one of the candidates for President on the other side, has talked

about making Congress half time. How could we be half time when we're not accomplishing our jobs and creating jobs full-time?

As Mr. CONYERS talked about, next week we've got the mother of all anti-government bills, the REINS Act, which really is reining in government, a bill that would require every rule to be passed by both the House and the Senate and signed by the President within 70 or 75 days before it goes into effect. That's Star Wars—or anti-Star Wars. It's really a big dark hole out there in the universe where all rules and regulations would go and die and never be seen again and just disappear.

Well, that's not the way government is supposed to work or should work. And if we had that, how could we work half time under President Perry? We'd have to be working time-and-a-half. And we know there's not enough money for overtime. And President Perry doesn't want us to do that. He wants us to get a separate job when we go home. We go back to San Antonio, we serve half time as a Congressman and half time we work at Walmart. That's what he's suggesting.

Who would really love this bill? The tobacco companies. Wouldn't it be great if we didn't have rules and regulations on tobacco and we didn't put little notices on tobacco that smoking can kill you; smoking can cause damage to infants; that pregnant women shouldn't drink or smoke. Tobacco companies would love this. Those rules and regulations, very burdensome, giving notice to people about the dangers of tobacco, which Europe has been doing forever and we need to put an end to because it costs us so much in medical costs and the lost of precious lives.

The polluters would love this. The destroyers and plunderers of our environment, they'd love it, because wow, Olly, Olly, in free, we can do whatever we want. Removal of mountains, drilling; more oil spills, less regulation.

□ 0940

In an emergency, the government can't even respond to clean up the mess. That's what they're talking about. It's all phrased in the tones of small business, small business, small business. Small business is wonderful. We do a lot with small business. Small business is a jobs creator. But this affects big business as well. And it's big business who is behind this, not small business. Small business is the front used to help the polluters, the tobacco companies, and the others that don't want to see regulations that protect the American public's food, air, water, transportation, and other areas.

The issue of judicial review has come up, and in this bill we give the courts more power than they otherwise had. The other side usually talks about the importance of the judicial branch simply being an equal partner; but in this position, the judicial branch could review any rule and regulation and make

its own determination of cost-benefit analysis without expertise that the agencies have, and it would be the judiciary that had the final say. So it would give more power to the courts and more power, in fact, to the administration. The OIRA office in the White House would have more power than ever. So it's antithetical to much of which the other side argues about.

This is not a good bill. It's not good government. And I would ask that we all vote against it and we get back to the jobs that we should be for—creating jobs for the American people and getting us out of this deep, dark, long recession.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 1 minute.

Unfortunately, we hear a lot of words that are really irrelevant to the bill that we are considering here today. Once again, let me repeat that the Regulatory Accountability Act only requires agencies to adopt the least-cost regulatory alternative that achieves the agency's statutory objectives. It therefore assures that in all instances agencies will achieve those objectives, whether to protect public health, safety, or welfare or to satisfy some other statutory purpose.

The RAA's key contribution is to require that, once agencies have identified means to achieve their statutory objectives, they will simply choose the means that impose the lowest cost. I don't know how anyone could object to that. This creates a positive cycle in which agencies and regulated entities compete to identify innovative, least-cost means to achieve statutory objectives while they simultaneously produce the most benefits.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as he may consume to the former chairman of the Education and Labor Committee, the ranking member currently, the gentleman from California, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, this is a very sad day for America's workers. This country has spent great time and effort, along with the industrial base and the business base in this country, to make sure that when workers go to work every day they will return safely to their home. This legislation begins to bring that to an end because it would needlessly and recklessly expose our Nation's workers to preventable work-related death and injuries. It would do this by obstructing the ability of the Federal agencies to adequately respond to real safety and health concerns of our Nation's workplace.

Under the current law, both the Occupational Safety and Health Administration and the Mine Safety and Health Administration would be tasked to protect workers from exposure to risks or toxins over a working lifetime. However, this legislation would override that task. It would change the nature

of the idea of protecting workers in the workplace to make sure we have the most effective means possible to protect those workers.

It wasn't the dust standards that killed the textile industry in the southeastern part of the United States. The dust standards that were invoked in 1978—that were railed against by the textile industry—in fact extended the life of the textile industry by making it more efficient by bringing in a new generation of technology to that industry. What killed those textile industries were free trade agreements. They were among the most efficient mills in the world. They just couldn't stand up against the unfair competition from the Chinese and their textile industry.

So let's understand what's happening here. This bill would change the standard of providing the most protective standard that is feasible to providing a standard that picks the least costly approach. The least costly approach to protecting your hearing is to cover your ears, to cover your ears while you're working on a ramp at an airline factory, cover your ears while you're putting bags on an airplane. Cover your ears; that's the least costly. Eye protection: close your eyes, cover your eyes; that's the least costly. That doesn't work in the workplaces of America and the employers know it. The employers know it.

What do you say to an ironworker working on a bridge? What do you say to an ironworker working on a skyscraper? Hold on tight? Hold on tight? We saw what happened when they went to the least costly effective restraints on workers working on skyscrapers in Las Vegas. They were killing them—a record rate of killing construction workers—but it was the least costly. They didn't think they should have to string a net three floors down to catch the workers as they fell; they just chose another method, the least costly.

That's the Republican answer to safety in the workplace, stick your fingers in your ear? What do you do about breathing toxins? Get yourself a paper mask?

When we started changing the vinyl chloride standards, not only did it make the workplace more efficient, it protected the workers. It created a by-product that had great commercial value and expanded the industry by making them more efficient. What they used to waste, they now sell. What they used to waste and injure workers with, they now sell. That's the difference.

This standard, what is it, the least costly approach? Don't tell that to United States Steel in my district. I just went on a safety tour with the workers and with the management, and they told me how they've changed the traffic patterns, the pedestrian patterns, the vehicle codes, all of the changes inside of the steel mill because they want injury-free days, injury-free months, and injury-free years.

Take a tour of the Chevron refinery in my district, Dow Chemical, DuPont.

Safety is their number one job daily in that facility, and they take pride in it. They invest a lot of money in it because they know what an unsafe workplace, what a dirty workplace, what a cluttered workplace costs them in lost time and productivity.

This bill goes counter to the best practices in industry, counter to the best practices in small businesses. This just doesn't work in modern industry. This is a throwback to the seventies or the sixties, where miners just assumed they had to consume coal dust and die of black lung; where steelworkers, they fell into open-hearth furnaces in the old mills. Today, you can get run over by a coal roll conveyance system, you can get caught up in a rolling line, but you don't because they invest in your safety. And now the American Government is telling them you won't have to invest in this safety.

I think for most industries they're going to ignore that because they've been to the other side. They know what it was like to have casualties, and they know that that doesn't work. They know they can't stand. You can bankrupt the companies with black lung today and cotton dust.

We still have grain elevators blow up in this country. When I came to Congress, they were blowing up on a daily basis. But we have dust standards now and we saved workers lives, but we still tragically have a few accidents.

You can ignore the standards, as they did on the British Petroleum rig, and you can kill the workers because you avoided the process safety standards on that rig. In Texas City, Texas, you can blow up the workers because you ignore the standards—and they knowingly ignored them. That was the least costly they thought, at British Petroleum, was to ignore the standards. When they went to the boardroom in London and they raised this issue with the board of directors, they chose the least costly approach. They chose the least costly approach. And they had one of the worst safety records in America, British Petroleum, of blowing up their own facilities and killing their workers. They chose the least costly approach.

This legislation imposes—if you want to do something right, it's just delay for delay's sake. And the chairman has pointed that out and Mr. COHEN has pointed that out, how you just turn this over to a litigation process before you ever get around to the question of protecting your workers.

This legislation makes the workplace that our family members go to, that our neighbors go to, that our friends go to less safe than it is today.

□ 0950

It impedes the progress to apply new technology to new knowledge to the workplace to make it safer. That's what this legislation does. That's not what a modern corporation wants; that's not what a modern workplace should be for workers who go into it;

and it's not where they want to go to work.

It's just unacceptable that we have this legislation at this time in our history. This legislation is an attack on the workplaces where middle class Americans go to work. These are their workplaces. These are the hot, heavy, dirty workplaces. These are the complex workplaces that pose risk of injury and illness to the workers in our workplaces.

This causes you to fall out of the middle class. Millions of Americans are falling out of the middle class because of the income disparity in this country and the unfairness in this country.

There's another way to fall out of the middle class. You can fall out of the middle class; it's not just a question of lower pay. You can get hurt on the job, you lose your income, you become disabled, you can't go back to your full earnings. You end up on a disability program because you were injured on the job. All you did was show up and go to work. But under this legislation, you're more likely to be hurt.

You can reverse the dramatic downturn in black lung, as we saw in the Massey mines, where they wouldn't clean up the coal dust, and they killed 29 workers in the process. Over thousands of warnings, but the lawyers and the litigators prevented the standards ever from coming into place, the penalties from ever being put into place. They completely gamed the system.

That's how you can fall out of the middle class; or you can die in an explosion, as people did in Tennessee earlier this year, as they did in Georgia earlier this year, because dust standards weren't properly met; or as happened in Connecticut, where they didn't apply the safety standards to disconnecting the natural gas lines. Yes, you can do that and you fall right out of the middle class.

You lose your spouse in a construction site, in an injury, a trench caves in, a worker falls off a skyscraper—that's how you can fall out of the middle class. And it happens, it happens to American families every day.

We made a decision, as a Nation, that we would go in a different direction. We would look out for these workers, we would provide margins of protection, we would improve the safety in the workplace. This legislation undoes that for workers all across the country—the least costly way.

You know, I worked in the refineries in my district, and I saw workers fall face down in the bottom of those huge oil tanks that we were cleaning out because they had no respiratory gear, because it was before OSHA. I saw workers throw up.

I worked on the tankers going out to sea, and I saw workers fall a couple of stories into an empty oil tank on an oil tanker because they weren't connected to the ladders; there was no safety device. You went up the ladders; but if the fumes got you first, you fell. I saw workers that couldn't tell you what

day it was when they came out of those tanks after cleaning them.

I saw workers fall into vats in the canneries when I worked in the canneries.

I saw workers on construction jobs get hit by moving equipment when I worked on a construction job. This isn't speculation. This is what happens to people all across this country every day they go to work.

And yet we stand here, in the Congress of the United States, and we say we want to make sure when a member of your family goes to work, that they return home safely every day. That's not what this legislation does. This legislation makes it more likely that they're not going to return home safely and they're not going to return home at all.

We ought to reject this legislation and understand how far back in the past it takes us. It's against the best business practices of this Nation. It's against all of the success we've had in making the workplace safe for the workers and safe for the employers and safe for the profit measure.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

The AFL-CIO has backed up what the ranking member, Mr. MILLER, of Education and Labor has said. They warn that H.R. 3010 would upend more than 40 years of labor, health, safety and environmental laws, and threaten new needed protections. It would cripple the regulatory process and make protecting workers and the public secondary to limiting costs and impacts on business and corporations.

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, November 28, 2011.

DEAR REPRESENTATIVE: When the Congress returns from the Thanksgiving break the House is expected to vote on three "regulatory reform" bills—H.R. 10, the Regulations from the Executive in Need of Scrutiny (the REINS Act), H.R. 3010, the Regulatory Accountability Act, and H.R. 527, the Regulatory Flexibility Improvements Act. Each of these bills would up-end the entire regulatory system making it impossible for the government to protect workers and the public from workplace hazards, dirty air and water, unsafe drugs, tainted food and Wall Street abuses. The AFL-CIO strongly urges you to oppose each of these bills.

The Regulatory Accountability Act (RAA)—H.R. 3010—is a particularly harmful measure. It amends the Administrative Procedure Act (APA), but it goes far beyond establishing procedures for rulemaking. The RAA acts as a "supermandate" overriding the requirements of landmark legislation such as the Occupational Safety and Health Act and Mine Safety and Health Act. The bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and MSH Act. It would make protecting workers and the public secondary to limiting costs and impacts on businesses and corporations.

The RAA will not improve the regulatory process; it will cripple it. The bill adds dozens of new analytical, procedural, and judicial review requirements to the rulemaking process, which will add years to the process. The development of major workplace safety

rules already takes 6-10 years; the RAA will further delay these rules and cost workers their lives.

The RAA substitutes formal rulemaking for the current procedures for public participation for high impact rules and for other major rules upon request. These formal rule-making procedures will make it more difficult for workers and members of the public to participate, and give greater access and influence to business groups that have the resources to hire lawyers and lobbyists to participate in this complex process. For agencies that already provide for public hearings, such as OSHA and MSHA, the bill would substitute formal rulemaking for the development of all new rules, overriding the effective public participation processes conducted by these agencies.

H.R. 3010 would subject all agencies—including independent agencies like the Securities and Exchange Commission, the National Labor Relations Board (NLRB), Consumer Product Safety Commission (CPSC), and the Consumer Financial Protection Bureau (CFPB) to these new analytical and procedural requirements. It would be much more difficult for agencies to develop and issue new financial reform rules and consumer protection rules required under recently enacted legislation.

The REINS Act (H.R. 10) would radically alter the regulatory process by requiring Congress to vote to approve all major rules before they can go into effect. Rules not affirmatively acted on by both the House and the Senate within 70 legislative days would die. Under the REINS Act, politics, not scientific judgment or expertise would dictate all regulatory actions. Corporate opposition and influence would swamp the public's interest and block needed protections.

H.R. 10 is impractical, unworkable and unnecessary. Congress has neither the time nor expertise to consider and act on detailed, technical and scientific issues. Moreover, Congress already has the authority to disapprove rules through the Congressional Review Act or block their implementation by withholding funding.

H.R. 527, the Regulatory Flexibility Improvements Act, expands the reach and scope of the Regulatory Flexibility Act by covering regulations that may have an indirect effect on small businesses and adding a host of new analytical requirements that will make it even more difficult for agencies to take action to protect workers and the public. Virtually any action an agency proposes even a guidance document designed to help a business comply with a rule could be subject to a lengthy regulatory process. While the bill purports to be focused on small business, it would cover more than 99% of all employers, including firms in some industries with up to 1,500 workers or \$35.5 million in annual revenues.

This bill also creates a small business "czar" by increasing the powers of the Chief Counsel of Small Business Advocacy. This individual would become a super-regulator, with new powers to review proposed regulations and suggest alternatives. Agencies would be subject to review by both the Office of Management and Budget and the Chief Counsel, adding to regulatory delay.

H.R. 3010, H.R. 10 and H.R. 527 would further tilt the regulatory process in favor of business groups and others who want to stop regulations, and make it much more difficult for the government to protect workers and the public. These are dangerous proposals that will not create one new job or solve any of the pressing problems facing our country.

The AFL-CIO strongly opposes H.R. 3010, H.R. 10 and H.R. 527 and urges you to vote against all three bills.

Sincerely,

WILLIAM SAMUEL,  
Director, Government Affairs Department.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 3 minutes.

I realize some people want to close their eyes and close their ears so they don't see or hear the facts. There's an old adage that none are so blind as those who don't want to see the wisdom of the facts.

Mr. Chairman, despite the sound and fury that we've heard, let me repeat a fact; and the fact I want to repeat is this: that the bill always allows agencies to meet statutory objectives. If, for example, only one rulemaking alternative meets statutory objectives, the agency may adopt that alternative, even if its cost exceeds its benefits.

The bill generally requires agencies to adopt the least costly alternative that meets statutory objectives if more than one alternative meets those objectives. Agencies may adopt more costly alternatives to protect public health, safety and welfare, including workers' safety, however, if the benefits of the more costly alternative justify their costs, and the agency is acting to protect the interest of public health, safety or welfare that are within the scope of the statutory provisions that authorize the rulemaking.

As a result, many workforce safety, Clean Air Act, Clean Water Act and other public health, safety and welfare regulations on the books still could have been adopted under the bill, even if they were not the least costly alternatives.

The difference is agencies would have done a better job of assessing whether those regulations really were the best ones to adopt and would have had a greater incentive to look harder for the alternatives that achieved the most benefits for the lesser costs.

Further, the bill does not invite courts to immerse themselves in the weeds of whether agencies have satisfied every jot and tittle of how best to perform a cost-benefit analysis. Instead, it asks the courts to enforce the bill's least-cost standard, and allows the courts to defer to agency cost-benefit analyses that comply with guidelines from the Office of Information and Regulatory Affairs.

As the DC circuit most recently demonstrated in *Business Round Table v. SEC*, the courts know well how to enforce requirements that agencies weigh the economic impacts of regulation without immersing themselves in endless arguments over every fine point of economic analysis. So the bill will actually decrease litigation.

Mr. Chairman, this bill is really just a litmus test for all Members of the House as to, not whether they want to implement regulations or not, but whether they want to do so in the least costly manner possible. Again, I don't see how anyone can rationally oppose the objective of this bill.

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

Mr. CONYERS. I continue to reserve the balance of my time.



Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), who is the ranking member of the Agriculture Committee.

Mr. PETERSON. I thank the gentleman.

I rise today in support of H.R. 3010 because, especially in agriculture, we have been dealing with innumerable problems that have been brought by regulations that are not properly vetted and seem to be from people that have a lack of understanding of exactly what's going on in agriculture.

And it seems like we have some of these bureaucrats that are working on these regulations that they've basically set up, you know, they've claimed there is threat of lawsuits or whatever; and the next thing you know, they're off doing regulations that have been kind of self-fulfilling prophecies on their part.

This legislation gives us an overhaul, I guess, for the first time in 65 years, in the Administrative Procedures Act, to make sure that we have more openness, more transparency, more accountability in these regulations, more time, more analysis, more compilation on how these regulations are developed and how they can—how we can improve this so we can improve the people's confidence in the process, to try to make sure that we're taking into account the costs of what these regulations are going to place, not only on the businesses but, ultimately, on the consumers that are affected by this.

In agriculture, we have all these things that are coming down that I think people have a lack of understanding of just exactly what the effect is going to be. A lot of these regulations are going to have the effect of significantly increasing food costs to consumers in this country, and I just think a lot of these urban folks have no idea what they're doing. And the next thing you know, once, if these regulations got in place, they'd be back in Congress looking for more help for SNAP and for other programs to try to pay for the increased food cost that was put on them by these regulations.

The more we can open up this process, the more we can get people to understand the actual effect of these regulations and what they're going to accomplish if they're put into place, the better the situation is going to be.

I think this is a good step in the right direction. Personally, I would probably go even further than what's in this bill, but it is probably what can be accomplished at this point.

□ 1000

I am very happy to be here today to support this effort, and I look forward to having a successful outcome.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

The distinguished ranking member of Agriculture wasn't here when the ranking member, Mr. MILLER of Education and Labor, was here talking about the

agricultural problems and the problems that H.R. 3010 presents to us.

What I would like to just ask the gentleman, yesterday the Food and Drug Administration issued a recall of both grapes and tomatoes for salmonella contamination. Did the gentleman have some reservation or objection to this regulation that the FDA operated on?

I yield to the gentleman from Minnesota.

Mr. PETERSON. I thank the gentleman for yielding.

I think it points out that the regulations we have in place are working.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield myself an additional 1 minute.

Mr. PETERSON. In agriculture we only have jurisdiction over meat and about 20 percent of the food safety is under the jurisdiction of the Ag Department. If the FDA was anywhere near as competent as the USDA is in terms of inspections, we wouldn't have these problems. You know, frankly, the FDA should not be regulating this, the Department of Agriculture should be regulating it.

Mr. CONYERS. If you think that this bill should go further, then why would FDA need to have H.R. 3010 be made more likely to kill regulations that control jobs and health?

Mr. PETERSON. We're talking about a bigger issue here.

All this bill does is give folks a better chance to understand what's going on here. This whole food safety issue has been a big problem because people are off on tangents that don't have anything to do with reality. Hopefully with this new procedure, we're going to be able to more fully vet this so the public can understand what's going on here.

Salmonella exists in all kinds of products. It's going to be there, it's always going to be there no matter what you do. What you have to do is have a regime in place so you can determine the salmonella before it gets into the food supply.

I thank the gentleman for yielding.

Mr. SMITH of Texas. Mr. Chairman, first of all, I want to thank the gentleman from Minnesota for his comments.

I now yield 3 minutes to the gentleman from California (Mr. COSTA), also a member of the Ag Committee.

Mr. COSTA. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 3010, the Regulatory Accountability Act of 2011.

As a cosponsor of this legislation, I understand that this is not about eliminating existing regulations; it's about making sure that regulations do not eliminate the ability of businesses to thrive to create jobs in places like the San Joaquin Valley that I represent, especially during these difficult economic times.

Many major regulations can cost upwards of \$100 million dollars to the in-

dustries affected by the rule. But they also impact consumer costs as well. While business people in my district are carefully watching their bottom line, ill-advised regulations can hamper the ability to create jobs and get our economy going. So this legislation is also about jobs.

This legislation ensures that regulations are fully vetted before they are put in place. Despite the best intentions, we often see bureaucrats proposing rules without any practical knowledge of how they will work in the real world. H.R. 3010 guarantees that the business communities, farmers in my district can know, when regulations are being proposed, that they can have a seat at the table to explain how it would affect their work and be implemented.

This legislation, therefore, is also about transparency and accountability. Agencies would be required to provide information to the public about the potential economic impacts of the proposed regulations.

As the President said this September in his jobs speech, we should have no more regulation than the health and safety and the security of the American people require. Every rule should meet that commonsense test.

This legislation helps us ensure the executive branch regulations will meet that commonsense test. By modernizing our regulatory process, we can guarantee that regulations are enacted that truly are in the best interest of the public, the business, and the American people.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Georgia, HANK JOHNSON, a ranking subcommittee member in Judiciary.

The CHAIR. The gentleman is recognized for 2¼ minutes.

Mr. CONYERS. Would the gentleman yield to me for just a few seconds?

Mr. JOHNSON of Georgia. I yield to the gentleman from Michigan.

Mr. CONYERS. Would the gentleman from California tell me now or at some future time which health regulations he would like to get repealed or withdrawn?

Mr. COSTA. I don't think that I can give you a specific on a health regulation. I think what we're really talking about here is the impact of risk assessment versus risk management to ensure that we provide the best protection for health and safety when we implement regulations.

Mr. CONYERS. So you don't have any complaint against FDA at the present time?

Mr. COSTA. The current proposed rules, I mean some work better than others. Some are implemented better than others.

Mr. CONYERS. But you're okay with them?

Mr. COSTA. I think the current point that you made earlier about the proposed issue with regards to certain commodities show that the current regulatory system is working.

Mr. CONYERS. So you don't want to improve it?

Mr. COSTA. No. I want to ensure that we meet good standards and good tests, and this legislation, I think, does that.

Mr. CONYERS. I thank the gentleman for yielding.

The CHAIR. The gentleman has reclaimed his time.

Does the gentleman from Michigan now yield to the gentleman from Georgia?

Mr. CONYERS. Yes, sir.

The CHAIR. The gentleman from Georgia is now recognized for 1¼ minutes.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman. I rise in opposition to this bill, the Regulatory Accountability Act.

Instead of creating jobs, the Tea Party Republicans are assaulting the very regulations that keep us safe and promote fairness to consumers. I'm disturbed by this assault on regulations that protect health, safety, and well-being, and the financial well-being of 99 percent of Americans.

This majority, the Tea Party Republicans who, having been elected as a result of all of the secret money received from the Wall Street corporations during the 2008 elections, beyond any reasonable doubt are now clearly doing the bidding of these Wall Street corporate interests. They're doing the bidding of them by this kind of legislation that would remove the kinds of regulations that protect the health, safety, and well-being of 99 percent of the American people.

It's not fair. It's not right. No jobs are being created. This bill is a travesty.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

Our troubled economy forces many Americans to tighten their financial belts as they enter this holiday season. It is especially frustrating that the typical American worked more than 2 months, about 77 days, this year to pay for the cost of government regulations alone.

For the unemployed, the news is even worse. Official unemployment has hovered around 9 percent all year. When the unemployed and underemployed and those who no longer seek employment are counted, the effective unemployment rate reaches almost 16 percent.

□ 1010

But rather than add much-needed jobs to the economy, the Obama administration has only added job-killing regulations that burden businesses and stifle economic growth.

The administration counted 410 new major rules in its regulatory agendas for 2010 and 2011. Mr. Chairman, that is four times the number of major rules than during the first 2 years of the previous administration. In addition, the White House has reported to Congress that, for most new major rules issued

in 2010, the government failed to analyze both the costs and the benefits. Many more major regulations are now in the works, and there is no assurance that the administration will adequately consider their costs and benefits either.

The Regulatory Accountability Act provides the cure for this epidemic of regulatory costs. It is a bipartisan, bicameral piece of legislation that requires agencies to do a better job of determining whether new regulations are really needed; and when regulations are necessary, it requires agencies to find the lowest cost alternative to achieve its goals. In other words, you can still achieve the goals but in the least costly way possible.

The Regulatory Accountability Act will not stop Federal agencies from issuing needed regulations, but it will stop them from imposing unjustified regulatory costs. In conclusion, I urge my colleagues to support the bill, and I look forward to its final passage.

With that, I yield to the ranking member of the Judiciary Committee.

Mr. CONYERS. I thank the chairman for yielding to me because we want to acknowledge the committee's parliamentarian, Allison Halataei, on her last day of service to the committee.

Allie has been an expert on House and committee rules, has ruled fairly on all matters of legislation that fall within the committee's jurisdiction, and has been valuable to all the members on both sides of the aisle. We've come to rely on her excellent judgment and experience.

On behalf of the Democratic members of the committee, we wish her well in her future endeavors.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, I will add that Allie Halataei has also served us well on the Judiciary Committee for 6 years. She has been on my personal staff for 2 additional years. She has also been a deputy chief of staff for the full Judiciary Committee in addition to having served previously on the Immigration Subcommittee.

We value all of her expertise, her talents, her dedication, and her conscientiousness. All of those wonderful attributes are going to be missed, but we do wish her well in her next position.

Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I rise today to speak in support of this important legislation that will ensure that regulations governing the businesses in our communities are fair and reasonable.

H.R. 3010 will provide a number of benefits for businesses in our communities, while also protecting public health and safety. It ensures greater transparency in the regulatory process and greater scrutiny of the economic effect of regulation.

We all know how regulations are implemented can have a significant impact on our communities. For example, in my home district, there is a utility company that owns a percentage of a power plant in New Mexico that is subject to a standard on regional haze.

The state of New Mexico put together a plan to retrofit this power plant and others within the state to meet the clean air standards using one type of technology. In the meantime, the EPA also put together a plan to meet the exact same standard. However, EPA's plan uses a different kind of technology to meet this standard, one that costs ten times more. If this rule gets published, this plant will be required to use EPA's plan, ultimately costing each of my constituents up to 700 dollars over the life of this project to achieve the exact same standard that New Mexico's plan meets.

Under H.R. 3010, nonsensical requirements like this cannot be made, because it forces the agency to use the least costly alternative to meeting a standard.

While I do have significant concerns with how this bill is paid for, the importance of ensuring that regulations provide more benefit than burden to our citizens leads me to ultimately support it. However, should this bill pass the House today and the Senate consider it, I ask that the Senate change the pay for and ensure that no voters are disenfranchised in return for greater transparency in the regulatory process.

Mr. Chairman, I urge my colleagues to support this bill and ensure a more common sense, transparent and fair regulatory process.

The CHAIR. All time for general debate has expired.

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. 3010

*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 "Regulatory Accountability Act of 2011".*

**SEC. 2. DEFINITIONS.**

*Section 551 of title 5, United States Code, is amended—*

*(1) in paragraph (13), by striking "and" at the end;*

*(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and*

*(3) by adding at the end the following:*

*"(15) 'major rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—*

*“(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;*

*“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or tribal government agencies, or geographic regions;*

*“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or*

*“(D) significant impacts on multiple sectors of the economy;*

*“(16) 'high-impact rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose an annual cost on the economy of \$1,000,000,000 or more, adjusted annually for inflation;*

*“(17) 'guidance' means an agency statement of general applicability and future effect, other*

than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

“(18) ‘major guidance’ means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

“(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local or tribal government agencies, or geographic regions;

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(D) significant impacts on multiple sectors of the economy;

“(19) the ‘Information Quality Act’ means section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies pursuant to the Act; and

“(20) the ‘Office of Information and Regulatory Affairs’ means the office established under section 3503 of chapter 35 of title 44 and any successor to that office.”.

### SEC. 3. RULE MAKING.

(a) Section 553(a) of title 5, United States Code, is amended by striking “(a) This section applies” and inserting “(a) APPLICABILITY.—This section applies”.

(b) Section 553 of title 5, United States Code, is amended by striking subsections (b) through (e) and inserting the following:

“(b) RULE MAKING CONSIDERATIONS.—In a rule making, an agency shall make all preliminary and final factual determinations based on evidence and consider, in addition to other applicable considerations, the following:

“(1) The legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making.

“(2) Other statutory considerations applicable to whether the agency can or should propose a rule or undertake other agency action.

“(3) The specific nature and significance of the problem the agency may address with a rule (including the degree and nature of risks the problem poses and the priority of addressing those risks compared to other matters or activities within the agency’s jurisdiction), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

“(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

“(5) Any reasonable alternatives for a new rule or other response identified by the agency or interested persons, including not only responses that mandate particular conduct or manners of compliance, but also—

“(A) the alternative of no Federal response;

“(B) amending or rescinding existing rules;

“(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken in lieu of agency action; and

“(D) potential responses that—

“(i) specify performance objectives rather than conduct or manners of compliance;

“(ii) establish economic incentives to encourage desired behavior;

“(iii) provide information upon which choices can be made by the public; or

“(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance.

“(6) Notwithstanding any other provision of law—

“(A) the potential costs and benefits associated with potential alternative rules and other responses considered under section 553(b)(5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs, economic growth, innovation, and economic competitiveness;

“(B) means to increase the cost-effectiveness of any Federal response; and

“(C) incentives for innovation, consistency, predictability, lower costs of enforcement and compliance (to government entities, regulated entities, and the public), and flexibility.

“(c) ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES, HIGH-IMPACT RULES, AND RULES INVOLVING NOVEL LEGAL OR POLICY ISSUES.—In the case of a rule making for a major rule or high-impact rule or a rule that involves a novel legal or policy issue arising out of statutory mandates, not later than 90 days before a notice of proposed rule making is published in the Federal Register, an agency shall publish advance notice of proposed rule making in the Federal Register. In publishing such advance notice, the agency shall—

“(1) include a written statement identifying, at a minimum—

“(A) the nature and significance of the problem the agency may address with a rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

“(B) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making;

“(C) preliminary information available to the agency concerning the other considerations specified in subsection (b); and

“(D) in the case of a rule that involves a novel legal or policy issue arising out of statutory mandates, the nature of and potential reasons to adopt the novel legal or policy position upon which the agency may base a proposed rule;

“(2) solicit written data, views or argument from interested persons concerning the information and issues addressed in the advance notice; and

“(3) provide for a period of not fewer than 60 days for interested persons to submit such written data, views, or argument to the agency.

“(d) NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.—(1) Before it determines to propose a rule, and following completion of procedures under subsection (c), if applicable, the agency shall consult with the Administrator of the Office of Information and Regulatory Affairs. If the agency thereafter determines to propose a rule, the agency shall publish a notice of proposed rule making, which shall include—

“(A) a statement of the time, place, and nature of public rule making proceedings;

“(B) reference to the legal authority under which the rule is proposed;

“(C) the terms of the proposed rule;

“(D) a description of information known to the agency on the subject and issues of the proposed rule, including but not limited to—

“(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

“(ii) a summary of additional information the agency provided to and obtained from interested persons under subsection (c);

“(iii) a summary of any preliminary risk assessment or regulatory impact analysis performed by the agency; and

“(iv) information specifically identifying all data, studies, models, and other evidence or information considered or used by the agency in connection with its determination to propose the rule;

“(E)(i) a reasoned preliminary determination of need for the rule based on the information described under subparagraph (D); and

“(ii) an additional statement of whether a rule is required by statute;

“(F) a reasoned preliminary determination that the benefits of the proposed rule meet the relevant statutory objectives and justify the costs of the proposed rule (including all costs to be considered under subsection (b)(6)), based on the information described under subparagraph (D);

“(G) a discussion of—

“(i) the alternatives to the proposed rule, and other alternative responses, considered by the agency under subsection (b);

“(ii) the costs and benefits of those alternatives (including all costs to be considered under subsection (b)(6));

“(iii) whether those alternatives meet relevant statutory objectives; and

“(iv) why the agency did not propose any of those alternatives; and

“(H)(i) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule; and

“(ii) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information prepared or described by the agency under subparagraph (D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public’s use when the notice of proposed rule making is published.

“(2)(A) If the agency undertakes procedures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, publish a notice of determination of other agency course. A notice of determination of other agency course shall include information required by paragraph (1)(D) to be included in a notice of proposed rule making and a description of the alternative response the agency determined to adopt.

“(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public by electronic means and otherwise for the public’s use when the notice of determination is published.

“(3) After notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation, except that—

“(A) if a hearing is required under paragraph (4)(B) or subsection (e), opportunity for oral presentation shall be provided pursuant to that requirement; or

“(B) when other than under subsection (e) of this section rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and paragraph (4), the requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).

“(4)(A) Within 30 days of publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act.

“(B)(i) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

“(ii) If the agency does not resolve the petition under the procedures of clause (i), it shall grant any such petition that presents a prima facie case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a prima facie case.

“(C) There shall be no judicial review of the agency’s disposition of issues considered and decided or determined under subparagraph (B)(ii) until judicial review of the agency’s final action. There shall be no judicial review of an agency’s determination to withdraw a proposed rule under subparagraph (B)(i) on the basis of the petition.

“(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

“(e) HEARINGS FOR HIGH-IMPACT RULES.—Following notice of a proposed rule making, receipt of comments on the proposed rule, and any hearing held under subsection (d)(4), and before adoption of any high-impact rule, the agency shall hold a hearing in accordance with sections 556 and 557, unless such hearing is waived by all participants in the rule making other than the agency. The agency shall provide a reasonable opportunity for cross-examination at such hearing. The hearing shall be limited to the following issues of fact, except that participants at the hearing other than the agency may waive determination of any such issue:

“(1) Whether the agency’s asserted factual predicate for the rule is supported by the evidence.

“(2) Whether there is an alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost (including all costs to be considered under subsection (b)(6)) than the proposed rule.

“(3) If there is more than one alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives at the lowest cost.

“(4) Whether, if the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

“(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

“(6) Upon petition by an interested person who has participated in the rule making, other issues relevant to the rule making, unless the agency determines that consideration of the issues at the hearing would not advance consideration of the rule or would, in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall grant or deny a petition under this paragraph within 30 days of its receipt of the petition.

No later than 45 days before any hearing held under this subsection or sections 556 and 557, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4)(B).

“(f) FINAL RULES.—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

“(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the rule.

“(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule considered during the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

“(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if the additional benefits of the more costly rule justify its additional costs and only if the agency explains its reason for doing so based on interests of public health, safety or welfare that are clearly within the scope of the statutory provision authorizing the rule.

“(4) When it adopts a final rule, the agency shall publish a notice of final rule making. The notice shall include—

“(A) a concise, general statement of the rule’s basis and purpose;

“(B) the agency’s reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute and a summary of any final risk assessment or regulatory impact analysis prepared by the agency;

“(C) the agency’s reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule’s costs (including all costs to be considered under subsection (b)(6));

“(D) the agency’s reasoned final determination not to adopt any of the alternatives to the proposed rule considered by the agency during the rule making, including—

“(i) the agency’s reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs (including all costs to be considered under subsection (b)(6)) than the rule; or

“(ii) the agency’s reasoned determination that its adoption of a more costly rule complies with subsection (f)(3)(B);

“(E) the agency’s reasoned final determination—

“(i) that existing rules have not created or contributed to the problem the agency seeks to address with the rule; or

“(ii) that existing rules have created or contributed to the problem the agency seeks to address with the rule, and, if so—

“(1) why amendment or rescission of such existing rules is not alone sufficient to respond to the problem; and

“(II) whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule;

“(F) the agency’s reasoned final determination that the evidence and other information upon which the agency bases the rule complies with the Information Quality Act; and

“(G)(i) for any major rule or high-impact rule, the agency’s plan for review of the rule no less than every ten years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the rule’s benefits continue to justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives.

“(ii) review of a rule under a plan required by clause (i) of this subparagraph shall take into account the factors and criteria set forth in subsections (b) through (f) of section 553 of this title.

All information considered by the agency in connection with its adoption of the rule, and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the rule and made accessible to the public for the public’s use no later than when the rule is adopted.

“(g) EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.—(1) Except when notice or hearing is required by statute, the following do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice:

“(A) Subsections (c) through (e).

“(B) Paragraphs (1) through (3) of subsection (f).

“(C) Subparagraphs (B) through (H) of subsection (f)(4).

“(2)(A) When the agency for good cause, based upon evidence, finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule is impracticable or contrary to the public interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency’s adoption of an interim rule.

“(B) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings that comply fully with subsections (d) through (f) of this section immediately upon publication of the interim rule, shall treat the publication of the interim rule as publication of a notice of proposed rule making and shall not be required to issue supplemental notice other than to complete full compliance with subsection (d). No less than 270 days from publication of the interim rule (or 18 months in the case of a major rule or high-impact rule), the agency shall complete rule making under subsections (d) through (f) of this subsection and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action, the interim rule will cease to have the effect of law.

“(C) Other than in cases involving interests of national security, upon the agency’s publication of an interim rule without compliance with subsections (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested party may seek immediate judicial review under chapter 7 of this title of the agency’s determination to adopt such interim rule. The record on such review shall include all documents and information considered by the agency and any additional information presented by a party that the court determines necessary to consider to assure justice.

“(3) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued)

that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct a de minimis technical or clerical error in a previously issued rule or for other noncontroversial purposes, the agency may publish a rule without compliance with subsections (c), (d), (e), or (f)(1)-(3) and (f)(4)(B)-(F). If the agency receives significant adverse comment within 60 days after publication of the rule, it shall treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

“(h) **ADDITIONAL REQUIREMENTS FOR HEARINGS.**—When a hearing is required under subsection (e) or is otherwise required by statute or at the agency’s discretion before adoption of a rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule’s adoption.

“(i) **DATE OF PUBLICATION OF RULE.**—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

“(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

“(2) interpretive rules and statements of policy; or

“(3) as otherwise provided by the agency for good cause found and published with the rule.

“(j) **RIGHT TO PETITION.**—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

“(k) **RULE MAKING GUIDELINES.**—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues or issues related to risk that are relevant to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator’s determination, with the economic impact of the rule.

“(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under paragraph (1)(A) of this subsection.

“(2) The Administrator of the Office of Information and Regulatory Affairs shall also issue guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and otherwise. Such guidelines shall assure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

“(3) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

“(A) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

“(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for cross-examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

“(4) The Administrator of the Office of Information and Regulatory Affairs shall issue

guidelines pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator’s specific determinations regarding agency compliance with such guidelines, shall be entitled to judicial deference.

“(l) **INCLUSION IN THE RECORD OF CERTAIN DOCUMENTS AND INFORMATION.**—The agency shall include in the record for a rule making, and shall make available by electronic means and otherwise, all documents and information prepared or considered by the agency during the proceeding, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by that Office during consultation with the Agency.

“(m) **MONETARY POLICY EXEMPTION.**—Nothing in subsection (b)(6), subparagraphs (F) and (G) of subsection (d)(1), subsection (e), subsection (f)(3), and subparagraphs (C) and (D) of subsection (f)(5) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”

**SEC. 4. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.**

(a) **IN GENERAL.**—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following new section:

**“§553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance**

“(a) Before issuing any major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, an agency shall—

“(1) make and document a reasoned determination that—

“(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions (including any statutory deadlines for agency action);

“(B) summarizes the evidence and data on which the agency will base the guidance;

“(C) identifies the costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) of conduct conforming to such guidance and assures that such benefits justify such costs; and

“(D) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) and explains why the agency rejected those alternatives; and

“(2) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of such guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or practices of other agencies, does not produce costs that are unjustified by the guidance’s benefits, and is otherwise appropriate.

Upon issuing major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, the agency shall publish the documentation required by subparagraph (1) by electronic means and otherwise.

“(b) Agency guidance—

“(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

“(2) shall state in a plain, prominent and permanent manner that it is not legally binding; and

“(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public by electronic means and otherwise.

Agencies shall avoid the issuance of guidance that is inconsistent or incompatible with, or du-

plicative of, the agency’s governing statutes or regulations, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

“(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, the law, its other regulations, or the regulations of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance.”

**SEC. 5. HEARINGS; PRESIDING EMPLOYEES; POWERS AND DUTIES; BURDEN OF PROOF; EVIDENCE; RECORD AS BASIS OF DECISION.**

Section 556 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

“(e)(1) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 and shall be made available to the parties and the public by electronic means and, upon payment of lawfully prescribed costs, otherwise. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

“(2) Notwithstanding paragraph (1) of this subsection, in a proceeding held under this section pursuant to section 553(d)(4) or 553(e), the record for decision shall also include any information that is part of the record of proceedings under section 553.

“(f) When an agency conducts rule making under this section and section 557 directly after concluding proceedings upon an advance notice of proposed rule making under section 553(c), the matters to be considered and determinations to be made shall include, among other relevant matters and determinations, the matters and determinations described in subsections (b) and (f) of section 553.

“(g) Upon receipt of a petition for a hearing under this section, the agency shall grant the petition in the case of any major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would, in light of the need for agency action, unreasonably delay completion of the rule making. The agency shall publish its decision to grant or deny the petition when it renders the decision, including an explanation of the grounds for decision. The information contained in the petition shall in all cases be included in the administrative record. This subsection shall not apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”

**SEC. 6. ACTIONS REVIEWABLE.**

Section 704 of title 5, United States Code, is amended—

(1) by striking “Agency action made” and inserting “(a) Agency action made”; and

(2) by adding at the end the following: “Denial by an agency of a correction request or, where administrative appeal is provided for, denial of an appeal, under an administrative mechanism described in subsection (b)(2)(B) of the Information Quality Act, or the failure of an agency within 90 days to grant or deny such

request or appeal, shall be final action for purposes of this section.

“(b) Other than in cases involving interests of national security, notwithstanding subsection (a) of this section, upon the agency’s publication of an interim rule without compliance with section 553(c), (d), or (e) or requirements to render final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency’s determination to adopt such rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with section 553(c), (d), or (e) or without rendering final determinations under subsection (f) of section 553.”.

#### SEC. 7. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking “To the extent necessary” and inserting “(a) To the extent necessary”;

(2) in paragraph (2)(A) of subsection (a) (as designated by paragraph (1) of this section), by inserting after “in accordance with law” the following: “(including the Information Quality Act)”; and

(3) by adding at the end the following:

“(b) The court shall not defer to the agency’s—

“(1) interpretation of an agency rule if the agency did not comply with the procedures of section 553 or sections 556-557 of chapter 5 of this title to issue the interpretation;

“(2) determination of the costs and benefits or other economic or risk assessment of the action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k);

“(3) determinations made in the adoption of an interim rule; or

“(4) guidance.

“(c) The court shall review agency denials of petitions under section 553(e)(6) or any other petition for a hearing under sections 556 and 557 for abuse of agency discretion.”.

#### SEC. 8. ADDED DEFINITION.

Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end, and inserting “; and”; and

(3) by adding at the end the following:

“(3) ‘substantial evidence’ means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.”.

#### SEC. 9. EFFECTIVE DATE.

The amendments made by this Act to—

(1) sections 553, 556, and 704 of title 5, United States Code;

(2) subsection (b) of section 701 of such title;

(3) paragraphs (2) and (3) of section 706(b) of such title; and

(4) subsection (c) of section 706 of such title; shall not apply to any rule makings pending or completed on the date of enactment of this Act.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of House Report 112-296. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amend-

ment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. MOORE

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112-296.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 20, insert the following and redesignate provisions accordingly:

“(4) Whether the problem the agency may address with agency action disproportionately impacts certain vulnerable subpopulations including individuals whose income is below 200% of the poverty line, individuals who are aged 65 and older, and individuals who are veterans, and whether that impact would be mitigated through new agency action.”.

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, my amendment to H.R. 3010 is quite simple. It would ensure that an executive agency takes into account the needs of our Nation’s most vulnerable, at-risk subpopulations, including veterans, low-income individuals, and the elderly, when considering new action. This so-called Regulatory Accountability Act would undermine at least 25 health and safety rules, which would have a disparate impact on the subpopulations.

The authors of this bill continue this sideshow by bringing bill after bill to this House floor, claiming that they will create jobs by limiting the size and scope and reach of government and by repealing regulations that help and protect millions of Americans—balancing profit over people. Like magicians, they try to convince the American public with sleight of hand and deception that the cost to industry far outweighs the cost of health and safety protections.

Once we get past all of the flashing lights, smoke, and glitter, we see that this bill, like others, that we’re considering today is just no different, Mr. Chair.

H.R. 3010 would do far more than simply “modify” the executive rulemaking process. It would require agencies to adopt the least costly regulations—a race to the bottom—instead of taking the most protective steps necessary to ensure the health and safety of Americans, especially those who are most vulnerable. It would add dozens of new procedural hurdles without any promise of additional resources. It would tie up agency action for years when we know that so many Americans desperately need help right now.

These tough economic times are hard for everyone, especially those who are disproportionately affected by the economic crisis. We no longer have times for tricks, illusions, or silly gags. Study after study shows us that low-in-

come communities live in the most toxic areas of our country. We must stop this bribery, trickery, and we must come back to reality.

We must agree that it is good policy for executive agencies to consider our Nation’s veterans, who, according to the Bureau of Labor Statistics, face an 11.7 percent unemployment rate, substantially higher than the national average. We must consider the disproportionately damaging health effects that air pollutants have on our low-income communities, on people who can’t afford to move to wealthier areas, as the EPA considers implementing provisions in the bipartisan Clean Air Act. We also must agree that the executive branch take into account the needs of our Nation’s seniors, who have become the subject of a dangerous debate in Washington over the future of entitlement programs.

It’s time to put down the magic wands, to pick up our voting cards and support legislation that protects the least of these.

I would urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Thank you.

President Obama has really curtailed more regulations than George W. Bush, so it is really mistaken that this President has not taken into account the needs of industry; but I think that when you get to a point at which you just want to abolish all regulations in favor of the so-called bottom line, then someone has to draw the line. I think that this amendment draws the line at subjecting those people who are particularly vulnerable—seniors, veterans, and those of low-income—to air pollutants.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

This amendment, regrettably, seeks special consideration in rulemaking for a handful of groups; but the bill seeks to declare no favorites and gives no special policy treatment to any group. Instead, the bill creates an even-handed procedural reform that benefits all groups with greater transparency, accountability, and public participation in rulemaking.

Perhaps the amendment is motivated by a concern that regulatory outcomes not shortchange the needs of seniors, veterans, and lower income families; but the bill already assures that these groups and all others will obtain the protection they need.

The bill always allows agencies to achieve the regulatory objectives that Congress has set. Generally, if an agency can reach the goal with a lower cost

regulation, though, of course it should; but if a costlier regulation is needed to protect the public health, safety, or welfare, including protecting seniors, veterans, and low-income families, the agency can adopt that regulation.

□ 1020

The agency just needs to show that the benefits justify the additional costs and the interests protected fall within the scope of the statutory provision that authorizes the rule.

In this reasonable, balanced way, the bill guarantees statutory objectives will be met while we at least achieve real regulatory cost control. That is a win/win solution for everyone in every group.

The Federal Government does not always need to do something more costly for special groups. It needs to always do something more cost-effective for everyone. I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Ms. MOORE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. OLSON

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112-296.

Mr. OLSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 3, insert after "estimated impacts on jobs" the following: "(including an estimate of the net gain or loss in domestic jobs)".

The CHAIR. Pursuant to House Resolution 477, the gentleman from Texas (Mr. OLSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. OLSON. Mr. Chairman, I yield myself such time as I may consume.

My amendment clarifies one of the provisions in H.R. 3010 regarding rule-making.

The bill before the House states that when making a rule, an agency shall consider potential costs and benefits associated with proposed rules, including direct, indirect, cumulative costs and benefits, and estimated impacts on American jobs.

My commonsense amendment specifies that the agency proposing the rule shall, and this is a quote from the amendment, "estimate the net gain or loss in domestic jobs" in their jobs impact analysis.

My amendment will ensure that the public has a full understanding of the

real impact to American workers before the proposed rule becomes effective. At a time of record unemployment, we must properly balance Federal regulations to minimize job losses before these jobs leave our shores.

This will not, will not, stop Federal agencies from issuing needed regulations, but it will stop them from imposing unjustified and unintended regulatory costs without informing the American people how these regulations will impact jobs right here in the United States of America.

While regulations are necessary, when they are necessary my amendment requires agencies to find the lowest-cost alternative to achieve the regulatory goals.

I thank my fellow Texan, Chairman SMITH, for his support of my amendment, and I ask my colleagues to support it as well.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. My good friend from Texas has introduced an amendment that I wish all of us could have joined with, as well as Mr. JOHNSON's amendment that was not allowed in order.

We've made a complaint not necessarily on one amendment but on this underlying bill. And the amendment now adds yet another analytical requirement to the already numerous analytical requirements of H.R. 3010.

I would have liked to have joined Mr. OLSON on making this just a job creation amendment, or a job creation bill. But part of the bill's super mandate overrides existing statutes like the Clean Water Act, the Clean Air Act, and the Occupational Safety and Health Act, all of which reflect bipartisan legislative agreement to prohibit or limit consideration of costs in the rulemaking process.

While I certainly agree with the idea of net job creation, H.R. 3010 does absolutely nothing to create jobs with or without the addition of this analytical requirement.

We can't cure this bill, and we might have been able to do so with an amendment by Mr. JOHNSON that exempts all rules that result in job growth. After all, it was allowed for H.R. 527, the other bill that we are considering today. I don't know why we can't come together, as some would say, and put forward bipartisan amendments that talk about creating jobs.

With that, I yield back the balance of my time.

Mr. OLSON. Mr. Chairman, I appreciate the comments of my colleague from Houston, Texas.

I wish this amendment was not necessary, but with the current administration, the regulatory environment has gotten out of control. The best example is the Environmental Protection Agency and all the rules and regulations they have imposed upon the oil

and gas industry and the power industry in the State of Texas.

The best example of that is testimony from the administrator herself right here on Capitol Hill. When asked if she can survey the sort of job loss and impact on jobs from the regulations, she said no, not our business.

That's wrong. If the agency is going to propose changes to some regulatory rule, they need to let the American people how it's going to impact the jobs right here at home.

Again, it's a commonsense amendment. I urge my colleagues to support it.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. OLSON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112-296.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 19, strike "shall" and insert "may, if the agency determines appropriate,".

The CHAIR. Pursuant to House Resolution 477, the gentleman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I wish today was spent really dealing with job creation rather than diminishing the social safety net for the American people, something that we fought long and hard for.

But let me give you some good news. The unemployment has dropped to approximately 8.9 percent, I believe, or a little bit less. It means the country's economy is going in the right direction, and the time that we're spending on the floor on these bills is a job killer.

We'd much rather have spent our time passing the American Jobs Act, putting money in investment and infrastructure, rehiring firefighters, teachers, and law enforcement officers, and certainly we don't need to jeopardize this little baby's future with thwarting the opportunity for making sure food safety regulations are unfettered on behalf of the American people.

My amendment is a simple clarification. The way the rules exist today is that the agency, in its wisdom, thinking about the safety and security of the American people, food safety, the environment, clean air, clean water, has the right, the discretion to give preliminary 90-day notice.

What do we do in this bill? We demand that the agency give a 90-day notice in order to propose a rule, and

prior to having it published in the Federal Register. My friends, there is no doubt that rulemaking is complex, but in many times rulemaking requires quick action. All my amendment does is put back in the discretion of the agency to determine whether they can have a 90-day notice.

The GOP claims that slashing regulations is the way to create jobs. Well, let me tell you what President Reagan and what President G.H.W. Bush said. As for the idea that cutting regulations will lead to significant job growth, Bruce Bartlett said in an interview, it's just nonsense, it's just made up.

Bruce Bartlett was the economic adviser under Presidents Reagan and G.H.W. Bush. Indeed, as BLS data show, in 2010, only 0.3 percent of people who lost their jobs in layoffs were let go because of government regulation, intervention. But I will tell you this, this little one's life will be in jeopardy because of the intrusive and excessive 60-step process that these legislative initiatives are requiring.

□ 1030

Someone would say hogwash. The GOP claim that there has been a tsunami of regulations under President Obama is also a myth. It is simply a myth.

I ask my colleagues to support the amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Let me just expand on this point regarding President Obama.

This administration has approved fewer regulations than the predecessor, George W. Bush, at this same point in their tenures. Furthermore, Bloomberg finds that the average annual cost of regulations under President Obama at about \$7 billion to \$10 billion is close to the average around the costs from 1981 to 2008.

This GOP bill kills rulemaking in favor of special interests. Sixty new analytical steps, can you imagine? You will be bogged down spending money and using government time and using the taxpayers' dollars to keep from protecting them; to keep from protecting this innocent child; to keep from protecting children with asthma; to keep from protecting people who need to have clean water; to keep from protecting those who need to have, if you will, a food safety requirement that keeps them from being impacted by E. coli.

How "unsensible," if I can use a word in quotes, is that? As the Coalition for Sensible Safeguards says, which includes Consumer Federation of America, this bill will make it virtually im-

possible for Federal agencies to ensure that American families are protected from tainted food, unsafe drugs, predatory financial schemes, dirty air and water, and dangerous workplaces.

Give us a break. Let us follow in the footsteps of President Bush, President Reagan, and our predecessor President Bush and realize that this regulatory scheme is broken.

Pass the Jackson Lee amendment and save lives, and let's celebrate that unemployment is going down and find a way to create jobs.

Mr. Chair, I rise today in support of my amendment to H.R. 3010 the "Regulatory Accountability Act of 2011," which would amend the Administrative Procedure Act. This bill would require all agencies to adopt the least costly rule by formally codifying the cost benefit analysis process. The bill also overrides existing statutory standards in laws such as the Clean Air Act, Clean Water Act, and the Occupational Safety and Health Act. In addition, this measure will significantly slow the regulatory process, increase costs, and burden an already taxed judicial system.

My amendment would allow a federal agency to use their discretion to determine whether to provided advanced notice, not later than 90 days, of a proposed rule prior to it being published in the Federal Register. As it has not been found that agencies have been dilatory in using their discretion. And in fact, there are times when it would be unnecessary.

My colleagues on the other side of the aisle have provided no solid justification for the bill's inflexible mandate that would require an agency to issue an advance notice of proposed rulemaking, ANPRM, as part of the rulemaking proceeding for any major rule or high-impact rule. Agencies are in the best position to be able to determine the relative benefits and burdens of utilizing ANPRMs. I ask will this new rule create jobs?

As my Republican colleagues are often raising concerns about the never ending bureaucracy in Washington. This bill adds more than 60 new procedural and analytical requirements to the agency rulemaking process. This would include currently nonexempt rulemaking. In addition, the bill extends the timeframe required to complete legal consideration of an agency proposed rule. This measure is a blatant attempt to delay the rulemaking process and the final implementation of agency rules. Well if as many jobs were created as red tape will be created by this piece of legislation then every American would have a job and one waiting in reserve.

This measure calls for Judicial Review of every significant Executive Branch activity and functions. I have been serving as member of this governing body since 1995, and oversight of the Executive Branch is exactly what Congress does. In fact, one of the primary functions of a Congressional Committee is to provide oversight.

If the Judicial Branch were required to proactively approve every federal rule, it would be extremely time consuming. The Administrative agencies are made up of experts in their respective fields. Many of the regulations that administrative agencies enact are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of the Judiciary to become adequately acquainted with each issue

being proposed by each Federal agency would certainly be more productive if channeled into efforts to effect the change that Americans want.

As we consider this rule, it is important that we not forget that federal agencies have their own oversight process in place to ensure that proposed regulations are thoroughly vetted. For every proposed regulation, agencies are required to issue a notice of proposed rulemakings to the industry and market over which they regulate. Those entities then comment on the rules, and they go through many rounds of changes before a final order is enacted.

Rulemaking takes years, and input from all relevant stakeholders is regularly solicited and received. Delays during the rulemaking process are already created by stakeholders and other branches of government. The reality is that the rulemaking process is already hampered by those whose sole intent is to water down or prevent rules they oppose. Additional delays only hurt Americans.

According to a recent report by the Public Citizen delays of OSHA regulations contributed to 100,000 work place injuries, 10,000 cases of work-related illness, and hundreds of workplace fatalities. Promulgating regulations save lives

Furthermore, rules enacted by Federal agencies are subject to Congressional oversight and review, and must meet standards of Judicial review. Arguably, rules and regulation issued by Federal agencies go through just as much, if not more, review as bills considered and passed by this body.

Implementing this rule would create an expanded use of formal rulemaking that will effectively prevent needed public health and safety rules, in addition to an expanded and less deferential judicial review process that will lead to endless litigation without enhancing due process. Instead of debating about oversight authority that Congress already has, we should be focusing on the issues that most concern the American people, particularly, creating jobs.

Collectively, the procedural and analytical requirements added by this bill would be enormously burdensome. The task of deliberating on, seeking consensus on, and drafting the numerous recitals that would be added to the rulemaking process would draw heavily on agency resources—a matter that should be of special concern at the present moment, when agencies are facing and will continue to face severe budget pressures. Increasing the time needed to accomplish rulemaking would not only be costly but also would tend to leave stakeholders (including businesses large and small) less able to plan effectively for the future. Not only new regulations, but amendments or rescissions of rules could be deterred by the additional expense and complexity that would be added to the process.

Enforcement of these requirements on judicial review is available to regulatory proponents and regulatory opponents alike, adding to the burden of defensive lawyering agencies must carry. Thus, both affirmative regulation and deregulation may be impeded. As our country rebounds from one of most severe economic downturns in our history, it is imperative that we make decisions that will enable our economy to grow and, most importantly, create jobs.



We should be using our judgment in a manner that would create American jobs by comprehensively reforming our broken immigration system. We should be working to implement an orderly process for immigration that eases the burden on employers, improves documentation, and compliments our enforcement efforts to make them more effective.

Healthy market competition not only protects consumers, but will help our economy to prosper. Congress should be examining the consolidation taking place in certain industries to ensure healthy competition is alive and thriving. America is a free enterprise society, and small businesses are part of the backbone of our economy, employing a vast portion of Americans. We should be ensuring that any consolidation taking place in the marketplace does not push out small businesses and render them unable to compete.

In the last couple of years, some sweeping mergers and acquisitions have taken place. Just recently, it was reported that 500 jobs are being cut as a result of last year's United—Continental merger. As we face a high unemployment rate, and Americans struggle to make ends meet, every job counts. We should be investigating the outcomes of mergers such as United—Continental, amongst others, to ensure that no more precious jobs are being lost.

Many of my colleagues on the other side of the aisle have stood up here and emphasized the importance of jobs for American workers—especially in the context of immigration debates. However, one of the largest contributors to the lack of employment opportunities here in American is the outsourcing of jobs to other countries where the labor is less expensive. We should be focusing our efforts on ways to return outsourced jobs to American soil.

In addition to jobs, the safety of the American people should be a priority. We should be spending time ensuring our prisons are safe. According to the Federal Bureau of Prisons, federal prisons now house more convicted international and domestic terrorists than the Guantanamo Bay detention camp. To ensure the safety and security of our prisons, the ratio of employees to inmates is key. Hiring freezes within the Federal Bureau of Prisons coupled with rising inmate populations has the potential to negatively affect this critical ratio, and therefore threaten the safety and security of our prisons. By addressing the employee to inmate ratio, we are securing our Nation and creating more jobs for America.

Bottom line, the judicial branch has a large responsibility. They carry on their shoulders the needs of the American people. We should not further burden the Judiciary with the work that an entire branch of government has already been commissioned to do, especially since Congress still has oversight authority.

For each one of us, the needs of the constituents in our districts should be our priority. The needs of the American people as a whole should be our priority. And for these reasons, I urge my colleagues to support my amendment to H.R. 3010.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

One problem in rulemaking is the practice of agencies to negotiate regulations behind closed doors with a few interested parties, then propose and adopt a predetermined rule.

To help cure this problem, the bill requires advanced notice of major and high-impact rules that agencies may propose. These are the rules that cost \$100 million or \$1 billion or more respectively.

The advance notice requirement ensures that those who bear the costs of these high-cost regulations have an opportunity to shape agency decisions before they become entrenched in predetermined rulemaking proposals. It also dramatically increases the transparency of the most important agency rulemakings; and, of course, if emergency rules were needed, advance notice may be waived.

The amendment, on the other hand, makes advance notice discretionary, not mandatory, with the agencies. That guarantees that advance notice will rarely be used. It eliminates much needed transparency, and it only helps those who negotiate rules behind closed doors, then ram deals through the rulemaking process, ignoring public comment.

The amendment may arise from a concern that advance notice not unduly slow down emergency rules. If that is the case, there is no need for concern. Like the existing Administrative Procedure Act, the bill allows agencies to issue emergency rules before they complete ordinary procedure.

I urge my colleagues to oppose the amendment. It hurts the bill. It hurts the process.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

It is the Chair's understanding that amendment No. 4 will not be offered.

AMENDMENT NO. 5 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112–296.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, insert after line 19 the following, and redesignate provisions accordingly:

**SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.**

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

**“§ 553b. Exemption for certain rules and guidance**

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final

rule, or guidance that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2011, shall continue to apply, after such enactment, to any such proposed rule, final rule, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules and guidance.”.

The CHAIR. Pursuant to House Resolution 477, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Thank you, Mr. Chairman.

H.R. 3010, seductively titled the Regulatory Accountability Act, would block every single new or pending Federal regulation, including those regulations which Congress has already directed agencies to write. This bill would neuter the Dodd-Frank Wall Street reforms protecting consumers; it would block tougher food safety oversight responding to last year's salmonella outbreak; and it would gut public health laws, jeopardizing clean air and water and workplace safety. It would effectively repeal 25 separate public health, consumer protection, and environmental laws Congress has already passed. No wonder the Statement of Administration Policy noted that the President would veto the bill if passed.

With this legislation, the House Republican leadership has now attempted to pass more than 170 pieces of legislation, riders and amendments to attack public health and the environment; but H.R. 3010's impacts would not stop here.

The Consumer Financial Protection Bureau and Securities and Exchange Commission would not be able to implement consumer protections mandated by law, including commonsense rules like prohibiting investment banks from betting against their own clients on the stock market. The EPA would not be able to complete the toxic air pollution control rule which Congress directed it to implement 21 years ago. Our regulatory system already is so slow that this critical public health standard, which would reduce mercury and arsenic pollution, has been taking since 1990 to develop. Apparently taking two decades to limit mercury pollution is much too fast for the sponsors of this bill.

This bill uses seemingly innocuous requirements to create a tangle of red tape so thick that it would be impossible for any Federal agency, frankly, to issue meaningful regulations ever again.

This bill uses several clever provisions to create regulatory gridlock. The first seems harmless. It requires

□ 1040

agencies to use the lowest-cost requirement when issuing regulations. It directs agencies to consider alternative regulatory approaches proposed by industry. This model emulates the structure of the Toxic Substances Control Act, which provides a case study for failed environmental legislation. Like this bill, the Toxic Substances Act requires regulations to adhere to the lowest-cost solution. What's wrong with that?

For this reason, polluters have been successful in challenging almost every proposed regulation on the premise that there are lower-cost alternatives. For example, asbestos. Despite its well-documented health hazard as a known carcinogen, it's still legal to use asbestos in America unlike in 50 other advanced countries, because asbestos manufacturers challenged the EPA's ban on asbestos and won the case in court when they showed that prohibiting asbestos was not the lowest-cost regulatory option.

The Toxic Substances Act is so ineffective that in its 35 years, a mere five of 22,000 potentially toxic chemicals have actually been regulated under its authority. This bill would require regulatory agencies to analyze every single alternative proposed by industry—a Sisyphean task that would effectively preclude any new regulation from ever again being issued against recalcitrant polluters.

The other clever provision of this bill which also appears innocuous is the requirement that agencies perform a cost-benefit analysis for every regulatory alternative, even spurious ones, proposed by industry. Of course, Congress wants agencies to consider both the cost and benefits of regulations. That's why agencies already do provide full cost-benefit analyses of proposed regulations. Requiring agencies to waste time analyzing every, even spurious, industry alternatives indefinitely delays any additional regulation.

There are only two differences between this bill and the majority's previous attacks on the environment. First, because of its broad scope, this bill would be more destructive; and, second, its clever language conceals how thoroughly it would eviscerate regulatory agencies.

That is why I have introduced this amendment, Mr. Chairman, to exempt public health and safety laws from the purview of this bill. The Republican leadership claims it supports public health and safety. Well, let's give them the opportunity to prove it.

I urge my colleagues to support this commonsense amendment to protect public health and safety. Without this change, this so-called Regulatory Accountability Act guts the important public health, safety, and consumer protection standards we have long counted on in this country; and it would, in fact, not hold industry accountable for any of its future actions.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. The amendment carves out of the bill essential sectors or regulation and guidance. These include all rules and guidance documents on food safety, workplace safety, consumer product safety, clean water, and clean air. In many cases, these are precisely the agency actions that impose the most cost without producing enough benefits. A good example is the Environmental Protection Agency's recent proposal to control mercury emissions from coal- and oil-fired power plants. EPA estimated that the rule would cost \$11 billion annually to achieve; at most, just \$6 million in total mercury reduction benefits. That's a cost-to-benefit ratio of almost 1,200:1.

Proponents of regulation have nothing to fear from the bill's provisions to prevent excessively costly rules like this. The bill always allows agencies to achieve the statutory objectives Congress has set. Those objectives include protection of food, workplace, and consumer safety, as well as of clean air and clean water. All the bill requires is that agencies consider the cost and benefits of regulatory alternatives and, wherever possible, adopt the least-cost regulation that achieves that goal.

If a costlier rule's benefits justify its additional cost and the rule is needed to protect public health, safety, and welfare, the agency may adopt it. The agency just needs to show that the public health, safety, and welfare interest it seeks to protect are within the scope of the statutory provision that authorizes the regulation itself.

That is balanced reform that protects public health, safety, and welfare and the American economy and the American taxpayers and the small business owners of America.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112-296.

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, insert after line 20 the following, and redesignate provisions accordingly:

#### SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

##### “§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance made by the Nuclear Regulatory Commission under the Atomic Energy Act (42 U.S.C. 2011, et seq.). Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the the Regulatory Accountability Act of 2011, shall apply to such proposed rules, final rules, or guidance, as appropriate.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules.”

The CHAIR. Pursuant to House Resolution 477, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself 4 minutes.

My amendment would exempt rules proposed by the Nuclear Regulatory Commission from the new impediments to the regulations in this bill.

Mr. Chairman, there they go again. The right-wing Republican House majority is practicing more voodoo economics. This time it's the belief that overregulation is the cause of our slow economic growth and high unemployment rate. There is no evidence to support this position—none. In actuality, according to the Economic Policy Institute, “economy-wide studies do not find a significant decline in employment from regulatory policies.” And some regulations actually create jobs due to regulatory compliance.

More broadly, findings from the Office of Management and Budget in both Republican and Democratic administrations show the benefits of regulations far outweigh their costs. Most recently, OMB found that the benefits from major rules issued between 2001 and 2010 yielded benefits ranging from \$136 billion to \$651 billion and imposed costs of between \$44 billion and \$62 billion.

Despite these facts, the right-wing Republican House leadership presses ahead with what it calls regulatory reform. Today's bill, H.R. 3010, in the name of so-called reform, adds over 60 new procedural and analytical hoops agencies and departments must jump through before a regulation can be issued. The result is to impede, obstruct, and delay the attempt of government to accomplish one of its most basic functions—protecting the health and welfare of our people.

Not surprisingly, groups who care about protecting public safety, health, and the environment, such as the Natural Resource Defense Council, Public

Citizen, Defenders of Wildlife, and U.S. PIRG, oppose this bill. According to the Coalition for Sensible Safeguards, which represents a coalition of many such groups, this bill “will grind to a halt the rulemaking process” and “is nothing less than an attempt to roll back critical public safeguards and promote industry interests ahead of protecting American citizens.”

Americans should rightfully be scared that this bill will put their health and safety at risk. One example that highlights this is the subject of this amendment—nuclear power. The risks and dangers of nuclear power were made all the more clear this year. In Japan, we all watched in horror when that country was devastated by a meltdown of the Fukushima nuclear power plant. We are now told that over 10 percent of the land of that country will be unusable for decades. Later, Virginia was struck by a relatively rare but strong earthquake felt up and down the eastern seaboard. It caused a nuclear power plant near the epicenter to have to go offline.

Because of the catastrophes that can result from disasters, be they natural or manmade, at nuclear power plants, prevention of meltdowns is the key. That’s why I’m a cosponsor of H.R. 1242, the Nuclear Power Plant Safety Act of 2011, sponsored by Representative MARKEY, which is designed to help do that. Among other changes, it would require the NRC to impose rules requiring plants to upgrade to withstand severe events, like earthquakes, and to have enough backup power so as to avoid a meltdown for a significant length of time.

The NRC must have the ability and flexibility to impose new regulations quickly to safeguard the health and well-being of Americans. Impeding the Nuclear Regulatory Agency’s ability to regulate will not save one job, but it might cost millions of lives in the event of a disaster. Sadly, this bill makes the ability to regulate nuclear power plants all but impossible.

For me, this concern hits close to home. A nuclear power plant at Indian Point about which many people, including myself, have had concerns for years lies less than 40 miles from the center of New York City, in my district. There are 20 million people living within a 50-mile radius around the plant, the same radius used by the NRC as the basis for the evacuation recommended after the Fukushima disaster. Indian Point sits near two earthquake fault lines and according to NRC is the most likely nuclear power plant in the country to experience more damage due to an earthquake.

To keep my constituents and, indeed, all Americans safe, I’m offering this amendment today. It would exempt the Nuclear Regulatory Commission from the onerous new requirements for rulemaking imposed by this bill. With this amendment, the NRC would have the ability to safeguard public health and safety as it should. We must pass this

amendment so that rulemaking for nuclear disaster is not impeded.

I urge the passage of this amendment, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, does the gentleman from New York have any time remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, the argument for this amendment is very simple. This bill would make it almost impossible—by putting 60 new requirements in the way of agencies to make new rules, would make it almost impossible for rulemaking and, in fact, especially for emergency or safety rulemaking in the event that we perceive the necessity for such a thing.

At least for nuclear power plants, the potential for disaster, the potential for killing mass numbers of people, we have seen. We’ve seen it at Chernobyl. We’ve seen it at Three Mile Island. We’ve seen it at Fukushima. At least for that situation, allow the government rulemaking agency to continue to have the power to protect our people.

A vote for this amendment is a vote to continue to have the government have the power to protect our people. A vote against this amendment and for this bill is a vote to put the lives of all our people at risk and to prevent the government from protecting the lives of our people, and it would be almost an immoral vote.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

The amendment creates a special carve-out from the legislation’s requirements for regulations and guidance of the Nuclear Regulatory Commission. Regulation of the nuclear power industry, however, should go through the same rulemaking process as other regulations. In this way, all interested parties will have the best opportunity to test their assumptions about nuclear power and nuclear waste.

Perhaps the amendment is motivated by a concern that the legislation could prevent the Nuclear Regulatory Commission from issuing emergency rules and guidance or rules that adequately protect public safety. That concern, however, is unfounded. The legislation preserves agencies’ ability to make interim-final rules for “good cause.” This exception certainly would cover emergency rules from the Commission.

The bill also allows agencies to adopt alternatives to least-cost regulations if interests of public health, safety, or welfare require costlier rules. Only two

conditions need to be satisfied: First, the costlier rule must produce benefits that justify the additional cost; second, the benefits must serve public health, safety, or welfare interests within the scope of the statutory provision that authorizes the regulation.

□ 1050

Surely the Nuclear Regulatory Commission and any other agency can adequately protect public health, safety, and welfare within those conditions.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112-296.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, insert after line 20 the following, and redesignate provisions accordingly:

**SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.**

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

**“§ 553b. Exemption for certain rules and guidance**

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance made by the Secretary of Homeland Security. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the the Regulatory Accountability Act of 2011, shall apply to such proposed rules, final rules, or guidance, as appropriate.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules.”

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the chairman very much.

I think it’s important to reinforce to our colleagues that many of us are on the floor of the House this morning as these bills have come through the Judiciary Committee, and I am just struck

by the fact that I'm trying to reflect on the vast reach that these bills have taken up. We even have another bill just like this next week. And I'm, for the life of me, trying to reflect on where the data is that these bills are going to create jobs or that there is a problem. And that is what the task of the Members of the United States Congress is. This body and the other body, we are to come as part of the people's House and solve problems.

For example, I am going to be calling for hearings on the heinous actions of sexual abuse against our children in institutions such as Penn State and Syracuse and places around this country that are probably yet uncovered and yet undiscovered. That is a problem, our children being abused, sexually abused, and the vileness of the coverup.

We're sent here to solve problems. And frankly, I am concerned that H.R. 3010 does not solve a problem. I'd rather be addressing the vileness of sexual abuse as an epidemic across this Nation. But today we are here with a regulatory bill and no evidence that anybody has been disturbed by the regulations that have been put in place to save the lives of the American people.

So my amendment is a simple one again. Having been on Homeland Security since its origins—meaning the committee—and before the Department was even created as a member of the Select Committee on Homeland Security, having gone to Ground Zero, and as I reflect seeing the smoke still billowing from the ashes and looking at the rescue and recovery teams—they had not yet stopped seeking to recover those who tragically were in the midst of this hellish quagmire of terrorism. How can you not see the reason in waiving this bill or exempting all rules promulgated by the Department of Homeland Security? It is the newest department. It has the greatest scrutiny in place for the kinds of regulations that are involved.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in being innovative in protecting our Nation. Don't stifle that. Don't block us from stopping Times Square bombers and shoe bombers and Christmas day bombers that would impact the American people. Don't stop us from helping the Coast Guard do its duty, dealing with the travails of the waterways of America, the many huge ports that would open their doors to heinous acts with cargo. That's what they're telling us to do by making sure homeland security, securing the Nation has to be subjected to these amendments.

I know about the vulnerabilities in security firsthand. We see these all the time. There are 350 major ports. They need to do their work. They don't need

to be stifled by a legislative scheme that puts in place 60 new provisions to get a regulation out. How insane.

Help us secure America. I'm asking my colleagues to support my amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. What does my amendment do? It simply says that if it is a regulation dealing with the securing of the American people, it is exempted from 60 barriers, look-sees, delaying tactics, long-windedness that would prevent that regulation from coming through to help the likes of the Coast Guard do its job, Customs and Border Patrol do its job, ICE do its job, the TSA, dealing with aviation security, do its job.

How clearer do we need to be? With cities and towns across the Nation facing threats indeed every day, ensuring the security of the homeland requires the interaction of multiple departments and agencies as well as operational collaboration across Federal, State, local, tribal and territorial governments, nongovernmental organizations, and the private sector. How in the world can we do our job and protect the American people? How can we provide small businesses with the opportunity for new technology procurement by layering and layering their ability to get this done?

I ask my colleagues to stand with me in supporting the homeland and Homeland Security. Vote for the Jackson Lee amendment that exempts Homeland Security regulations. But once and for all, let's be bipartisan on securing and protecting the American people.

Mr. Chair, I rise today in support of my amendment to H.R. 3010 the "Regulatory Accountability Act of 2011," which would amend the Administrative Procedure Act. This measure would require that all agencies default to the least costly rule unless it can demonstrate that the additional benefits of the more costly rule justify the additional costs, and the agency offers a public health, safety, environmental, or welfare justification clearly drawn from the authorizing statute.

The Regulatory Accountability Act of 2011 (RAA) formally codifies the cost-benefit analysis process. The bill overrides existing statutory standards in laws such as the Clean Air Act, Clean Water Act, and the Occupational Safety and Health Act. In addition, this measure will significantly slow the regulatory process, increase costs, and burden an already taxed judicial system.

As a Senior Member of the Homeland Security and Ranking Member of the Transportation Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to an emergency, which is why the De-

partment of Homeland Security (DHS) should be exempt from this legislation.

This bill delays the promulgation of federal regulations, and delays a federal agency's ability to issue regulations when responding to an emergency and grants the Small Business Administration's (SBA) Office of Advocacy additional authority to intervene in agency rule-making, without providing additional funding. Further, H.R. 3010 repeals an agency's authority to waive regulatory analysis during an emergency.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations "do not tend to significantly impede job creation," and furthermore, over the course of the last several decades, the benefits of federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. The Department of Homeland Security cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how to protect our nation. Continuing to make advances in Homeland Security and intelligence is the best way to combat the threats we still face.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. The Coast Guard, under the directive of the Department of Homeland Security, is tasked with protecting our ports of entry. Of the 350 major ports in America, the Port of Houston is the one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the State of Texas. Maritime ports are centers of trade, commerce, and travel along our nation's coastline, protected by the Coast Guard, under the direction of DHS.

If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak is crucial to the security of the American people.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

This bill expands the review that agencies must conduct before issuing new regulations and the review they must conduct of existing rules to include an evaluation of the "indirect" costs of regulations, and grants the SBA authority to intervene in agency rulemaking. The measure also expands the ability of small businesses and other small entities impacted by an agency's regulations to challenges to those rules in court.

Under current law, the process already takes as long as eight years to complete. Given the nature of its mission, the Department of Homeland Security is the last agency that needs to be subject to more levels of regulation and scrutiny. Some advocates groups also have expressed concern that by extending the rule-making process, regulatory uncertainty could increase, which may make it more cost effective for agencies to seek enforcement through the courts, and thereby reduce the public's ability to participate in the process.

These costs add to the cost of doing business with the Department of Homeland Security, and eat away at the profits of our businesses, particularly our small businesses which often are not as equipped to absorb additional costs. Moreover, many businesses dealing with national security have higher costs because of expensive equipment, and as such are already working with lower profit margins.

The prolonged or indefinite delay of these life saving regulations threaten the security, stability, and the delivery of vital services to the American people. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to slow the promulgation of regulations to a drip.

I have offered this amendment to mitigate the uncertainty regarding federal laws and

rulemaking in the area of national security because of the increased urgency when dealing with these often sensitive matters. The Department of Homeland Security is the newest federal agency, and as such already is subject to pioneering levels of oversight and scrutiny.

I urge the Committee to make my amendment in order to ensure that life saving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

I yield back the balance of my time. Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

This amendment seeks to shield the Department of Homeland Security from the bill's urgently needed rule-making reforms. There is no good reason to provide that shield.

For example, take the Department's rules to extend compliance deadlines for States to issue secure drivers' licenses under the Real ID Act. Ten years after 9/11 hijackers used fraudulent licenses to board airplanes used to murder 3,000 innocent Americans, the Department of Homeland Security continues to extend the deadline. Clearly, the Department of Homeland Security should not be exempt from the bill's provisions.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112-296 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. MOORE of Wisconsin.

Amendment No. 3 by Ms. JACKSON LEE of Texas.

Amendment No. 5 by Mr. CONNOLLY of Virginia.

Amendment No. 6 by Mr. NADLER of New York.

Amendment No. 7 by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. MOORE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 232, not voting 14, as follows:

[Roll No. 882]

AYES—187

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

NOES—232

Adams	Bono Mack	Coble
Aderholt	Boren	Coffman (CO)
Akin	Boustany	Cole
Alexander	Brady (TX)	Conaway
Amash	Brooks	Costa
Amodei	Broun (GA)	Cravaack
Austria	Buchanan	Crawford
Bachus	Bucshon	Crenshaw
Barletta	Buerkle	Culberson
Bartlett	Burgess	Davis (KY)
Barton (TX)	Burton (IN)	Denham
Bass (NH)	Calvert	Dent
Benishek	Camp	DesJarlais
Berg	Campbell	Diaz-Balart
Biggert	Canseco	Dreier
Bilbray	Cantor	Duffy
Bilirakis	Capito	Duncan (SC)
Bishop (UT)	Carter	Duncan (TN)
Black	Cassidy	Ellmers
Blackburn	Chabot	Farenthold
Bonner	Chaffetz	Fincher

Fitzpatrick Lankford Ribble  
 Flake Latham Rigell  
 Fleischmann LaTourette Rivera  
 Fleming Latta Roby  
 Flores Lewis (CA) Roe (TN)  
 Forbes LoBiondo Rogers (AL)  
 Fortenberry Long Rogers (KY)  
 Foxx Lucas Rogers (MI)  
 Franks (AZ) Luetkemeyer Rohrabacher  
 Frelinghuysen Lummis Rokita  
 Gallegly Lungren, Daniel Rooney  
 Gardner E. Ros-Lehtinen  
 Garrett Mack Roskam  
 Gerlach Manzullo Ross (FL)  
 Gibbs Marchant Royce  
 Gingrey (GA) Marino Runyan  
 Gohmert McCarthy (CA) Ryan (WI)  
 Goodlatte McCaul Scalise  
 Gosar McClintock Schmidt  
 Gowdy McCotter Schock  
 Granger McHenry Schweikert  
 Graves (GA) McKeon Scott (SC)  
 Graves (MO) McKinley Scott, Austin  
 Griffin (AR) McMorris Sensenbrenner  
 Griffith (VA) Rodgers Shimkus  
 Grimm Meehan Shuster  
 Guinta Mica Simpson  
 Guthrie Miller (FL) Smith (NE)  
 Hall Miller (MI) Smith (NJ)  
 Harper Miller, Gary Smith (TX)  
 Harris Mulvaney Southerland  
 Hastings (WA) Murphy (PA) Stearns  
 Hayworth Myrick Stivers  
 Heck Neugebauer Stutzman  
 Hensarling Noem Sullivan  
 Herger Nugent Terry  
 Herrera Beutler Nunes Thompson (PA)  
 Huelskamp Nunnelee Thornberry  
 Huizenga (MI) Olson Tiberi  
 Hultgren Owens Tipton  
 Hunter Palazzo Turner (NY)  
 Hurt Paulsen Turner (OH)  
 Issa Pearce Upton  
 Jenkins Pence Walberg  
 Johnson (IL) Peterson Walden  
 Johnson (OH) Petri Walsh (IL)  
 Johnson, Sam Pitts West  
 Jordan Platts Westmoreland  
 Kelly Poe (TX) Whitfield  
 King (IA) Pompeo Wilson (SC)  
 King (NY) Posey Wittman  
 Kingston Price (GA) Wolf  
 Kinzinger (IL) Quayle Womack  
 Kline Reed Woodall  
 Lamborn Rehberg Yoder  
 Lance Reichert Young (FL)  
 Landry Renacci Young (IN)

## NOT VOTING—14

Baca Filner Paul  
 Bachmann Giffords Schilling  
 Braley (IA) Hanna Sessions  
 Emerson Hartzler Young (AK)  
 Engel Labrador

□ 1126

Ms. HERRERA BEUTLER and Mr. GOODLATTE changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 882, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 3 OFFERED BY MS. JACKSON  
 LEE OF TEXAS

The Acting CHAIR (Mr. BASS of New Hampshire). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE  
 The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 250, not voting 21, as follows:

[Roll No. 883]

AYES—162

Ackerman Hahn Pallone  
 Andrews Pascrell Pascarella  
 Baldwin Hastings (FL) Pastor (AZ)  
 Bass (CA) Heinrich Payne  
 Becerra Higgins Pelosi  
 Berkley Himes Peters  
 Berman Hinchey Pingree (ME)  
 Bishop (NY) Hinojosa Polis  
 Blumenauer Hirono Price (NC)  
 Boswell Hochul Quigley  
 Brady (PA) Holt Rangel  
 Brown (FL) Honda Reyes  
 Butterfield Hoyer Richardson  
 Capps Insee Richmond  
 Capuano Israel Rothman (NJ)  
 Carnahan Jackson (IL) Roybal-Allard  
 Carney Jackson Lee Ruppertsberger  
 Carson (IN) (TX) Rush  
 Castor (FL) Johnson, E. B. Ryan (OH)  
 Chu Kaptur Sanchez, Linda  
 Cicilline Keating T.  
 Clarke (MI) Kildee Sanchez, Loretta  
 Clarke (NY) Kind Sarbanes  
 Cleaver Kucinich Schiff  
 Clyburn Langevin Schrader  
 Cohen Larsen (WA) Schwartz  
 Connolly (VA) Larson (CT) Scott (VA)  
 Conyers Lee (CA) Scott, David  
 Costello Levin Serrano  
 Courtney Lewis (GA) Sewell  
 Crowley Lipinski Sherman  
 Cummings Loeb sack Sires  
 Davis (CA) Lofgren, Zoe Slaughter  
 Davis (IL) Lowey Smith (WA)  
 DeFazio Lujan Speier  
 DeGette Lynch Stark  
 DeLauro Maloney Sutton  
 Deutch Markey Thompson (CA)  
 Dicks Matsui Thompson (MS)  
 Dingell McCarthy (NY) Tierney  
 Doggett McCollum Tonko  
 Doyle McDermott Towns  
 Edwards McGovern Tsongas  
 Ellison McNerney Van Hollen  
 Eshoo Meeks Velázquez  
 Farr Michaud Visclosky  
 Fattah Miller (NC) Walz (MN)  
 Frank (MA) Miller, George Wasserman  
 Fudge Moore Schult  
 Garamendi Moran Watt  
 Gonzalez Murphy (CT) Waxman  
 Green, Al Nadler Welch  
 Green, Gene Napolitano Wilson (FL)  
 Grijalva Neal Woolsey  
 Gutierrez Olver Yarmuth

NOES—250

Brooks Crenshaw  
 Broun (GA) Critz  
 Buchanan Cuellar  
 Bucshon Culberson  
 Buerkle Davis (KY)  
 Burgess Denham  
 Burton (IN) Dent  
 Calvert DesJarlais  
 Camp Diaz-Balart  
 Campbell Dold  
 Canseco Donnelly (IN)  
 Cantor Dreier  
 Capito Duffy  
 Cardoza Duncan (SC)  
 Carter Duncan (TN)  
 Cassidy Ellmers  
 Chabot Farenthold  
 Chaffetz Fincher  
 Chandler Fitzpatrick  
 Coble Flake  
 Coffman (CO) Fleischmann  
 Cole Fleming  
 Conaway Flores  
 Cooper Forbes  
 Costa Fortenberry  
 Cravaack Foxx  
 Crawford Franks (AZ)

Frelinghuysen LoBiondo Rivera  
 Gallegly Long Roby  
 Gardner Lucas Roe (TN)  
 Garrett Luetkemeyer Rogers (AL)  
 Gerlach Lummis Rogers (KY)  
 Gibbs Lungren, Daniel Rogers (MI)  
 Gibson E. Rohrabacher  
 Gingrey (GA) Mack Rokita  
 Gohmert Manzullo Rooney  
 Goodlatte Marchant Ros-Lehtinen  
 Gosar Marino Roskam  
 Gowdy Matheson Ross (AR)  
 Granger McCarthy (CA) Ross (FL)  
 Graves (GA) McCaul Royce  
 Graves (MO) McClintock Runyan  
 Griffin (AR) McCotter Ryan (WI)  
 Grimm McHenry Scalise  
 Guinta McIntyre Schmidt  
 Guthrie McKeon Schock  
 Hall McMorris Schweikert  
 Harper Rodgers Scott, Austin  
 Harris Meehan Sensenbrenner  
 Hastings (WA) Mica Shimkus  
 Hayworth Miller (FL) Shuler  
 Heck Miller (MI) Shuster  
 Hensarling Miller, Gary Simpson  
 Herger Mulvaney Smith (NE)  
 Herrera Beutler Murphy (PA) Smith (NJ)  
 Holden Myrick Smith (TX)  
 Huelskamp Neugebauer Southerland  
 Huizenga (MI) Noem Stearns  
 Hultgren Nugent Stivers  
 Hunter Nunes Stutzman  
 Hurt Nunnelee Sullivan  
 Issa Olson Thompson (PA)  
 Jenkins Owens Thornberry  
 Johnson (IL) Palazzo Tiberi  
 Johnson (OH) Johnson (OH) Paulsen Tipton  
 Johnson, Sam Johnson, Sam Pearce Turner (NY)  
 Jordan Jones Pence Turner (OH)  
 Kelly Peterson Upton  
 King (IA) Kelly Walberg  
 King (NY) Pitts Walden  
 Kingston King (NY) Platts Walsh (IL)  
 Kinzinger (IL) Kingston Poe (TX) Webster  
 Kline Kinzinger (IL) Kinzinger (IL) Pompeo West  
 Kline Price (GA) Posey Westmoreland  
 Lamborn Quayle Whitfield  
 Lance Rahall Wilson (SC)  
 Landry Reed Wittman  
 Rehberg Rehberg Wolf  
 Latham Reichert Womack  
 LaTourette Renacci Woodall  
 Latta Ribble Yoder  
 Lewis (CA) Rigell Young (FL)  
 Young (IN)

## NOT VOTING—21

Baca Filner Perlmutter  
 Bachmann Giffords Schakowsky  
 Bachus Hanna Schilling  
 Braley (IA) Hartzler Sessions  
 Clay Johnson (GA) Terry  
 Emerson Labrador Waters  
 Engel Paul Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1130

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 883, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 5 OFFERED BY MR. CONNOLLY  
 OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 242, not voting 20, as follows:

[Roll No. 884]

AYES—171

Ackerman Grijalva Oliver
Altmire Gutierrez Pallone
Andrews Hahn Pascarell
Baldwin Hanabusa Pastor (AZ)
Bass (CA) Hastings (FL) Payne
Becerra Heinrich Pelosi
Berkley Higgins Peters
Berman Himes Pingree (ME)
Bishop (GA) Hinchey Polis
Bishop (NY) Hinojosa Price (NC)
Blumenauer Hirono Quigley
Boswell Rahall Rangel
Brady (PA) Holden Reyes
Brown (FL) Holt Richardson
Butterfield Hoyer Richmond
Capps Inslee Rothman (NJ)
Capuano Israel Roybal-Allard
Carnahan Jackson (IL) Ruppertsberger
Carney Jackson Lee (TX)
Carson (IN) Johnson (GA)
Castor (FL) Johnson, E. B.
Chandler Kaptur
Chu Keating Sanchez, Loretta
Cicilline Kildee Sarbanes
Clarke (MI) Kind Schiff
Clarke (NY) Kucinich Schakowsky
Clay Langevin Schrader
Cleaver Larsen (WA) Schwartz
Clyburn Larson (CT) Scott (VA)
Cohen Lee (CA) Scott, David
Connolly (VA) Levin Serrano
Conyers Lewis (GA) Sewell
Cooper Lipinski Sherman
Costello Loebsock Slaughter
Courtney Lofgren, Zoe Smith (WA)
Critz Lowey Speier
Crowley Lujan Stark
Cummins Lujan Stark
Davis (CA) Sutton
Davis (IL) Maloney Thompson (CA)
DeFazio Markey Thompson (MS)
DeGette Matsui Tierney
DeLauro McCarthy (NY) Tonko
Deutch McCollum Towns
Dicks McDermott Tsongas
Dingell McGovern Van Hollen
Doggett McIntyre Velázquez
Doyle McNerney Vislosky
Edwards Meeks Walz (MN)
Eshoo Michaud Wasserman
Farr Miller (NC) Schultz
Fattah Miller, George Waters
Frank (MA) Moore Watt
Garamendi Moran Waxman
Gonzalez Murphy (CT) Welch
Green, Al Nadler Wilson (FL)
Green, Gene Napolitano Woolsey
Neal Yarmuth

NOES—242

Adams Brady (TX) Cravaack
Aderholt Brooks Crawford
Akin Broun (GA) Crenshaw
Alexander Buchanan Cuellar
Amash Bucshon Culberson
Amodei Buerkle Davis (KY)
Austria Burgess Denham
Bachus Burton (IN) Dent
Barletta Calvert DesJarlais
Barrow Camp Diaz-Balart
Bartlett Campbell Dold
Barton (TX) Canseco Donnelly (IN)
Bass (NH) Dreier
Benishek Capito Duffy
Biggert Cardoza Duncan (SC)
Bilbray Carter Duncan (TN)
Bilirakis Cassidy Ellmers
Bishop (UT) Chabot Farenthold
Black Chaffetz Fincher
Blackburn Coble Fitzpatrick
Bonner Coffman (CO) Flake
Bono Mack Cole Fleischmann
Boren Conaway Fleming
Boustany Costa Flores

Forbes Latham
Fortenberry LaTourette
Foxy Latta
Franks (AZ) Lewis (CA)
Frelinghuysen LoBiondo
Gallegly Long
Gardner Lucas
Garrett Luetkemeyer
Gerlach Lummis
Gibbs Lungren, Daniel
Gibson E.
Gingrey (GA) Mack
Gohmert Manzullo
Goodlatte Marino
Gosar Matheson
Gowdy McCarthy (CA)
Granger McCaul
Graves (GA) McClintock
Graves (MO) McCotter
Griffin (AR) McHenry
Griffith (VA) McKeon
Grimm McKinley
Guinta McMorris
Guthrie Rodgers
Hall Meehan
Hanna Mica
Harper Miller (FL)
Harris Miller (MI)
Hastings (WA) Miller, Gary
Hayworth Mulvaney
Heck Murphy (PA)
Hensarling Myrick
Herger Neugebauer
Herrera Beutler Noem
Huelskamp Nugent
Huizenga (MI) Nunes
Hultgren Nunnelee
Hunter Olson
Hurt Owens
Issa Palazzo
Jenkins Paulsen
Johnson (IL) Pearce
Johnson (OH) Pence
Johnson, Sam Peterson
Jones Petri
Jordan Pitts
Kelly Platts
King (IA) Poe (TX)
King (NY) Pompeo
Kingston Posey
Kinzinger (IL) Price (GA)
Kissell Quayle
Kline Reed
Labrador Rehberg
Lamborn Reichert
Lance Renacci
Landry Rivera
Lankford Roby

NOT VOTING—20

Baca Filner
Bachmann Giffords
Berg Hartzler
Braley (IA) Honda
Ellison Marchant
Emerson Paul
Engel Perlmutter

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1133

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 884, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Stated against:

Mr. BERG. Mr. Chair, on rollcall No. 884, had I been present, I would have voted "no."

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 247, not voting 12, as follows:

[Roll No. 885]

AYES—174

Ackerman Hanabusa Pallone
Andrews Hastings (FL) Pascarell
Baldwin Heinrich Pastor (AZ)
Bass (CA) Higgins Payne
Becerra Himes Pelosi
Berkley Hinchey Perlmutter
Berman Hinojosa Rahall
Bishop (NY) Hirono Pingree (ME)
Blumenauer Hochul Polis
Boswell Holt Price (NC)
Brady (PA) Holt Quigley
Brown (FL) Honda Rahall
Butterfield Hoyer Rangel
Capps Inslee Reyes
Capuano Israel Richardson
Carnahan Jackson (IL) Richmond
Carney Jackson Lee (TX) Rothman (NJ)
Carson (IN) Johnson (GA) Roybal-Allard
Castor (FL) Johnson, E. B. Ruppertsberger
Chandler Kaptur Rush
Chu Keating Ryan (OH)
Cicilline Kildee Sanchez, Loretta
Clarke (MI) Kind Sarbanes
Clarke (NY) Kucinich Schiff
Clay Langevin Schrader
Cleaver Larsen (WA) Schwartz
Clyburn Larson (CT) Scott (VA)
Cohen Lee (CA) Scott, David
Connolly (VA) Levin Serrano
Conyers Lewis (GA) Sewell
Cooper Lipinski Sherman
Costello Loebsock Sires
Courtney Lofgren, Zoe Slaughter
Critz Lowey Smith (WA)
Crowley Lujan Speier
Cummins Lujan Stark
Davis (CA) Sutton
Davis (IL) Maloney Thompson (CA)
DeFazio Markey Thompson (MS)
DeGette Matsui Tierney
DeLauro McCarthy (NY) Tonko
Deutch McCollum Towns
Dicks McDermott Tsongas
Dingell McGovern Van Hollen
Doggett McIntyre Velázquez
Doyle McNerney Vislosky
Edwards Meeks Walz (MN)
Eshoo Michaud Wasserman
Farr Miller (NC) Schultz
Fattah Miller, George Waters
Frank (MA) Moore Watt
Fudge Garamendi Waxman
Gonzalez Gonzalez Waters
Green, Al Green, Gene Murphy (CT)
Grijalva Nadler Welch
Gutierrez Napolitano Wilson (FL)
Hahn Gutierrez Woolsey
Oliver

NOES—247

Adams Bilirakis Camp
Aderholt Bishop (GA) Campbell
Akin Bishop (UT) Canseco
Alexander Black Cantor
Altmire Blackburn Capito
Amash Bonner Cardoza
Amodei Bono Mack Carter
Austria Boren Cassidy
Bachus Boustany Chabot
Barletta Brady (TX) Chaffetz
Barrow Brooks Coble
Bartlett Broun (GA) Coffman (CO)
Barton (TX) Buchanan Cole
Bass (NH) Bucshon Conaway
Benishek Buerkle Cooper
Berg Burgess Costa
Biggert Burton (IN) Cravaack
Bilbray Calvert Crawford

Crenshaw Johnson, Sam  
Cuellar Jones  
Culberson Jordan  
Davis (KY) Kelly  
Denham King (IA)  
Dent King (NY)  
DesJarlais Kingston  
Diaz-Balart Kline  
Dold Labrador  
Donnelly (IN) Lamborn  
Dreier Lance  
Duffy Landry  
Duncan (SC) Lankford  
Duncan (TN) Latham  
Ellmers LaTourette  
Farenthold Latta  
Fincher Lewis (CA)  
Fitzpatrick LoBiondo  
Flake Long  
Fleischmann Lucas  
Fleming Luetkemeyer  
Flores Lummis  
Forbes Lungren, Daniel  
Fortenberry E.  
Foxx Mack  
Franks (AZ) Manzullo  
Frelinghuysen Marchant  
Gallegly Marino  
Gardner Matheson  
Garrett McCarthy (CA)  
Gerlach McCaul  
Gibbs McClintock  
Gibson McCotter  
Gingrey (GA) McHenry  
Gohmert McKeon  
Goodlatte McKinley  
Gosar McMorris  
Gowdy Rodgers  
Granger Meehan  
Graves (GA) Mica  
Graves (MO) Miller (FL)  
Griffin (AR) Miller (MI)  
Griffith (VA) Miller, Gary  
Grimm Mulvaney  
Guinta Murphy (PA)  
Guthrie Myrick  
Hall Neugebauer  
Hanna Noem  
Harper Nugent  
Harris Nunes  
Hastings (WA) Nunnelee  
Hayworth Olson  
Heck Owens  
Hensarling Palazzo  
Herger Paulsen  
Herrera Beutler Pearce  
Huelskamp Pence  
Huizenga (MI) Peterson  
Hultgren Petri  
Hunter Pitts  
Hurt Platts  
Issa Poe (TX)  
Jenkins Pompeo  
Johnson (IL) Posey  
Johnson (OH) Price (GA)

NOT VOTING—12

Baca Engel Paul  
Bachmann Filner Schilling  
Braley (IA) Giffords Sessions  
Emerson Hartzler Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1138

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

Stated for:  
Mr. FILNER. Mr. Chair, on rollcall No. 885,  
I was away from the Capitol due to prior com-  
mitments to my constituents. Had I been  
present, I would have voted “aye.”

AMENDMENT NO. 7 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentlewoman from Texas (Ms. JACKSON  
LEE) on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 175, noes 247,  
not voting 11, as follows:

[Roll No. 886]

AYES—175

Ackerman Gutierrez Pallone  
Altmire Hahn Pascrell  
Andrews Hanabusa Pastor (AZ)  
Baldwin Hastings (FL) Payne  
Bass (CA) Heinrich Pelosi  
Becerra Higgins Peters  
Berkley Himes Pingree (ME)  
Berman Hinchey Polis  
Bishop (NY) Hironjo Price (NC)  
Blumenauer Blumenauer Quigley  
Boswell Hochul Rahall  
Brady (PA) Holden Rangel  
Brown (FL) Holt Reyes  
Butterfield Honda Richardson  
Capps Hoyer Richmond  
Capuano Inslee Rothman (NJ)  
Carnahan Israel Roybal-Allard  
Carney Jackson (IL) Ruppertsberger  
Carson (IN) Jackson Lee  
Castor (FL) (TX)  
Chandler Johnson (GA)  
Chu Johnson, E. B.  
Cicilline Kaptur  
Clarke (MI) Keating  
Clarke (NY) Kildee  
Clay Kind  
Cleaver Kissell  
Clyburn Kucinich  
Cohen Langevin  
Connolly (VA) Larsen (WA)  
Conyers Larson (CT)  
Costello Lee (CA)  
Courtney Levin  
Critz Lewis (GA)  
Crowley Lipinski  
Cummings Loebsack  
Davis (CA) Lofgren, Zoe  
Davis (IL) Lowey  
DeFazio Lujan  
DeGette Lynch  
DeLauro Maloney  
Deutch Markey  
Dicks Matsui  
Dingell McCarthy (NY)  
Doggett McCollum  
Doyle McDermott  
Edwards McGovern  
Ellison McIntyre  
Engel McNerney  
Eshoo Meeks  
Farr Michaud  
Fattah Miller (NC)  
Frank (MA) Miller, George  
Fudge Moore  
Garamendi Moran  
Gibson Murphy (CT)  
Gonzalez Nadler  
Green, Al Napolitano  
Green, Gene Neal  
Grijalva Olver

NOES—247

Adams Bilirakis Calvert  
Aderholt Bishop (GA) Camp  
Akin Bishop (UT) Campbell  
Alexander Black Canseco  
Amash Blackburn Cantor  
Amodei Bonner Capito  
Austria Bono Mack Cardoza  
Bachus Boren Carter  
Barletta Boustany Cassidy  
Barrow Brady (TX) Chabot  
Bartlett Brooks Chaffetz  
Barton (TX) Broun (GA) Coble  
Bass (NH) Buchanan Coffman (CO)  
Benishek Bucshon Cole  
Berg Buerkle Conaway  
Biggert Burgess Cooper  
Bilbray Burton (IN) Costa

Craavaack Johnson, Sam Price (GA)  
Crawford Jones Quayle  
Crenshaw Jordan Reed  
Cuellar Kelly Rehberg  
Culberson King (IA) Reichert  
Davis (KY) King (NY) Renacci  
Denham Kingston Ribble  
Dent Kinzinger (IL) Rigell  
DesJarlais Klime Rivera  
Diaz-Balart Labrador Roby  
Dold Lamborn Roe (TN)  
Donnelly (IN) Lance Rogers (AL)  
Dreier Landry Rogers (KY)  
Duffy Lankford Rogers (MI)  
Duncan (SC) Latham Rohrabacher  
Duncan (TN) LaTourette Rokita  
Ellmers Latta Rooney  
Farenthold Lewis (CA) Ros-Lehtinen  
Fincher LoBiondo Roskam  
Fitzpatrick Long Ross (AR)  
Flake Lucas Ross (FL)  
Fleischmann Luetkemeyer Royce  
Fleming Lummis Runyan  
Flores Lungren, Daniel Ryan (WI)  
Forbes E. Scalise  
Fortenberry Mack Schmidt  
Foxx Manzullo Schock  
Franks (AZ) Marchant Schrader  
Frelinghuysen Marino Schweikert  
Gallegly Matheson Scott (SC)  
Gardner Hironjo Scott, Austin  
Garrett McCarthy (CA) Sensenbrenner  
Gerlach McCaul Shimkus  
Gibbs McClintock Shuster  
Gibson McCotter Simpson  
Gingrey (GA) McHenry Smith (NE)  
Gohmert McKeon Smith (NJ)  
Goodlatte McKinley Smith (TX)  
Gosar McMorris Smith (TX)  
Gowdy Rodgers Southerland  
Granger Meehan Stearns  
Graves (GA) Mica Stivers  
Graves (MO) Miller (FL) Stutzman  
Griffin (AR) Miller (MI) Sullivan  
Griffith (VA) Miller, Gary Terry  
Grimm Mulvaney Thompson (PA)  
Guinta Murphy (PA) Thornberry  
Guthrie Myrick Tiberi  
Hall Neugebauer Tipton  
Hanna Noem Turner (NY)  
Harper Nugent Turner (OH)  
Harris Nunes Upton  
Hastings (WA) Nunnelee Walberg  
Hayworth Olson Walden  
Heck Owens Walsh (IL)  
Hensarling Palazzo Walsh (IL)  
Herger Paulsen Webster  
Herrera Beutler Pearce West  
Huelskamp Pence Westmoreland  
Huizenga (MI) Peterson Whitfield  
Hultgren Petri Wilson (SC)  
Hunter Pitts Wittman  
Hurt Petri Wolf  
Issa Pitts Womack  
Jenkins Poe (TX) Woodall  
Johnson (IL) Pompeo Yoder  
Johnson (OH) Posey Young (FL)  
Young (IN)

NOT VOTING—11

Baca Filner Schilling  
Bachmann Giffords Sessions  
Braley (IA) Hartzler Young (AK)  
Emerson Paul

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. WESTMORE-  
LAND) (during the vote). There is 1  
minute remaining.

□ 1142

So the amendment was rejected.  
The result of the vote was announced  
as above recorded.

Stated for:  
Mr. FILNER. Mr. Chair, on rollcall 886, I was  
away from the Capitol due to prior com-  
mitments to my constituents. Had I been present,  
I would have voted “aye.”

The Acting CHAIR. The question is  
on the committee amendment in the  
nature of a substitute, as amended.

The amendment was agreed to.  
The Acting CHAIR. Under the rule,  
the Committee rises.

Accordingly, the Committee rose;  
and the Speaker pro tempore (Mr. BASS



of New Hampshire) having assumed the chair, Mr. WESTMORELAND, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, and, pursuant to House Resolution 477, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. BOSWELL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOSWELL. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Boswell moves to recommit the bill H.R. 3010 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

#### SECTION \_\_\_\_ . GUARANTEEING THE LOWEST PRESCRIPTION DRUG PRICES FOR SENIORS.

This Act and the amendments made by this Act shall not apply to new regulations or the revision of existing regulations that reduce costs or increase coverage for pharmaceuticals and other health services for seniors, or efforts by the Secretaries of Health and Human Services, Veterans Administration, and Defense to negotiate lower prescription drug prices.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. BOSWELL. Thank you, Mr. Speaker.

My motion to recommit will provide both parties with the opportunity to come together to save hundreds of millions of dollars, rein in Federal spending, and support America's seniors, America's troops, and America's veterans.

Let me be clear. The passage of this amendment will not prevent the passage of the underlying bill. If it's adopted, my amendment will be incorporated into the bill and the bill will be immediately voted upon.

The amendment is direct and incredibly important. Simply put, it will pre-

vent the underlying bill from creating regulatory hurdles for low-cost drugs. Day in and day out, we talk about spending in this country and, particularly, in this Congress. Well, my amendment gives the Chamber the chance to rein in one of the greatest culprits of our out-of-control spending—health care.

Today, health care spending is more than 17 percent of our Nation's GDP, a number so massive that a 5-point reduction would save Americans \$870 billion. Medicare part D covers 29.5 million Medicare beneficiaries. So how do we pay for prescription drugs? Eighty-three percent of Medicare part D funds come from our Nation's general revenue, and CBO has estimated that America's Medicare part D spending will total approximately \$53 billion in 2012. That's quite an incentive to pay for drugs wisely and efficiently. This amendment helps us do just that.

First, it protects current and future regulations that lower the cost of pharmaceuticals from being hindered by the underlying bill. We have done too much to support America's seniors and improve health care today to let regulations increase costs on our citizens or jeopardize their access to care.

Nationwide, we have provided greater access to health services for Medicare beneficiaries and reduced their costs by allowing access to discounted drugs in Medicare part D. We sent checks to seniors this year who hit the part D doughnut hole, and we made a commitment to close it by 2020. We must continue to aid our seniors and reduce the cost of their medicine, but we must also reduce this cost for our Nation.

The second part of the amendment ensures that this bill will not prevent the Secretaries of Defense, Veterans Affairs, or Health and Human Services from negotiating for lower drug prices. Military health care covers the needs of more than 9 million individuals, ranging from Active Duty, their families, and veterans. Fortunately, the Secretaries of the Department of Defense and the VA have the authority to negotiate with companies on the price of drugs. We must protect their ability to serve the millions of needs of military members—Active Duty and retired—and their families who have served our Nation.

Not only will this amendment defend the right of these agencies to ensure the best prices for our veterans and military families, it will protect any future provision that would provide the Secretary of Health and Human Services that same power to serve nearly 30 million Medicare part D beneficiaries and make medicine more affordable.

Our constituents know what a driving force health costs are in our Nation's spending crisis. They feel it every day in their own homes and do all they can to get by.

My own constituent, Jan, in Des Moines, recently wrote to tell me that she is "concerned about the prices of medicine in our country, as it's often

the biggest part of most citizens' out-of-pocket health care costs."

Echoing her concerns in a small town, Donna wrote, "Countless Americans can't afford to buy medications in the U.S. and yet cannot afford to go without them."

These constituents and many more told me that if we could pass legislation to lower the cost of medicine that "it would be extremely popular with your constituents, and it would be easy to garner bipartisan support."

I agree with my constituents. We should do this. I hope that you will support this, bring it back, and let's pass it, and let's be sure that we do the best we can to help our seniors, our military with military families, and our veterans.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GRIFFIN of Arkansas. Thank you.

Eleven months ago on the floor of this House, the President of the United States promised the American people to "reduce barriers to growth and investment. When we find rules that put an unnecessary burden on businesses, we will fix them."

Those are the words of the President of the United States in this body. I couldn't agree more. That very month, the President issued an Executive order that said, "Our regulatory system must promote economic growth, innovation, competitiveness, and job creation."

□ 1150

I couldn't agree with the President more. The President said our regulatory system "must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends," and that it "must take into account benefits and costs."

I couldn't agree with the President more. He was right. The President's words were correct. He was right when he spoke here. When our regulatory system doesn't meet this standard—the President's supposed standard—it kills jobs, suppresses economic growth, and locks us ever further into stagnation.

We see the evidence all around us. I recently hosted a jobs conference in Little Rock, in my district, at the President Clinton Library, which brought together a diverse group of over 60 private sector job creators. They were there to discuss how Federal policies affect their ability to succeed in the marketplace. The job creators that I heard from in Little Rock that day overwhelmingly agreed and were of one voice, almost unanimous: the Obama administration's over-regulation of the private sector injects uncertainty into the market, which stifles job creation.

One of my constituents, Susan Gunaca, a constituent of mine who owns a number of International House

of Pancakes restaurants, said this, "As a business owner today, I am in a constant posture of defense."

Let me be more specific. Some of the jobs conference participants worked for companies that provide low-cost electricity to Arkansas families and businesses, but even their mission is under siege by the Obama administration's EPA, which is intent on forcing some power plants offline. The compressed timeline for many recently issued regulations requires too much in too short a timeframe for these electricity providers to comply.

Sandra Hochstetter Byrd of the Arkansas Electric Cooperatives put it this way: "As a for instance, the two most prominent rules, Utility MACT and the Clean Air Visibility Rule, could actually cause us to have to shut down our coal plants if they're not extended." If plants get shut down, electricity costs will go up and more jobs will be lost.

We will not sit idly by and watch as this administration kills jobs in Arkansas or in any other State in this great country. The President hasn't been to Arkansas in a long, long time; but I would be happy to show him the impact of over-regulation firsthand.

Republicans in Congress took the President at his word on regulatory reform to heart. We said, Hey, you're right, Mr. President. We're going to do something about it. We saw the evidence of overly burdensome regulations all around us. So what did we do? We got to work. We wrote a bill, the Regulatory Accountability Act, to reform a regulatory system so that it does exactly what the President said it should do.

We built the bill on the very terms of President Obama's Executive order. It calls on agencies to consider the benefits and the costs before they regulate. It calls on agencies to use the best reasonably available science. It calls on agencies to "use the best, most innovative, and least burdensome tools for achieving regulatory ends." And it does so while ensuring that agencies will achieve every single statutory objective Congress sets before them.

Recognizing the soundness and goodwill of this effort, several of our Democratic colleagues joined us to cosponsor this bill. A bipartisan group of Senators introduced companion legislation in the Senate.

It's time to adopt this legislation. It's time for the President to match his actions to his words by signing this bill.

But today, when this legislation comes before us, we hear a different story from too many on the other side of the aisle. When legislation comes to the floor of this House that will at one and the same time protect the American public and free business from unnecessary shackles on job creation, we hear a different tune.

When it's time to really take action to help America's job creators, many of my colleagues on the other side of the aisle run from their responsibilities to protect a regulatory status quo that is killing job creation as we speak. Mr. Speaker, if you want to know how to create

jobs, then just ask job creators. If you want to know what's stifling job growth, ask the job creators. They know. It's their job to know. They will tell you to pass this bill now.

When we have the opportunity to pass regulatory reform, President Obama shows his true colors: All talk, and no action. What a shame. He threatens to veto a bill that is built directly on the terms of his own executive order on regulation. He threatens to veto the very bill that would make his own words permanent for the benefit of the Nation.

And this political motion to recommit is laid before us in an attempt to assure that the President doesn't have to do what he promised. And it makes no sense because our bill addresses the precise issue of reducing drug costs raised by the minority.

Luckily, the majority of this House will vote to pass this bill. I urge all of my colleagues to support this bill, reject this motion to recommit, and show America that Congress can act for the good of job creators and the Americans who desperately want those jobs.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

#### RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 186, noes 233, not voting 14, as follows:

[Roll No. 887]

AYES—186

Ackerman	Critz	Hochul
Altmire	Crowley	Holden
Andrews	Cueellar	Holt
Baldwin	Cummings	Honda
Bass (CA)	Davis (CA)	Hoyer
Becerra	Davis (IL)	Inslee
Berkley	DeFazio	Israel
Berman	DeGette	Jackson (IL)
Bishop (GA)	DeLauro	Jackson Lee
Bishop (NY)	Deutsch	(TX)
Blumenauer	Dicks	Johnson (GA)
Boren	Dingell	Johnson, E. B.
Boswell	Doggett	Jones
Brady (PA)	Donnelly (IN)	Kaptur
Brown (FL)	Doyle	Keating
Butterfield	Edwards	Kildee
Capps	Ellison	Kind
Cardoza	Engel	Kissell
Capuano	Eshoo	Kucinich
Carnahan	Farr	Langevin
Carney	Fattah	Larsen (WA)
Carson (IN)	Frank (MA)	Larson (CT)
Castor (FL)	Fudge	Latham
Chandler	Garamendi	Lee (CA)
Chu	Gonzalez	Levin
Ciilline	Green, Al	Lewis (GA)
Clarke (MI)	Green, Gene	Lipinski
Clarke (NY)	Grijalva	Loebsock
Clay	Gutierrez	Lofgren, Zoe
Cleaver	Hahn	Lowey
Clyburn	Hanabusa	Luján
Cohen	Hastings (FL)	Lynch
Connolly (VA)	Heinrich	Maloney
Conyers	Higgins	Markey
Cooper	Himes	Matsui
Costa	Hinchey	McCarthy (NY)
Costello	Hinojosa	McCollum
Courtney	Hirono	McDermott

McGovern	Price (NC)	Sires
McIntyre	Quigley	Slaughter
McNerney	Rahall	Smith (WA)
Meeks	Rangel	Speier
Michaud	Reyes	Stark
Miller (NC)	Richardson	Sutton
Miller, George	Richmond	Thompson (CA)
Moore	Ross (AR)	Thompson (MS)
Moran	Rothman (NJ)	Tierney
Murphy (CT)	Roybal-Allard	Tonko
Nadler	Ruppersberger	Towns
Napolitano	Rush	Tsongas
Neal	Ryan (OH)	Van Hollen
Olver	Sánchez, Linda	Velázquez
Owens	T.	Vislosky
Pallone	Sarbanes	Walz (MN)
Pascarell	Schakowsky	Wasserman
Pastor (AZ)	Schiff	Schultz
Payne	Schrader	Waters
Pelosi	Schwartz	Watt
Perlmutter	Scott (VA)	Waxman
Peters	Scott, David	Welch
Peterson	Serrano	Wilson (FL)
Pingree (ME)	Sewell	Woolsey
Polis	Sherman	Yarmuth

#### NOES—233

Adams	Gardner	McMorris
Akin	Garrett	Rodgers
Alexander	Gerlach	Meehan
Amash	Gibbs	Mica
Amodei	Gibson	Miller (FL)
Austria	Gingrey (GA)	Miller (MI)
Bachus	Gohmert	Miller, Gary
Barletta	Goodlatte	Mulvaney
Barrow	Gosar	Murphy (PA)
Bartlett	Gowdy	Myrick
Barton (TX)	Granger	Neugebauer
Bass (NH)	Graves (GA)	Noem
Benishke	Graves (MO)	Nugent
Berg	Griffin (AR)	Nunes
Biggert	Griffith (VA)	Nunnelee
Billbray	Grimm	Olson
Bilirakis	Guinta	Palazzo
Bishop (UT)	Guthrie	Paulsen
Black	Hall	Pearce
Blackburn	Hanna	Pence
Bonner	Harper	Petri
Bono Mack	Harris	Pitts
Boustany	Hastings (WA)	Platts
Brady (TX)	Hayworth	Poe (TX)
Brooks	Heck	Pompeo
Broun (GA)	Hensarling	Posey
Buchanan	Herger	Price (GA)
Bucshon	Herrera Beutler	Quayle
Buerkle	Huelskamp	Reed
Burgess	Huizenga (MI)	Rehberg
Burton (IN)	Hultgren	Reichert
Calvert	Hunter	Renacci
Camp	Hurt	Ribble
Campbell	Issa	Rigell
Canseco	Jenkins	Rivera
Cantor	Johnson (IL)	Roby
Capito	Johnson (OH)	Roe (TN)
Carter	Johnson, Sam	Rogers (AL)
Cassidy	Jordan	Rogers (KY)
Chabot	Kelly	Rogers (MI)
Chaffetz	King (IA)	Rohrabacher
Coble	King (NY)	Rokita
Coffman (CO)	Kingston	Rooney
Cole	Kinzinger (IL)	Ros-Lehtinen
Conaway	Kline	Roskam
Cravaack	Labrador	Ross (FL)
Crawford	Lamborn	Royce
Crenshaw	Lance	Runyan
Culberson	Landry	Ryan (WI)
Davis (KY)	Lankford	Scalise
Denham	LaTourrette	Schmidt
Dent	Latta	Schock
DesJarlais	Lewis (CA)	Schweikert
Diaz-Balart	LoBiondo	Scott (SC)
Dold	Long	Scott, Austin
Dreier	Lucas	Sensenbrenner
Duffy	Luetkemeyer	Shimkus
Duncan (SC)	Lummis	Shuler
Duncan (TN)	Lungren, Daniel	Shuster
Ellmers	E.	Simpson
Farenthold	Mack	Smith (NE)
Fincher	Manzullo	Smith (TX)
Fitzpatrick	Marchant	Southerland
Flake	Marino	Stearns
Fleischmann	Matheson	Stivers
Fleming	McCarthy (CA)	Stutzman
Flores	McCaul	Sullivan
Forbes	McClintock	Terry
Fortenberry	McCotter	Thompson (PA)
Fox	McHenry	Thornberry
Frelinghuysen	McKeon	Tiberi
Gallely	McKinley	Tipton

Turner (NY) West  
Turner (OH) Westmoreland  
Upton Whitfield  
Walberg Wilson (SC)  
Walden Wittman  
Walsh (IL) Wolf  
Webster Womack

NOT VOTING—14

Aderholt Filner Sanchez, Loretta  
Baca Franks (AZ) Schilling  
Bachmann Giffords Sessions  
Braley (IA) Hartzler Smith (NJ)  
Emerson Paul

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1212

Mr. MATHESON changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 887, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

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. CONYERS. 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 253, noes 167, not voting 13, as follows:

[Roll No. 888]

AYES—253

Adams Cardoza Gerlach  
Aderholt Carter Gibbs  
Akin Cassidy Gibson  
Alexander Chabot Gingrey (GA)  
Altmire Chaffetz Gohmert  
Amash Coffman (CO) Goodlatte  
Amodi Cole Gosar  
Austria Conaway Gowdy  
Bachus Costa Granger  
Barletta Cravaack Graves (GA)  
Barrow Crawford Graves (MO)  
Bartlett Crenshaw Griffin (AR)  
Barton (TX) Cuellar Griffith (VA)  
Bass (NH) Culberson Grimm  
Benishkek Davis (KY) Quinta  
Berg Denham Guthrie  
Biggert Dent Hall  
Bilbray DesJarlais Hanna  
Bilirakis Diaz-Balart Harper  
Bishop (GA) Dold Harris  
Bishop (UT) Donnelly (IN) Hastings (FL)  
Black Dreier Hastings (WA)  
Blackburn Duffy Hayworth  
Bonner Duncan (SC) Heck  
Bono Mack Duncan (TN) Hensarling  
Boren Ellmers Herger  
Boustany Farenthold Herrera Beutler  
Brady (TX) Fincher Huelskamp  
Brooks Fitzpatrick Huizenga (MI)  
Broun (GA) Flake Hultgren  
Buchanan Fleischmann Hunter  
Bucshon Fleming Hurt  
Buerkle Flores Issa  
Burgess Forbes Jenkins  
Burton (IN) Fortenberry Johnson (IL)  
Calvert Foxx Johnson (OH)  
Camp Franks (AZ) Johnson, Sam  
Campbell Frelinghuysen Jones  
Canseco Gallegly Jordan  
Cantor Gardner Kelly  
Capito Garrett King (IA)

King (NY) Neugebauer Schmidt  
Kingston Noem Schock  
Kinzinger (IL) Noem Schradler  
Kissell Nunes Schweikert  
Kline Nunnelee Scott (SC)  
Labrador Olson Scott, Austin  
Lamborn Owens Sensenbrenner  
Lance Palazzo Sewell  
Landry Paulsen Shimkus  
Lankford Pearce Shuler  
Latham Pence Shuster  
LaTourette Peterson Simpson  
Latta Petri Smith (NE)  
Lewis (CA) Pitts Smith (NJ)  
LoBiondo Platts Smith (TX)  
Long Poe (TX) Southerland  
Lucas Pompeo Stearns  
Luetkemeyer Posey Stivers  
Lummis Price (GA) Stutzman  
Lungren, Daniel Quayle Sullivan  
E. Rahall Terry  
Mack Reed Thompson (PA)  
Manzullo Rehberg Thornberry  
Marchant Reichert Tiberi  
Marino Renacci Tipton  
Matheson Ribble Turner (NY)  
McCarthy (CA) Rigell Turner (OH)  
McCaul Rivera Upton  
McClintock Roby Walberg  
McCotter Roe (TN) Walden  
McHenry Rogers (AL) Walsh (IL)  
McIntyre Rogers (KY) Webster  
McKeon Rogers (MI) West  
McKinley Rohrabacher Westmoreland  
McMorris Rokita Whitfield  
Rodgers Rooney Wilson (SC)  
Meehan Ros-Lehtinen Wittman  
Mica Roskam Wolf  
Miller (FL) Ross (AR) Womack  
Miller (MI) Ross (FL) Woodall  
Miller, Gary Royce Yoder  
Mulvaney Runyan Young (AK)  
Murphy (PA) Ryan (WI) Young (FL)  
Myrick Scalise Young (IN)

NOES—167

Ackerman Garamendi Miller (NC)  
Andrews Gonzalez Miller, George  
Baldwin Moore  
Bass (CA) Green, Al  
Becerra Grijalva Green, Gene  
Berkley Gutierrez Moran  
Berman Hahn Murphy (CT)  
Bishop (NY) Hanabusa Nadler  
Blumenauer Heinrich Napolitano  
Boswell Higgins Neal  
Brady (PA) Himes Olver  
Brown (FL) Hinchey Pallone  
Butterfield Hinojosa Pascrell  
Capps Hiroo Pastor (AZ)  
Capuano Hochul Payne  
Carney Holden Pelosi  
Carson (IN) Holt Pingree (ME)  
Castor (FL) Honda Polis  
Chandler Hoyer Price (NC)  
Chu Inslee Quigley  
Cicilline Israel Rangel  
Clarke (MI) Jackson (IL) Reyes  
Clarke (NY) Jackson Lee Richardson  
Clay (TX) Johnson (GA) Richmond  
Cleaver Johnson, E. B. Rothman (NJ)  
Clyburn Johnson, E. B. Roybal-Allard  
Cohen Kaptur Ruppberger  
Connolly (VA) Keating Rush  
Conyers Kildee Ryan (OH)  
Cooper Kind Sanchez, Linda  
Costello Kucinich T.  
Courtney Langevin Sarbanes  
Critz Larson (WA) Schakowsky  
Crowley Larson (CT) Schiff  
Cummings Lee (CA) Schwartz  
Davis (CA) Levin Scott (VA)  
Davis (IL) Lewis (GA) Scott, David  
DeFazio Lipinski Serrano  
DeGette Loeb sack Sherman  
DeLauro Lofgren, Zoe Sires  
Deutch Lowey Slaughter  
Dicks Lujan Smith (WA)  
Dingell Lynch Speier  
Doggett Maloney Stark  
Doyle Markey Sutton  
Edwards Matsui Thompson (CA)  
Ellison McCarthy (NY) Thompson (MS)  
Engel McColium Tierney  
Eshoo McDermott Tonko  
Farr McGovern Towns  
Fattah McNamee Tsongas  
Frank (MA) Meeks Van Hollen  
Fudge Michaud Velázquez

Visclosky Waters  
Walz (MN) Watt  
Wasserman Waxman  
Schultz Welch

NOT VOTING—13

Baca Emerson Sanchez, Loretta  
Bachmann Filner Schilling  
Braley (IA) Giffords Sessions  
Carnahan Hartzler  
Coble Paul

□ 1223

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. HARTZLER. Mr. Speaker, today, I was unable to vote due to a conflicting obligation in my district. Had I been present, I would have voted as follows:

On rollcall No. 882, “no”; on rollcall No. 883, “no”; on rollcall No. 884, “no”; on rollcall No. 885, “no”; on rollcall No. 886, “no”; on rollcall No. 887, “no”; on rollcall No. 888, “aye.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 888, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Mr. HASTINGS of Florida. Mr. Speaker, I mistakenly cast a vote in favor of H.R. 3010, the Regulatory Accountability Act. I would like the Record to reflect that my intent was to vote against this bill.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Friday, December 2, 2011. Had I registered my vote, I would have voted:

“Aye” on rollcall 882, On Agreeing to the Amendment to H.R. 3010—Moore of Wisconsin Amendment;

“Aye” on rollcall 883, On Agreeing to the Amendment to H.R. 3010—Jackson Lee of Texas Amendment;

“Aye” on rollcall 884, On Agreeing to the Amendment to H.R. 3010—Connolly of Virginia Amendment;

“Aye” on rollcall 885, On Agreeing to the Amendment to H.R. 3010—Nadler of New York Amendment;

“Aye” on rollcall 886, On Agreeing to the Amendment to H.R. 3010—Jackson Lee of Texas Amendment;

“Aye” on rollcall 887, On Motion to Recommend with Instructions, Regulatory Accountability Act; and

“No” on rollcall 888, On Passage Regulatory Accountability Act.

IN MEMORY OF CONGRESSMAN CARLOS MOORHEAD

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

Mr. SCHIFF. Mr. Speaker, I rise to recognize the passing of former Congressman Carlos J. Moorhead.

Carlos Moorhead represented the cities of Pasadena, Burbank, and Glendale for 24 years, from 1972 until 1996.

Prior to coming to Congress, he served for 6 years in the California State Assembly and before that as an attorney in private practice in the city

of Glendale. Carlos was a gentleman in every sense of the word—kind, thoughtful, and absolutely dedicated to serving his constituents.

When I was first running for office early in my career and met Carlos, he was always gracious, even fatherly, taking me aside to give me advice and counsel, though we were in different parties. He was at all times hard-working and ethical. I never remember Carlos saying an ill word about anyone. He was able to disagree about policy without making it personal, and he provided a great example for another generation that has gotten away from that kind of civility.

Carlos served the communities in his district ably and effectively throughout his years in Congress. He served as ranking member on both the Judiciary and Energy and Commerce Committees during his tenure. He was particularly known for his expertise on energy policy and intellectual property.

Carlos is survived by his wife, Valerie; three children; six grandchildren; a sister; three nieces; and nephews.

MOMENT OF SILENCE

I would ask you all to join me in a moment of silence in memory of Carlos Moorhead.

Thank you, Mr. Speaker.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend from Virginia, the majority leader, for the purpose of inquiring about the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday the House will meet at noon for morning hour and 2 p.m. for legislative business. However, no votes are expected in the House.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning hour and noon for legislative business.

On Thursday the House will meet at 9 a.m. for legislative business. We currently expect last votes for the week no later than 3 p.m. on Thursday, but Members are advised to keep their plans flexible as we continue to work towards adjourning for the first session.

Similarly, Members were informed yesterday that we now expect to be in session and voting the week of December 12. The exact voting schedule is not known and will depend on the progress of our legislative business.

Next week the House will consider a number of bills under suspension of the rules on Monday and Tuesday. A complete list of these bills will be announced by the close of business today.

For the remainder of the week, the House will consider two bills which are part of the House Republican jobs agenda: H.R. 10, the REINS Act, spon-

sored by Representative GEOFF DAVIS of Kentucky; and H.R. 1633, the Farm Dust Regulation Prevention Act, sponsored by Representatives KRISTI NOEM of South Dakota and ROBERT HURT of Virginia.

In addition, we may be able to go to conference on a couple of year-end items, and we may consider legislation related to expiring provisions of existing law.

Mr. HOYER. I thank the gentleman for his information.

If I can clarify, and I understand that we are coming up to the end of the year. There is a lot of business which needs to be done in the time remaining, and so I understand his urging to be flexible.

My Members have asked me, I'm sure Your members have as well, Friday the 9th is scheduled on the calendar to be a nonwork day, as a matter of fact, the 8th was the target date. Either side very rarely meets its target. But in your flexibility—clearly we've told our Members the following week, the week of the 12th, that undoubtedly we're going to be here. But can you give them some sort of confidence level with respect to the 9th, or is that not possible?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, as I've said earlier, it is our intention to finish legislative business for the week next Thursday at 3 p.m. and again to remain flexible while we monitor the progress of all of the discussions going on with the gentleman's side of the aisle, both in this Chamber and the one across the way.

Mr. HOYER. Reclaiming my time, thank you for that.

Let me posit a possibility here. Thursday at 3 o'clock we clearly, I don't believe, aren't going to finish the business that we need to finish before we leave. Therefore, my presumption is we will be back in the following week. Therefore, Friday would not be the last day and therefore we could do whatever we have to do on a Monday, Tuesday, Wednesday, Thursday and we should plan on a five-day week at least for the following week.

Is that correct?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman again the request is for Members to leave their schedules flexible. As I indicated we do expect to be in session the week of December 12 but the exact voting schedule is unknown at this time and will depend upon the discussions surrounding the issues that we need to address prior to the Christmas holiday.

Mr. HOYER. Further on the schedule, just so our Members have pretty clear information, the week of the 19th, which is the following week, can you give me some thought on what you are advising your Members with respect to the week of the 19th?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I say to the gentleman I join with the Speaker in saying that we want to be out of

here by the 16th, and it will all depend on whether we get the work done. It is not our desire to be here the week running up to Christmas. And I would say to the gentleman that it is my hope that we can finish our business by the end of the week of the 12th.

□ 1230

Mr. HOYER. I want to tell my friend that there is overwhelming bipartisan unanimity on the gentleman's hope; but for the purposes of my Members, I will say that I would hope our Members would take the flexibility beyond the week ending on the 16th and make sure, at least on the 19th and 20th and 21st, that they're flexible as well. I think none of us want to be meeting that week, but we have a lot of work to do, as the gentleman knows.

The gentleman has announced that we may go to conference next week on the MilCon bill that was passed by the House and the Senate. It is the only bill that, I think, is in that status.

Do you anticipate other bills being added in that conference? Of course, we all know there are nine appropriations bills which still remain unpassed, a number of which have not passed the Senate and some of which have not passed the House, itself.

Will the gentleman clarify the situation that may result or may be effective as it relates to such a conference with respect to the other appropriations bills.

Mr. CANTOR. The gentleman is asking about the shape or form of an appropriations package and what it is we'll be voting on. As the gentleman knows, the committee on both sides of the aisle is engaging in discussions to try and finish up our work, and I look forward to that happening, again, within the time frame in which both of us would like to see it happen.

Mr. HOYER. That doesn't clarify it very much, but I understand the gentleman's problem with respect to what is being done. Let me ask the gentleman:

If we can't get agreement, in light of the gentleman's focus on the 16th as the date of adjournment, is the gentleman saying that we might consider a CR for some period of time, either a balance-of-the-year continuing resolution or a continuing resolution for some other time?

Mr. CANTOR. Our hope is, again, to be able to avoid that so that we can have a full appropriations package to dictate the priorities that we can agree upon for spending in the rest of the year.

Again, as the gentleman knows, we are operating within the context of the Budget Control Act, the agreement that was put into law at the end of the debt ceiling discussions at the beginning of August of this year. The amount of spending reductions is not enough for many of us on our side of the aisle and perhaps may not be enough or too much on his side of the aisle; but we are operating under the

deal that was agreed upon, and the hope is to try and finalize all bills; and we're working towards that end at this point.

I thank the gentleman for the question.

Mr. HOYER. I thank the gentleman for that information.

I am pleased to hear that he is going to be sticking with the level of funding that we agreed upon. I think the gentleman's observation is correct: there are many people on my side who believe that is lower than is necessary to meet the responsibilities they would like to see met, and on your side it's too much in terms of the fiscal situation that confronts us; but I am pleased to hear that we're going to be consistent with the 1,043 discretionary number that was set forth in the Budget Control Act.

My friend knows that, in the Budget Control Act, we also provided for some headroom for emergency spending as a result of disasters. The gentleman well knows our region in the Northeast was hit very hard by a hurricane. We've had an earthquake. We've had tornadoes and other natural disasters. That gave \$11 billion of headroom.

Will we continue to honor that part of the agreement as well?

Mr. CANTOR. As I said earlier to the gentleman, our intention is to operate and abide by the terms of the Budget Control Act.

Mr. HOYER. I thank the gentleman for that.

I was profoundly disappointed that the so-called supercommittee, or the special committee on deficit reduction, either was unable to reach an agreement on at least a \$4 trillion agreement to reduce our deficit or, as I had urged individually, to extend its life for a period of time, 60 to 90 days, which would have allowed us further opportunity to reach such a deal.

I think that it is absolutely essential for our country. I think it would be an extraordinary plus for our economy if we were to reach such an agreement. I think it would raise the confidence of the American people and raise the confidence of the international community and, not inconsequentially, that of the rating agencies as well. We didn't reach an agreement. We didn't extend the life of that commission. I would like to see us set up another process which would give us accelerated consideration of such an agreement.

Having said that, we built into the Budget Control Act a disciplinary consequence of that failure, which was the sequester—a \$1.2 trillion across-the-board cut, divided equally between defense and non-defense discretionary spending. The Speaker had said that we are morally bound to accept the defense cuts if the supercommittee failed.

I wonder if you support the Speaker in that commitment.

Mr. CANTOR. I'd say to the gentleman that I don't know the quote from which the gentleman pulls as to the Speaker's statement. I know that I

share with the Speaker a commitment towards fiscal discipline and that there will be the requisite cuts to go along with the increase in the debt ceiling that will occur by law at the end of this year.

It is my hope that we can act in a bipartisan way to find a way to implement cuts that can replace the across-the-board cuts that will do what, I believe, is irreparable damage to the Defense Department and our ability to defend this country.

If I could, Mr. Speaker, quote from Secretary Panetta, who said as recently as Monday, "If Congress fails to act over the next year, the Department of Defense will face devastating, automatic, across-the-board cuts that will tear a seam in the Nation's defense."

He went on to say, "The half-trillion in additional cuts demanded by sequester would lead to a hollow force incapable of sustaining the missions it is assigned." Furthermore, "the Pentagon's ability to provide benefits and support for U.S. troops and their families also would be jeopardized if the automatic cuts," as designed, "are allowed to go into effect."

Mr. Speaker, he ended his statement by saying, "Our troops deserve better and our Nation demands better."

I'd say to the gentleman that it is my hope that we can work in a bipartisan fashion to try and do that which eluded the supercommittee and the other efforts along the way this year to try and come up with the requisite cuts. Again, I hope that we could do so and make sure the cuts are there, not avoid the cuts, but also not allow them to eviscerate our ability to defend this country.

Mr. HOYER. I thank the gentleman for his comments, and I appreciate Mr. Panetta's quote. I believe Mr. Panetta's quote is an accurate quote and, I believe, substantively correct.

Let me give the gentleman another quote from the former chairman of the Joint Chiefs of Staff, Admiral Michael Mullen. I know the gentleman knows Admiral Mullen, who served so ably as the Chairman of the Joint Chiefs of Staff.

He said, "The most significant threat to our national security is our debt."

He went on to say, "And the reason I say that is because the ability for our country to resource our military—and I have a pretty good feeling and understanding about what our national security requirements are—is going to be directly proportional—over time, not next year or the year after, but over time—to help our economy."

So I would agree with the gentleman that we need to reach a bipartisan agreement. I would hope the gentleman would share my view that we need to reach a bipartisan agreement on a big deal. A little deal, as the Speaker and I have discussed, will simply push off until next year a decision and the year after in just doing it incrementally. That will not give confidence to the markets. It will not give confidence to

the business community. It will not help our economy either domestically or internationally.

So my concern, I tell my friend, is if we now walk away from the sequester, as we have walked away from too many agreements in the past, we will again remove the discipline, remove the incentive, remove the imperative, as the gentleman points out, for coming to a bipartisan agreement, which is Bowles-Simpson, Rivlin-Domenici, the Gang of Six.

As the 100, the 40 Republicans and 60 Democrats, as the 46 equally divided between Republicans and Democrats have said, we need to reach a balanced deal: a deal which will restrain and cut spending, a deal that will deal with entitlement sustainability over time, and a deal that will provide a revenue stream that will allow us to fund what we believe to be absolutely essential, of which, as the gentleman points out, and he and I agree, national security is one.

□ 1240

So I would hope that we would not walk away from that disciplinary incentive to, in fact, have Republicans and Democrats come to an agreement.

I yield to my friend.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, no one is talking about walking away from fiscal discipline, and I share in the gentleman's desire to try and address the real problem here, which is Washington spending.

As the gentleman knows, the Republican majority in the House has the only plan on the table that actually is a big deal that fixes the problem. Unfortunately, there's just not an agreement on those very big issues.

As I've said and indicated earlier, there have been at least three attempts this year to chase the so-called big deal, and the problem is there's no agreement. There's no agreement on doing what's necessary to fix the real problem. And so if we've been there—and the President, himself, has said that there may be some issues that have to be disposed of or resolved in next year's election, but it doesn't mean we can't make some incremental progress.

I disagree with the gentleman, Mr. Speaker, that somehow if we make some progress, that that somehow takes away from our ability to solve big problems. We have already demonstrated around here the bar is pretty low when it comes to fixing big problems, and that's unfortunate, but it doesn't mean that we can't work incrementally together to address priorities.

I'm with the gentleman. I know that the response from the markets and otherwise are not going to be as positive if we don't fix the problem through a so-called big deal. But the point of contention is, one, the unwillingness to fix the real problem, because it's we in the majority that have put forward the only fix, long term, as CBO would say; and then the other point of contention

is we don't believe that now is the time to raise taxes on small business men and women.

And it's not the millionaires and billionaires; that's not the point. We don't believe that when you want to grow the economy, when you want to create jobs, that we should be putting a higher burden on the small business people of this country to create the jobs we want.

So if we know that there's that divide—we have already seen it play out for 8 or 9 months—let's try to work incrementally together in a bipartisan way, the way most people do that have differences, come together where you can set aside the differences.

Mr. HOYER. I thank the gentleman for his comments.

I think that both sides have shown some flexibility in some respects. Certainly a number of Republicans and Democrats showed flexibility on the Bowles-Simpson Commission.

Now, none of the House Members on the Republican side showed that flexibility, for reasons that I've heard them articulate. I understand they had reasons. But, unfortunately, we didn't get to the 14 votes in a bipartisan way on the Commission. As you know, I was not on the Commission, but I supported the Commission's report, would have voted for the Commission's report, as did Mr. DURBIN, the majority whip in the Senate.

Let me say to the gentleman, with respect to small business, nobody wants to put taxes on small business. As a matter of fact, we want to reduce taxes for small business. We offered that on the floor in the United States Senate yesterday. Every Democrat but one voted for that yesterday. Unfortunately, it did not pass. Your side, as you know, offered an alternative, an alternative which didn't even enjoy the support of the majority of your party.

So we need to get to bipartisan support, but I wish the gentleman would, when we talk about trying to ask some of the wealthiest people in America to pay a little more—not a lot more, but a little more—to meet the obligations so our country is fiscally sound, would not keep putting forth this, what I believe to be, windmill of small business.

We are for small business. This tax cut would reduce substantially taxes on small business. Your party, the majority, voted against it in the United States Senate. It hasn't been brought to the floor.

We would hope that we would extend the tax cut for middle class working people and not restore that tax, and that that would affect both individuals and, as the gentleman knows, small business. So we have a tax cut that we're recommending. The President has gone all over the country and talked about it, but it hasn't been brought to the floor. We think that's regrettable. We would hope you would do that.

Furthermore, frankly, the millionaires' tax, the billionaires' tax is, as

you know, a net taxable income level. It's not going to hurt small business at all. It's not going to hurt job creators at all. And, very frankly, I will tell my friend, we continue to follow an agenda which I don't think you can quote me an economist that will tell me that your regulatory bills that we've been spending time on, day after day, week after week—which I know sounds good to your people. We need regulatory reform. We need regulatory simplification. We need to make it in America. One of the ways we need to do so is make it profitable to make it in America. I agree with that 100 percent. But I don't have any economist who has told me that that's going to create jobs. As a matter of fact, Bruce Bartlett, an economist for the Reagan administration and Bush administration, said specifically it will have little, if any, effect.

Do you have an economist who said that that's going to grow jobs?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, let me respond to some of the gentleman's questions, first about Bowles-Simpson.

I think maybe some of the position that was taken by the House Members on Bowles-Simpson reflects the fact that it didn't fix the real problem. Again, it didn't fix the entitlement problem we have in this country given the demographics, and so that's the real problem.

And so if you don't fix the real problem and you go raise taxes, which the Bowles-Simpson plan suggested and gave you options to do, it's like throwing good money after bad. And I think the American people are tired of it. We have to fix the problem, and that's what we want to do.

And as far as the sequester is concerned, I want to reiterate that we're not talking about, and I'm not suggesting, on not doing all the cuts, because we believe—and this is the change that we put in place here when we became the majority. We believe you shouldn't be raising the credit limit of the country without turning things around and stopping the spending.

So we're not talking about or not suggesting not doing all of the cuts. What I am saying is we need to work together to find the commensurate cuts that aren't those that disproportionately affect the defense of our country. And I think the gentleman agrees with me; a priority is the defense of our country.

That's why if we can't see our way clear to even finding \$1.2 trillion through the Joint Select Committee process, then let's look to see how we come together in an incremental way. But I think the American people are looking for some progress here.

But I want to tell the gentleman, again, I don't believe that raising taxes is a good thing. And, again, the gentleman continues to talk about balanced deals, and that is a euphemism for saying raising taxes.

But, look. If we disagree on that, if the gentleman thinks it's good to raise taxes, then we have a disagreement. So let's, instead, focus on areas where we can actually find common ground, and the common ground should be, as the gentleman suggests, on small business.

Now, every economist there is will tell you that uncertainty, that added costs will provide an impediment to job creation. Now, I'm sure the gentleman has visited small business people in his district like I have in mine. And the kind of regulatory measures that we brought forward, whether it's regulations being proposed by the EPA, those being proposed by the NLRB, or any of the other measures, the ones that we passed on the floor today, these are measures to remove the uncertainty of added costs to our businesses, our small business men and women. Today's measures and this week's measures went to the fact that we need some common sense put back into the regulatory process.

□ 1250

We want to make sure that agencies take into consideration their actions and the consequences that those actions have on small businesses. We want to make sure that the agencies are going through a cost-benefit analysis that's a balanced and sensible approach. And yes, I think you will find agreement among economists, if you've got that kind of certainty, you will lend the process towards a better economy to create jobs, and I yield back.

Mr. HOYER. I thank the gentleman for his comment. I take from his comment, however, that he doesn't have an economist who has said that these bills are going to grow jobs. I agree with him that economists certainly believe that over the long term certainty is a good thing. We all agree on that. I hope all of us agree on that, and I would like to accomplish that. That's one of the reasons I'm for a big deal.

But let me give you a quote from Ben Bernanke as it relates to your saying we want to raise taxes. Nobody wants to raise taxes. I will tell my friends, I've been in office now for a long period of time, some 40-plus years. It takes zero courage, zero courage, to spend money and not pay for it. We believe we ought to pay for things. That's the difference.

Taxes are the money we collect to pay for things: taxes that we collect to pay for our national security, taxes we collect to pay for researchers at NIH, taxes we pay for FBI agents to protect us from terrorists, both domestic and foreign. Those are what our taxes are. Taxes are to help our kids get a college education so we can be competitive in the international community. It's paying for things that we're for.

And I will tell my friend, I'm glad to see you come to the point where we're going to pay for things because very frankly, as the gentleman knows, we're collecting revenues at a far lesser rate than your budget asked to spend, than

your budget, the Ryan budget, which, as you well know, did not balance the budget within the next 20 years and was all on the cut side, and the gentleman well knows was not a viable document. It did pass the House of Representatives; it did. I'm not sure it would have passed the Senate even if the Republicans had been in control of the Senate.

But notwithstanding that, let me give you a quote from Ben Bernanke because I agree with you—and you and I have talked about this privately, and we're now talking about it publicly. We ought to come together. We ought to sit down. We ought to reason together. We ought to be courageous together. We ought to have the will to address the extraordinarily dangerous fiscal crisis that confronts us.

Ben Bernanke said this: We aim to push our elected leaders to face the Nation's long-term fiscal challenges with civility, honesty, and a willingness to sacrifice their own reelection. This means not kicking the can anymore. That's why, if we abandon the sequester, that will be kicking the can. If we abandon trying to get a big deal, that will be kicking the can. This means—as he said—means reaching a deal on debt, revenue, and spending long before the deadline arrives this fall. Well, it came and it went and we failed. It means considering all options from entitlement programs, and the gentleman knows I've given a number of speeches on having to deal with the entitlement programs. We need to do that, but we also need to deal with taxes and revenues so we pay for what we buy, and we ought to tell the American people we can't buy that if you don't want to pay for it.

Now, very frankly, I think in the short term, given the economic crisis, lack of jobs, and the struggling economy, raising additional revenues in that timeframe, as Bowles-Simpson and Domenici-Rivlin both said, is not good policy, and they would not propose that, and it has not been proposed, as the gentleman knows. But I would tell my friend that paying for things—and as the gentleman knows, one of the reasons we've gotten into this problem was we didn't pay for things in the last decade. We have bought a lot of stuff, and we didn't pay for it. We asked our children to pay for it because it's a delayed effect.

We didn't pay for the wars, and we didn't pay for the prescription bill, and we didn't pay for the tax cuts. Simply giving up revenue, voting for tax cuts, and continuing to buy things is, frankly, I think not only not courageous but it is a disservice to this generation and generations yet to come.

And I yield to my friend.

Mr. CANTOR. I thank the gentleman, and the gentleman asks what regulations did we put forward, bills removing impediments in the regulatory process. Well, I mean the Keystone Pipeline, look at that bill. That bill says we'll create 12,000 construction

jobs right away if we can remove the necessary government redtape getting in the way of that project. So I don't see that there's any disagreement over that, but somehow we have your side saying that we shouldn't do that.

And if the gentleman is so interested in paying for things—because I don't believe that that's an issue now because we're not saying remove the sequester. What we're saying is finding cuts elsewhere but imposing that discipline. But if we're talking about not paying for things, what about the stimulus? My goodness, that was an 800-plus billion dollar effect at the end, didn't pay for anything, and it ended up imposing all kinds of debt now on us and our children and theirs.

And so I am with the gentleman: let's be courageous. Again, our budget was put out there. In the joint select committee process, our side proposed a plan to come together, and I think that the gentleman knows on his side there were comments made that there was never any coalescence on the part of the Democrats as to a way to come to some solution.

So I'm for the courage, but seemingly, after looking at the three processes that have taken place, the Biden talks, the White House talks, and those between the Speaker and the President and the leader on the other side of the Capitol, as well as now the joint select committee, all of those did not come to a result. So if that's the case, let's then say, well, wait a minute, maybe something's not working here. Then let's try and see what can work and what can't work. We really can come together in a bipartisan way and find some things that we agree on. Let's set aside those big differences, and the President even suggested back in the spring those big differences may get in the way. So, fine, let's find a way for us to at least make some progress because some progress is better than none. So incremental progress is better than no progress. That's for sure.

Mr. HOYER. I thank the gentleman for his comment, and I agree with it. Some progress is progress, however you describe it.

Let me clarify, because I want to make sure in terms of coming together and reaching some progress; you mentioned the—I'm not sure that every Republican agreed to it, maybe the gentleman knows, but there was—Mr. TOOMEY put a proposal on the table which offered \$300 billion in additional revenues. Of course, that was offset by an \$800 billion increase next year in tax cuts or a net reduction of \$500 billion in revenues for next year, excuse me, for January 2013.

Let me ask the gentleman, in reaching that, the gentleman mentioned entitlements. I agreed with him on entitlements, but the gentleman then said he's not for any increased revenues. All three of the bipartisan commissions, the two commissions and the Gang of Six, all three have said that revenues must be part of that picture. That's

taxes—a fancy word for taxes. Does the gentleman agree with that, because that certainly was the basis for bipartisanship in all of three of those fora?

I yield to my friend.

Mr. CANTOR. Again, I'd say to the gentleman, I think our side has demonstrated—we've put forward a number of plans, both in these processes that we're talking about and in the joint select committee, as well as with our budget. And I think we come from the perspective, Mr. Speaker, let's fix the problem. If you don't fix the problem and then you want to raise taxes, especially on small businesspeople, you are throwing good money after bad and you're aggravating the crisis that is gripping this country right here and now as well, which is the jobs crisis.

So, again, Mr. Speaker, I would say, let's agree to work towards common ground. We have laid out very well several times where differences are, but it's time for us to really work to transcend those differences and work in a bipartisan manner and see where we can come together. We've done it. We've done it in the House on the trade agreements. We've done it in the House on the 3 percent withholding bill. We've done it in the House when it comes to the veteran hiring bill. We can do this. Now, yes, it's not everything that all of us want, and I share the gentleman's frustration.

□ 1300

The gentleman has been here a lot longer than I have. But I will tell you I think the gentleman's career has been built on progress. So let's work towards progress again. That's all.

Mr. HOYER. I thank the gentleman. I didn't get an answer to my question, however. He's gotten an answer to his "solve the problem" issue. And what he means by solving the problem is we have to deal with the sustainability of entitlement programs. I've adopted that premise myself in speeches that I've given on numerous occasions on this floor and in other fora around the country.

What I'm asking him is, does he also agree—that proposition was adopted by all three of the fora that we have discussed—does he also agree, as Mr. Bernanke points out, that revenues, or taxes, however you want to call it, resources to pay for what we believe are priorities—for instance, the gentleman correctly believes we need to invest in our national security. I feel very strongly about that.

For 30 years I have voted on behalf of the national security of this Nation—to pay for it and to pursue weapons systems, personnel levels, strategies to assure our national security. So I have no qualms with saying that is a priority. If it is a priority, if it is important, it is important to pay for it. Paying for it is through revenues. If we don't pay for it, if we borrow—we're going to borrow over a trillion dollars to protect our country in Afghanistan, Iraq, and other places around the

world, but particularly those two. That's important. That's important to do. He and I agree. But I think it's important to pay for it and not have my children and grandchildren pay for it, who are going to have to pay for their security in their time. And if we leave them only a legacy of deep debt, they will not be able to do so. That is an immoral policy, in my opinion, as well as a fiscally irresponsible policy.

So I ask my friend, I understand we've got to fix the problem. What you're talking about is make sustainable demographics of change, costs of change. We have to make sustainable entitlements. But does the gentleman agree that a component of the solution has to be dealing with revenues as well?

Mr. CANTOR. We've always said, certainly, there needs to be more revenue. But we need to be focused on how we can have a sustainable revenue flow, and that's from a growing economy.

The gentleman asked me before whether we have economists that will endorse our Republican jobs-creator agenda. And, yes, the Speaker, as he knows, has issued a letter with 132 economists listed on that letter. And I'm going to send it to the gentleman so he can be reminded yet again that, yes, there are plenty of economists who embrace the notion that if we take away the impediments that Washington has put in place, that we can see a growing economy and produce more revenues.

I would say to the gentleman about his assertion about fixing the problem, he's correct, we need more revenues. We believe we need more revenues. Let's first see if we can fix the problem, because just paying for things by raising taxes doesn't fix the problem.

We know the demographics of this country. We know 10,000 people every day turn 65 and become eligible for Medicare. We know that Medicare is supported by premiums and taxes paid in. And those revenues cover only a little over half the cost of the program. We know that means that every day times 10,000, you're 50 percent in the hole. You cannot tax your way out of that. You can't grow your way out of that. You've got to fix the problem.

Back to my original notion. We're the only ones that have put a real fix on the table to that problem. And so what the gentleman says is, No, no, no, we don't want to fix the problem; we just want to tax people more until sometime, somewhere we come up with a solution to fix the problem. That's like throwing good money after bad. And raising taxes on small business people is going to get in the way of getting more revenues into Washington because you're not going to spur the economy into a growth mode.

Again, Mr. Speaker, we have been over and over this for months. We know where our differences lie. Let's come together.

I would say Keystone pipeline: again, the gentleman has a lot of support on

his side for the unions in this country. They want to see the Keystone pipeline built. Twelve thousand new jobs right away—almost 13,000 construction jobs. We've got manufacturing jobs and spin-offs that will come from that. Why can't we come together on jobs?

So, again, we can do this. We really can. It's time for us to begin to work together towards a productive end. Let's get America back to work, get this economy growing again, and then maybe we can then tackle some of the bigger problems that have eluded us in this quest to try and accomplish it all that has failed this year.

Mr. HOYER. I thank the gentleman for his comments.

We ought to come together on jobs. I would urge the gentleman to bring the President's jobs bill to the floor with such amendments, such changes, such improvements, such deletions as the gentleman feels necessary.

The President put out a jobs bill which every economist has said will grow the economy, will grow jobs; and it has been languishing in this House since September while people are losing jobs.

Now, the good news is we had some improvement in the economy. By the way, the Recovery Act worked, as the gentleman knows. I want to comment on his going into deficits as a result of the Recovery Act. As the gentleman knows—and he voted for—George Bush suggested \$700 billion in unpaid spending to staunch the financial crisis brought on by the meltdown on Wall Street in September of 2008, when President Bush was President. He offered a bill. He didn't offer to pay for that. And we didn't pay for it.

You and I both voted for it because we thought it was the responsible thing to do to stabilize the financial structure of this country. I believed we were absolutely right at that point in time. It was a very unpopular bill but, nevertheless, I think absolutely essential.

So in terms of some 5 months later, confronted with the deepest economic crisis since Herbert Hoover, we acted. We acted with the Recovery Act. And the Recovery Act has worked. It was not as big as some asked it to be, but it created some 2 million jobs over the last 36 months. It has not been as robust because we lost 8 million jobs. So if you add 3 million back, you lose 8 million, you haven't gotten to where you need to be.

But I tell my friend that we ought to come together. We ought to reach agreement. We ought to reach a balanced agreement. Your side thinks when we talk about balance, we're talking about revenues. He's right. But when we talk about balance, we're also talking about fixing the problem the gentleman talks about. We're talking about a balanced deal.

I would urge my friend in these coming few days that we have left, where we're apparently going to do either a CR or an omnibus appropriation bill—and we were criticized greatly for not

doing every appropriation bill individually. You have an appropriation bill, as the gentleman knows, that hasn't even passed subcommittee much less full committee or the floor of the House. But we need to get those bills done because it will give certainty and confidence to the American people that we can work together. I'm hopeful that over the next few days that we can, in fact, do that.

I would urge my friend to let us keep the discipline of the sequester in everybody's mind because we don't want that alternative. But we want to have that as the alternative to people so that we can give incentives to work together to summon the courage, to summon the judgment to reach an agreement which will get our country on the right track and give our citizens the confidence in their government that we wish they would have.

But they will only have it if we do, as the gentleman suggests, come together and work constructively toward a balanced package not only in terms of a fiscal package, but appropriations.

Let me say as well on appropriations, this side of the aisle did what your side of the aisle didn't do over the last 4 years when we were in charge. We made sure those bills passed. Your bills had your levels that we agreed on. And we congratulate you on sticking with the agreement we reached. I will tell my friend we will do so again if you do not put in the riders that Mr. BOEHNER and your Pledge to America said ought not to be in must-pass bills.

You will recall, I'm sure, that Mr. BOEHNER said we ought not to have extraneous controversial items which are not germane in bills that must pass. We ought to consider those on their merits. And I will tell my friend that if you do that, as the whip, as I have done on the two CRs we passed, on the debt limit extension we passed, and on the omnibus, or the "minibus" that we just passed, I will help you get those through. We will work together, and America will have greater confidence in us if we do that.

I yield to my friend.

□ 1310

Mr. CANTOR. I just want to thank the gentleman, and I look forward to working with him over the next 2 weeks.

I just want to clarify, no one is talking about removing the sequester, absolutely not. The gentleman knows where I stand on that. I'm talking about making sure that we come together to find the cuts commensurate with those aimed at the Defense Department, and in lieu of those cuts, putting others in place so we can maintain our priority of the national defense of this country.

Mr. HOYER. I will assure the majority leader that we will maintain our flexibility on schedule.

I yield back the balance of my time.



ADJOURNMENT TO MONDAY,  
DECEMBER 5, 2011

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

#### ENERGY INDEPENDENCE

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

Mr. WOODALL. Mr. Speaker, I thank you for the time.

You know, for folks who aren't accustomed to seeing what you and I just saw, I think that's quite a treat. In about—what does it turn out to be? In about 45 minutes, we've had the majority leader for the Republicans and the minority whip for the Democrats lay out in intricate detail the differences that we're facing here as well as the commonalities that we're facing here. That hasn't happened in a little while. It was a little more spirited today than it sometimes is as they come down on Friday afternoons to share with each other what the schedule will be going forward, but that's always a treat to see, and I hope folks enjoyed being able to be a part of that.

What I have on my mind today is twofold. We're talking about jobs. All day, every day in this body we're talking about jobs. And much like you saw the majority leader and the minority whip lay out competing opinions, competing views of what America should look like going forward, we have competing views about what creates American jobs. And I will tell you that, Mr. Speaker, we sometimes spend too much time talking about the creation side that we ignore the destruction side. Because it's absolutely about creating jobs, but it's so much easier to stop killing jobs.

Creating jobs, we can disagree about how to make that happen—lots of different proposals on the table—but destroying jobs should be something that we agree today should never happen, should be something that we say day in and day out we're not going to let happen. And that's the case as we talk about energy independence. Energy independence.

I'm going to quote my Georgia colleague, Jimmy Carter, Mr. Speaker. He was giving a speech in 1979. He said: "In a little more than two decades, we've gone from a position of energy independence to one in which almost half of the oil we use comes from foreign countries at prices that are going through the roof."

Sound familiar? Mr. Speaker, does it sound familiar? This was a speech

given in 1979. "In a little more than two decades, we've gone from a position of energy independence to one in which almost half the oil we use comes from foreign countries at prices that are going through the roof."

I'll tell you what else my Georgia colleague, President Carter, said: "I am, tonight"—in his 1979 speech—"setting a goal for the energy policy of the United States. Beginning this moment," he said, "this Nation will never use more foreign oil than we did in 1977—never."

Hear that. The speech given in 1979 by the President who created the Department of Energy, whose sole mission was to wean the United States from foreign oil and create domestic capacity to meet all of America's energy needs, not just because of jobs but because of national security is what the President said. "Beginning at this moment, this Nation will never use more foreign oil than we did in 1977—never."

Well, sadly, that has not come to fruition, and we're going to talk a little bit more about why that is.

Quoting again from President Jimmy Carter: "From now on, every new addition to our demand for energy will be from our own production and our own conservation. The generation-long growth in our dependence on foreign oil will be stopped dead in its tracks."

Folks, this is President Jimmy Carter—I would argue one of the more liberal Presidents that we've had in our lifetime—from my great State of Georgia. I'm going to be one of the most conservative Members that we have in this U.S. House of Representatives, and I agree with absolutely everything he said. I was 9 years old when he said it: never use more foreign oil than we use at this moment in 1977; every new demand for domestic energy will come from domestic energy production.

Who disagrees with that? Who disagrees with one of our most forward-thinking, energy-independent Presidents that we've had? Who disagrees?

Let's move forward. Let's look at U.S. oil consumption. 1973 to 2004 are the numbers I brought down today. This top line, U.S. oil consumption. U.S. oil consumption. Here we are in 1979 when the President was giving his speech: All the new demand, he said, will come from U.S. energy supplies.

The red lines are oil imports. Red line is the amount of oil that we are bringing in from overseas. Here's the President's speech in 1979. Here's that peak year in 1977. He was giving the speech in '79, but he said let's look at 1977, a peak year for our imports across the globe. We will never import that much oil again.

Well, look out there. Look right out there, 1996, 1997, 1998 through today, we absolutely are. And why? And why? The why is because of U.S. oil production.

You know, we talk—and again, you saw it with the majority leader and the minority whip. When they were talking

about their competing visions for a direction for America, they were talking about jobs. And the minority leader asked, he said: Name one economist who will tell you that reducing regulation creates jobs? That was an honest question. Name one economist who agrees that reducing government regulation creates jobs.

Folks, look at the Gulf of Mexico. Look at the Gulf of Mexico. Mr. Speaker, you know as I do, as you are from that part of the world, that America's largest shallow water oil drilling company declared bankruptcy in the midst of some of the highest costs per barrel of oil that the world has ever seen. Why? Why, Mr. Speaker, would a U.S. oil producer, the largest in the country, declare bankruptcy when the price that we're getting for a barrel of oil is among the highest in world history?

□ 1320

I'll give you the answer: Because the United States government wouldn't give them a single permit to drill. Hear that. More oil imports from around the world than ever before in American history, focus on both sides of the aisle on creating jobs, and the largest shallow water oil producer in America goes out of business because the American Government won't give them permits.

Tell me, who believes, Mr. Speaker, that that didn't cost jobs, that that regulatory decision to refuse to allow Americans to drill for American oil in American waters, as they have for decades, who believes that didn't cost us a job?

Now, good news. Good news. Those rigs that we would have been using to drill for American oil, they're not being moth-balled. They've just gone overseas to drill for foreign oil that we'll then be able to pay top dollar to get back in America.

Folks, why? Why?

This is an energy independence issue, and it is a jobs issue, and it is a national security issue.

Look back: 1980, after President Jimmy Carter's speech that said we will never import more oil, importing, here, six million, almost seven million, barrels a day.

Fast forward, 2008. That number's almost doubled to 13. It's almost doubled to 13. Folks, we're rich with energy in this country.

Mr. Speaker, you know, as I do, we have been blessed. There are countries around this world that don't have access to fresh water. We do. There are countries around this world that don't have access to beaches and to mountains and to waterways, and we do. There are countries around this globe that don't have access to energy, but we do.

Mr. Speaker, who is it who decides that we can't harness U.S. energy? Who is it? Is it some sort of natural law of nature that says we can't harness U.S. energy?

No. It's the folks who sit in these chairs. It's the folks who sit in these

chairs day in and day out who decide, no, no, you cannot harness American energy. You know where you ought to get your energy? Get it from overseas. Get it from overseas.

Now, you might ask, where is it we have to go overseas to get our energy? And I think that's a fair question, something that we don't talk about very much when we talk about free trade. You know, every single nation that America has had a free trade agreement with, we have a manufactured goods surplus.

We talk so much, Mr. Speaker, about the trade deficit that we have with the world. You've heard it. You hear it all the time, a trade deficit that we have with the world.

Why? It's energy. It's importing energy that creates the trade deficit. Those jobs we talk about, manufacturing jobs, good, high-paying manufacturing jobs, in everybody's district in the country, we have a trade surplus with every single nation with which we have a free trade agreement. What we don't have is an energy surplus.

These are the top oil-producing countries in the world, top oil-producing countries in the world. Our green line up top is the former Soviet Union; it changes over to Russia. You see it's right up there at the top even as we enter 2010.

This beige line is Saudi Arabia. It is also up there at the top as we enter 2010.

Down here you see the next biggest oil producers, China in purple, and Iran in blue. You tell me if that's who you want to import our energy resources from.

And here, in red, is the United States of America. This is production in millions of barrels per day. This line should be going up. This line should be going up, and this line is going down, and the question is, why? Why?

Look again to the seats in this room, Mr. Speaker. Look again to the policymakers in this country. Bill after bill after bill we have passed in this Chamber, Mr. Speaker, that would free up the American energy production that would create jobs, not tomorrow, not a week from tomorrow, not a year from tomorrow, but today, that would create jobs today, and those bills languish in the Senate.

Do not tell me that regulations don't impact jobs. Asking the question, does an economist agree that regulation removal would create jobs, folks, we don't need an economist. We need any mom or dad in the country. We could get a sixth grader to come and say what's going to happen. If regulations put people out of business, removing those regulations will let them come back in.

Largest oil-producing countries in the world, Russia, Saudi Arabia, Iran and China and the United States of America—we're in good company. We are in good company, Mr. Speaker, in the top five oil-producing countries in the world; but we're going down while

every other country is going up. We are producing less, while folks with whom we have fundamental disagreements about a world view, their production goes up.

And so who do we get our oil from, Mr. Speaker? Are we able to find enough oil in this global market to buy only from our friends? No, we're not. We buy from anybody who'll sell to us. And I don't need to speculate on what they do with the dollars we give them. I think we all have suspicions of our own.

This chart, Mr. Speaker, is American oil production, U.S. field production of crude oil. We had a slow start back in the 1800s. We didn't know how powerful it was going to be. I'm not going to fault us for that.

We started to sort out the technology, Mr. Speaker; we started to put it to good use. You see that spike running right up into the 1970s when President Carter was giving his speech. In fact, there's a little jog in the chart here, Mr. Speaker. You can't see it, but oil production went down, and Jimmy Carter gave a speech. He said, we are going to find domestic sources for American energy. We are not going to sell our future away to the world for the price of a barrel of oil. We are going to do it ourselves. And so you see an uptick.

President Carter, you know, he's known for oil, oil embargoes, this energy speech. But really solar energy for which I would say I remember President Carter most fondly. He began that huge push for alternative sources of energy, and he was focused on that throughout this time. But his commitment to energy independence was every bit as large as his commitment to solar energy, and we began to produce more oil.

Now, follow that line, Mr. Speaker, from 1990 straight down through 2010. Straight down.

It's not that we're not blessed with energy, Mr. Speaker. It's that we're also blessed—I'll use the word loosely—with a Congress that believes, or at least believed before this freshman class got here, that they're the smartest folks in the room, and if only the rest of America will do what they want them to do, America will be better off.

Mr. Speaker, the decisions in my community about what makes the families in my community better off are made around the family dinner table, not 640 miles away in Washington, D.C. The decisions about how to make ends meet are made around that dinner table, not 640 miles away in Washington, D.C. The decisions about the environment, about transportation and about jobs are happening at that local level until we destroy that opportunity from Washington, D.C.

We have the oil. We could turn this chart around today; but, regulatorily, we won't allow it to happen.

Next time, Mr. Speaker, someone talks about a jobs proposal, I hope you'll direct them to jobs.gop.gov. Be-

cause you know as I know, Mr. Speaker, at jobs.gop.gov you will find the list of more than 20 pieces of legislation that we have passed in this Chamber that sit idle in the Senate that will create jobs, again, not tomorrow, not next week, not next year, but today. Today.

Where's an economist that believes reducing regulation creates jobs? Folks, that's not the question. The question is, is there a family in America that doesn't know for a fact that reducing regulations creates jobs? We're not talking about thwarting clean water, folks. I drink out of the same spigot everybody else does. We're not talking about thwarting clean air. I sniff out of the same air that everybody else does. We're not talking about those public health and safety issues. We're talking about national security.

When you look at this chart, Mr. Speaker, it talks about the nations that produce oil, the oil that we need to run this country, Russia, Saudi Arabia, Iran and China.

□ 1330

Is there an environmental issue when it comes to energy production? You bet there is. But I propose this, Mr. Speaker. Give us energy independence. Give us energy independence in this country, Mr. Speaker, by whatever means necessary, by hook, by crook, you drill, you dig, you put the solar panels on the roof. Do whatever you have to do. Give us energy independence today. And I'll be glad to have the discussion that the President from my great State of Georgia started in the late 1970s about having enough alternative energy sources to fund this country.

Folks, who doesn't love green? Green's wonderful. I saw a study the other day that said it's the most soothing color for children. Green's wonderful.

Green's not what we get when we have to bargain with Russia, with Saudi Arabia, with China, and with Iran to get the lifeblood that keeps the American economy going. Green is not what we get.

Folks, drill, dig, do whatever you have to today to achieve energy independence to reduce this imported number. Twice as much oil being imported today as we were when President Carter gave his speech that it would never rise again.

We can do it, Mr. Speaker. We're Americans. We're the greatest engineers on this planet. We have the hardest working workforce on this planet. We have folks who are willing to save and sacrifice like nobody else on this planet. We can do it. The question is, Mr. Speaker, are we in the U.S. House, in the United States Senate, down at 1600 Pennsylvania Avenue in the White House, are we going to free the American people to pursue that goal?

You know, I came to this Congress about freedom. I don't actually view my job as the job of being the smartest person in the room. I view my job as

protecting the freedom of folks back home, because if you've not been down to the seventh district of Georgia, Mr. Speaker, I'll tell you you're going to find some of the smartest folks in the land right down there. It's kind of the north metro suburbs of Atlanta. And folks run this country from there with the decisions they make every day of the week.

We don't need a Federal law that tells you whether to buy a Snickers or a Twix. I'm sure we could have a spirited debate about that here in this Chamber. But we don't need a law to do it because folks just make that decision every day. Are there enough peanuts in Snickers, Mr. Speaker? Do you think we should have them add some more?

You know, those are the kinds of things we decide we're going to regulate out of this body in the name of making everybody happy. The children, when they get their trick or treat bags on Halloween that have the mini-Snickers in there, how much happier would they be if each of those mini-Snickers bars had eight peanuts in them instead of just seven? They'd be so much happier. And it would help peanut farmers in Georgia. It would be a home State jobs creation initiative. We should regulate that from Washington, DC. No. Because families regulate that. If you don't like the peanuts on the Snickers, you're going to get a Payday bar. If there are not enough peanuts in Payday, you're going to go on to the next one.

We as Americans, Mr. Speaker, not as congressmen, as Americans, we sort out these decisions a thousand times a day. How do we get more freedom then, Mr. Speaker, back into individuals' hands?

We're talking about jobs, and that's, again, energy independence. It's a national security issue. It should be the focus of everything we do in this House because it's a national security issue. If you don't believe we would make different foreign policy decisions, Mr. Speaker, if we were not dependent on people who hate us to fuel this economy with their oil, I'd have to disagree because I'm absolutely certain of it. We would make better foreign policy decisions if we produced our own energy resources—and we can.

We're the Saudi Arabia of coal, for Pete's sake. What has this body over the past several years been trying to regulate right out of existence? Coal. The one resource that we have in abundance more than anyone else on the planet. And folks in their wisdom have decided that it would be better not to harvest our coal and instead import oil from people who hate us.

Folks, that's not freedom. That's decisionmaking going on right here. And I promise you we'll get it right in the Seventh District of Georgia more often than not. And when folks believe they're the brightest people in the room, they start to make mistakes.

That brings me to the FairTax.

Oh, Mr. Speaker. You know the FairTax is a tax bill, but at its heart, it's a freedom bill. What the FairTax is, Mr. Speaker, if you haven't looked at it recently, it's a fundamental change in the way we tax America. Today we tax income, and of course, the power to tax is the power to destroy.

I ask young people when I go to schools to speak, I say, Who wants to come to work for me? I'm going to work you hard, and I'm going to work you long. And I'm going to give you \$10 an hour. I get a couple of hands that go up. Apparently \$10 an hour is not as much today as it was back in my day. I would have jumped at \$10 an hour. But I get hands that go up for \$10 an hour. Then I say but I'm going to have to tax you \$9 of that so you're only going to be able to take home \$1. Now who wants to come work long hours for me? All of the hands go down.

The power to tax productivity is the power to destroy productivity. The power to tax income is the power to destroy income. Why? Why do we want to destroy that which makes this country great?

So the FairTax shifts that paradigm. Instead of taxing what people produce, we want to tax what people consume. A consumption tax. You've all seen it. It's in your sales tax. Back home in your State you get taxed on what you consume. And we could do it.

I'll tell you, the FairTax is a jobs program, because when we stop taxing productivity, we get more of it. That creates jobs. I'll tell you, the FairTax is about transparency.

You know, Mr. Speaker, the payroll tax, that 15.3 cents out of every dollar that comes out of your paycheck, that FICA line that you see, now 7.65 percent comes from the employee, the other 7.65 is hidden as an employer tax, but it's a 15.3 percent payroll tax.

Did you know, Mr. Speaker, that 80 percent of American families pay more in the payroll tax than they do in the income tax? Eighty percent of American families pay more in the payroll tax than they do in the income tax.

Now, I just got back from Thanksgiving. I've got doctors in my family, I've got teachers in my family, I've got all sorts of folks so I can assure you, Mr. Speaker, I got an earful throughout the entire Thanksgiving dinner. It was more of a three-day festival for me. Different sides of the family coming into town, and I got lots of good advice about how we should do things differently up here.

But you know not one person mentioned the payroll tax. The income tax was a hot topic. But nobody mentioned the payroll tax, and it's the biggest tax that 80 percent of Americans pay. Why? Because the payroll tax is hidden in every single paycheck that you get. You don't feel it. The government gets its share first. You get your share second. You don't feel it go away unless, Mr. Speaker, you're one of the self-employed folks in America. And instead of

paying the 15.3 percent payroll tax, you pay the equivalent 15.3 percent self-employment tax. And then you feel the bite of that tax each and every day. You know that's the biggest tax that you pay.

The FairTax, instead of allowing all of those taxes to be hidden, hidden in business taxes, hidden in income taxes, hidden in payroll taxes separated out so you don't feel the pain, the FairTax takes your entire Federal tax burden and sticks it into one rate, a sales tax on everything that you buy. One rate.

Now, that rate would have to be 23 percent. That's a big number. Twenty-three percent is what the sales tax rate, the FairTax rate would need to be in order to replace Federal income taxes on businesses, on individuals, Federal payroll taxes on businesses, on individuals, the gift tax, the death tax, the capital gains tax, the dividend tax, all of those Federal taxes on income, the FairTax could replace them all with a 23 percent personal consumption tax there at the cash register.

And you'd see it, Mr. Speaker. Can you imagine? Today I can just raise an excise tax here, raise a quarter of a percent on income tax there. I can do lots of funny math as they like to do in Washington, DC, because folks can't feel the pain. They always think it's not going to tax me. It's going to tax somebody else. Yes, I vote "yes" because it's going to tax him instead of me. The FairTax puts us all in the same boat and let's us see how much the United States Government costs us.

I'm a cost-conscious shopper, Mr. Speaker. I brought a marker down here with me today in case I had to write any big red marks on my chart. This was free with rebates at Office Max last week. I don't know if anybody else got it. Free with rebates for this marker. Dollars and cents matter. We make different decisions in our personal purchasing life when we experience those costs.

□ 1340

Transparency let's you know how much your government is costing you.

Does everybody want a free marker? Yes. Does everybody want to pay the \$6.95 it would have been if it weren't free with a rebate? I think not.

It puts the entire cost of government out where you can see it. Most importantly, the FairTax is about individual freedom.

Folks, have you thought about how the Tax Code manipulates your life?

It doesn't matter whether you sit on the far right over here with the Republicans or if you sit on the far left over there with the Democrats. Sometimes something happens when you show up in Washington, D.C.—and you do. You believe you're the smartest person in the room. Everybody tells you how wonderful you are. You think your ideas are so great. Then you decide—you know what?—that I should reward people for doing this behavior and that

I should punish them for doing that behavior, and if I do it, they'll be happier and America will be better.

So what am I going to do?

I'm going to put a tax on gasoline because I don't want people driving to work. That's bad. Then I'm going to put a tax credit on electric vehicles—right?—because that's green. We were talking about green earlier, Mr. Speaker. I'm going to put a tax credit on electric vehicles. So I'm going to punish those people who buy oil at the community gas station, and I'm going to reward those people who go out and buy these \$60,000, \$70,000, \$80,000 electric vehicles.

I don't actually think that's very good tax policy, but we have the power to do that. We can manipulate your behavior every day of the week by changing how the Tax Code touches your pocketbook. I was talking about that electric vehicle tax credit. That wasn't just an example. That wasn't just something I made up.

Do you remember when this President passed his energy bill? It included in it a tax credit of \$6,500 for everyone who would go out and buy an electric vehicle. Well, again, the Volt was not on the market at the time in the 40s, and the only vehicles out there were in the \$80,000-\$90,000 range. But Americans are industrious, which is why, if you leave America to Americans, we're going to be just fine. Americans are industrious.

What they found out was, if they put brake lights on their golf carts, as well as some side view mirrors, some good seatbelts up front, some headlights and windshield wipers, that the Department of Transportation would certify those golf carts as road-ready vehicles, and they could get the \$6,500 tax credit. Ah. Now it turns out you can't buy an American-made golf cart for \$6,500. Our golf carts are a little more expensive than that. Yet our friends in China are not only willing to share their oil with us—guess what?—they're willing to share their golf carts with us, too. So it turned out, at the end of tax year 2009, Americans were literally standing in line for VIN numbers for Chinese golf carts so that they could claim this tax credit. Free golf carts for all.

Did anybody get one, Mr. Speaker? Did you get that free golf cart? Don't tell me if you did. I know some folks who did. I'm not proud of it, but I know some folks who did. Free golf carts for all from the United States Tax Code.

Folks, when we bring all that power and all that authority here, it gives us the power to manipulate your life, and we don't always manipulate it for the powers of good. I would tell you, even when we're trying to manipulate it for the powers of good, as the President was trying to manipulate it for the powers of good in his energy bill, we run afoul. Why do we need to pay people to engage in behavior? We make those decisions each and every day.

The FairTax abolishes the income tax code so that no longer can people

who think they're the smartest people in the room in Washington tell you how to live your life. It's not just a crazy conservative, Republican idea. No. We have that idea from folks on the other side of the aisle, too.

Let me quote President Obama:

You've got too many companies ending up making decisions based on what their tax director says instead of what their engineer designs or what their factories produce, and that puts our entire economy at a disadvantage.

You were here, Mr. Speaker, when the minority whip asked: Is there any economist who believes that regulations destroy jobs or that removing regulations would create jobs?

We don't need an economist. We've got the President of the United States:

Too many companies make decisions based on what their tax director says, based on tax regulation, instead of what their engineer designs or what their factories produce, and that puts our entire economy at a disadvantage.

President Barack Obama.

We'll go more:

We need to make America the best place on Earth to do business. A barrier government can remove is a burdensome corporate tax code with one of the highest rates in the world.

The minority whip asked: Where is the economist that believes that repealing regulation is going to create jobs?

It's the President of the United States:

A barrier that government can remove is a burdensome corporate tax code with one of the highest rates in the world.

We can do that. We don't need world approval. We don't need to shop that around for a decade. We could do that here, and we have legislation drafted to make it so.

I'll quote Senate Majority Leader HARRY REID:

Our tax system is broken, and it needs to be fixed.

I probably could have quoted any American and would have gotten that same sentence. I don't think there is anybody who disagrees with that, Mr. Speaker. Our tax system is broken, and it needs to be fixed. Where are the ideas to fix it? I tell you they are here in this House, Mr. Speaker—the FairTax. The FairTax, this personal consumption tax that I'm talking about, has more cosponsors on it—more Members of Congress who have added their names to the bill who have said they want to be a part of that—than any fundamental tax reform legislation in either the House or the Senate. It has the most Members in both bodies. We have proposals to fix it.

Let me quote House Minority Leader NANCY PELOSI:

Any tax reform and closing of loopholes, which is really important for us to do as a sense of fairness, must also reduce the deficit.

The minority leader knows we've got to cut out these loopholes, these tax

breaks, these deductions, these exemptions. We hear that down here, Mr. Speaker, and you've heard me go on about it in the Rules Committee. Folks come down here, and they say, Oh, I hate this tax break or I hate that tax break. Oh, this loophole is unfair or that loophole is unfair.

Folks, every loophole is unfair. Don't just pick on the oil companies because you don't like oil companies. Don't just pick on the solar panel companies because you don't like solar panel companies. Every loophole is unfair. Everything that advantages your business over another business is unfair. Everything that advantages your family over another family is unfair. There is no secret spot that we go to here in the Congress to get money to pay our bills. There's not one. There's no secret spot. It comes out of American taxpayers' pockets—every penny.

When you cut a special break to a special interest, only one of two things is going to happen—they're going to pay less. So either you, the American taxpayer, is paying more, Mr. Speaker, or we, collective America, are borrowing more and passing that bill on to our children and grandchildren.

Why? Why do we give the special tax breaks and the loopholes? Who elected us, Mr. Speaker, to decide who wins and who loses? My people sent me here to protect their freedom. They're going to decide who wins and who loses by the sweat of their brow and by the power of their ideas. They didn't send me here to choose.

The Tax Code is not supposed to be about picking winners and losers. It's supposed to be collecting whatever revenue there is that we need to run this country. You can't run a country for nothing. I'm not a guy who says let's abolish all taxes all the time. We have a social contract in this country, and we have to collect dollars to pay for national defense. We have to collect dollars to pay for homeland security. We don't need to dispense favors from the Tax Code.

I challenge you, Mr. Speaker, to help me challenge our colleagues. If you want a special favor for that special interest in your district, don't hide it in the Tax Code. Bring it down here as a spending bill. Let's debate it. Instead of saying, Oh, my favorite special interest back home, I want to give you a 50 percent tax break—instead of that, why not just come to the House floor and say, Hey, I just want to write you a big check for 50 percent of your tax bill—because that's what it is. That's all it is—every single tax break, every single tax loophole, deduction, exemption, on and on.

□ 1350

We call it part of the Tax Code; it's just the government writing you a check. Folks we're broke, 15 trillion in debt that we're passing on to our children and our grandchildren. We can't write those checks.

The FairTax does away with that. All the exceptions and exemptions make

the Tax Code transparent for people to understand. Now, one of the things I hear these days in this tough economic time—and it is a tough economic time—folks say, but, ROB, if we had a consumption tax like what you're proposing, people are consuming less in these tough times, and so we're not going to have enough money to run the government.

Well, folks are right. We are absolutely consuming less in these tough times, and I encourage you to consume even less going forward, tighten the belt. Think about that next purchase. Make those decisions. Tighten it as much as you can. Saving is the virtue.

For far too long, we've celebrated consumption as the virtue. We have a chance right now, and it's only right now, Mr. Speaker. We haven't had this chance in almost 100 years. America used to produce what the rest of the world wanted. America used to be the exporting giant that sent the world the goods that it needed and the middle class prospered as a result.

Well, we've gotten out of that habit. We've gotten out of the production business. We're putting more businesses out of business every day with the regulations we've talked about earlier. Now we're in the importing business; now we're in the borrowing business.

But, Mr. Speaker, we have a once-in-a-lifetime opportunity right now. Why? Because there are a billion new middle class Chinese consumers coming online today, and they want what we make. There are a billion new Indian middle class consumers coming online today, and they want what we make. We do not have to buy everything from the world. We can produce everything for the world.

Consumption is not to be celebrated. Production is to be celebrated, which is why I want to take the tax off production and put it on consumption.

This chart represents—the blue is personal consumption through the years, the last decade. The red is personal income. And what you'll see is the red line drops below the blue in bad times and above the blue line in good times. What does that mean?

The red line is income. The blue line is consumption. Yes, it's true that in bad economic times we consume less but, guess what, we earn even less than that.

Is there less personal consumption going on today, Mr. Speaker? There is, but also less personal income going on today. Folks don't have jobs. When you tax income, you tax one thing and one thing only and that's the production that you had today.

When you tax consumption, you tax, perhaps production from today, also savings from yesterday and also borrowing from tomorrow. It's a much more stable income stream for the government. And let me tell you why that's important.

Mr. Speaker, you know, we've only been in this House 11 months now, part

of the biggest freshman class this body has seen in a generation. But in just this period of time, we have learned that it's hard to cut spending, hard to find agreement. It takes 218 votes to cut spending. I'm having a hard time finding those 218 votes on programs I want to eliminate. It's hard.

But because income drops lower in tough economic times than consumption, and because income rises higher in good economic times than consumption, what happens is in the bad times, because we have an income tax, we end up borrowing more to pay our bills and in the good times when we have a surplus, how much did we save? Mr. Speaker, do you remember? How much did we save and put a way for a rainy day during those 3 years of surplus in the 1990s? A lot? No, it was zero. Oh, but we spent some more. Oh, boy, did we spend.

And by "we," Mr. Speaker, I know you weren't here. But, boy, did this Congress spend. In good times if you send this Congress the money, it's going to spend it. Don't send it. Don't send it. Because the consumption tax flattens out the volatility of the tax receipts in this country so that in bad times we don't have to borrow as much and in good times we don't spend as much.

That's important because that gets multiplied over Congress after Congress after Congress. You know, the FairTax isn't some sort of amazing record-breaking idea. It just says get the government out of the way. You know, when this Republic was founded, the only way we funded this government was through consumption. That was the only tax we had, a consumption tax.

That's how we funded the government because our Founding Fathers said, if you have enough money to import china from China and silver from India, then you have enough money to help to keep this country afloat. If you have enough money to spend big, you have enough money to pay taxes big.

But let's talk about the individual American family for a moment. You know, back when the income Tax Code started in the 20th century, the Tax Code was 400 pages long, 400 pages long. Now, I read a lot of legislation around here, Mr. Speaker, as you do, and 400 pages is a lot of pages to get through, but I can sort that out. By World War II, 1945, the Tax Code was 8,000 pages long, grew 20 fold in the first part of the century.

By 1984, it was 26,000 pages long; and, Mr. Speaker, we're getting past the amount of pages that I can digest. We're getting past the amount of pages that I can sort out on my own. I'm having to hire professional help now. I've got to hire staff like I.S. Dunklin here in order to sort through all of this Tax Code. That's 1984—26,000 pages; 2004—60,000 pages; 2011—72,000 pages, Mr. Speaker.

Who is it? Which is that American family that has so much extra time on

their hands today they've sorted through 72,000 pages of Tax Code to figure out what the tax bill is. It makes a criminal out of all of us, out of all of us.

Did you see the article in Money Magazine? They brought in about 20 different tax preparers, gave them average, middle class families, incomes and deductions and credits, you know, their life, of 20 different tax preparers who looked at this one family's circumstances. How many of them do you think came up with the same answer? How many of them came up with the same tax bill? Zero.

Twenty different tax preparers, 20 different answers about what this middle class American family would owe. You can't sort through 72,000 pages; and, why, this is the thing about the FairTax, Mr. Speaker. We have inherited this Tax Code. This Congress has inherited this Tax Code from those who have gone before us, but we don't have to keep it. That's what's so great about America. We get to choose; we get to decide.

We could erase the Tax Code today. Instead of 72,000 pages, we could have this. We could have a blank page, and we could begin anew to decide what we want the American Tax Code to look like.

Folks, I don't mind paying taxes. I just don't want to pay someone to help me pay the taxes. I don't mind paying taxes, but I don't want to be at risk of getting arrested because I didn't do it right. I only spent 60 hours trying to sort it out, and it should have taken 70 hours.

Folks, if you have to pay the government, if the government has to get the money before your family gets the money, why can't we make it easy? And I'll tell you that we can. Making it easy is what it's about for the American family, but making it easy also has an impact on jobs.

You know, don't think for a minute that we don't live in a global economy. Why, it hasn't always been true. Back in the 1970s we were a little more insular. As a Nation, we could make some different choices.

But today money can leave this country with the click of a mouse. One click of a mouse and you can transfer a trillion dollars from here to Zurich. And guess what, the big CEOs can get on their plane and they can fly to Zurich too. And guess what, the folks who live in Zurich they want jobs too. Everything that has to do with the prosperity of this country can get up and leave, except for the American worker.

You and I are here. You and I aren't going anywhere. So we are invested in making sure that those people who provide the jobs for us stay here too.

Look at the average effect of tax rates. This is effective tax rates. I have got some other charts that talk about the statutory rate, because the statutory rate for business taxes in America is the single highest statutory rate in the world. Again, you can create a

company with a click of a mouse. You can move your trillions with a click of a mouse.

Where are you going to move them? You are going to move them to the country that has the highest rate in the world as America does, or you can move them somewhere that has a lower tax rate.

Folks, as the minority whip was asking if we had an economist, we don't need an economist to sort that out. Every high school student who has had a semester in economics knows if somebody is taxing here and somebody is taxing there, the money is going to go to the low tax jurisdiction. That's the marginal tax rate.

But look at the effective tax rate, because you might be thinking, but, ROB, you just told me about all of the loopholes and the exemptions and the credits. I bet that's how America stays competitive. We just give away all of these freebies kind of under the table to all of our businesses, and that keeps them afloat? No and no.

The effective rate is the rate that folks are paying after you factor in all of those loopholes and exemptions, United States, 27.7 percent. The 58 other countries in the OECD, that group of economically developed countries from around the world, those people who are competitors in a global marketplace, their average rate, 19.5, 19.5. Our friends in the European Union, you have probably been following them. They have got this breed of socialism that's been pervasive over there. It's putting their business out of business one by one by one by one.

□ 1400

You probably think they've got the really big tax rate. No, no, they're just 21.9. The big tax rate belongs to the land of the free and home of the brave. Folks you don't need an economist to sort this out.

Mr. Speaker, we know if we charge employers more to stay here, they're going to do what? Leave. And if we charge employers less in America, they're going to do what? They're going to stay, and more importantly, they're going to come. They're going to come. The Tax Code is a business opportunity. It does not have to be a burden. We have simply made it a burden in this country.

This map shows you what the global tax rates are around the globe. We're here in orange in the 30 to 39 percent rate. We're actually at 39. So we're the highest of the orange countries. Look here who is in 10-19. Here we are, we're up here around 40 in America. Look at our friends to the north. Anybody been to Canada recently? It's not a bad place. They've got good schools, good energy infrastructure. Wars don't break out there very often. Nobody's out to get them. It's pretty pleasant. They charge businesses about half of what we charge for them to have the pleasure of doing business there.

Now, I'm just asking, Mr. Speaker, you see the young people that come

through this Capitol. Ask them, where would you start your business? Would you start it in the country that has the 40 percent tax rate or would you start it in a country that has a 20 percent tax rate? Businesses don't pay taxes. Consumers pay taxes, and when we burden our businesses, we not only reduce the number of jobs that are available in this country, but we reduce the competitiveness of our goods overseas, and that's where the American competitive future lies. We must become the exporter to the world, and we cannot do it when we hide taxes in the price of everything we pay.

Have you ever walked up to a Coke machine? I'm from Atlanta, as you know, Mr. Speaker, and we're the home of Coca-Cola, and I like to say wonderful things about Coca-Cola, and I do on a regular basis. But when I walk up to a vending machine out here on Independence Avenue, and there's a Coke machine there and there's a Pepsi machine there, the price is always the same whether you want to buy a Coke or Pepsi. Why is that? Why is the price the same? Why doesn't Coke decide they just want to make a whole lot of money and they're going to charge \$2 while Pepsi is only charging \$1? Even better, why doesn't Coke charge \$5, while Pepsi is charging \$1? And the answer is competition.

There comes a time when you cannot sell your product because the price is too high. These orange Nations are raising the price of those products. The green Nations are lowering the price of their products. Look at the green: it's our neighbors in Canada, it's our neighbors in Europe. We cannot compete today with this Tax Code. And who gets to change it? How hard is it, Mr. Speaker? Where do we have to go to find the wisdom to change the Tax Code? Oh, good news. It's right here, right here with us in this body. We can erase the code and start fresh tomorrow.

Mr. Speaker, people talk about these things as if they're unattainable. The income tax hasn't always been in this country. It started in the early part of the 19th century. We can stop it just as effectively as they started it. We get to choose.

Looking at the top 75 countries—you're going to have a tough time reading it, Mr. Speaker. These are 75 Nations around the world ranked by how easy it is for businesses to pay taxes in those countries, ranked by the ease of tax compliance. Let's see, we've got a lot of smart guys in America. Maybe we're up here at number one? No. There's Hong Kong at number three. That's a thriving economy. Ireland here at number five. We've got Canada here. We knew they were going to do well. Denmark, Switzerland. No, there's America, over in column number four at number 69. Mr. Speaker, it's an embarrassment. Top 75 countries by ease of paying your tax bill, America is number 69. There are dictators in these other countries that write the tax

codes. There are monarchs in these countries that write the tax code. We're the land of the free and home of the brave. We write our Tax Code, and you want to know where the jobs have gone, Mr. Speaker? We have run the jobs off one by one by one. Stop the nonsense about talking about growing jobs and you're still running jobs out. Keep the jobs we've got and the new jobs will come. We can fix this.

Sixty-nine out of 183 countries America ranks, and in terms of the level of the corporate income tax, the level, 131 out of 183. People wonder, they ask the question all the time, why are jobs leaving America? I don't think government can stop it. Government stopping it? Government's causing it. Get that: Government's causing it, and we can stop it, and we must.

But you might be thinking, well, good news, Rob. At least if we've got this terribly burdensome Tax Code and at least if we've got the highest corporate rates in the world, at least if we're doing things more stringently than anyone else on the planet is doing them, we must be getting a lot of money for it; businesses must just be paying tons here. Oh, no. Revenues as a percent of GDP, you see the U.S. down there in red. Here is the OECD, the average. We're down there at the bottom.

For all the pain and suffering that we put businesses through to make them pay their taxes, for all the jobs that we lose in this country because businesses know it's too complicated to do business here, we don't get much for it.

Interesting sideline, Mr. Speaker: If you go over to the former Soviet bloc countries, you'll find most of them have flat taxes these days. The flat tax, consumption tax, sales tax, all of these taxes that we know generate job growth. We can't get one in America, but the former Soviet bloc countries got one. They all got them. Why? Because they were starting new countries where they could start from scratch and do it any way they wanted to. And when you start from scratch, you end up with a flat tax. You end up with a consumption tax. You end up with something that's going to grow your economy instead of punish it. We're punishing our economy, and we're not getting a thing for it.

Mr. Speaker, H.R. 25 is the FairTax. H.R. 25. Folks can find it at [thomas.loc.gov](http://thomas.loc.gov). That's the Library of Congress' Web site that does all of the legislation, posted for all Americans to see and read. It's only about 115 pages long. It's a short read, not 75,000 but 115 pages long, talking about what we could do if we had the will to do it. I think we do have the will. We have more cosponsors of the FairTax than any other tax bill in the House. The Senate, the Senate version of the FairTax, more cosponsors on the Senate version of FairTax than any other fundamental tax reform bill in the Senate. We can do it, Mr. Speaker, but it's a heavy lift.

And if folks have suggestions, Mr. Speaker, if you would encourage folks, if it's about the FairTax, if they know how we can get this country back on track, they can send an email to [fairtax@mail.house.gov](mailto:fairtax@mail.house.gov) and you will be able to see it. If it's about energy independence and how we can change national security in this country, how we can reclaim all of the bounty with which God has bestowed this country, [energyindependence@mail.house.gov](mailto:energyindependence@mail.house.gov), Mr. Speaker, is an email address that folks can send their ideas to about how we can get this going forward, because I am certain as I am that the sky is blue that the best ideas for saving America in this time of crisis, Mr. Speaker, they are more likely to come from the family dinner table back home than the committee hearing room here.

That's who we are here. We're just folks who used to be at the family dinner table back home, and we've taken 2 years out of our lives to come up here and be a part of a larger discussion, but the good ideas still come from back home. Mr. Speaker, if folks would send in those ideas, we can begin to change this Chamber one seat at a time. We can begin to effect this process one Member of Congress at a time. Members of Congress don't change their minds or change their votes because of lobbyists on Capitol Hill. No, they change their minds and change their votes because of lobbyists back home, and that lobbyist is named Sally the pharmacist, and that lobbyist is named Steve who works at the foundry. Those lobbyists are the individual voters back home. That's what effects change in this place. That's what causes change to happen in Washington, DC.

The American people still run this Republic. I see it every day, and Mr. Speaker, if the American people would reclaim this House, reclaim this House by reclaiming their Representatives, by pushing forward those commonsense ideas—we don't need an economist to tell us, we know it to be true—we can reclaim this country.

□ 1410

I'm not telling you it can happen overnight. I'm not telling you it's going to be easy. But if there is one thing I am certain about America, Mr. Speaker, is in times of crisis we get the job done. If there's one thing I know about the American family, it's if you tell the American family they can't, then they will. We can do it, Mr. Speaker. 300 million Americans together can do this, but their ideas have to be heard.

This big freshman class, I would argue, is doing a better job of making the families' hopes and dreams heard on Capitol Hill than we've seen in my lifetime. But we can still do better. [Fairtax@mail.house.gov](mailto:Fairtax@mail.house.gov) and [energyindependence@mail.house.gov](mailto:energyindependence@mail.house.gov). We will get those ideas heard.

Mr. Speaker, I'm grateful to you for providing me the time this afternoon. I yield back the balance of my time.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

#### ENERGY POLICY

The SPEAKER pro tempore (Mr. GOSAR). Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 30 minutes.

Mr. BARTLETT. Mr. Speaker, on the 8th day of March, 1956, a scientist, geologist by the name of M. King Hubbert spoke to an audience in San Antonio, Texas. The audience was a bunch of oil people. He gave what I think is going to be recognized as the most important speech of the last century. It was really a very audacious speech. At that time, the United States was King of Oil. We produced more oil, we sold more oil, and we consumed more oil than any nation in the world.

M. King Hubbert told that group of oil geologists and company executives that in just 14 short years the United States would reach its maximum oil production, that no matter what they did after that their oil production would decline. This was an incredible speech. Essentially no one believed it because, as I say, at that time the United States was the King of Oil, producing more, shipping more, consuming more than any other nation in the world.

For a number of years, M. King Hubbert was a pariah. Nobody believed him. He was kind of relegated to the lunatic fringe. In 1980, 10 years after his prediction that the United States would reach its maximum oil production, you could look back, and what you saw is shown on this chart. This, of course, goes out beyond that year. What you see is what happened then.

The United States did reach its maximum oil production in 1970. After that, the production fell off no matter what we did. Now, there was a little blip on the downside because we found a lot of oil in Alaska. You can see it there on the chart. And we found a lot of oil in the Gulf of Mexico, the yellow that you see there. There was a little blip on the down slope, and M. King Hubbert had not included in his predictions the oil that we would find in Alaska and the Gulf of Mexico. He included only the lower 48.

This chart shows where that oil came from. A lot of it came from Texas, the biggest single source of oil. The first oil, of course, was found in Pennsylvania and part of the rest of the USA.

Then you have natural gas liquids on the top. As we found and used more and more natural gas, the natural gas liquids increased. That's not gas in your gas tank. That's propane and butane and things like that.

This is something that could have hardly been believed. How could a country as creative and innovative as the United States possibly not be able to continue to produce more and more oil when they needed more and more oil?

What M. King Hubbert did was a pretty simple thing. Oil had been pumped for long enough—50 years or so—by that time that they had some idea of what went on in a field, and the production in an individual oil field followed kind of a bell-shaped curve. As you pumped the field, you got more and more; and then when you reached the top, it became harder and harder to get the oil, and so it fell off as you went down the other side of the bell curve.

And so what he reasoned was, if I can make some estimate of how many oil fields there will be in the United States and I add up all those little oil fields, all those little bell curves, I'll get a big bell curve, and that will tell me when we're going to reach our maximum production in the United States.

Just about a year later, another speech was given. I don't know if these two gentlemen knew each other at all. But this other speech was given by the father of our nuclear submarine, Hyman Rickover. Hyman Rickover spoke to a group of physicians. The audience is irrelevant. He spoke to a group of physicians in St. Paul, Minnesota, and he said something that should have been self-evident, but obviously they weren't because nobody else was saying them and nobody has said them much since then.

What he said in this speech was that in the 8,000-year recorded history of man, the age of oil would be but a blip, and he referred to it as this "golden age." Here are a few quotes from that speech.

By the way, you can find it on the Internet. If you simply Google for Rickover and energy speech, it will come up. It was lost for a number of years, and a few years ago it was found and put on the Internet. And what he says here seems to be axiomatic.

"There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy," he says, "500 million years ago and took eons to grow to their present volume.

"In the face of the basic fact that fossil fuels are finite"—they will run out—"the exact length of time these reserves will last is important in only one respect: the longer they last, the more time do we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift."

Now, this would seem to be, as I said, axiomatic. Obviously, the Moon isn't

made out of green cheese and the Earth isn't made out of oil. It is finite. One day it will run out. And so it is obvious that one day one will have to come to grips with this. You will have to find alternative energy sources. Just when is that time for the world?

When we ran out of our ability to produce more oil when we wanted more oil was in 1970. But the United States was the first great industrialized Nation and so we would expect that we would reach that point before the rest of the world. Just when would the rest of the world reach that point?

I love this statement: "Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit about how his offspring will fare."

□ 1420

I have 10 children, 17 grandchildren, and two great-grandchildren. Particularly my great-grandchildren and some of my grandchildren will look back and they will ask themselves, how could they have done it? How could they have gone on feverishly looking for and drilling for oil when it was obvious that it was finite, when it was obvious that there would come a time when we would have to transition from oil to alternative sources of energy?

Now, this is a warning from the past, but that wasn't the only warning that we were going to have because your government has paid for four separate studies of this problem. And the phenomenon is called "peak oil." That's the time at which you reach your maximum production capability; and after that, no matter what you do, production will fall off. As we saw earlier, that happened in the United States in 1970. By the way, by 1980 it was painfully obvious that M. King Hubbert was right, because looking back those 10 years, we say, gee, we really did peak in 1970, didn't we? And we're tipped over and starting down the other side now.

Your government paid for four studies. Why four? Because they didn't like what the first one said, and so they ordered another one and didn't like what that one said, so a third and then a fourth. I have quotes here from two of those studies.

The first of those studies was a study by SAIC, and the primary author of that study was Robert Hirsch, and it's usually referred to as the "Hirsch Report." It was issued in 2005. These are just a couple of quotes from that: World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of confident forecasters project peaking within a decade. Others contend it will occur later. Prediction of the peaking is very difficult because of geological complexities, measurement problems, pricing

variations, demand elasticity, and political influences. Peaking will happen, but the timing is uncertain.

The world, they said, has never faced a problem like this. Without massive mitigation, more than a decade before the fact, before peaking occurs, the problem will be pervasive and will not be temporary. We had a temporary problem with the Arab oil embargo in the seventies. This will not be temporary. Previous energy transitions—wood to coal and coal to oil—were gradual and evolutionary. Oil peaking will be abrupt and revolutionary, the report said.

We were very comfortable living in this "golden age"—as it is referred to by the father of our nuclear submarine, Hyman Rickover. He noted that the incredible amount of energy and oil permitted us to live a very high-quality life, as compared to our ancestors who had not yet found how to tap into the enormous riches of fossil fuels. When I first heard this statistic I was stunned. I said to myself, it can't be true. One barrel of oil—that's 42 gallons—one barrel of oil has the energy equivalent of 25,000 man-hours of effort. That's 12 people working all year. A barrel of oil has the energy equivalent of 12 people working all year long. Wow, that seems incredible, doesn't it?

And then I thought, I drive a Prius and it takes me about 50 miles on a gallon of gasoline, not very big, a gallon of gasoline. Now, I could pull my Prius that 50 miles, but it would take me a long time. With the come-alongs and the chains and hooking to the guardrail and trees, I could get the Prius that 50 miles. Wow, I said, maybe there are 25,000 man-hours of work in one barrel of oil.

Now, it wasn't very long ago that oil was worth \$12 a barrel. That means that you could buy the life-enhancing effects of having a full-time servant work for you all year long, and you could buy it at the well head for \$1. If you look around the world and see the quality of life that most of the world's people live, it is really quite incredible compared to the quality of life that our ancestors lived before they found how to tap into the enormous potential of fossil fuels.

There was another report which issued in 2005, and that was a report by the Corps of Engineers. And here is a quote from that report: "In general, all nonrenewable resources follow a natural, simple curve—production increases rapidly, slows, reaches a peak, and then declines at a rapid pace similar to its initial increase." This is the bell curve, the curve that M. King Hubbert had noted that permitted him to make his prediction as to when the United States would reach its maximum oil production.

The major question for petroleum is not whether production will peak, but when it will peak. There are many estimates of recoverable petroleum reserves giving rise to many estimates of when peak oil will occur and how high

the peak will be. A careful review of all the estimates leads to the conclusion that world oil production may peak within a few short years, after which it will decline.

Your government didn't like what these two studies said, and so there were two more studies ordered, one from the Government Accountability Office and the fourth one from the National Petroleum Council. I do not have quotes from these two; but they say essentially the same thing, that the peaking of oil is inevitable with potentially catastrophic consequences. Since your government didn't want to hear what these reports said, it didn't pay any attention to what the reports said, and we have gone on with policies of Drill, Baby, Drill.

Just recently, there have been two more reports that tell us where we are—they also look at where we have been—and they make their prediction of where we are going. The first of these reports is the one on top that issued in '08. And the people who issued it were the IEA, the International Energy Agency. They are a creature of the OECD, a consortium of major industrial countries. There is a similar organization, the Energy Information Administration, which is a part of our Department of Energy. And they do similar things and have published similar curves; but this is the IEA, the International Energy Agency.

The blue part of the chart here represents conventional oil. Now, if they had a long enough chart, it would go back here about 100 or more years. We started pumping way back here when we didn't need much, and so we didn't pump much. And every time we needed more oil, we could find more oil and we could pump more oil. And we've been doing that now for right at 150 years.

And so here we are now. And what they show in this chart is the total liquid fuels—that's the line up here—has been plateaued. You can see it's flat there at 84 million barrels a day. We've been stuck there for 5 years now.

□ 1430

We're in a recession worldwide. We aren't using as much oil as we might use. And still oil hovers near \$100 a barrel. A couple, 3 years ago when the world's economy, including ours, kind of had a momentary collapse, the oil prices dropped down to \$40 a barrel. But the reality of the supply compared to the demand, the prices steadily rose until oil is right at \$100 a barrel now.

What this chart showed was a fairly significant drop-off in the production of oil from our conventional oil field. This is following the same curve, you note, that was followed by the United States after 1970. So our 1970 plateau is the world's plateau that occurred—what?—'05 to '09, something like that, was roughly when their curve occurred.

The chart here has several other contributions to our liquid fuels. The top on here is natural gas liquids, and you saw that in the previous chart. That's



propane and butane and liquids like that. The green one under it is non-conventional oil. That is growing, and that will grow. That's oil from places like the oil sands of Alberta, Canada, where they have a lift there, a shovel that can lift 100 tons at a time. It dumps it into a truck that hauls 400 tons, and then they haul it to a big cooker, and they heat it up so that the oil will flow. It won't flow otherwise.

They have a large amount of what we call stranded natural gas. Stranded natural gas is natural gas that is where you don't have very many people. And since it can't be moved—it's not a liquid. It's a gas, and it's difficult to move long distances, so it's cheaper when it's stranded, and so they're using this stranded natural gas as an energy source to warm this oil up so that it will flow.

The next little wedge there, a dark red wedge, really is a part of the dark blue one down here. It's enhanced oil recovery. It's the additional oil we get by pumping live steam down there or pumping seawater down there, or pushing CO<sub>2</sub> down there to push it out. Enhanced oil recovery, that is growing. That will grow because we're finding more ways of doing that.

Then they show two wedges to keep this production line going up, because they think it should go up, and so we'll just find some oil so that it will go up. The light blue here is oil from the fields that we've found but are too difficult to develop, like the field in the Gulf of Mexico that is under 7,000 feet of water and—what?—30,000 feet of rock. It's way down there. As the price of oil goes up, why, more and more of these fields will be feasibly economically developed.

The bright red wedge there is a wedge of fields yet to be discovered because they, predictably, cannot get enough oil from the fields that we have discovered. They're too difficult to develop now, so we'll need to find some new fields.

Notice that by 2030 they have predicted that we would rise from our current 84 million barrels of oil a day to about 106 million barrels of oil a day.

Now, this same organization, the IEA, issued another chart 2 years later, in '10, and this chart is pretty different. It shows, of course, the same plateau. Actually, they show a little dip here. Is it starting down or is that simply an undulation at the plateau?

They have reversed the top two contributions and given them different colors, but they're the same thing. This is natural gas liquids, the purple one, and the yellow one is nonconventional oil production.

Notice that they don't show the little wedge here for enhanced oil recovery. They have included it where it ought to be, simply as a part of the production from the current oil fields. And notice, they go out to '35 rather than '30 in this chart. They go out 5 years further, and they show a really precipitous reduction in the amount of oil

that we're going to get from the fields that we're presently pumping.

And so, to keep this curve going up, because it must go up if the world is going to have any opportunity for a growing economy, to keep the curve going up, they are predicting two huge wedges that will come from the fields that we have now discovered: the too difficult to develop and fields yet to be discovered.

There is little confidence that these prognostications will occur. The United States could not do this. We are the most creative, innovative society in the world, and we could not reverse the decline of oil production in our country. And most of those who are serious students in this area do not believe that these two wedges will occur. So it is very probable that what the world is going to do is what the United States has done, and that is that it will tip over and there will be ever less and less oil, harder and harder to get, and more and more expensive.

The next chart kind of puts this in a global perspective. This is a chart which shows what the size of the countries of the world would look like if their size were relevant to the amount of oil reserves that they have. And you notice here that Saudi Arabia dominates the world. That's because Saudi Arabia may—we aren't really sure because they won't open their books. Saudi Arabia may have 22 percent of all the reserves in the world.

You may remember, oh, 6 weeks or a couple months ago, there was a WikiLeaks expose that said that maybe the Saudis had overestimated their oil reserves by as much as 40 percent. So the map might not look quite like this, but relatively like this.

Now, why would they overestimate their reserves?

When OPEC couldn't produce more oil than they were producing and they were all anxious for more revenues, OPEC decided that they would limit their production so as to keep the price of oil up. And so they permitted each of the countries to pump a percentage of their reserves.

And so if you look back at the history of this, you will see that, without finding any new fields, their reserves could go up 50 percent, sometimes their reserves doubled. It was kind of a contest amongst liars, because the more you said you had, the more you could pump because you could pump a percentage of what your reserves were. So we really aren't sure what these reserves are because they will not open their books, but it's roughly like this. Certainly, the largest reserves of all the oil are in Saudi Arabia.

Look at those countries around them, Iran and Iraq and Kuwait. Little Kuwait, that looks like a province down there in the corner of Iraq, and look how much oil they have. The United Arab Emirates, you can hardly find them on a map.

Now, I want you to look for the countries on the map that have the largest

economic activity, and that's the United States. We represent a fourth of all the economic activity in the world. We're one person out of 22, and we have a fourth of all the good things in the world.

It's really interesting to ask yourself: How come? What is so different about the United States that this one person out of 22 has a fourth of all the good things in the world?

That is a subject for another time, and we will come and talk about that, but it's an interesting challenge: Why?

Look at the United States here. We have only 2 percent of the reserves of oil in the world, and we use 25 percent of the oil in the world.

Now look at Europe. It's hard to find them on this map, isn't it? Europe, collectively, is economically a bit bigger than the United States, and they're even in worse shape than we are as far as having oil reserves. They are almost totally dependent on oil which is shipped in.

□ 1440

And now look to find the two countries that have between them better than 2½ billion people out of our 7 billion people in the world, China and India. See them over here? Tiny, tiny. They have very small reserves of oil.

Last year the Chinese bought 13 million cars. We struggled to sell 12 million cars. China is now the world's largest polluter. They just passed us. We're number two in that category. China's economy is growing very rapidly. Their demands for oil are increasing rapidly. I do not have the chart here, but China is buying up oil all over the world.

I asked the State Department why would China buy oil. We have only 2 percent. We use 25 percent. We're not buying oil anywhere. I said why would China buy oil. You see, you get your oil today by going to the global oil auction and if you have the money—it's dollars today; let's hope it stays that. If it turns to yen or euros, we're going to be in a heap of trouble. And if you have the money, you get the oil. So you're not benefited at all by owning oil today.

The State Department's answer was, I'm not sure China understands the marketplace. Wow. A country at that time growing at 14 percent, I think China understands the marketplace. I think they understand that there is such a thing as peak oil. Well, do they understand that?

Five years ago, I led a codel to China, this holiday season. I was in Shanghai on New Year's Eve. Nine of us went to talk about energy. China began their discussion of energy by talking about post-oil. Of course there will be a post-oil world. It's not today.

We're not running out of oil. That's not what we're running out of. There is a lot of oil left. There is more oil left than all of the oil we have used in all of the world's history up to now. What we're running out of is our ability to

produce that oil at the increasing rate to meet increasing demands. We're not running out. There will be oil for another 150 years. Ever less and less, more and more expensive, harder and harder to get.

Our time is running out.

If you have only one chart to look at, this would be the chart.

This is when we discovered oil way back there. Huge amounts of oil. This dark, heavy line here is our consumption of oil. You need to kind of thank the Arabs or their Arab oil embargo. If they hadn't had that in the seventies, look where this curve would be. It would have gone off the top of the chart. That woke us up. Your air conditioner now is probably three times as efficient as your air conditioner was then.

Well, we will return to talk about what can we do about this. Today, we talked only about the problem. It's a huge problem. We're equal to that problem. We'll be back and talk about how we respond to the problem.

I yield back the balance of my time.

#### BUDGETARY AND OTHER CONCERNS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

We're in a time of massive overspending, a time when some want to raise taxes, creating more of an economic problem. But it's been shocking that after the biggest wave election since the 1930s, 80-plus brand-new Republican conservative Members coming into this House, it's been nearly a year, and we really haven't cut much of anything. There's plenty of places to do it. It should be done. It can be done.

We ought to just say we're going back to the last Speaker PELOSI budget before the big bailouts and stimulus all started occurring. I don't remember governmental entities around the country, Federal Government entities, in 2007 and 2008 with Speaker PELOSI at the helm of things, complaining that they weren't getting enough Federal money. Yet, if we went back there and just said, you know what, forget the stimuluses and the bailouts, obviously those haven't worked. Let's just go back to the '07 or '08 budget. They didn't pass a budget; they passed appropriations—but let's go back to those numbers. Instantly, a trillion dollars trimmed off.

What we've had is a President of the United States coming into office jumping up the Federal spending by a trillion to a trillion and a half dollars and then saying we're not cutting any of that extra trillion dollars we've added on. We just need now to raise taxes to get up to all of this giveaway spending that we've done.

There are many good examples of that, but none better than in the solar

energy area—a place like Solyndra getting between five and \$600 million that's been completely wasted.

We've been told by Secretary Napolitano that the country just can't afford to build a fence on our southern border where our problems now are not Latin American citizens coming up here. We have what are sometimes labeled OTMs, "other than Mexicans," coming in; and many of them are coming in and they're not coming in to do us any favors, and they're not coming here to get jobs.

We have an obligation to provide for the common defense. Our oath requires us to do that, and we're not doing it.

But good grief, if you took the money that this administration squandered giving away to Solyndra, take the \$700 million or so that was squandered, given away to a solar plant in Nevada—actually they had about \$35 billion to give away, they literally have been doing—and according to the information from this administration—some of us think it shouldn't cost nearly this much—but if you took just \$1 billion to \$2 billion of that \$35 billion that had been squandered by this Energy Department and said we're committed to providing for the common defense, and in providing for the common defense we're going to build a fence, it would cost a fraction of what this administration has squandered on solar energy giveaway programs. What a waste.

Then we have ObamaCare. You want to save a trillion dollars? Just stop it. Repeal ObamaCare. The vast majority of American people sent a new majority into the House to try to get that done. Turns out, we've got to have help in the Senate we don't have down there so that we can do the will of the majority of the American public and repeal ObamaCare. There's a trillion dollars in savings, actually more than that.

We've got \$105 billion being spent right now, in the process of being spent, to make sure that the mechanisms are in place so that by 2013, 2014, ObamaCare is going to be the law of the land whether the Supreme Court strikes it down or not, because all of these mechanisms will be in place. It's time to repeal it. It's time to get rid of it and have serious health care reform.

And you can't have serious health care reform until you know what the cost of health care is. You can't go into any doctor's office or any hospital, any health care provider's office and say how much does it cost for this procedure, that procedure if it is something that's covered by insurance or Medicare or Medicaid because they can't tell you. It depends, they'll tell you. What kind of insurance you got? Are you on Medicare? Medicaid? Are you paying cash?

Ironically, in a society where paying cash should normally get you the lesser price, in health care, because of some of the insurance agreements, they are not allowed contractually to charge as little to the cash-paying people as those who have insurance get charged to their insurance companies.

□ 1450

Well, that's not the free market. That's not competition. So that's something that has to be dealt with. We need transparency there.

When we look at the figures, for example, on Medicare for the calendar year of 2010, it has been estimated that \$522.8 billion was spent on Medicare. When you divide the number of households in the United States that have been estimated to have one or more people on Medicare, you'll find out we're apparently spending between \$20,000 and \$30,000 a household for Medicare. You can buy some really great private health insurance, especially if you have a high deductible, for a lot less than \$20,000 a year.

That's why the proposal I had—some have called it bipartisan—has clearly become a partisan entity. After being called to the woodshed by this current President, they were able to strike about \$200 billion or \$300 billion from their estimated costs of ObamaCare only to find, once it passed, it got put back in. Well, if CBO has a margin of error of \$300 billion out of every \$1 trillion they estimate, then it's probably not something we ought to keep. It's kind of like the Energy Department. When they're that bad at what they do, it's time to get rid of them and do something new.

But you can't blame the folks who are there. Their hands were tied with rules that were put in place in 1974 up until the last 5 or 6 years with the most liberal Congress in our history, the same Congress that said we weren't going to stay with our commitments to allies in Southeast Asia. We left, some estimate, 2 million people to be killed when we fled Southeast Asia. Now this President seems to be following the same trends that we saw with Jimmy Carter: turning on our allies, hurting our friends, helping our enemies—and there's always a price to be paid for that.

So we've got ObamaCare put in place. Over \$1 trillion could be saved. Just repeal the thing, and let's start with real reform.

Even though CBO refused to score it, Newt Gingrich told me, if I could get that bill scored, it might revolutionize the discussion on health care. So, naturally, CBO wouldn't score something like that even after they were requested by the ranking Republican on Energy and Commerce—the committee of jurisdiction—and by the ranking Republican on the Joint Committee on Taxation. They both requested it be scored, but CBO didn't score it. It might have interfered with ObamaCare being passed. The bottom line was it would have given seniors a choice.

Do you want to keep being on Medicare and have the Federal Government tell you what you can or can't have, and have to go out and, with the precious few dollars you have from Social

Security, have to pay AARP or somebody else's Medigap insurance or wrap-around insurance or supplemental insurance? Do you want to have to keep paying precious dollars?

Or would you like the alternative of having the Federal Government buy you basically the best private insurance you could have with a high deductible—of \$3,500, \$5,000, whatever we want to say, whatever ends up being the most cost-effective—and we would give you cash in a health savings account that you'd control with your own debit card, where you'd make the decisions? The only restriction is it would have to be for health care. You couldn't use that money for anything else. Give people a choice. Let them decide if they want to quit buying Medigap insurance.

I know, as wonderful as AARP is, 2 years ago, I think, they cleared over \$400 million in clear profit from their supplemental Medicare insurance. So you hate to cut in on a charitable institution like AARP's massive profits like that off people who can't afford to buy the product. But gee, let's give seniors a choice.

Then, of course, we would need to give incentives to young people. Put your own money into a health savings account. It would be your money, but it could only be used for health care. You can't pull it out for something that's not health care. You can gift it to other people's health savings accounts. When you pass away, if you've got money in there, you can pass that on and have someone inherit that from you into that person's HSA, but once it's committed as health savings account money, it has to be spent on health care.

Yet we've been told if that happens, then the vast majority of young people in their twenties and thirties would have so much massive amounts of money built up by the time they'd be eligible for Medicare, not only would they not want Medicare, they wouldn't need it. They'd have plenty of money to do what they wished.

Now, that would get us off this road to the dustbin of history, because we have bankrupted ourselves on entitlement programs. At the same time, what an incredible deal—you'd get better health care; you'd get more control; you'd put patients back in control; you'd put patients and doctors back making the decisions.

I'm a big supporter of health insurance, but the trouble is for a number of years now we haven't had health insurance in America; we've had health management. I'm very concerned that, unless health insurance companies get back in the business of health insurance instead of health management, then there will be some bill that ends up running them out of business.

It, of course, will be ObamaCare if it's not repealed. Then it will be the government controlling things—a massive takeover.

As I've said before, ObamaCare is kind of like the cap-and-trade bill.

They're all about the same thing. It's all about the GRE—the Government Running Everything. That's what it's about.

We could save money and return freedom to people who have not had it in the area of health care, and they would control their destinies. But there are some people here in Washington who genuinely, honestly believe they need to be making the personal decisions for people across America because, gee, they're smarter, and they would make better personal decisions for people who haven't done so well on their own.

Thinking like that caused the original Revolution. They didn't want some king who thought he knew more about what they should do with their lives making the decisions about their personal lives. Some have drawn the parallel that there is a correlation between the American Revolution and the French Revolution when compared to the Tea Party movement and the Occupy Wall Street movement, because the American Revolution was about one thing: It was about liberty.

There were people who signed and pledged their lives, their fortunes, their sacred honor. They were all at stake. And many who signed, pledging their lives, their fortunes, their sacred honor, lost their lives and their fortunes—but their sacred honor was intact when they died.

The Declaration of Independence says we are endowed by our Creator with certain unalienable rights and that among those are life, liberty, and the pursuit of happiness.

Nobody is guaranteed happiness. Yet the Founders knew that we were endowed by our Creator with these rights. But like any endowment, like any inheritance that's passed on from a loving father, if you're not willing to fight for it to the death, if necessary, you will not keep your inheritance. If you make stupid decisions with your endowment, with your inheritance, you're going to lose it; you won't keep it.

Many countries have suspected they were endowed by their Creator with unalienable rights, but they didn't fight to preserve them. They never fought to grasp them to begin with, and they've never had them.

□ 1500

Some have had them and squandered them. We have been given such a gift by our Creator and by those who were willing to defend our inheritance so that we could enjoy that incredible endowment. Of course, we find out that there are some people in the Occupy movement who have big trust funds, massive amounts of money to keep them going, and they're out there complaining about people with money, got their laptops or their iPads, don't appear to be hurting too much. It appears some of them were born on third base and have gone through life thinking they hit a triple. Well, they haven't, and they need to be grateful for the

people that got them to third base, but they're not.

We can get spending under control, but we've got to get back to a moral Nation. As the Founders said, this government was never intended to work as a government for immoral people, for a people who did not grasp and understand the gift from their Creator, and that they had a Creator.

We know that there are those who, in this country, are atheists because they have the freedom to do that, and that's fine. They have the freedom of religion, but the late Bob Murphy from Nacogdoches, Texas, used to say, you know, I used to feel sorry for atheists, he said. I do, I feel sorry for atheists because they have to tell the world, while they're trying to act like intellectuals, they have to try to tell the world that they believe the equation nobody plus nothing equals everything.

As Bob used to say, how embarrassing, to act like an intellectual and say I believe the equation, nobody plus nothing equals everything. Because the truth is, we were endowed by our Creator. It didn't just happen. These incredible gifts didn't just appear. We are endowed by a loving Creator.

I learned a lot about the nature of God as a father who loved his children. I learned even more about the nature of God as a judge and chief justice, how you don't want to punish people. You got a taste of that as a father. But there has to be laws, there has to be enforcement, there has to be equal enforcement and people not be above the law.

Well, when you get people in positions of authority who think they're above the law, that they should be in a position, as was King George III, to decide legislative, judicial and executive decisions, we're in trouble.

In North Dakota, there has been the largest oil find since the discoveries in Alaska. Some think the shale finds of oil in North Dakota may even exceed Prudhoe Bay. It's big.

We, those of us who believe in God, should be thanking God for the endowment of all the natural resources in this country. We have been richly blessed, and yet we have got an administration that says hands off: this might make us energy independent, this might move us down the road to stop sending money to countries that hate us, to stop sending money to countries who are funneling money to terrorism.

This energy resource blessing that we've been given, if we used it, would create jobs; but we're not going to allow it because we want to use something they call alternative energy. The reason, as someone recently said, it is called alternative energy is because it isn't real energy. You use more energy getting the energy out than you actually get back.

That's been seen with wind energy; and we know that these massive windmills, though producing some small amount of electricity, they've chopped up a lot of birds in the process.

And yet what has been this administration's position in response to the biggest oil find in modern history in North Dakota, Slawson Exploration Co. of Wichita, Kansas, was charged under the Migratory Bird Treaty Act for killing 12 birds that—these aren't endangered species, they're migratory birds, like mallard ducks—after landing, allegedly landing in oil waste pits in western North Dakota.

So our Justice Department, which abandoned prosecution of funding of terrorism around the world against the United States and our friend Israel, it has abandoned that responsibility, they are purging their training records of any reference to radical Islam. They are refusing to go after the people that want to bring down this country. They're appointing people on the Homeland Security Advisory Council who have glowingly talked about Ayatollah Khomeini, or the Holy Land Foundation, that funneled money to terrorism, they're putting people like that on the Homeland Security Advisory Council, giving them secret clearance and letting them peruse our classified documents. That's what this administration has been doing.

But these energy resources could make us energy independent, and what are they doing? They're putting their foot on the throat of anybody that tries to produce them to the point that they will ignore the tens of thousands of birds that have been killed by windmills and go after the biggest oil find in modern history in America and charge them criminally because maybe there were 12 ducks that got into some of their oil.

It's incredible what this administration is doing—they think to help America. But, clearly, just as clearly in retrospect as President Carter hurt this country, hurt those who love liberty by recognizing the Ayatollah Khomeini as a man of peace, proudly proclaiming his coming back to Iran, and thousands and thousands and thousands of people have died because such a man was encouraged to come to power.

Just like this administration did in Egypt, like this administration has done in Libya, without really knowing who we were helping, and now the Muslim Brotherhood that is devout in pursuing an international caliphate that would put the lovers of liberty in this country under the shackles of following sharia law, it's a disgrace.

There is so much damage that this administration has been doing; the Justice Department going after people because they believe there is a God.

I will just close with what Ben Franklin said in the Constitutional Convention, 1787, toward the end of June:

How has it happened that we have not once thought of humbly applying to the Father of lights to illuminate our understanding? In the beginning of the contest with Great Britain when we were sensible of danger, we had daily prayer in this room. Our prayers, sir, were heard and they were graciously answered.

He ultimately said:

If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We've been assured, sir, in the sacred writings that "unless the Lord build the house, they labor in vain that build it." I firmly believe this.

He also said:

I firmly believe that without his concurring aid, we shall succeed in our political building no better than the builders of Babel.

He was right. We've had over 200 years of blessing as a result. It's time to acknowledge the result of our blessing and the source of our blessings.

With that, I yield back the balance of my time.

#### HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the following titles:

June 29, 2011:

H.R. 2279. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

August 3, 2011:

H.R. 1383. An Act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes.

August 5, 2011:

H.R. 2553. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

August 12, 2011:

H.R. 2715. An Act to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

September 16, 2011:

H.R. 1249. An Act to amend title 35, United States Code, to provide for patent reform.

H.R. 2887. An Act to provide an extension of surface and air transportation programs, and for other purposes.

September 30, 2011:

H.R. 2005. An Act to reauthorize the Combating Autism Act of 2006.

H.R. 2017. An Act making continuing appropriations for fiscal year 2012, and for other purposes.

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An Act to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

October 5, 2011:

H.R. 2608. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 2646. An Act to authorize certain Department of Veterans Affairs major medical

facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

October 12, 2011:

H.R. 771. An Act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office".

H.R. 1632. An Act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office".

October 21, 2011:

H.R. 2832. An Act to extend the Generalized System of Preferences, and for other purposes.

H.R. 2944. An Act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

H.R. 3078. An Act to implement the United States-Colombia Trade Promotion Agreement.

H.R. 3079. An Act to implement the United States-Panama Trade Promotion Agreement.

H.R. 3080. An Act to implement the United States-Korea Free Trade Agreement. November 7, 2011:

H.R. 489. An Act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. An Act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

H.R. 1843. An Act to designate the facility of the United States Postal Service located at 489 Army Drive in Barrigada, Guam, as the "John Pangelinan Gerber Post Office Building".

H.R. 1975. An Act to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building".

H.R. 2062. An Act to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office".

H.R. 2149. An Act to designate the facility of the United States Postal Service located at 4354 Pahoehoe Avenue in Honolulu, Hawaii, as the "Cecil L. Heftel Post Office Building".

November 9, 2011:

H.R. 368. An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 818. An Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

November 18, 2011:

H.R. 2112. An Act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

November 21, 2011:

H.R. 674. An Act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

November 23, 2011:

H.R. 398. An Act to amend the Immigration and Nationality Act to toll, during active-

duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

H.R. 2447. An Act to grant the congressional gold medal to the Montford Point Marines.

November 29, 2011:

H.R. 3321. An Act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

#### SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills (of the Senate) of the following titles:

July 26, 2011

S. 1103. An Act to extend the term of the incumbent Director of the Federal Bureau of Investigation.

August 2, 2011:

S. 365. An Act to provide for budget control.

September 23, 2011:

S. 846. An Act to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

November 9, 2011:

S. 894. An Act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

November 12, 2011:

S. 1487. An Act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

November 21, 2011:

S. 1280. An Act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

November 23, 2011:

S. 1412. An Act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office".

November 29, 2011:

S. 1637. An Act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. CANTOR) for today on account of attending her son's ceremony at Fort Stewart, Georgia.

Mr. SCHILLING (at the request of Mr. CANTOR) for today on account of attending the funeral of PFC Adam E. Dobreiner, who was killed in Afghanistan.

Mr. SESSIONS (at the request of Mr. CANTOR) for today on account of attending a funeral in the district.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, December 5, 2011, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4088. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2010-0866; FRL-9325-4] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4089. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyethylene glycol; Tolerance Exemption [EPA-HQ-OPP-2011-0606; FRL-8892-1] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4090. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prohexadione Calcium; Pesticide Tolerances [EPA-HQ-OPP-2010-0780; FRL-9326-4] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4091. A letter from the Under Secretary, Department of Defense, transmitting notice that the Department's Fiscal Year 2011 Agency Financial Report will be published electronically; to the Committee on Armed Services.

4092. A letter from the Principal Deputy, Department of Defense, transmitting a report on Redetermination Process for Permanently Incapacitated Dependents of Retired and Deceased Members of the Armed Forces; to the Committee on Armed Services.

4093. A letter from the Director, Directorate of Enforcement Programs, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under Section 806 of the Sarbanes-Oxley Act of 2002, as Amended [Docket Number: OSHA-2011-0126] (RIN: 1218-AC53) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4094. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Control of Volatile Organic Compound Emissions from Offset Lithographic Printing and Letterpress Printing [EPA-R03-OAR-2011-0603; FRL-9493-1] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA202-5203; FRL-9490-3] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4096. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Clean Data for the 2006 Fine Particulate Standard for the Charleston Area [EPA-R03-OAR-2011-0474; FRL-9494-2] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Hickory-Morganton-Lenoir 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R04-OAR-2009-1010-201158; FRL-9493-5] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Greensboro-Winston-Salem-High Point 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R04-OAR-2009-1011-201159; FRL-9493-6] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4099. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); General Definitions; Definition of Modification of Existing Facility [EPA-R06-OAR-2005-TX-0025; FRL-9489-8] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases [EPA-HQ-OAR-2011-0147; FRL-9493-9] (RIN: 2060-AQ85) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4101. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-48, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4102. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-40, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4103. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-41, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4104. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting proposed amendments to the International Traffic in Arms Regulations; to the Committee on Foreign Affairs.

4105. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a Certification and Determination with Respect to the Child Soldiers Prevention Act of 2008; to the Committee on Foreign Affairs.

4106. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled "Report of

U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes", pursuant to Public Law 103-236, section 527(f); to the Committee on Foreign Affairs.

4107. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

4108. A letter from the Executive Secretary, Agency for International Development, transmitting 4 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4109. A letter from the Secretary, Department of Veterans Affairs, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2011 through September 30, 2011; to the Committee on Oversight and Government Reform.

4110. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4111. A letter from the Director, Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2011; to the Committee on Oversight and Government Reform.

4112. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Function and Reliability Flight Testing for Turbine-Powered Airplanes Weighing 6,000 pounds or Less [Docket No.: FAA-2010-0218; Amdt. No. 21-95] (RIN: 2120-AJ56) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4113. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Safety and Health Requirements Related to Camp Cars [Docket No.: FRA-2009-0042, Notice No. 2] (RIN: 2130-AC13) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4114. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Conductor Certification [Docket No.: FRA-2009-0035, Notice No. 2] (RIN: 2130-AC08) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule-Compliance Date Amendment for Farms [EPA-HQ-OPA-2011-0838; FRL-9494-8] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Commissioner, Social Security Administration, transmitting a draft bill; to the Committee on Ways and Means.

4117. A letter from the Secretary, Department of the Interior, transmitting a draft bill; jointly to the Committees on Financial Services and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2471. A bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; with an amendment (Rept. 112-312). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TERRY (for himself, Mr. UPTON, Mr. WHITFIELD, Mrs. BLACKBURN, Mr. LATTA, Mr. MURPHY of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. REHBERG, Mr. BERG, Mr. HARRIS, Mr. PITTS, Mr. SULLIVAN, Mr. SHIMKUS, Mr. SCALISE, Mr. OLSON, Mr. GARDNER, Mr. POMPEO, Mr. KINZINGER of Illinois, Mr. BOUSTANY, Mr. GRIMM, Mr. BURGESS, Mr. THORNBERRY, Mr. CARTER, Mr. NEUGEBAUER, Ms. GRANGER, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. BARLETTA, Mr. MARINO, Mr. KELLY, Mr. SCHOCK, Mr. LATOURETTE, Mr. MCCOTTER, Mr. DAVIS of Kentucky, Mr. TURNER of Ohio, Mr. PEARCE, Mr. GIBBS, Mr. MILLER of Florida, Mr. FORBES, Mr. MANZULLO, Mr. BARTON of Texas, and Mr. SHUSTER):

H.R. 3548. A bill to facilitate United States access to North American oil resources, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself and Mr. DUFFY):

H.R. 3549. A bill to amend the Ethics in Government Act of 1978 to require Members of Congress to place their stocks, bonds, commodities futures, and other forms of securities in a blind trust; to the Committee on House Administration.

By Mr. DUFFY:

H.R. 3550. A bill to amend the Ethics in Government Act of 1978 to require certain individuals subject to that Act to either place their securities in a blind trust or to report the sale, purchase, or exchange of securities; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANDRY (for himself, Mr. MCCLINTOCK, and Mr. MULVANEY):

H.R. 3551. A bill to amend the extension of the temporary employee payroll tax holiday to give individuals the choice of whether to participate; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. BURTON of Indiana, Mr. PAYNE, and Mr. ENGEL):

H.R. 3552. A bill to extend the additional duty on ethanol; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, Ms. LEE of California, Mr. MORAN, Mr. POLIS, Ms. PINGREE of Maine, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WOOLSEY, and Mr. YOUNG of Alaska):

H.R. 3553. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, and Mr. STARK):

H.R. 3554. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, and Mr. STARK):

H.R. 3555. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, to assign liability for injury caused by genetically engineered organisms, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS (for himself, Ms.

HOCHUL, Mr. OWENS, Mrs. MALONEY, Mr. HANNA, Mr. ENGEL, Mr. ACKERMAN, Mr. ISRAEL, Mr. HINCHEY, Mr. GIBSON, Mr. MEEKS, Mr. CROWLEY, Mr. RANGEL, Mr. KING of New York, Ms. HAYWORTH, Mr. REED, Mr. TONKO, Mr. BISHOP of New York, Ms. CLARKE of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. SERRANO, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. GRIMM, Ms. BUERKLE, Ms. SLAUGHTER, and Mr. TURNER of New York):

H.R. 3556. A bill to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. KING of Iowa (for himself, Mr. GOHMBERT, Mr. ROSS of Florida, and Mr. COBLE):

H.R. 3557. A bill to require the country of origin of certain special immigrant religious workers to extend reciprocal immigration treatment to nationals of the United States; to the Committee on the Judiciary.

By Mr. LANCE (for himself and Mr. BURTON of Indiana):

H.R. 3558. A bill to amend the Internal Revenue Code of 1986 to provide that the prohibition on suits to restrain assessment or collection of tax does not apply to the tax provisions of the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010; to the Committee on Ways and Means.

By Mr. ROHRBACHER:

H. Res. 483. A resolution calling for immediate full consular services to be provided by the United States Consulate in Erbil, the capital of the Kurdistan Region of Iraq; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CARTER:

H.R. 3540.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. TERRY:

H.R. 3548.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. BACHUS:

H.R. 3549.

Congress has the power to enact this legislation pursuant to the following:

Article One

By Mr. DUFFY:

H.R. 3550.

Congress has the power to enact this legislation pursuant to the following:

Sections 5 and 8 of Article I of the United States Constitution.

By Mr. LANDRY:

H.R. 3551.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. RANGEL:

H.R. 3552.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8

By Mr. KUCINICH:

H.R. 3553.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. KUCINICH:

H.R. 3554.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. KUCINICH:

H.R. 3555.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. HIGGINS:

H.R. 3556.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of this legislation lies in the power of Congress to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State, as enumerated in Article IV, Section 3, Clause 2.

By Mr. KING of Iowa:

H.R. 3557.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 4 of the United State Constitution.

By Mr. LANCE:

H.R. 3558.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. LONG, Mr. SIMPSON, Mr. AKIN, and Mr. MILLER of Florida.

H.R. 104: Mr. BRADY of Pennsylvania.

H.R. 139: Mr. ACKERMAN.

H.R. 157: Mr. PLATTS and Mr. RIBBLE.

H.R. 178: Mr. AMODEI.

H.R. 187: Mr. YOUNG of Indiana.

H.R. 210: Ms. HAHN.

H.R. 374: Mrs. NOEM.

H.R. 376: Mr. FRANK of Massachusetts.

H.R. 451: Mr. FRANKS of Arizona.

H.R. 487: Mr. GRIJALVA.

H.R. 507: Mr. UPTON.

H.R. 529: Mr. PRICE of North Carolina.

H.R. 721: Mr. BASS of New Hampshire, Mr. WEST, Mr. FLEISCHMANN, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Ms. FUDGE, Mr. GARAMENDI, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HOLT, Mr. KISSELL, Mr. LARSON of Connecticut, Mr. McDERMOTT, Mr. MILLER of North Carolina, Mr. PASTOR of Arizona, Mr. PERLMUTTER, Mr. PETERS, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. SHULER, Mr. SMITH of Washington, and Mr. WALZ of Minnesota.

H.R. 835: Mr. GONZALEZ.

H.R. 886: Mr. SMITH of Texas.

H.R. 890: Mr. MARKEY, Mr. MILLER of Florida, and Mr. LANCE.

H.R. 920: Mrs. ELLMERS.

H.R. 933: Mr. STARK and Mr. BLUMENAUER.

H.R. 935: Mr. WALBERG.

H.R. 997: Mr. PENCE.

H.R. 1058: Mr. CRAVAACK.

H.R. 1116: Ms. HAHN.

H.R. 1148: Mr. ROSS of Arkansas, Mr. KIND, Mr. JOHNSON of Georgia, Mr. STEARNS, Mr. LYNCH, Mr. BILIRAKIS, Mr. TIPTON, Mr. RI-

VERA, Mr. WALSH of Illinois, Mr. CHANDLER, Mr. LUETKEMEYER, and Mr. RYAN of Ohio.

H.R. 1186: Mr. WOMACK, Mr. BUCSHON, and Mr. BURTON of Indiana.

H.R. 1204: Mr. CAPUANO.

H.R. 1244: Mr. MILLER of Florida.

H.R. 1385: Mr. BARLETTA.

H.R. 1537: Ms. HAHN and Mr. MURPHY of Connecticut.

H.R. 1567: Mr. CLEAVER.

H.R. 1609: Mr. AUSTIN SCOTT of Georgia, Mr. PENCE, and Mr. MULVANEY.

H.R. 1646: Mr. POSEY.

H.R. 1733: Ms. ZOE LOFGREN of California.

H.R. 1744: Mr. AMASH.

H.R. 1781: Ms. WILSON of Florida.

H.R. 1834: Mrs. ADAMS and Mr. TIPTON.

H.R. 1895: Mr. GENE GREEN of Texas.

H.R. 1909: Ms. RICHARDSON, Mr. LUETKEMEYER, and Mr. CLAY.

H.R. 1981: Mr. AMODEI, Mr. REICHERT, Mr. NUGENT, Ms. HERRERA BEUTLER, Mr. MILLER of Florida, Mr. WILSON of South Carolina, and Mr. JORDAN.

H.R. 2069: Ms. HAYWORTH.

H.R. 2082: Mr. KIND.

H.R. 2088: Ms. HAHN.

H.R. 2108: Mr. RENACCI.

H.R. 2122: Mr. KLINE.

H.R. 2152: Ms. MCCOLLUM.

H.R. 2180: Ms. SCHAKOWSKY.

H.R. 2182: Mr. BROWN of Georgia.

H.R. 2198: Mr. DUFFY.

H.R. 2234: Mr. HINOJOSA.

H.R. 2238: Ms. HANABUSA.

H.R. 2264: Mr. THOMPSON of Mississippi.

H.R. 2313: Mr. MARCHANT, Mr. DAVIS of Kentucky, Ms. FOXX, Mr. GARDNER, Mr. KING of Iowa, Mr. WALSH of Illinois, Mr. CRAVAACK, Mr. BURTON of Indiana, Mr. MULVANEY, Mr. GIBSON, Mr. THOMPSON of Pennsylvania, Mr. PRICE of Georgia, Mr. AUSTIN SCOTT of Georgia, Mr. ROHRBACHER, Mr. ROYCE, and Mr. YOUNG of Alaska.

H.R. 2377: Mr. PASCARELL.

H.R. 2407: Ms. ZOE LOFGREN of California.

H.R. 2453: Mr. REED and Mr. RIVERA.

H.R. 2459: Ms. JENKINS.

H.R. 2492: Mr. GONZALEZ, Mr. CAPUANO, Mr. LYNCH, Mr. MURPHY of Connecticut, Ms. MATSUI, Mr. BURTON of Indiana, and Mr. THOMPSON of California.

H.R. 2505: Mr. PASCARELL.

H.R. 2514: Mr. TIPTON.

H.R. 2672: Mr. MARCHANT.

H.R. 2717: Mr. SCHRADER, Mr. DUNCAN of Tennessee, Mr. KILDEE, Ms. SCHWARTZ, Mr. TERRY, Mr. JONES, Ms. EDWARDS, Mr. MILLER of North Carolina, Mr. CUELLAR, Mr. HINCHEY, Mr. CHABOT, Mr. RAHALL, Mr. CROWLEY, Mr. FLEISCHMANN, and Mrs. ELLMERS.

H.R. 2770: Mr. GARDNER.

H.R. 2786: Mr. MORAN and Mr. NADLER.

H.R. 2834: Mr. BUCHANAN.

H.R. 2902: Mr. PAYNE.

H.R. 2942: Mr. AKIN and Mr. YODER.

H.R. 2945: Mr. FLAKE.

H.R. 2948: Mr. PRICE of North Carolina.

H.R. 2966: Ms. WASSERMAN SCHULTZ, Mr. McDERMOTT, Mr. TONKO, Mr. ANDREWS, and Ms. MCCOLLUM.

H.R. 2970: Mr. FARR.

H.R. 3027: Mr. TOWNS.

H.R. 3043: Mr. REED, Mr. GRIFFIN of Arkansas, Mr. DUFFY, and Mr. ROE of Tennessee.

H.R. 3044: Mr. YODER.

H.R. 3059: Mr. YOUNG of Alaska.

H.R. 3067: Mr. BARROW, Mr. OLSON, Mr. CARNEY, Mr. WALZ of Minnesota, Mr. WOLF, Mr. ISRAEL, Ms. VELÁZQUEZ, Mr. PETRI, Ms. SLAUGHTER, Mr. HOLT, Ms. WATERS, Mr. GARAMENDI, Mr. KING of New York, Mrs. SCHMIDT, and Ms. HAYWORTH.

H.R. 3125: Mr. GALLEGLY.

H.R. 3138: Mr. HOLT.

H.R. 3142: Mr. DUNCAN of Tennessee and Mr. COLE.

H.R. 3205: Mr. CULBERSON.

H.R. 3216: Mr. NUGENT and Mr. COBLE.  
 H.R. 3243: Mr. DUNCAN of Tennessee.  
 H.R. 3269: Mr. LOEBBSACK, Mr. WALDEN, Ms. HAYWORTH, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, and Mr. MARCHANT.  
 H.R. 3271: Ms. CHU and Ms. NORTON.  
 H.R. 3307: Mr. RYAN of Ohio, Ms. HIRONO, Mr. MCINTYRE, Mr. HIGGINS, Mr. BERG, Mr. CRAWFORD, Mr. DOGGETT, Mr. MCDERMOTT, Mr. PERLMUTTER, and Ms. WOOLSEY.  
 H.R. 3313: Mr. GRIJALVA.  
 H.R. 3316: Mr. PRICE of North Carolina.  
 H.R. 3317: Mr. PRICE of North Carolina.  
 H.R. 3324: Mr. MCNERNEY and Ms. MCCOLLUM.  
 H.R. 3346: Mr. CLEAVER, Mrs. LOWEY, Mr. LYNCH, and Mr. HINCHEY.  
 H.R. 3378: Mrs. MILLER of Michigan and Mr. LEVIN.  
 H.R. 3379: Mr. HERGER.  
 H.R. 3393: Mr. BARLETTA.  
 H.R. 3398: Mr. HONDA.  
 H.R. 3400: Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. CANSECO, Mr. SCHWEIKERT, Mr. BROUN of Georgia, Mr. GRAVES of Georgia, Mr. STUTZMAN, Mr. FRANKS of Arizona, and Mr. PEARCE.  
 H.R. 3418: Mr. GALLEGLY.  
 H.R. 3435: Mr. DOGGETT, Mr. STARK, Mr. MARKEY, Mr. NEAL, Mr. TONKO, Mr. OLVER, Mrs. NAPOLITANO, Mr. GARAMENDI, Mr. HINCHEY, Mr. CICILLINE, Ms. JACKSON LEE of Texas, and Ms. CASTOR of Florida.

H.R. 3441: Mr. PAUL.  
 H.R. 3453: Mr. RYAN of Wisconsin.  
 H.R. 3461: Mr. HURT, Mr. ROSS of Arkansas, Mr. DAVID SCOTT of Georgia, Mr. HUIZENGA of Michigan, Mr. TIPTON, Mr. MCHENRY, Mr. WOMACK, Mr. MANZULLO, Mr. CRITZ, Mr. CRAVAACK, Mr. PITTS, and Mr. SCHOCK.  
 H.R. 3462: Mr. MCKINLEY.  
 H.R. 3476: Ms. RICHARDSON.  
 H.R. 3480: Mr. MULVANEY and Mr. GOWDY.  
 H.R. 3485: Mr. GONZALEZ.  
 H.R. 3497: Mr. LATHAM and Mr. INSLEE.  
 H.R. 3502: Mr. WATT, Mr. PASTOR of Arizona, Mr. RUSH, Mr. CAPUANO, Mr. FILNER, and Mr. COHEN.  
 H.R. 3508: Mr. SCHWEIKERT.  
 H.R. 3521: Mr. CONNOLLY of Virginia, Mr. BUCHANAN, Mr. COSTA, Mr. MANZULLO, Mr. WELCH, and Mr. HONDA.  
 H.R. 3525: Mr. JACKSON of Illinois and Ms. NORTON.  
 H.R. 3538: Mr. MARCHANT, Mr. TERRY, Mr. HALL, Mrs. ROBY, Mr. KELLY, and Mrs. MILLER of Michigan.  
 H.R. 3545: Mr. CUELLAR.  
 H.J. Res. 90: Mr. MCDERMOTT, Mr. HASTINGS of Florida, and Mr. DEFAZIO.  
 H.J. Res. 91: Mr. COFFMAN of Colorado.  
 H. Con. Res. 85: Mr. MARKEY, Ms. HAHN, Mr. OLVER, and Mr. BLUMENAUER.  
 H. Con. Res. 87: Mr. YOUNG of Florida.  
 H. Res. 134: Ms. BUERKLE.

H. Res. 376: Mr. MCDERMOTT.

H. Res. 460: Mr. CONNOLLY of Virginia, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. DOLD, Mr. MCINTYRE, Mr. BROOKS, Mr. POLIS, Mr. ACKERMAN, and Ms. NORTON.

H. Res. 461: Mrs. BACHMANN.

H. Res. 468: Mr. HUIZENGA of Michigan, Ms. HAYWORTH, Ms. SLAUGHTER, Mr. TIPTON, and Mr. POLIS.

H. Res. 474: Mr. JOHNSON of Illinois and Mr. GARAMENDI.

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#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative SESSIONS, or a designee, to H.R. 10, the Regulations From the Executive in Need of Scrutiny Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.