

that we don't have to pay the deficit that this administration is running. We're going to debate tomorrow about \$6 billion here. Well, that's a day and a half of deficit. We're going to bring in around \$2.1 trillion for this year, and we're going to spend \$3.6 trillion. It is irresponsible. It is reprehensible.

For years, we've heard: For the good of the children. It is for the good of the children that this body man up across the aisles and quit spending money that our children don't even have. Let's vote "no" until we can do some real saving.

#### CONGRESSIONAL REVIEW ACT

The SPEAKER pro tempore (Mr. KINZINGER of Illinois). 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 would like to yield such time as he may consume to my good friend, Mr. KING, to talk about an American hero.

#### HONORING CORPORAL JOHN MICHAEL PECK

Mr. KING of Iowa. Thank you, Judge CARTER. It's with honor I take the floor tonight. I very much appreciate your yielding, and I understand your great respect for the troops and the pain that you suffered down at Fort Hood and the involvement that you have had in each and every engagement standing up for our military, standing up for our country, standing up for our national security.

Tonight, I step to the floor with your acknowledgment, Judge CARTER, to honor a real American hero. This American hero that we honor tonight here on the floor of the United States Congress is an American hero, Corporal John Michael Peck, who's with us here in the audience tonight up in the corner and watching the proceedings here in the House of Representatives. Corporal Peck is a United States Marine, 3rd Battalion, 1st Marine Division.

Mr. Speaker, I rise to honor this American hero who is from Rockford, Illinois. Corporal John Michael Peck is a member of, again, the 3rd Battalion, 1st Marine Division. His mother, Lisa Peck, is here with us tonight. She was a single mother for 16 years. Michael was born in Daytona Beach, Florida, and grew up in Rockford, Illinois. After graduating from Antioch High School, he went into the Marine Corps. On August 23, 2007, in Iraq, he received his first Purple Heart after an explosion and he received a TBI injury. Then, on May 24, 2010, he was in Helmand province in Afghanistan, where he received his second Purple Heart after an IED explosion nearly cost Corporal Peck his life. John lost all four of his limbs.

Against all odds, and with the help of his mother, he climbed out into the light. His progress has been incredible. His fellow marines talk of his prowess in the weight room. He is truly a man possessed. His attitude and his courage

have made all the difference. Like all these young men and women, the ones who do the best are the ones whose loved ones are there with them each day. And Lisa has been there from day one. There should be a medal of honor for those who stand by their children and put their lives on hold to help them rebuild theirs.

John is one of three quads who are over at Walter Reed Army Medical Hospital. The other two are Brendon Marocco and Todd Nicely. Their heart and their souls are something of beauty to behold. I ask that this Nation continue to stand with and for those troops who stood up for us; those who gave the ultimate sacrifice, those heroes, such as Corporal John Michael Peck, who paid such a high price, and who rewards us with his indomitable spirit. And the strength of family and the love of a mother, all here in this story, however sad, however tragic, it lifts my heart to know that we have Americans that will serve us in this way, and Americans who inspire us with their spirit in the aftermath of such a service.

God bless you, Corporal.

I ask that this poem penned by Albert Caswell in honor of Corporal Peck be placed in the RECORD.

#### WHAT I GAVE

On battlefields of honor bright . . .  
There are but all of those Magnificent's, who  
so fight!  
Who but so bring their light . . .  
All in what they gave!  
Who now so lie in such cold soft quiet  
graves . . .  
Teaching us all how to behave!  
Whose family's pain, is something that only  
heaven can take!  
And then, there are all of those who are so  
left . . .  
So left with such pain, so close to death  
. . . living day by day!  
All because of what they gave!  
And the ones who live without arms and legs!  
Without eyes and ears, and strong faces  
. . . as they . . .  
All . . . for . . . what . . . they . . .  
gave!  
Whose, most brilliant valor no one can ever  
so take away!  
And all of those children, who now so live  
without moms and dads . . . who  
wake!  
And all of those parents who've so lost the  
greatest loves of all, as have they!  
As it's for them we now so weep, this very  
day!  
All because of what they gave!  
So in the night, as you lay your head down  
to rest . . .  
While, all of your loved ones you so  
caress . . .  
And you realize why you are so blessed, and  
what you have . . .  
Remember, all of America's very best!  
And what they gave!  
And John, on that morning after when you  
awoke . . .  
And somehow so tried to cope . . .  
And so saw, all what this war had  
invoked . . .  
As your great heart, to you so spoke!  
So spoke of what you gave!  
Quivering, so back then . . . oh how the  
tears you made!

As they rolled down your fine strong  
chin . . .  
And your brave heart so began to pound, yes  
back then!  
As somehow you so tried to comprehend!  
Wishing somehow that it would all so go  
away!  
All for what you gave!  
As you I had to so make a choice!  
Should, I live or should I die?  
As you who so heard that most inner  
voice . . .  
Telling you . . . telling you to somehow  
stay!  
As it so spoke to you, all about faith and  
courage!  
Telling you, to somehow not to be discour-  
aged!  
As you, United States Marine . . . so  
marched off all out on your way!  
While, your mother with tears in eyes . . .  
so began to pray!  
And she stood behind you John, each and  
every blessed day . . .  
All so you could have a fighting chance, and  
find your way . . .  
As you Marine, all in your magnificent  
shades of green . . . got up on that  
very day!  
As you took your very first steps, with your  
most courageous heart leading the  
way!  
The way to recovery!  
As you so chose life on that day!  
As your new war had just begun!  
As from out of the darkness, you so marched  
. . . our Father's Son!  
To so represent him, until your last and so  
dying days . . .  
To So Teach Us All!  
To So Reach Us All!  
To So Beseech Us All!  
So Each, and Every Day!  
With what you gave!  
For you were so surely put upon this  
earth . . .  
To so teach us all what comes first!  
All in your amazing grace!  
As our tears roll down our face!  
Because, each new morning as you  
awaken . . .  
One more step forward, yes dear John you so  
take!  
All out there upon your most magnificent  
ways . . .  
Because, you will walk . . . and you will  
run . . .  
And it's no over, and your are not done!  
You United States Marine, one of the best  
things this country has ever seen!  
Yes, arms and legs we all need!  
But, without a heart one can not so surely  
breathe!  
As with your heart you now so lead!  
Just moments are all we have!  
Just seconds, to so find the path! Our way!  
To crush hearts! To turn the good into the  
bad!  
All in our thoughts, and deeds!  
To win wars . . . all in our parts we  
play . . .  
To but give to this our world, but a better  
day!  
Don't cry for me!  
For I am the one who so made that choice!  
And so raised my hand, and with my voice!  
All for liberty . . .  
And for something far . . . far . . . greater  
than me . . .  
But, to be A United States Marine! Oooha!  
All to defend, my sweet Country Tis of Thee!  
And I'd do all again you see!  
For there are no regrets inside of me!  
For wearing those most magnificent, shades  
of green!

As a United States Marine!  
 And, for all of my brothers who have so  
 died . . . .  
 Who in such cold dark graves of honor now  
 so lie!  
 I live for thee!  
 As I go out upon my way!  
 I carry you all in my heart and soul but with  
 me each day . . . .  
 Listen closely, as you will hear God's voice  
 inside of me . . . .  
 As I make the best of what he has so left to  
 me . . . .  
 And . . . . What . . . . My . . . . Life . . . .  
 Has . . . . So . . . . To . . . . Say . . . .  
 As a hero a was not trying to be, but this is  
 what my Lord has chose for me!  
 Yea, I'm not half the man I used to be!  
 For my true sum, has grown far much more  
 greater don't you see?  
 All with what is so left inside of me!  
 As this is but the high price we must pay to  
 be free!  
 Were but my fine gifts . . . . my two strong  
 arms and legs . . . .  
 And all of this I so gave!  
 Don't cry for me!  
 Yea, Spider Man . . . . aint got nothing on  
 me!  
 In life . . . . what steps, have you so taken?  
 What difference is your short life, upon this  
 earth so making?  
 All in the steps that you are taking!  
 Upon, your way!  
 You see, I rather run in Heaven with my  
 Lord . . . .  
 And limp, here upon this earth each new  
 morn!  
 For in Heaven, you need not arms or legs!  
 And, that's where I'm going when I finish my  
 last and most final days!  
 All because of . . . .  
 What . . . . I . . . . Gave!

□ 1920

Mr. CARTER. Thank you, Congressman KING. That was a wonderful thing to do. He is a wonderful American hero, Mr. Peck. We are very proud to get to know him, and we wish him well. We are grateful for his spirit.

Tonight, we are going to talk again about the regulations that are going on in this country. I am very pleased to be joined by Congressman GEOFF DAVIS of the great State of Kentucky, which happens to be my father's home State. Congressman DAVIS is going to join us, and we are going to talk about a one-two punch that we hope to put together for regulations.

Right now, as we've been talking about in the past, we have a tool which allows this Congress to review certain major pieces of regulation that come from the regulators, that is, from the Departments and agencies of the Federal Government. It's called the Congressional Review Act. It allows Congress to review every new major Federal regulation issued by the government agencies and, by passage of joint resolution, to override that regulation.

The process you go through is that the Federal agencies submit to each House of Congress and to the Comptroller General of the U.S. a comprehensive report on any major proposed rule. The Congress has 60 legislative days to pass a joint resolution disapproving the rule. The Senate must vote on a CR resolution of disapproval.

Now, that's kind of where this thing is right now, and that's the tool we have. We've been talking about that as we've been talking about the massive number of regulations that have just inundated this country since the beginning of this administration.

So, before I yield to my friend for a conversation about the REINS Act, which will be the reverse of that and a new tool—and I'll let him explain it—just let me tell you something about the amount of regulations that have been put into effect during the Obama administration.

It is an epidemic. The Federal Government has issued 3,360 new rules and regulations, an average of 13 new rules a day—78 of those new rules just last year. A “major rule” is a rule that, as I said, may result in having an annual effect on the economy of \$100 million or more, a major increase in the cost of prices for consumers or significant adverse effects to the economy. By the way, we are just getting started, it seems, with regard to what ObamaCare is doing, and it is probably going to be the mother of all rulemaking instruments.

GEOFF DAVIS, Congressman DAVIS, has a new and better idea, a tool—although this is a great tool—that I think will function even better. So I am going to yield to Congressman GEOFF DAVIS whatever time he needs to consume to start our talking about the REINS Act.

That's not “rain” like we pray for over in Texas all the time, is it?

Mr. DAVIS of Kentucky. I think it's more the “reins” you use in Texas to pull back on that bull or that horse that's getting away. It's appropriate to Kentucky, too, with our equine culture as well.

I appreciate the gentleman for yielding.

To your point, when we talk about bills, like the health care bill that was forced through last year that has so many new rules that are going to be propagated over time and the challenges that we're facing with an increasing complexity of government, all of these rules are placing a burden on the consumer and are leaving virtually no recourse for voters and no recourse for our communities. The operationalized term would be “unfunded mandates,” but I think what we really have to come down to is looking at this as costs that are being levied that affect every area of our lives.

The last, probably, five or six administrations have seen a tremendous amount of growth in the amount of regulations. As you mentioned, over 3,000 new rules and regulations were queued up last year. This is a real concern that affects all of us. If we think about education and the challenges that our schools have today, with regard to No Child Left Behind, which was a well-intended bill in terms of goals of improving student performance, when that law was written into enough compromising or overly general

language to be thrown over the wall to the Department of Education, the detailed implementing of regulations moved to place a massive unfunded mandate on the Individuals with Disabilities Education Act, which is for disabled children or for children who fall into that category.

It was supposed to be funded at 40 percent of the expected level. It has never gotten above 12 percent in any school district in Kentucky, in my congressional district. Those funds have to be reallocated from elsewhere; and in order to comply federally, we are seeing schools lay off teachers, cancel PE programs, and cancel other programs that are deemed nonessential for Federal compliance. This doesn't help our students. It doesn't help those the law was intended to help.

When we think about the EPA, certainly we can talk about greenhouse gas regulation. There is a case where there is a move on the part of the executive branch—regardless of whether a person is Democrat, Republican, Libertarian or an independent, the Constitution mandated that the legislature, both Houses of Congress, had power of the purse and the power to hold the executive branch accountable. The executive branch was to execute the laws, not make the laws.

When there was a Democratic supermajority in the House and in the Senate, what we were seeing was cap-and-trade, an energy taxation. The production of energy in this country was not able to be accomplished because there were not functional majorities in either Chamber for the President to sign a bill, which he said in his own campaign would necessarily cause utility rates to skyrocket.

Now we hear the announcement, well, we're going to go ahead and do this anyway. Then it comes home full circle in a way that has hit almost every community in the country in one way or another, and that's the issue of EPA compliance with stormwater or drainage mandates.

Again, these could be well intended, but we have to look at the regulations in context, what they want to achieve. In my own area of Boone, Kenton, and Campbell Counties, in my first year in Congress—and, actually, I'd been in Congress for about 2 months—the EPA imposed a consent decree on three Kentucky counties for \$800 million, in effect an \$800 million tax on one water and sewer district for these upgrades which, frankly, in most cases across our communities were entirely unnecessary at a standard way beyond what reality was and one that imposed a huge, huge burden on working families and on the poor.

This bothered me for years. We looked at different ways to deal with that. The Congressional Review Act was a good attempt, but the challenge that we've had with the CRA is that it has only worked one time to repeal a regulation. That was the Clinton era ergonomics rule. In that case, all the

stars lined up. We had a House that could pass it, a Senate that could pass it, and a President who was willing to sign the repeal of this regulation from a prior administration.

I want to come back to the constitutional point because here you have working families and, in fact, towns in my district where the compliance cost with the stormwater decree are actually more, in some cases, than the actual revenues of the budgets of the towns. We went back and forth with different ideas; and in August of 2009, a constituent of mine came into my office as we were working through different ways to look at reducing and relieving the regulatory burden on businesses, on citizens. Let's have regulations in the context of their costs and also one with scale.

This gentleman said to me, How come you all can't vote on these things?

The light bulb went on. We went back to work, approaching it in different ways and came up with the REINS Act. It stands for the Regulations from the Executive in Need of Scrutiny Act. In the last Congress, it was H.R. 3765.

We started with the simple premise of major rules that have an economic impact of \$100 million or more cumulatively. Once the 60-day comment period is over, instead of being enforced upon a particular constituency, as they are today with very little interaction with industry and, frankly, with very little heeding of industry in the comment areas or in our communities—for example, for things like that stormwater bill, for things like No Child Left Behind, for things like net neutrality, for things like doing Card Check by regulation versus, again, going against the will of the people's elected representatives—what that would do is, before enforcement, force that rule back up to Capitol Hill under a joint resolution.

□ 1930

It's constitutional. It would have to pass in the House, pass in the Senate, and then go to the President's desk for signature. And what that would do is be able to give people back in the United States—Washington, D.C. was one time described as a 10-mile by 10-mile square surrounded by reality. Back in the world real, where our taxpayers live, where the jobs are created, they would now have people to hold accountable, the men in the House and the Senate, if these large rules that are imposing such significant economic burdens were imposed upon them.

So, as we moved forward, got a tremendous amount of support for that across the business community, across the legal community, citizens; and, frankly, local governments have lauded this, and we're looking forward to moving that forward. There was so much momentum that we had at the end of the last Congress that this was put into the Pledge to America and was reintroduced.

Let me back up, Senator JIM DEMINT introduced the Senate version of this intact; and then in the new Congress, we reintroduced a slightly improved version of the legislation in the House, and the identical bill was introduced by our new junior Senator from Kentucky, RAND PAUL, with 23 additional Senate cosponsors. We're up to 134 cosponsors in the House of this bill and have had two hearings in the Judiciary Committee about it where this discussion on ultimate accountability is there.

Before I yield back in this portion, the one thing I would share with you also is this is not a partisan bill. The opponents of the bill have tried to say it is anti-regulation or it is an attempt to go after the administration. It is not that at all. In the Bush administration, in the Clinton administration, in the Reagan administration, in the Carter administration—we can keep going on back—finding rules and regulations that were implemented outside what the original intent of the Congress had been. You know, in the past we could work around these rules and regulations. Economically, now, things are so tight and so tough we cannot afford to burden the competitiveness of our businesses any longer.

When we come back, I'll give you some examples of that that will personalize this to an additional degree, but I'm really glad you're holding this hour tonight to discuss the critical impact of regulations, a cost that's approaching \$2 trillion a year on the American economy. Frankly, the cost of regulation is substantially more than the annual tax revenue that is collected by the government.

Mr. CARTER. Reclaiming my time, I thank the gentleman for explaining this to us, and you hit on a bunch of points I think we need to keep reminding the American people about because we've all been out there living our lives, raising our kids, doing the things with our wives, and just getting caught up in living. And on the periphery, we hear of something that may interfere with our little business we formed or may interfere with a big business that we've got a job in that's going to cause issues, and we just tend to say Congress did it.

When, in reality, most of the things I believe that people hear those things about some rule that requires them to put up a barrier or like I had one guy tell me, They made me put up water retention barriers in the desert in New Mexico where it hadn't rained in 4 years. And he thought that was ridiculous; and I said, well, I kind of have to agree with that, and I guess there's some reason for it.

But the point is that wasn't done by Congress. That was done by one of these regulators you are talking about. When you write a rule or regulation that would cost this country, this society, \$100 million, then that has a major effect on some human being that lives in this country; and I think we have

the responsibility as the representatives of the people to take a look at that thing and decide if that's the right thing to do.

The way the Congressional Review Act is, they file it and then we have to take aggressive action to get a vote on that issue. By the REINS Act, it would be mandatory that it be filed and it must have a vote. There is no exception as I understand it.

So if something is going to change \$100 million or more of your life, you would think the guy you elected or gal that you voted for to come here and speak on your behalf ought to have something to say about it. That's why I like the REINS Act; it puts a responsible party responsible for the things that bureaucrats do. Bureaucrats have the ability to make these fancy rules that they're not responsible for. They write them; but then, you know, they've got a paycheck, they're civil servants, their job's protected with what I would argue is a sort of tenure after a certain period of time. They may even be represented by a labor union.

And so they're sitting here safe and sound; and when they write that regulatory act, they don't answer to any voters back home to decide whether they keep their job, providing a good act or a bad act. They and probably a panel of people they are working with decide this is a good idea.

But here's what's going on right now that has many of us very concerned. A lot of issues that now we're facing with regulation were issues we voted on in this Congress. We discussed in committees in the last 2 years when the Democrats were in charge of this House and the Senate and the Presidency, and those things they were not able to get passed through both Houses and signed by their President, the Democratic President, Mr. Obama, and yet now they're trying to do those same things by regulation; and the perfect example is CO<sub>2</sub>.

The whole issue of greenhouse gases, basically they could not get a vote by both Houses of Congress to support calling greenhouse gases noxious gases that should be regulated or should be eliminated. So now they just passed a rule, or they're passing a rule, at the EPA and declaring it. They got one court to make a ruling in their favor; and with that, they're going forward on it. But that issue is in debate in this House today, and it will be in debate when the REINS Act brings it before this House for a vote.

That's why if we can get this passed—and I believe we will get support, bipartisan support, by both sides of the aisle, both in this House and in the Senate, and I'm very hopeful that the President will sign it because it's a tool that works for—doesn't matter what party you're in because, hey, I'm not going to sit here and tell you that Republican Presidents or Republican administrations haven't proposed bad regulations, because they have.

And it's not a party responsibility here. It's an individual Member's responsibility to make sure that we don't write regulations that are going to in such a way hinder our ability to do the things of commerce that keep jobs being created and so forth that we let the bureaucrats run the country. We elect them to run the country. They got hired for a job, and I think that anything that has this kind of influence on the economy requires a vote of the people, who said I will take responsibility for making the voice of the people in my district heard in Washington. You're not going to get that voice heard by the regulators. It's going to have to be here in Congress.

I commend my colleague, Mr. DAVIS, for a good bill, well done, and a concept that enhances the liberty and freedom of the American citizens.

I yield back for your comments.

Mr. DAVIS of Kentucky. I thank you, Judge CARTER. The real question when it comes down to Presidential support of this, Presidents regardless of party don't tend to want to relinquish party, but I think from a constitutional prerogative there is so much importance in changing the dialogue, the dialogue between the House and Senate on Capitol Hill, but also the dialogue between the executive branch and the legislative branch.

To this point, the thing that I would share, President Obama during his campaign called for a post-partisan area, and that as soon as his legislative agenda did not pass, he moved to want to implement everything by regulation that could not get through the House and the Senate.

The reality is, to get to the post-partisan era and to restore balance between Congress and the executive branch is to pass a bill like this. A senior EPA executive, who has to remain nameless because of who this person shared with me, he thought a concept like REINS was a great idea for two reasons, not from a partisan perspective—and this is somebody in an agency that's regulated.

And the first thing that he shared with me was his unutterable frustration that the Congress often sends overly generic or nonspecific or, in fact, many times contradictory titles in bills, health care being a specific example of that, where it is so difficult for the regulators to try to determine what the intent of Congress was. Oftentimes in order to get that interpretation, they come out with something entirely against the intent of what people wanted who were supporting the bill.

□ 1940

The other thing that happens in that same vein is legislation is often crafted to get a majority of votes in each Chamber and to get a conference acceptance between the House and Senate with language that creates holes, that creates opportunity for the executive branch to legislate or tax by regulation versus working through the reg-

ular order of the House and the Senate. To me, that's not constitutional.

I am not an attorney, but the one thing I can say is the Constitution reads pretty clearly on who is supposed to legislate. And I believe that, frankly, Congress has abdicated, in the past, its responsibility to maintain that control because it was easier, usually in a crisis. This really began in earnest during the Depression. Growth in the regulations related to national security began during the Cold War. We have seen the Great Society programs where many other agencies began to grow, and it affects us in a huge number of ways.

The second reason that the gentleman was supportive of a concept like the REINS Act was this: that it would force a dialogue for clarity between the agency that would have to implement regulations under rules that were being written in the House of Representatives and in the Senate, it would force that dialogue to make sure that the intent of Congress is clear. Instead of having 2,700-page bills that show up hours before a vote, the dialogue could be ongoing, reduced down to a concise piece of legislation that had very clear intent, very clear expectations and metrics, and a clear outcome to maintain context for our citizens.

I would like to touch on a couple of these that affect all citizens. The first one, people like to have their privacy protected. The Health Insurance Portability and Accountability Act in the late 1990s that was enacted into law was intended to protect patient privacy. It was intended to make sure that people's most intimate information would not be freely available outside of very legitimate and necessary venues or where that person gave permission. That law, known euphemistically as HIPAA by its acronym, has accomplished vastly more than the original intent of the law, and mostly damage.

I can give you an example. I was doing what is called a mini internship at St. Elizabeth's Medical Center in northern Kentucky the week that HIPAA implemented. And I watched in the space of that time—the internship was an opportunity for people in the business community to come in and learn more about how the health care infrastructure works, business practices that are being implemented. It fosters a dialogue between health care professionals. HIPAA ended that because of liability concerns. Just simple interaction that had taken place before.

More importantly than that, every doctor's office that I had visited, every department of the hospital suddenly saw their paperwork overnight double in dealing with the same patients with the same procedures. So the cost of actually getting the treatment prepared was, in effect, doubled.

We are seeing nurses no longer do nursing, and it's now the patient care

assistants. We are seeing doctors no longer doing medicine—it's charge nurses and senior nurses on units—because, again, the amount of documentation that is required in order to cover the bases on this rule have had an impact far out of proportion to the original intent of simple privacy protection that could have been accomplished in other ways had Congress been more clear.

On transportation, there is always interest in discussion. As you well know, coming from Texas, Texas is different from Kentucky, is different from New York, and everybody is different from California as trendsetters. We all have uniquenesses in this Nation. It's what makes America great. In my part of Boone County, Kentucky, where I live, we experienced a tremendous amount of growth: from one tiny subdivision to nine subdivisions; a new elementary school; commerce that was going up and down Highway 237, known as North Bend Road, a little two-lane road that would snake and curve up to the most northern part of the Commonwealth of Kentucky.

Well, originally in our 6-year road plan, it was supposed to be a four-lane highway that was going to be built to support all of this new traffic. However, some of the new transportation rules got in place about green space and bike paths, and this is what we got at the end of the day. After tens of millions of dollars, 2½ years of construction work, what we got was a beautiful two-lane highway with bike paths and green space in between where a public safety vehicle can't be turned around, and two traffic circles. Now the traffic is just as bad as it was before all of these millions and millions of dollars were spent in order to comply with Federal regulations.

To me, things like that don't even need to be levied at the Federal level. That can be decided at the State or a community level if we want to do things like bike paths, if we want to do things like traffic circles, if you want to place green space in the middle of that road to use Federal transportation dollars that are appropriated to the State.

Another example that comes to mind, a place that I dropped off some suits and shirts this morning—or, actually, my wife did after I came to Washington, D.C. early this morning. Nick Bell is an entrepreneur in Boone County, Kentucky. Years ago, he started a dry cleaners, known as Braxton's Dry Cleaners, with some friends. They have top-notch customer service. They go out of their way to grow their business.

In the late 1990s, Nick had a vision to expand. His service was so effective and the quality of care he gave his customers was so good that he grew to a point where he had more business than his current physical plant could handle in this small dry cleaner. So he did what any enterprising entrepreneur would do: He pooled his savings, the

company revenues, and decided to install an additional dry cleaning machine.

He suddenly found out—this was his first real encounter with the regulatory state from the time that he had started his business—that the clean water rules had changed after 1996, and he was under a whole new set of mandates. Nick was informed that he was going to have to do about 18 boreholes into the concrete pad of his little dry cleaner to test for potential carcinogens. Dry cleaning fluid was listed a potential carcinogen. A potential, I might add. In fact, one oncologist told me that you would basically have to drink gallons of the stuff on a daily basis in order to induce the pH level or the toxicity level in your body to cause cancer to grow. But nonetheless, the rule was the rule. The environmental inspector came out to his facility. He did the 18 boreholes and paid the additional money for that, and then an interesting thing happened.

On one of those boreholes, they discovered one teaspoon of groundwater underneath the concrete pad of this business, which created numerous jobs for our county. In that teaspoon of water was several parts per million of dry cleaning fluid that had apparently been spilled on the floor and had leaked through a small fissure. To you and me, we wouldn't think twice about that if we spilled some windshield wiper fluid or something on our driveway. We would clean it up and we would move on. Or maybe some paint falls off of a windowsill that we're painting on the outside of our house. Nick was informed immediately that he was going to have to remediate that teaspoon of water. He said, Well, sir, I can't afford that. I just won't install the dry cleaning machine. Then the full encounter with the regulatory state came into being. He was told, No, if you don't remediate it to the standard, we are going to shut down your business.

There was no environmental risk. There was no true remediation risk. I am speaking as an engineer. There was just no risk. What was at risk were the jobs of the people there, the clothing of the folks that were trapped in there. And what Mr. Bell had to pay was \$60,000 in remediation fees for one teaspoon of water. It might have been different if Dow Chemical had a major spill, but this is a dry cleaner in Boone County, Kentucky. It had a great impact. It made him an activist, among other things. These examples are rife.

I live in the longest river district in the United States, along the Ohio River. We have a lot of flooding today that is going on. People can't pick up the trash that comes up on their properties, on the riverbanks. You know why? Very simple. Under the rules that are laid forth in implementing the legislation under the Clean Water Act and under the Corps of Engineers, if you reach down and take hold of any of that detritus that washes up on your

land, you own that for liability purposes and are responsible for all the remediation costs of whatever that might be. Hence, as you go in businesses up and down our inland waterways, you will find all of this garbage, all of this waste that has washed up because, by our own laws, the people who want to clean it up free of charge to the Federal Government with no overhead to the State or local communities—think of the Boy Scouts who want to go out on a weekend—they're stopped from doing this and will not do it.

And finally, the last point that I would make on this: We talk about the issues of clean water. I care about clean water. I want to see our water clean, our water pure, but we need to take a look at what standards are again in context.

An enterprising new county judge executive in Lewis County, Kentucky, Thomas Massie, a brilliant MIT graduate who has patented many technology devices, came back home to settle down, to bring these practices back home, and he is an expert in sustainable energy. We are from a coal State, and he wants to do something that is tremendously innovative. He wants to build in this county that doesn't have inherent natural resources but is along a long section of the river, to wall up some of the large draws, with the large hills that come down to the river's edge, and to create, in effect, a hydro-electric generating capability with two large reservoirs.

□ 1950

The proposition was simple: to fill them with water from the Ohio River, and then they could naturally be drained or refilled based on need, based on precipitation and evaporation. But it would be largely sustaining and could generate enough electricity for several counties around the area.

Guess what the new judge ran into? The Environmental Protection Agency, because the clean water standard says that if I take one gallon of water out of the Ohio River, I cannot put a gallon of Ohio River water back into the Ohio River unless it is purer than drinking water.

This is an issue that's completely out of context. And this is part of the challenge I think that we face, that many citizens don't realize as we encounter this regulatory culture, that these are the rules that hit the pocketbooks of people.

It's not simply an issue of big business. It's working families, the elderly, the working poor, our farmers, our small businesses who create jobs are all effected by the \$2 trillion in regulations. And ultimately, if we are going to compete in a global environment, it's not that we want to stop regulation, but we need to bring it into context and make it concise, make sure there is real impact and something that, at the end of the day, doesn't prevent us from creating jobs and doesn't

prevent us from competing and keeping our country strong in the 21st century.

Mr. CARTER. Reclaiming my time, you're exactly right. So that people understand, many of these regulations, as they look at things, they don't look at the big picture of what that regulation was meant to do. In fact, I don't think they consider just how far reaching what they're doing is going to be. I would venture to guess that when they wrote that regulation concerning that particular chemical that had leached down through a crack and gotten parts per billion or whatever it was into the dirt, that they probably envisioned some big factory dumping major chemical deposits out on the ground. They never thought of a mom-and-pop cleaners that might have a slight crack in the foundation which causes a very minute amount to fall down there and then say, You've got to remediate like a monster company who dumps all this trash in there should have to remediate. I think that the people that were writing that were thinking about the big guy, never realizing what they were doing on the little guy.

Last night, I guess it was, I had a really nice invitation from some people. There's an event in Austin. I'm going to plug for them because it's a great event. It's called South by Southwest. And many people think of it as a music festival. There's lots of bands that come in. They have lots of live music. Austin is the live music capital of the world.

But there's also a lot of entrepreneurs. High-tech innovators and all sorts of people come there to share ideas, to go to seminars about how we're going to thrive in the 21st century. It's a great, I believe, week-long celebration. It may be longer than that.

Last night, I was invited to a private meeting between—I'd say there's at least 100 to 150 people with ideas, and what they call angel investors; that is, people who are willing to look at these ideas and maybe be willing to loan startup money to get these companies started.

The first thing I want to tell you: I don't believe I've ever walked into a room where there were more enthusiastic people who thought they had a great idea. I mean, it just felt good talking to these young people. Many of them, you wouldn't be able to pick them out on the college campus from all the rest of the kids on the college campus. They look just like all the kids on the college campus, and many of them were. But they had an idea, had come up with an idea. These were the Michael Dells and the Bill Gates of the future that had an idea, and they were gathering with other people with ideas.

Of course, when we think of this, when we mention Michael Dell and Bill Gates and the people in the high-tech industry, we think everything is high tech and Internet; but, in fact, some of the ideas were just pretty simple. But somebody had a good idea.

And one of them I thought was kind of innovative was a rolling kitchen. These were gourmet chefs who said, you know, I want to cook. I've got good food, but I don't want to have to buy a facility. I want to just have a Winnebago with a full kitchen in it and a way to sell my food outside the door, and I'm going to sell gourmet food on the street like a street vendor. It's an interesting concept, and it seems to be, as it was described to me, the beginning of a very successful idea.

Now, these ideas were there, and there were people who come and invest in those things. I met one guy who said, Yeah, you know, sometimes you pick a winner and sometimes you don't, but I've picked a couple of winners. One of them was Netflix. I got in the first day on Netflix. Now we're doing pretty good.

But what this was, this was the seed corn, if you will, of capitalism in America. This is what it's all about. But most of the people that had projects there had something to do with a tool that we all are learning about, and that is the Internet.

Now, we have rules coming down from the Federal Government. The FCC is putting out rules to grant the Federal Government new power to regulate the Internet, restrict access and, thus, stalling this type of innovation of these dynamic young men and women that I met last night with their great concepts on how to improve life and create a business.

Our Founding Fathers were very smart. They realized if you give us liberty, from that will come new ideas; from those new ideas will come entrepreneurship, entrepreneurs; from that will come jobs, capital to reinvest and grow a thriving economy. We have been living on that basic system of private enterprise in this country now since the inception of this country, and these young technocrats have learned how to use the Internet as a tool to make life better for people. Yet if you ask them what they don't want, they don't want the Federal Government regulating them.

Now, the people that are wanting to regulate, they're looking at maybe some things they see as problems. I don't know what problems they are. Maybe they think somebody is using it to enhance politics other than theirs and they're worried about the other guy having access for political reasons. Maybe they're worried about some of the bad things that are on the Internet. And there are bad things. Our terrorists are learning how to make weapons to kill other people on the Internet. But they are not realizing that, as they take something that's working and stick the Federal Government in there, it probably isn't going to be working as good. The Federal Government doesn't do a whole lot to make things work well.

So the unintended consequences of that is they would basically destroy this exciting, innovative industry

that's being created in this country to come up with new ideas that, hopefully, make life better and more convenient for all of us and, in turn, hopefully, generate wealth for those who have the ideas, because that's what we are all about.

Right now, using this tool, until we can get Mr. DAVIS' REINS Act—which I'm a cosponsor and almost everybody I know is. We're going to try to get this thing passed this session of Congress, signed into law by the President of the United States, as a tool that all Members of Congress should respect. Until that time, we use the Congressional Review Act. And here's some things we are looking at in the Congressional Review Act.

□ 2000

The EPA rule disapproving the State of Texas' flexible permitting system under the Clean Air Act. We filed H.J. Res. 21, JOHN CARTER sponsors that. FCC Net Neutrality Rule, H.J. Res. 37, GREG WALDEN is using the Congressional Review Act to look into that. HHS rule on medical loss ratio, MLR, requirements under the Patent Protection and Affordable Care Act, H.J. Res. 19, I am going after that rule with the Congressional Review Act. NESHAP Rule for Portland Cement Manufacturing Industry, H.J. Res. 42. Again, Representative CARTER. This rule is likely to close 18 cement kilns around the country and destroy good American jobs, driving them overseas to places like China and India, possibly increasing the mercury pollution in the United States from offshore pollution.

These are just examples of some things we have been working on. We have talked about them before. And I can assure you, my office right now is daily checking every service we can find to find out about every regulation that is being proposed so that we can look at the ones that we can be aggressive and take the offense on for the Congressional Review Act.

Once again, the REINS Act would shift the burden, as we say in the law, and it would mean that we would have to vote on any major regulation as by the definition that Mr. DAVIS has given us. So both these tools would be available to Members of Congress for us to be able to look at these administrative rules that are being passed, which are basically done by individuals and agencies, not by this Congress, and give this Congress, which represents the people, to be responsible for whether or not the rule passes. Therefore, if the folks back home want somebody to blame, that is what you take this job for. The buck stops with your vote. If you support the rule, you are going to be responsible for it. And if the folks back home don't like it, you are going to own it. But that is what we came up here for. We came up here to be responsible for our constituents, to be their voice in Washington.

Maybe my friend, Mr. DAVIS, would like to comment again. So once again I yield to you.

Mr. DAVIS of Kentucky. I thank the gentleman. And just your point on being responsible. One thing that I would share along these lines is that one of the jobs that all Members of Congress have is to explain to their constituents what is happening in Washington and also to explain to Washington what their constituents think. And when we come down to these issues with the rules, I think of one thing so critical for us to understand is, and I have seen it in my early time here. I saw it certainly during the health care debate when people would walk out and they would do press conferences and do press releases talking about all the great things that were happening. We read the bill in our office, I didn't see any of that happening, but it took 3 months and then 6 months and 12 months, and people were waking up to all these things that weren't there, and it created a great backlash. And much of that was expressed in frustration at the election because of ultimately this growth and intrusion of policy that the American people didn't want.

By having this check and balance, it does several things. It restores transparency so people can see. It forces Members of Congress to communicate with their district. If we think a regulation is something that is important to have enacted or a law that will empower a regulation that is going to have significant reach, we need to have that discussion with our constituents so they understand, as well as a discussion with the agency community long before that legislation ever goes to the floor of the House.

By bringing about this REINS process, it would take these major rules at the end of 60 days back up here for an up-or-down vote. Really, if the House and Senate are doing their job and the agency community and the executive branch is doing its job, that should be a relatively straightforward exercise. But if there is an attempt by the executive to step outside the will of the people, then we get into this. And it is important.

I go back to the question of the Congressional Review Act. In corollary, not directly tied to this by regulation, but oftentimes in the agencies there is an attempt that takes place to fall into a routine of operation. And in times of crisis, those are not always the most effective thing.

Many of us remember back in the early days of the wars in Iraq and Afghanistan. Regardless of one's politics, positions on the policy, we suddenly found ourselves in a new kind of counterinsurgency that had not been expected by the military, had not had the expectation set by the administration that this was going to unfold, and in fact they were caught by surprise. Because of the promulgation of thousands of improvised explosive devices by the fall of 2003, the Army and Marine Corps specifically realized we were in a full-blown counterinsurgency and had to



react. The first words out of the civilian bureaucracy and the Defense Department were that it would take several years in order to accomplish what was necessary because laws would have to be enacted and following test doctrines for various programs.

I think of some of the things I have seen in military programs that began 15, 20, 25 years ago and simply die because, by the time something gets to a flyable prototype or an executable weapons system, it ends up making itself obsolete because there is not that agility to respond because of the internal regulations, not even germane to what we are talking about tonight, but these rules that govern the mindset of how the government operates.

Well, telling division commanders and brigade commanders and regimental and battalion and company commanders, well, it will be a couple years down the road, and we will have a solution to your immediate combat problem, is not the way Americans think and operate.

In World War II, we fielded all kinds of technology. What worked was made in mass, and it showed the agility of our industrial complex. And we were looking for everything, long before this large military-industrial bureaucracy came into being.

What it took for Congress to get the up-armored vehicle program into theater, and it was an amazing thing after enactment; you were here to see that, 39,000 armored vehicles that would not have gone into theater specifically in Iraq were there in 16 months, but it took an act of Congress to do that, to exert on the executive branch the will of the American people. This was even a case when the President agreed and wanted this, but even he couldn't overcome the inertia of his own agency community. Something not uncommon for Presidents, regardless of party.

Coming back into our world here with the regulations that affect us economically in day-to-day time. Restoring accountability, restoring the dialogue, restoring the constitutional primacy of the legislature allows us to do our job to protect the American people, to make sure that their interests are seen, and give them somebody to hold accountable at the end of the day. You can't fire the EPA administrator or the director of the FCC or the Secretary of Education or any of a number of other agency heads if they implement regulations that are not what our communities, what our country, what our citizens want. And, frankly, it brings an end to this paternalistic government that is run by experts that don't necessarily reflect what the will of the American people is.

Your colleague from Texas gave a remarkable speech a couple of years ago on the issue of CFC light bulbs. I find it so amazing in the mandate that was put down to have CFC light bulbs. In 2007, I remember when one was dropped in the Longworth Office Building and the building was evacuated over the

issue of this. Mr. POE from Texas read this draconian list of regulatory requirements in dealing with a dropped light bulb.

The thing that struck me is it is so expensive to comply with the regulations on the production side that none of them are made nor will ever be made in the United States of America. They are made in China. And I think that is one example that shows this complete dissonance.

We can restore American economic competitiveness. We can strengthen our regulatory framework for real, sound regulations that protect consumers, that protect the American people, that protect the integrity of our commerce, but do it in such a way so it is in context and not putting layer over layer over layer that just increases complexity, increases the size and reach of government, and ultimately the cost to our pocketbook.

Mr. CARTER. Those are excellent comments. And those light bulbs are a particular sticking point in my life. I don't like being mandated to purchase anything, quite honestly, by the government. And it is really kind of hypocritical to say everybody has got to use these lights, but we can't make them in the country because the regulators won't let us. And we create the regulators. So it is just hypocritical.

I guess what we are trying to say to folks out there and to the people in this Chamber is that it is time to take a look at this secret world of regulators. And it really is a secret to the American people.

I don't think I would make a bad estimate if regulations were printed on both sides of paper like that size paper; and this Chamber has, what, 80 foot ceilings, 100 foot ceilings, and it is probably 40 yards long and 20 yards wide? Stacking these regulations on pages like this, you would have to have at least two or three of them, probably just to cover the IRS Code, much less all the other regulations.

The voluminous number of regulations that are out there will literally boggle your mind. If there is a good reason to have the Internet, it is to have somebody help you keep track of the regulations probably better than anything I can think of.

□ 2010

They're there. They interfere with our lives. Some of them help and some of them don't. And the people's representatives should have a say.

The Congressional Review Act is presently giving us a chance to have a say, and we hope to bring many of these, actually all of these, to the floor of this House for a vote and to the floor of the Senate for a vote.

With the REINS Act passed and signed into law, it gives us another way to get the people of this House who represent the people of this country to cast a vote on behalf of their citizens back home as to whether a major regulation will or will not help this Nation.

As we sit here trying to take down barriers to creating jobs, if there's one thing more than anything else that we've got to do for now and for the foreseeable future in this Congress, it is help take down barriers and get the entrepreneurial spirit going again and get the environment such that people quit sitting on their money and go out and hire new people to help them make bigger profits and grow their companies by hiring people and giving them a job. That's our number one priority. It must be. These regulations, some of them are good, but many of them are onerous and prevent these jobs that we're talking about.

I thank the Speaker for his time.

#### CONGRESSIONAL BLACK CAUCUS COMMEMORATES WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

#### GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent, Mr. Speaker, that all Members may have 5 legislative days in which to revise and extend their remarks and to add material to the subject that we are discussing this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, this evening we in the Congressional Black Caucus are coming to the floor to honor the women in our communities that have been its backbone and who have employed their foresight, their hard work, and their sacrifice to move us forward, serving as the inspiration for all of us in our individual and collective journeys.

March, as you know, is Women's History Month, celebrated this year with the theme, "Our History is Our Strength." We all know the stories in our families and in our communities of mothers, grandmothers, godmothers, aunts and sisters who pulled together to make sure that everyone within their power was fed, educated and remained healthy. Those with a lot of resources shared what they had. Those with not much gave of their time and their heart to bring generations into existence, to nurture all of the community's children despite all of the odds before them.

As we highlight the achievements of women, we will also speak to our concerns that the gains women have made and the progress we still need to make are being threatened by the actions and the agenda of the 112th Congress under a Republican majority.

Before I yield to my colleague from Texas, I would just like to read some quotes from the Secretary of State and the President of the United States.