

it's made in America, it must be better. And what we're not used to is asking for handouts. And what we're not used to is having people say that they're not going to help us with unemployment insurance when we didn't want that, we wanted employment. And they say no, they can't even give us assistance while we're waiting for a break.

Right here in America, there are so many people who have lost their jobs. And do you know, JOHN, those jobs will never be there for them because productivity, technology, has closed the opportunity. My God, they have to be retrained; and they reach a certain age where retraining is not even an option.

□ 1540

For our young people to go to school or for them to continue to believe in their communities, in their families and in their country, you've got to have training and education to find out what the demand is going to be. It won't be the same demand that we had, perhaps, when I was a kid or when my parents were kids; but there should be great opportunities in the greatest country in the world.

Make no mistake about it: We are not broke. We are not broke. We did not get into this thing in a Democrat way or in a Republican way. People made big, big, big mistakes, but it wasn't the guy working on the job or the guy in the union who made the mistake. It wasn't that we overcompensated public employees. They didn't cause this deficit.

It just seems to me, JOHN, that we shouldn't have to have this debate on this floor. People listening ought to recognize that cutting billions of dollars of resources and causing pain to our young people and to our senior citizens is a campaign promise that shouldn't have been made and that certainly shouldn't have been carried through.

Mr. GARAMENDI. If the gentleman would yield, first, thank you so very much for joining us and for bringing a perspective of four decades of extraordinary work here on the floor and in the committees, for keeping us on track, and for keeping that vision that America is a great place. Americans are strong and resilient and really want to improve their positions and, even more so, want to improve their children's positions. Therefore, the key investments that we must make for today and on into the future are pretty straightforward.

We need to have the best education in the world. We've got a long way to go. We're not going to get there by eliminating Head Start, by eliminating the Pell Grants, by forcing kids out of school, by shutting down classes or by taking classes from 20 to 35 kids. That's what my daughter faces. She's a second-grade teacher. She now has 33 kids in her class. She'll probably have 35 in a couple of months. She had 20 last year. We can't improve the edu-

cation system. Research. That's tomorrow. Research is tomorrow. If we don't do it today, we will lose this.

Already I'm getting companies coming to me, saying we have to improve the research. We have to have that research tax credit because what's happening is the manufacturing isn't in America—it's overseas—and now the research is following the manufacturing. We've got to turn that around. Yet the continuing resolution cuts research: energy research, research in manufacturing, research in health care.

So where is tomorrow?

Tomorrow is going to be overseas unless we return it to America with smart investments in the future: infrastructure; transportation, moving people here and there; information infrastructure. The continuing resolution cuts infrastructure. Those are "today" jobs that give us the future. We can go on and on here, but we are nearly out of time.

What I would ask my Republican colleagues is to put the feeding frenzy aside and to sit down and look at what really can be cut without harming the future. We can do this. We can make it once again in America if we use our tax policy wisely, if we use our tax money to support American-made products—buses, trains, solar cells, wind turbines. Our tax money should be used to buy those pieces of equipment that are made in America.

Mr. RANGEL. Will the gentleman yield?

Mr. GARAMENDI. I would love to yield to you anytime.

Mr. RANGEL. Just on what you were talking about, the tax policy, and knowing that the top 1 percent of the wage earners, or the income people, in this country own 40 percent of the Nation's wealth. The President of the United States has to go to the United States Chamber of Commerce and remind them of the hundreds of billions of dollars that taxpayers have given to them so that they will be able to survive. Yet they won't take a gamble with their country in terms of helping us in partnerships to create the jobs that we need so badly. If we cleaned up the Tax Code, we could find so much that we could reduce the rates and make certain the incentives that we have would be to encourage people to invest in the good USA.

So let me thank you so much for the contribution you're making. To me, anyone watching this ought to throw away Republican and Democrat ideas and try to find out what's good for our great country.

Mr. GARAMENDI. This is a great country, and we're going to have a great future. We're in tough times right now, and we've been in tough times in the past. But if we have wise, thoughtful policies, we'll pull this country together, and we will deal with the deficit. We just can't do it in ways that are not wise and that do not give us the investments for the future.

I think our time has expired. Thank you so very much for joining us. Thank you for your years of service to this Nation as a Member of Congress and as a war hero. We thank you.

Mr. RANGEL. Thank you for your great contribution.

Mr. GARAMENDI. I yield back the balance of my time.

#### THE CONGRESSIONAL REVIEW ACT

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

Mr. CARTER. Thank you, Mr. Speaker. I appreciate being recognized.

In 1994, when the Republicans were placed in control of the House and Senate, they produced a magnificent piece of legislation, a legislative weapon against the overreaching of government. This was done in the Clinton administration, and it was signed into law by that President. This weapon hadn't been used but once during the Clinton administration and not at all during the three GOP years of President Bush.

What it's called is the Congressional Review Act. This is an act that requires all Federal agencies to submit any new major regulation to the United States Congress for 60 legislative days prior to its enactment, during which time the Congress can vote to block these new rules if the Congress sees fit.

With Mr. Obama in the White House and Senator REID still throttling back in the Senate, the Congressional Review Act gives the House the potential to block or at least to expose the outrageous new rules being promulgated on the American people. These were done by the entrenched leftists in the Federal bureaucracy, and they are controversial rules that cost Americans jobs.

If there is one thing that the American people have told us they are most interested in, besides the fact that we are running away with spending in this Congress, it's that they want jobs. You can do whatever you want to a family, but if you give a family a job, that family has at least the security of that employment. Since by that very destructive nature these regulations have the potential, rather than to create jobs, to destroy jobs, they should be seriously looked at by this House of Representatives.

One of the things that people don't understand about how the Federal Government works—in fact, we had this said to us all the time—is "you passed X law, and it's really affecting and hurting my business," when in reality the law, itself, may not do any harm to one's business at all. The regulations, though, promulgated by the authority that has been given rulemaking power on that legislation have the effect of law. Yet they're not passed by this

Congress. They're passed by the various agencies and bureaus of the country when the Congress gives them regulatory authority.

Now, if you really don't know what's going on here, you may ask: How important is that? Well, let's just take a look at last year.

Last year, the Federal Government issued a total of 3,316 new rules and regulations, which is an average of 13 new rules a day. Seventy-eight of those new rules last year were major rules. The definition of a "major rule" is a rule that may result in having an annual effect on the economy of \$100 million or more—a major increase in prices or in the cost to the consumer. It may have a significant effect on the economy, including employment.

□ 1550

The ObamaCare bill, which was passed by this Congress in the last session of Congress, the health care bill, it arguably is the mother of all rule creators. The Congressional Research Service reports that ObamaCare gives Federal agencies substantial responsibility and authority to fill in the details of that bill and of that legislation with subsequent regulations. There are more than 40 provisions in the health care bill—that is called the overhaul bill—that requires, permits or contemplates Federal rulemaking authority just in that one act of Congress. Forty different agencies can create rules that affect the health care of every American citizen. This House can fight back on those rules with this Congressional Review Act.

Now what is the Congressional Review Act? As I said, they filed this with the Congress. And then for 60 legislative days—and "legislative days" has a definition. A legislative day is a day that this Congress is available to act. So if the Congress recesses for 3 days, those 3 days are not counted in the number of days. So it's not 60 calendar days; it's 60 legislative days.

For instance, if you look at the last Congress, rules that were filed last summer, last June, in fact, which would be more than 6 months from the 1st of January, those rules are still available for review. Now, how is that possible? Well, between the 1st of June and the end of the year, this legislative body was not in legislative session 60 days. We had the longest recess in probably the institute of the Republic that took place in August because of the political world that the majority saw itself in and the fact that they felt like they needed to have 6 weeks back home to do the politics. So the majority gave us the long recess. We had a break in the 4th of July week. Then we came back for 2 weeks. Then we went back home for campaigning. And then we came back, after campaigning, in December for 2 weeks. So, in total, we didn't reach 60 legislative days. But all that counting starts over with a new Congress.

Something that most Americans don't know is, every time we have a

new Congress, everything starts over. So when we wrote rules for 2 years ago that governed this body, we had to write new rules for this session of Congress. At the end of this 2-year period, we will write new rules for the next session of Congress because we are required—you've heard it's a new world every morning. Well, at least for Congress, it's a new world every 2 years because the nature of our very existence is we are the people's court. The House of Representatives is the people's House, and the people's House changes depending on who gets elected every 2 years.

So now we have started a new 60-day period. The 60-day period, the rules that were filed that would be subject to this Congressional Review Act, those rules were all filed on the 15th of February because that was the first time that both Houses were completely in session. And so these things will expire sometime in June. After that clock has run, then this House can no longer act. So the House has, right now, during this period of time, from February to June, to act on a lot of regulations. This gives us a chance to make a determination.

This is kind of the Congressional Review Act right here. I want to give you some examples of some kind of rules that are available to be dealt with under the Congressional Review Act and will be dealt with under the Congressional Review Act.

The FCC has proposed rules that would allow the Federal Government to act as a gatekeeper and prohibit broadband providers from selectively blocking or slowing Web traffic. These new FCC rules will restrict access to the Internet and stall innovation in our country, further damaging the economy and hindering job creation.

Most people think the Internet works pretty good right now, but there are those who think the Federal Government should intervene in the Internet and the agency in the executive branch should have a chance to actually regulate and decide how the Internet is going to operate. We can't affect the Internet worldwide, but we can affect the Internet in the United States. Most of us feel that we should not, in fact, be intruding on the Internet. This is now coming up for disapproval under H.J. Res. 37. GREG WALDEN is carrying the ball on this, and that clock expires on the 14th day of June.

The NESHAP rule for Portland cement manufacturing. What is Portland cement? Portland cement is that bag of powder that you mix with gravel and so forth to make concrete. That's what Portland cement is. Portland cement is manufactured in the United States and manufactured all over the world. There is a regulation which would require the closing of 18 cement plants in this country. These jobs from these cement plants, as a result of the regulations that are being proposed, would be forced to move to India and China if they wanted to continue to produce

Portland cement because they would not be able to meet the standards that would be established by this rule.

The U.S. cement industry today provides more than 15,000 highway jobs, with an average compensation of \$75,000 per year, along with allied industries that account for nearly \$27.5 billion of the gross domestic product. A statement made by the concrete industry is that there is only one element in the world that is more prevalent in construction than concrete, and that's water. You have to realize that the second element most important to construction around the world is the production of cement, the production of concrete, and water is the only one that's more important. It's a pretty amazing amount of concrete that is required in the world; and yet as a result of this rule, there is a distinct possibility that we will be looking at about 70 percent of our concrete manufacturing being done outside of our country.

Now, there has been a lot of criticism of this challenge to this rule because people are saying, but look, these cement manufacturers put mercury into the air; they don't regulate mercury. Well, I just want to show you something that I think was very interesting when this argument was made.

This map, prepared by the Electric Power Research Institute. Now remember, this is the most and this is the least amount of mercury production on our chart. Now, you will notice that all of the red and these green and yellows here, they're scattered in there, is heavy concentration of mercury in the air. The source of that mercury originates outside the United States.

This is not the result of American production of Portland cement; this is the result of foreign production of Portland cement, because these are regulated industries already in this country and nobody regulates those industries outside of this country. And because of the prevailing winds from the Far East, more than half of the United States has a major mercury output. And the solution is to write a bill that will force more companies to go overseas. That means more mercury will be in the air because they will be sending them to unregulated countries.

This is a bill that wasn't thought out. This rule was not thought out well enough, and so we should stop it. We should sit down and work out a clean air set of regulations that actually work to reduce this mercury production and, in fact, bring more people to producing in this country rather than not producing in this country.

□ 1600

One of the things I hear every day when I go back to Texas is: When are you going to stop outsourcing our jobs to other countries? And yet we're writing a regulation right now under Clean Air that is going to outsource thousands of American jobs to other countries.

This is something that needs to be thought through. Many times these agencies, because they don't answer to the American public in any form or fashion, other than this review, these are things that they need to be sat down and we need to get their heads on straight.

This new rule, we will try to raise this rule. You say, This is how it works in the House of Representatives. How does it work in the Senate? Well, what makes this a really interesting rule is you first need to know what the rules of procedure are in the Senate. It takes 60 Senators to agree to bring anything to a vote in the Senate, which makes it difficult to bring things to a vote when more than half of the Senators have to agree just to bring something to a vote. But written into this act, signed by President Clinton into law, is the provision that this particular examination of rulemaking authority only requires 30 Senators to agree for a vote, that it can be brought to a vote.

So when it passes out of the House and goes over to the Senate, it only takes 30 Senators to agree to bring this to a vote. If it passes the Senate, then it is sent to the President's desk. Then basically he's got the only vote left, in many cases to prevent bad regulations. The President told us the last time he had a press conference that he was going to stop job-killing regulations in this country. The regulations we are going to be working on are job-killing regulations. And so we're going to give him the opportunity to do that. If he chooses to veto it, so be it. Basically, he had the one vote that could have stopped the job-killing regulation.

The Office of National Coordinator for Health Information Technology has promulgated complex, confusing and costly rules establishing what it means for hospitals and physicians to have a certain EHR, whatever that is. I don't know what that is. If not simplified, the rules will prevent health care providers from receiving incentive payments and increase the cost of EHR installations and limit the innovation in the health information technology market.

Another rule that's out there is called the boiler MACT rule. Basically, the Environmental Protection Agency is proposing four separate rules that would establish more stringent emission standards on industrial and commercial boilers and process heaters. The broad-reaching proposals could cost manufacturers over \$20 billion in compliance costs and place hundreds of thousands of jobs in jeopardy. This needs to be dealt with by the 21st of June.

The Florida numeric nutrient water quality standards rule. This is also by the EPA, as I understand it. This rule mandates nutrient standards for Florida lakes, rivers, streams and estuaries in response to litigation initiated by environmental and special interest groups. The Florida Department of Agriculture and Consumer Services con-

cludes that Florida's agriculture community will lose 14,545 full-time or part-time jobs and \$1.148 billion in sales annually if this rule is approved. This is why this Congress ought to look at this rule.

HHS rule on medical loss ratio requirements under the Patient Protection and Affordable Care Act. This regulation requires all health plans to pay a minimum of 80 percent of premiums toward health services. Larger insurers should pay a minimum of 85 percent. Industry analysis estimates that as many as 47 percent of the participants in individual and small group plans which have higher administrative costs due to economies of scale will lose their health insurance if this regulation becomes law. So this one regulation, which comes out of what we call the ObamaCare bill, could cause 47 percent of the people who have small to midsized health care plans to lose their health care plan.

We actually have a bill that is coming before this Congress. GEOFF DAVIS of Kentucky has introduced this bill. It mandates that all new major rules must be approved by Congress before becoming law.

This one is pretty simple, and it just supplements what we're already dealing with. It uses the same definition for major rules and requires Congress to approve all major rules and Federal regulations before they become effective.

Why would we do that? To start off with, 3,000-plus new regulations were passed last year. These regulations could cause you or others to lose their jobs. And so if it is our responsibility, and I think it is our responsibility in this House, for us to come up with solutions that make jobs be created rather than make jobs disappear, then those things that have a potential to make jobs disappear, it's part of our responsibility to take a hard look at those regulations that might make jobs disappear. This is not rocket science. This is pretty easy stuff.

We who are the people's representatives, who are elected to represent the people of the United States—and remember how our Founding Fathers set up our Constitution: The Senators represent States and the House of Representatives represents people. Our districts are drawn based on the population in those districts. Their district is the whole State, and they represent the State of Texas or the State of New Jersey or the State of New York or the State of California and all the other States. So we are the direct link to the people.

We are the only branch of this House and Senate where no one can sit in these seats and be a Member of Congress unless they were elected. That's something a lot of people don't know. If we should have a Senator, heaven forbid, die while in office, that Senator can be temporarily replaced by an appointment by the Governor of the State that that Senator represents.

But if we have a Member of Congress, heaven forbid, die while in office, that Congressman has to be elected before they can serve in the House of Representatives.

We are the people's House. We are the only House that depends upon the vote of the people to keep us here under all circumstances. So if that's how we get here and our responsibility in today's economy is to try to get ourselves out of the poorhouse with all the borrowing we've been doing and to help create jobs so Americans can get back to work, if Americans get back to work, we will have a solution in many instances to the problems that face our country right now as far as debt and other things, because if they are working, they are paying taxes and those taxes will help alleviate the issues we have.

If that's the case, why wouldn't it make just decent common sense that this Congress, the people's House, would have the opportunity to look at regulations that might destroy jobs? And if we have credible people that are saying they will destroy jobs, then we need to look seriously at those regulations. And maybe it's just a matter of killing the job-killing regulations so that we can renegotiate regulations that solve the problem without driving industries overseas or killing the jobs that these industries create.

Sometimes agencies are not putting priorities on people; they're putting priorities on other things. Therefore, we need to examine our priorities. Our job on the floor of this House is to make sure of the safety and welfare of our constituents back home and make sure that we do everything we can to make sure that they've got a job so they can support their families and support themselves.

Right now, with, not 9 percent anymore, 8.9 percent unemployment, which is about as close to 9 as you can get without being there, we are still in an unemployment nightmare in this country.

□ 1610

I can remember back during the Clinton administration when there were public service announcements made that said 5.5 unemployment was full employment for the United States. We later learned that unemployment got down, during the early part of the last decade, to a much, much lower number than that. But we certainly know we cannot continue to tolerate somewhere between the top end of 8 and 10 percent unemployment and expect our economy to be healthy. We've got to get our people back to work. These regulations are part of the issues that are going to be important to discovering the solutions to this problem.

Some would say this is controversial. Some would say that if the Congress interferes with regulatory authority then Congress is going to take on something that by plan was passed out to the regulatory agencies to keep us

from having to work so hard and getting into the weeds on all these bills. I didn't come up here, and I don't think anybody came up here, not to work hard. If they did, they probably don't belong being up here.

If the actions of a regulatory board or an individual that is in charge of a regulatory agency has a dire effect upon the employment of any American citizen, I think we as the Members of this Congress have a duty and a responsibility to at least look at it. If we don't think it's bad, we can vote accordingly. But to just ignore it and let these things be created, and I would argue without a serious due process of law, because the only people that police this up is the various agencies in the executive branch of the government, and it's generally done by career bureaucrats. And they make these decisions. These people don't answer to the American people. They don't go before the American people for a vote every 2 years. Therefore, they don't feel the pressure of the damage that can be done by some of these regulations.

Some of these regulations that are going to come before this House are going to be good regulations, and I would expect them to be voted for and upheld. But if we have the responsibility and the duty to protect our fellows, then I think we should step forward and do that job.

My friend from Florida is here. Welcome. I will yield you whatever time you would like to join me in commenting on this regulatory overreach.

Mr. POSEY. I thank the gentleman from Texas for recognizing me.

I didn't plan to speak today. But I was in my office and I was listening to your explanation of this abhorrent and out of control administrative rules process, where people who are not elected and are not accountable make up the rules as they go along however they may want them to. We have had a number of cases that have injured my constituents, or at least caused them a lot of sleepless nights already.

As you may know, sir, earlier this year the Securities and Exchange Commission exposed their intent now to examine the entities that they regulate not just based on their conformance with securities law, but on their environmental stewardship. Now, these are the same people that couldn't put Bernard Madoff away when they were given an open and shut case 10 years before Madoff basically turned himself in. This is the same agency that hasn't disciplined anybody. Nobody's been reprimanded. Nobody's had their wrist slapped. Nobody's had a day off yet. They can't do the job they are supposed to do now, but they're going to start regulating companies for their environmental stewardship based upon rules that they promulgated. And you're correct that's the wrong thing to do.

Most recently, and near and dear to my heart because it affects so many

people in my State, is the new rule the IRS has proposed to deal with banks and foreign deposits. You know, for over 90 years this country has encouraged foreign investors to put their money in our banks. It makes good sense. We have their money, we can loan it out, it creates jobs for Americans. It's a win-win situation. It's a win for them, it's a win for us.

Now, the IRS has decided that they're going to promulgate a rule that says the banks must notify the governments of every foreign depositor regarding how much money they have in our banks. Now, what's the benefit to the United States for that? There is no benefit to the United States. They don't owe taxes in the United States. What's the liability to the United States for that? The liability is that \$200 billion to \$400 billion will leave American banks and go back into foreign banks.

Now, can you imagine if you were unfortunate enough to be governed by Hugo Chavez, Ahmadinejad, or Castro what would happen if they found out that you had assets in the United States of America? You would not only lose your assets; you might lose your life. But more importantly, this wrong-headed rule would cause a dramatic destimulus effect on our economy when you look at a stimulus bill of \$800 billion that basically didn't perform like it was supposed to.

It doesn't make much sense to write a rule that would take \$200 billion to \$400 billion, up to as much as 50 percent of what our stimulus bill was, out of our economy. The IRS tried to do this about 10 years ago. Over 100 Members of Congress stepped up and said this is a lousy idea, and it needs to be defeated. So my plea today, sir, is that we can have at least 100 Members of this Congress that will again stand up and say this was a bad idea 10 years ago, it's a bad idea now. Let's kill this rule and don't let it happen.

Mr. CARTER. I am glad you brought that up. You know, what's really interesting, Mr. POSEY, is they've got this new rule, I am not sure who promulgated it, that if you are a volunteer on a commission or a board that has anything, any form or fashion that handles money, you have to pay a \$600 licensing fee to get a license to serve on the volunteer board. You know, the one that comes to mind is, every city of any size has what's called a planning and zoning commission. I happened to serve as the chairman of that commission in my hometown of Round Rock, Texas. It's a hard job. It's in many ways a thankless job.

But now, in order for a volunteer to come in and serve to decide how the city's going to plan and zone its area for various construction and business, you got to pay a fee to volunteer, 600 bucks. But that's not how ridiculous it is; any board, agency, or commission. And every State has literally thousands of these volunteer positions that people do to help out their State, their

city, their county. If there is any form or fashion of bonding capacity for any relative group that you serve, you have to buy a license for 600 bucks because you are considered to be in the investment business.

I yield to the gentleman from Florida.

Mr. POSEY. I thank the gentleman again. You know, many people, even elected people aren't really familiar with what exactly an administrative rule is. We talk about these administrative rules as rules, and people wonder what they are. I used to explain to people that in Florida, where I first got interested in the administrative rule process, all the laws on the books passed by their elected State officials were in four law books this big. They were shocked by that.

They said, well, what about the commercials where we see the attorney in front of all the books advertising for Dewey, Cheatem and Howe? What are all those? Aren't those our State's laws? Yeah, that's last year's edition and the edition before that, and the interpretations of them. But all those rules are in those four books. They are shocked at that.

They said, well, we thought there were a lot more laws than that. I would say, well, there are a lot more laws than that, but those are all the laws that were made by people you elect. The administrative rules are laws which are made by unelected people that you don't vote for. And usually, they could fill up half the room. They would probably fill out a quarter of this room. So that's what most people don't understand, the relatively few laws that are passed by people they elect, and the plethora of rules that are passed by people they don't elect.

□ 1620

I remember it's one of the reasons I ran for the State legislature. I had promised my wife when I got off the city council I'd never run for office again as long as I lived. She made me promise her. That changed, and one of the reasons was I was upset by the runaway proliferation of rules in that State, which seemed like they were making rules willy-nilly that were causing an inconvenience for every business and putting jobs in danger.

So I got elected and, Judge, you know, the first bill I passed made it a third-degree misdemeanor for a bureaucrat to promulgate a rule that wasn't authorized by statute. Of course, people thought I was crazy. A lot of the media made fun of me, and I was the brunt of a lot of jokes.

The Governor at the time had a hit squad go after that bill, and when I had it come up in committee they went around and met every member and said, Kill this bill. But it still got out of committee. So they referred it to six more committees, and we weren't able to advance that.

I struggled with trying to change the way the administrative laws are promulgated and come up with a system

for about 4 years, to no avail. Representative Simler, Representative Pruitt were doing the same thing, and it just seemed like we were getting nowhere. And then in the 4th year, the Governor that had previously seemed so disgruntled with my legislation gave his final State of the State address wearing one of these belts like they wear at Walmart or Home Depot or Lowe's so you don't hurt yourself, and he was holding all the rules that applied to a cook shack that he wanted to build on Chemonie Plantation. And he said, We have got to do something about this out-of-control rules process.

And he gave every member of the House and every State senator at the time a copy of a book by Philip Howard called, "The Death of Common Sense." It is a great book that I implore people to read. It is very short and it is an easy read. It talks about how the rules process has worked to harm society.

You know, Mother Teresa at one time wanted to have a house for the homeless in New York City. She located the perfect spot, got the contractors ready, was ready to open the doors, but the building department said, No, you can't do that here. She said, Why? Because that building does not have enough restrooms. So we have to continue to let the people sleep on the sidewalks and use the street for a restroom because of the rigid, monolithic interpretation of the laws and the rules.

So, as a result, finally, of his personal experience, the Governor said, We need to change rules, the rules procedure, and we did. And you know, we changed the way rules are vetted. There's a joint administrative procedure committee which reviews every rule to make sure there's specific statutory authority to write that rule.

The new process wasn't in order very long before one of the State agencies determined that any land with a new type of fern or fauna on it should be considered a wetland and couldn't be used for any development. Fortunately, it impacted a very large landowner down there who challenged the rule through an investigative court, an administrative rule through an administrative judge. The administrative judge ruled in favor of the bureaucrats, saying the legislature could not possibly have meant exactly what they said. That was the crux of their 38-page decision.

So the next year we passed House Bill 107, which basically said we mean unequivocally exactly what we said, and from a rules perspective the State has lived happily ever after.

Now, Washington is more dysfunctional than I anticipated that it would be when I got here, and one of the worst dysfunctions is the administrative procedures or the administrative rules process here. It's shocking that it's a very old process built on a flimsy foundation. There have been numerous attempts to fix it. None of them have been really successful, and I think, as

you and I have discussed before, we need to have total reform. We need to start with a clean sheet of paper, and we need to make the agencies accountable for the rules they write, and they need to be specifically statutorily authorized to do those things.

And so I hope that our colleagues will join with us as we move forward trying to seek an accountability and an efficiency in our government that is greatly lacking right now but is within our grasp.

Mr. CARTER. Reclaiming my time, we're joined by the gentleman from Arkansas (Mr. CRAWFORD), one of our new Members. We're proud to have you.

Mr. CRAWFORD. Thank you.

Mr. CARTER. We're talking about the regulatory overreach of the Federal Government.

Mr. CRAWFORD. Absolutely. I appreciate the opportunity to be heard, Mr. Speaker.

Under the Obama administration, the executive branch has hijacked the legislative process. The administration is riddled with unelected officials who are regulating the American people. The FCC, for example, the EPA, and dozens of appointed czars have way too much to say. Congress needs to take back the reins on legislating, which is what we were elected to do.

Appointed friends of the President, they don't know what the people need. That's why we have Congress. We were elected to know our districts and represent our districts' needs. That's why I know how detrimental the EPA's regulations are to farmers, for example.

Time and again, the EPA has produced regulations that go way beyond the intent of the Federal law. For instance, the Clean Air Act was intended to keep our air safe and clean, but the EPA has turned it into something it is not: a means to regulate dust. Mr. Speaker, I have actually risen in support of legislation to not fund their ability to regulate dust, and here I am again talking about this very same thing.

I represent a heavily agricultural district in the great State of Arkansas, and the farmers in the First District will tell you this. Food comes from the ground; and in the process of taking it out of the ground, they're going to stir up some dust, and now the EPA wants to regulate that dust. It's a natural by-product of growing and harvesting crops and has been since man first put seeds in the ground. In order for these farmers to do their job and feed the millions of hungry mouths in our country, they should be allowed to do their job without being further poked and prodded by EPA bureaucrats.

Under the new national ambient air quality standards, the total estimated cost to industry lies near \$90 billion a year. A huge portion of this will be a direct hit to our farmers, putting many permanently out of business. Mr. Speaker, I am certain that the Clean Air Act was not legislated to put farmers out of business.

Another example of unelected officials missing the mark is EPA's fuel containment regulations; once again, the EPA overstepping its bounds. They want to tell farmers how best to run their farms. Not only does the EPA not trust farmers to run their operations well, the parameters end up costing the farmers tens of thousands of dollars, depending on the size of their farms.

What the EPA needs to remember and understand is that farmers are smart people. It is in the best interest of them to invest in containment berms to ensure the land remains productive. Farmers don't want to spend money to clean up a fuel spill, which is why they already take the necessary safety measures. They shouldn't be forced to spend \$10,000 for each containment facility when \$1,000 would do the trick. Farmers know best how to protect their own land.

We can't forget to protect the farmers. Folks, if we eat, we're involved in agriculture. There are over 300 million people to feed in America and only 1 million farmers. In fact, out of that 1 million farmers, 250,000 account for 80 percent of the total food production. I know here in Washington we can barely agree on anything. But I think there's one thing we can agree on regardless of our political affiliation, age, race, or gender, and that is: We like to eat. So why are we harming the people who feed us?

We need to bring common sense back to Washington. Quit letting the bureaucrats in Washington run a rice farm in northeast Arkansas, and let them do their jobs.

The Clean Air Act and fuel containment are two solid reasons why the congressional relief act is necessary, and I proudly stand with my colleagues in this effort to scale back rogue agencies such as the EPA in order to restore congressional intent to the regulations that are being produced. No longer should we let the tail wag the dog.

Mr. CARTER. I thank you for your comment. I'm sure there have got to be some people that are listening to this who want to say, Did he really say "regulate dust"?

Mr. CRAWFORD. Absolutely right.

Mr. CARTER. Yes. There is a proposed rule to regulate dust. Now, that statute actually exists in the State of California, which is closest to bankruptcy of any State in this country. And the Central Valley of California has had an issue about water and the shortage of water in the Central Valley, one of the breadbaskets of the entire Nation, because of a debate over water. Until it started to rain, they've been dry as a powder keg, but they have the dust regulation in California.

So we inquired of them, What do you do if you've got a gravel road going up to your farmhouse to keep the dust down?

Well, we have to water it every day. We have to take this shortage water that we don't have enough to even

grow a clump of spinach, and we water our roads so we don't violate our local Clean Air Act in California.

□ 1630

And I got humorous about that because I went to school at Texas Tech in Texas. And although we have come a long way up on the south plains of Texas in reducing the amount of dust storms that have been up in the panhandle of Texas, we still have dust storms. And when I was at Texas Tech, we had dust storms that were so bad that if you drove into the wind, they would literally sandblast the front paint off of your car. Now I want to know what the fine is going to be and who's going to have to pay the fine when there's dust blowing in all the way from New Mexico and Arizona that comes blowing into your State, and who is the EPA going to punish? I haven't got a good idea. But chances are, the farmer. And that's the real tragedy here.

Certainly there are particles in the air that are bad for folks like me who have asthma, and we have to be concerned about it. And we're not going to let people overproduce any kind of disaster. But to say you can produce no dust on a farm is pretty close to crazy. Just the turn of a plough creates dust. Just the driving of the pickup to the barn creates dust. And I think it's a little overreaching.

I was talking about this \$600 fee that you've got to have to be a volunteer. I tried to think of one that everybody might understand, and I thought of a good one. Everybody has got a school board in their State somewhere, a local school board. And generally these local school boards are either wanting to have a tax increase or they are wanting to float a bond issue or something like that. So they create these volunteer groups called "friends of the school board" who go out in the community and try to help the school board get this bond passed so they can have better schools for the children of that school district. Everybody experiences that across this whole Nation, and every Member of this Congress probably knows something about that. But under the new proposed regulation, every one of those volunteers that goes out and promotes the bond issue would have to pay a \$600 federal fine to get a license to talk about the bond issue, as if they were some kind of financial adviser to the American public. And what we really have there is a new revenue source created by the bureaucrats to put more money in the coffers of their bureau or their agency. That's the kind of thing that makes no sense.

My secretary was bragging on the fact that she thought the county commissioner was going to appoint her to this volunteer board. And I said, well, you'd better get a check ready for 600 bucks. She said, well, no, it doesn't pay anything. I said, yeah, and by the way, the regulation also says that the person, the entity that appoints you to

that board, cannot pay your \$600 for you. You have to pay it, because you are now a financial adviser because that board has the ability to issue bonds. Now that's just a little bit too much.

I had an old cowboy back in Texas that made a comment to me. He said, we don't have very many shortages in this country, but the one shortage we got in Washington, D.C. is, we have a severe shortage, dang near a drought, as he put it, of common sense. And part of the reason we have the Congressional Review Act is so that hopefully the common sense of the representatives of the people can prevail in these issues that are going to either harm our individual constituents, cost us jobs, or drive industries offshore, overseas, as we did with the cement manufacturers if we impose these severe penalties upon people who produce Portland cement. Portland cement doesn't mean it's from Portland; it means it's the process that they use to make cement.

So today we're talking about what, I think, is something that the American people, now that they hopefully know a little bit about how much the agencies of this country and the bureaucrats and the secretaries and all the people that follow them, of all the Cabinet members in this executive branch, the kind of power they have to change the life of the individual and the life of the job producers and the job seekers in this country.

And if we are going to give them that kind of control and that kind of power over people's individual lives, over the employer's ability to make the profit necessary to hire and create new jobs, if we're going to allow them to have that power, just like anything else, someone has to have oversight over these people and take a look at what they're doing and see if it is to the good of the American people and the good of our country. And that's why we have the Congressional Review Act. And in that Congressional Review Act, we get the chance to look at it. Just because it hasn't been used but rarely does not mean it shouldn't be used when the number of regulations have grown by geometric progressions in the last 2 years.

When we create one bill, one bill, the health care bill that was created in the last session of Congress that creates 40 entities with rulemaking authority, 40 new entities that can create rules that affect the individual life and the health care of the American people—we have one particular entity that will actually be able to say what treatment can and cannot be given to certain people—surely this House would want to at least take a look at those regulations, because it might mean life or death to an American citizen if we do not allow that. So it is important.

Congresswoman ELLMERS from North Carolina, we are pleased to have you here. We would like you to explain what you want to show us here today.

Mrs. ELLMERS. Thank you so much, Mr. Chairman.

Today, I rise on behalf of the people of Garner, North Carolina. They are faced with a very difficult situation these days, one that is threatening, and it actually as we speak is basically shutting Garner down for business. As you can see from the chart, I will point out the red line there. That red line is essentially going through the town of Garner, North Carolina. It is an extension of Highway 540. And this is the proposed site from the Army Corps of Engineers. And as you can see, if you look at the chart, there are some other very colorful options to consider as well. However, those options go through areas of wetlands and things, and the area that goes through Garner, North Carolina, that's the option that they are looking at because it's the only option that is outside of any wetlands and out of any areas that would harm such things as the dwarf wedge mussels.

Now, basically, what we are faced with today is a situation where Garner, North Carolina, is shut down for business. Right now, potential businesses wanting to relocate or set up shop or move to the area, individuals maybe wanting to move to Garner, North Carolina, are reconsidering that choice because they see that there is a potential highway going through the center of their community, which is kind of a ridiculous situation. Many of the organizations that are involved right now have all said that this is not a viable option. And yet we continue to look at it. We continue to allow Garner, North Carolina, to be shut down for business, potential loss of jobs. We have individuals that live in Garner such as Brenda and Jerry Summer, who are an elderly couple that have children and grandchildren who have moved back to Garner to be near them, and they have the threat of having that highway go right through the middle of their living room.

We also are faced with a situation where the Springfield Baptist church, which has been there for 140 years, 2,000 parishioners, they will literally lose their church and 50 acres of land. This is continuing because of the Clean Water Act and basically the Army Corps of Engineers' refusal to remove the red line from consideration.

□ 1640

We have met with them. We have asked them to take that option off the table and to save the American taxpayers that expense of doing the study. They know it is not a viable option. They know it's going to hurt business. They know that there are potential other options there, and yet we continue to look at it.

I have the utmost respect for the Army Corps of Engineers but, quite frankly, this is a waste of American taxpayer money and a potential threat to business, and continuing in Garner,

North Carolina, all so that we can preserve a mussel, all so that we can preserve and route around wetlands. You can go anywhere in North Carolina and it is pretty much considered a wetland except your developed areas that are already in progress.

I'm not against the highway, the loop being finished, but certainly there are other options that could be looked at. You can see there is an orange line, a blue line, a pink line. They're all there. They all connect, and these are all viable options.

Some of the other organizations that are involved in this, like the North Carolina Turnpike Authority, have already dropped three other options from consideration because of public protests in those towns about potential harm to the communities. Garner stands to lose a projected worth of \$9 million in investments and hundreds of jobs. Investors are literally walking away while the town stands in limbo because of this potential project that is going to take place here.

We cannot continue this. This is what is happening. We must stand for the people of Garner, North Carolina. We must stand for the people of America, who are continuously saying: Let's use common sense. That's the issue here today. Common sense. If we all know this is not going to be the project that's ultimately proposed, let's take it off the table. Let's not spend American taxpayer dollars. Let's preserve the business community of Garner, North Carolina, and all the good folks there who are potentially going to lose their homes. Let's do it now. Let's not wait. This is a ridiculous situation, and I think the American people have had just about enough of it.

Thank you, Mr. Speaker, so much for allowing me to stand for the people of Garner, North Carolina.

Mr. CARTER. If the gentlelady would yield for a question, if I understand you correctly, the main reason for this route is because of the Clean Water Act and the Endangered Species Act?

Mrs. ELLMERS. Yes; that is correct.

Mr. CARTER. It is a mussel, you're saying?

Mrs. ELLMERS. It is. It's a particular mussel. Let's find the name just so you're familiar with it. It is the dwarf wedge mussel, and apparently that dwarf wedge mussel is found down in the wetlands of the lower area there, so they have avoided that area. And then there are some other wetlands there as well. Certainly there are ways we can work around these issues and not go through an entire town that has been developed for years and years.

Mr. CARTER. This is the town, here, which they are going to go in and condemn basically all of the town?

Mrs. ELLMERS. Go right through, go right through the very middle of it.

Mr. CARTER. Yes, I can see why people are a little upset about that.

Mrs. ELLMERS. And the thing is, there is potential for that highway to go through there, but right now as we

really concerns me is that we have the ability to become energy independent within a relatively short period of time.

Mr. CARTER. I can understand that. So if I am a potential employer who wants to build a factory and that is one of the places I might look at, I look at this and say wait a minute, I can buy the land, build my building, and then here comes the Corps of Engineers which puts the highway right through the middle of my building?

Mrs. ELLMERS. Absolutely.

Mr. CARTER. So the builder says I think I'll wait or look somewhere else?

Mrs. ELLMERS. And they look somewhere else. That is what is happening. This is why the people of Garner, North Carolina, are outraged. And rightly so. This is a situation which has been hanging for awhile. It needs to be addressed, and it needs to be addressed today. I have asked all entities involved, let's all look at this and use some common sense and make the right choices and let's save the American taxpayers some money.

Mr. CARTER. These regulations should be looked at by this House if they are available to be looked at. Of course, some of these may be long since on the books before we had this tool to examine regulations as they come out. But still, it is good for you as the Representative of your folks in your district to come up and speak for the people because that's our job.

Mrs. ELLMERS. It is.

Mr. CARTER. I'm going to reclaim my time because I think we are about to run out of it. I want to thank the Speaker for this hour.

#### ENERGY FOR AMERICA

The SPEAKER pro tempore (Mr. HUIZENGA of Michigan). Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that the American people are really upset about right now is gasoline is \$3.50, and in some parts of the country it is close to \$4 a gallon. And the President of the United States and his administration, for whatever reason, is obstructing our ability to become energy independent.

On February 17, U.S. District Judge Martin Feldman, who gave the Department of the Interior information on the deepwater drilling in the Gulf of Mexico earlier, he gave the administration 30 days to rule seven deepwater drilling permits okay, to approve them. He overturned the ban put in place in June of 2010 that allowed the government to arbitrarily impose a moratorium that would cause irreparable harm to businesses along the gulf coast. In fact, it will cost as many as 24,000 jobs. But the thing about it that

really concerns me is that we have the ability to become energy independent within a relatively short period of time.

Everybody would like to see us move towards alternative sources of energy and clean-burning fuels to help the environment. I don't think anybody opposes that. The problem is in the process. Do we want to become more energy dependent on the rest of the world?

Now we get between 25 and 30 percent of our energy from the Middle East. Anybody who has been watching the news at all knows that there is a war going on in Libya, Egypt is in turmoil, and Bahrain is having problems. There are potential problems in Jordan and in Saudi Arabia. Now if something goes wrong over there—and Iran is trying to undermine us by, under the covers, doing everything that they can to stop us from getting energy and to put us in a trick bag—if the Suez Canal is bottled up, if the Strait of Hormuz is closed or the Persian Gulf is closed, we are going to lose or have substantially delayed as much as 30 percent of our energy. You can imagine what that would do to this place.

The prohibition against drilling in the Gulf of Mexico takes away about 11 percent of our energy, and the President won't allow us to have permits in that area.

Now, he says that he is concerned about it because of the environmental damage that was done by the oil spill down there when the derrick blew up. What isn't said is that the tankers that come from the Middle East and from South America spill more oil, spill more oil than that environmental tragedy that took place in the gulf spill. People don't realize that.

Now, we can drill in an environmentally safe way and we can do it in a number of places in this country and move rapidly toward energy independence. We can drill up in Alaska in the ANWR, and people in the environmental community say: Well, we're worried about the bears up there and the small animals and so forth.

I've been up there. Does anybody have any idea how big Alaska is? It is three-and-a-half times the size of Texas, and there's only 500,000 to 600,000 people who live in Alaska, and all the rest of that is wilderness except where we are drilling. If we drill in the ANWR, we could produce a great amount of oil and energy that would make us less dependent on Saudi Arabia, the Middle East, and on the communist dictator in Venezuela, Mr. President Chavez.

So we are not doing what we should do to make sure that we provide energy for this country and make sure that the cost of energy is low so people can afford it, so employers can afford to hire more people and produce more goods that could be sold here and around the world.

□ 1650

The President, for whatever reason, is blocking this, and I just can't understand why; but I think the American