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State of Arkansas
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Regular Session, 2011

By: Representatives Linck, Hopper, Benedict
House resolution—Requesting that the President of the United States and the Arkansas congressional delegation support and continue the immediate and future funding of the Norfolk and Greers Ferry National Fish Hatcheries.

Subtitle—Requesting that the President of the United States and the Arkansas congressional delegation support and continue the immediate and future funding of the Norfolk and Greers Ferry National Fish Hatcheries.

Whereas, the United States Fish & Wildlife Service plans to cut the budgets for the trout hatcheries below Norfolk and Greers Ferry dams; and

Whereas, these fish hatcheries provide the foundation for Arkansas's world-renowned trout fishery waters that produce a total economic impact of well over one hundred fifty million dollars (\$150,000,000) annually but only cost taxpayers approximately one million five hundred thousand dollars (\$1,500,000) annually to operate. The hatcheries at Norfolk and Greers Ferry dams alone generate five million five hundred thousand dollars (\$5,500,000) in federal tax revenues, roughly three dollars and sixty-five cents (\$3.65) for every one dollar (\$1.00) invested; and

Whereas, seventy-five (75) years ago, north Arkansas's White River was arguably the best smallmouth bass stream in America. Fisherman came from all over the country to experience once-in-a-lifetime float trips down the beautiful bluff-lined river; and

Whereas, upon a series of dams being built in the White River basin in the 1940s, the federal government assured the state's citizens that mitigation efforts would be included to offset the loss of the river's incredibly productive native fishery. The key component of this commitment was the construction of Norfolk National Fish Hatchery in 1955 near Norfolk Dam and the establishment of world-class trout waters below both Norfolk and Bull Shoals lakes; and

Whereas, a decade later, the trout hatchery at the base of Greers Ferry Dam provided the means for a similarly successful fishery to be established at the Little Red River in Greers Ferry; and

Whereas, these modest projects rank among the all-time success stories of our federal government because of the overall economic impact and return on investment they produce; and

Whereas, fish production at the Norfolk hatchery employs nine hundred ninety-four (994) individuals, and the Greers Ferry hatchery employs an additional seven hundred fifty-two (752) people; and

Whereas, dozens of resorts employing hundreds of individuals have been established in these world-class fishing areas because of the increase in tourism. The town of Cotter, Arkansas, for example, bills itself as "Trout Capital USA"; and

Whereas, trout fishing in the White River basin is worth about three times the annual flood losses prevented by Beaver, Table Rock, Bull Shoals, Norfolk, Greers Ferry, and Clearwater reservoirs, and these structures averted fifty-one million four hundred thousand dollars (\$51,400,000) in damages in the last fiscal year; and

Whereas, the electricity generated from Bull Shoals Lake and Norfolk Lake averages approximately one hundred million dollars (\$100,000,000) of electricity each year, but the trout fishery is worth an additional fifty percent (50%) more than that on an annual basis; and

Whereas, investment in the Norfolk and Greers Ferry fish hatcheries has consistently demonstrated positive returns for more than half a century. The federal government's goal to reduce the federal deficit and increase economic growth would be damaged, not enhanced, if funding for trout programs is reduced or eliminated to the detriment of its promise to Arkansas and to these small towns whose livelihood depends on the fish hatcheries; Now therefore, be it

Resolved by the House of Representatives of the Eighty-Eighth General Assembly of the State of Arkansas, That the President and Congress of the United States work together to continue the immediate and future funding of the national fish hatcheries at Norfolk and Greers Ferry dams and allow the investment in these hatcheries to continue to contribute to the economic vitality of these towns, the State of Arkansas, and the entire country. Be it further

Resolved, That the Chief Clerk of the House of Representatives forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Arkansas Congressional Delegation with the request that this resolution be officially entered in the Congressional Record.

THE EPA

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

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker and ladies and gentlemen, I rise today to speak about H.R. 872.

I was pleased to see this resolution pass the Agriculture Committee with a bipartisan vote. Not one single objection. I want you to think about that. Not one objection from a Democrat or a Republican in the Agriculture Committee.

It somewhat baffles me that we have to waste floor time in the U.S. House of Representatives to help the EPA understand that they're creating regulations that they themselves do not understand.

Mr. Speaker, the EPA already requires pesticide permits from every farmer, rancher, forest manager, State agency, city, county municipality, mosquito control districts, water districts, and golf courses, just to name a few of those that they require permits from. If we do not enact H.R. 872, the EPA would then require an additional Clean Water Act permit for pesticides. I will add again, Mr. Speaker, that many of these permits are already redundant as pesticide applications are already highly regulated under the FIFRA Act.

We all care about the environment, but these EPA regulations fail the common sense test, Mr. Speaker. That agency is on a regulatory path of the destruction of our economy. They are destroying our jobs, and they must be reined in.

Mr. Speaker, perhaps we need a permit for the EPA that says the EPA must understand a rule before they pass one.

FEDERAL REGULATIONS

The SPEAKER pro tempore (Mr. FLEISCHMANN). 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. Mr. Speaker, once again we are going to talk about the fact that the regulators are kind of like the fox watching the henhouse. They just overreach everywhere. And we just heard an example of that actually. Mr. AUSTIN SCOTT was just up here talking about what is going on with this pesticide. We will talk a little bit about that today.

I have been trying for the last 6 or 8, I guess, months now to talk about some of the regulations that are being imposed upon people. You see these regulations and you see how onerous they are on both large and small businesses, and then we sit around and wonder why we're teetering around 9 percent unemployment in this country. It's because not only do folks have to wonder about are we going to raise taxes. Folks have to wonder about are we going to spend ourselves into the poor house. Folks have to wonder about a \$1.65 trillion deficit this year. They worry about all those things. They worry about how their children and grandchildren are going to pay off this massive accumulation of debt in this country that is coming down as a result of the policies of the last Congress, the Democrat-led Congress, and the Obama administration, and then you take that and you take on top of that the executive branch's regulations that they are putting on people, many of which are so onerous and make so little sense that, quite honestly, you wonder what's going on.

We've got a lot of things that have been going on, and we've got some tools that we're using to get rid of those things. And a tool that I have been talking about is using the Congressional Review Act to challenge some of these things, and we will talk a little bit about that. But first let's just go back and talk a little bit about what others are doing right now.

First off, tomorrow morning I am going to drop a bill, and this is kind of a nuclear weapon, if you will, of fighting regulations. Because of the continuous onslaught of regulations that seem to be designed to cause unemployment rather than to help with unemployment, I think it's time we just put a big old hold on the regulatory agencies and tell them that unless this is of major national importance, we don't think there ought to be any regulations for the balance of this Congress. So I am proposing a bill for the outright ban of all new Federal regulations through the remainder of the Obama administration until January 31, 2013.

□ 2000

This would remove, in this period of time when we're trying to bring our job

numbers up and bring our unemployment numbers down, this would give the country an opportunity to take, at least in one area, a deep breath and relax, that the regulators are not going to change the playing field on them halfway through a year or through a month.

There are so many regulations that we've talked about in the past few months and for the balance of this year that are surprises to everybody, and they're throwing big, big monkey wrenches in the machinery that drives our economy.

Now, if you read the newspapers or you hear people commenting on why aren't people creating jobs, why is capital investment on the sidelines, why are people holding on to their money instead of investing their money in their businesses or investing their money in some other people's businesses so we can grow this economy, they're sitting on the sideline and they're not participating.

And you will hear both sides of the aisle in this House talk about the trillions of dollars that are being held back from investment. You'll hear arguments made by the other side, by the Democrats in this House, that it's the greed of the big corporations that's doing this.

But then when you study the problem, it's not just the big giant corporations that are kind of sitting back and waiting. It's the small businessman. It's the guy that's got one shop, and he's thinking about adding on to that shop, and he may be thinking about adding one more machinist or one more salesman. But you know what? There are too many questions about what's over the horizon for them to take the chance of investing their money when they don't know what's going to happen. And as I explained as I started out, part of it is they wonder about the possibility of new taxes.

Secondly, because there's been a lot of talk from this administration about taxes, they're backing off of it now, but many of the things they do seem to change depending on which way the wind's blowing, and so they're worried about the possibility of new taxes.

They're worried about the fact that they can look at numbers, they read balance sheets, even the small businessmen can read balance sheets and profit and loss statements. And they look at this Federal Government and they say, my Lord. Just this year alone, based on President Obama's proposed budget for 2011, they're projecting about a \$1.6 trillion deficit this year.

And most businesspeople know what deficit means. And most of all of us do, but sometimes we think it's some big word coming out of Washington, not realizing what it really is. It means you're spending money you don't have. In fact, arguably, every time you buy something with your credit card, you're deficit spending. You don't have the cash in your pocket to buy the new

television set so you put it on your credit card. You borrow the money. You spend money that you don't have.

Now, if we were like the great State of Texas where we have a balanced budget requirement in the constitution in Texas, then the Texas legislature, they can't deficit spend. They can't spend money they don't have. They have a no-deficit spending provision in that constitution that says you get to spend what the projected revenues are, and that's it. And it's sometimes—and you ask the good members of our legislature, sometimes it's real tough to make things work. But you know what? They always somehow figure out a way to get it done. And this year is no exception.

It's tough in Texas. And they're doing the things we're trying to do here in this House. They are reducing their spending, as are States across the country. All you have to do is turn on the television. You see the issues in Wisconsin and Michigan and other places, and Minnesota—well, not Minnesota, Indiana, all these people are addressing it, New York, Virginia, they're addressing the fact that they've just got to cut back on their spending.

Well, we're addressing that fact too in this House right now. But the businessman looks at that and says, well, what's their track record? Well, our track record's not real good. In fact, our track record is such that they say odds are they're not going to do these cuts that are necessary to stop it.

Here's something kind of interesting. Right now, in H.R. 1, the Republican majority has set forth a series of cuts that total up to about \$63 billion. They've agreed now to about \$10 billion. So let's call it \$53 billion just kind of on the table out there waiting for some kind of action from the Senate. This is attached to a continuing resolution.

Now, that business owner back home, he looks at that and he says, let's see, \$63 billion—that's a tiny little bandaid on a gigantic rear end of an elephant, but that's the tax cuts that are being proposed, and they don't seem to be able to get those things. Not tax cuts. That's the spending cuts that are being proposed. They don't even seem to be able to do that. What in the world are they going to do about this \$1.6 trillion?

So he says, I don't think I want to play in that ballpark. That's too dangerous for me. I have a little savings in my back pocket to invest in my business. But now's not a good time. There's way too much debt floating around out there. There's way too much uncertainty about the economy floating around out there. I think I'll wait. So my plan to create one or two new jobs to grow my profits for my business is going to have to wait. Even though I may have the money to invest, it's going to wait because I don't feel the environment's good for it. It's another one of those unknowns that's

keeping capital and keeping the growing of the labor force from happening.

Finally, these regulations. When, as our friend from Georgia was just talking about—just take, for instance, the issue that has to do with this, these new regulations concerning pesticides that have come out. It came out and then it was—I think, some court has gotten involved in it.

But what they've done, basically, is told the people who use pesticides, and I think everybody knows, pesticides are to kill bugs that eat crops. That's kind of the general use for pesticides. So that means that your farmers, your ranchers, and some of your business people are going to be affected by this. And they look at it and say, wow. I used to have to have a permit. I got one. Now all of a sudden I've got to have a new permit. It's going to cost me some more money. They changed the rules in the middle of the game, and now I'm sitting here wondering what in the world am I going to do if they change the rules again.

So what am I going to do with my money? I'm going to keep it in my pocket. I'm not going to invest in my business. I'm not going to expand my farm. I'm not going to buy that new combine. I'm not going to trade for some more cattle. I'm basically going to sit where I am and hold pat. And I'm also not going to hire anybody to help me with those issues.

These are things that are typical of what causes the people who invest in the real world of private business, who employ two-thirds or more of the American public, to sit on the sidelines. So big business or small, if you don't understand the playing field, and there are people out there that can change your life at a whim, you get concerned about it. We've seen so many examples of that.

I'll just throw out the flex permitting Clean Air Act issues that are going on in Texas, which we've talked about before. After 15 years of using a flex permit in Texas, never a word said by the EPA, all of a sudden, out of the clear blue they decide, oh, you know what? I don't think we like that flex permit, so we're just going to do away with it, and we're going to change the rules.

Without going into what a flex permit is, it's very simple. If flex permit worked for your business 1 day and the next day you had to have a completely different permit with a whole new set of rules and a whole new set of obligations, you would be very concerned about the environment within which your business is being operated. And, by the way you'd be really upset when you realized that your clean air issues in your State where you're using a flexible permit, the clean air reductions have met the demands of the EPA and, in fact, probably exceed many, many States who don't go to a flexible permitting system.

□ 2010

For some reason, your State who is doing good has to change permits to do

like some of the States that aren't doing as good as your State. And you have to say to yourself, What is the motive for all this? Well, would you put your money into a project when something like that could happen to you?

We ask ourselves, Why have we been having unemployment in this country somewhere between 10 percent and 8.9 percent over the last 25 months? Well, part of it is the people who create the jobs, the real jobs, the jobs that make our economy grow, are the business people of this country; and for 25 months they have not been hiring because we have created a world of mistrust in what might happen to you that you couldn't even imagine as a result of actions of this Federal Government.

To me, the most important thing we have to do in this Congress right now is create jobs. It will change the very makeup of our Nation if we get our Nation back to work. And it is time for the government to get out of the way of small business, get out of the way of the entrepreneurs in this country, and give them the opportunity to create jobs. With all the playing defense that we are trying to do here in the House with the Congressional Review Act and other proposals that are out there, it seems to me we ought to just say, at least for a 2-year period, just, Time out. Time out. No more regulations. Just stop right where you are.

There are enough regulations in effect right now by the Federal regulatory agencies to fill this entire Chamber to the ceiling with books, so I don't think it would hurt us too much.

If it turns out it is a national emergency and you have such an issue that it is just so overwhelmingly necessary to come up with a regulation, then maybe we will put it out and submit it to Congress and let Congress make a determination about whether or not it is of that dire importance. But right now, just quit messing with us. Just get out of the way and let us have a chance to go do what we do best.

I forget who it was. I want to say it was Calvin Coolidge, but it was one of our past Presidents who said that the business of America is business. And it still is.

Two or three Saturdays ago, I was at South by Southwest, which is a very exciting activity that takes place in Austin, Texas, that not only promotes the live music industry, which is huge in Austin—it is the live music capital of the world—but, in addition, it promotes entrepreneurship among people with new great ideas. And great people, I talked to them and they were so exciting, such great young people, many of them in the high-tech industry, but in all of the industries. And those young people sat there and told me that, The one thing you can do that would hurt us the most is tax stock options and put up regulations that would prevent me doing what I need to do in my project. So, if the government

will stay out of my way and if you won't impose taxes on the very source of investment money that I am seeking as a new entrepreneur, if you don't do those two things and you stay out of the way, I have got an idea that can change this country. And many of them have just those ideas.

Some of the things we have now like Facebook, those things like that they made a movie about and all that stuff, all that was the idea of a young entrepreneur, and he got somebody to invest in it and, boom, it swept the world. So that's why I have got a moratorium on regulations.

But in addition, we have got a couple of folks that are taking off after regulations that are clearly hurting the opportunity to create jobs. The Regulatory Flexibility Act, RFA, is being proposed and requires Federal agencies to assess the economic impact of their regulations on small business. We have something like this now, but it is going to be expanded and made more clear. And, if the impact is significant, consider alternatives that are less burdensome. The agencies must balance the burdens imposed by the regulations against the benefits, and propose alternatives to the regulations which create economic disparities among different size entities.

The Small Business Committee has held hearings on the RFA and they are holding some tomorrow, on Wednesday, to discuss this agency compliance with the act. Bad regs are killing good jobs, and that is what I have been talking about, and here is the Small Business Committee looking at small business with really a focus on small business.

Now, why do you hear people talk about small business in Congress when you have got all these giant international corporations that our friends on the other side of the aisle love to talk about? Well, for one thing, seven out of 10 Americans get a job in small business. Small business creates seven out of 10 private sector jobs in the United States. Some of those private sector jobs are real well-paying jobs.

In fact, some of the people that I was talking to at this little entrepreneur group that I was with, they said, Well, the first ten people we will employ, we expect their salary range to be somewhere between \$100,000 and \$150,000 a year. Now, that's darned good jobs. But they are looking to hire highly skilled technical people to advance a concept they have in the high-tech industry.

What do we get from those concepts? Well, you have probably got a cell phone in your pocket. You may have the new Apple iPad sitting on your desk, or you may actually be communicating with a brand-new one which has a camera in it so you can talk to your spouse around the world or your friend around the world and both of you can see each other. These are all ideas that came from entrepreneurial thinking that began with one person with an idea.

The one thing Americans still have to sell is ideas, and we are the only in-

novative idea creators on Earth. Everybody else is good at copying, but we are the guys with the original thoughts. We don't want to kill that. We don't want regulations to kill it. And we don't want bad regs to keep this unemployment number above 8 percent, almost 9 percent.

Another act is H.R. 872. This is a bill about Congress battling a bad ruling by the Federal courts. The bill eliminates a costly and duplicative permitting requirement for the application of pesticides. That is what our friend from Georgia was talking about just a few minutes ago, Mr. SCOTT. This will now require a different type of permitting system and it will, quite honestly, place the burden on farmers, ranchers, and anybody who uses pesticides, I assume exterminators and so forth, and will put a huge burden on them. And the only thing you can do is clearly put a halt to this EPA new regulatory activity. Even though the court recently said, Well, we won't require this until October, it doesn't matter whether it is required today or whether it is required in October; whenever it is required, it is still a burden. So my friends on the Ag Committee are very, very serious about challenging the creation of this new regulation.

We have been using the Congressional Review Act, and we have got several things that we have dealt with on the Congressional Review Act. This is a law today. This law was created in the Clinton administration and has been used once, and that is the only time it has ever been used, which surprises me. But we are trying to use it on multiple bills that are out there that are creating a regulatory burden on individuals or industries of this country.

□ 2020

Last year, the Federal Government issued a total of 3,316 new rules and regulations, an average of 13 rules a day. Seventy-eight of those new rules last year were major rules. A major rule is a rule that may result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices for consumers or significant adverse effects on the economy.

If it is a new rule, it is required under the Congressional Review Act that it be submitted to the committees of jurisdiction that cover that rule in the House and Senate and that they have the opportunity within 60 legislative days, that is days that the Congress is in session, not counting the days it is not in session. And if there is a vote, and let's say the House passes it and sends it to the Senate, then it only requires 30 Senators to cosponsor the bill to bring that vote to a full vote in the Senate.

Then we will have the opportunity to send some bad regulations that passed both the House and the Senate to the President, and he told us less than a month ago that one of his goals this year was to get rid of these onerous

regulations that are costing us jobs in America. And I think that if both this House and the Senate, the Senate across the way, if both those entities feel it is a bad rule, I think the President will look at it, and I am very hopeful that he will dispose of that rule. When I say this, we are not talking just about the EPA. There are a lot of rules out there, but EPA just seems to have more than their share right now.

I talked about the Flexible Permitting Act. We have filed a CRA challenge, a Congressional Review Act challenge, to the flexible permitting program. Chairman UPTON of the Energy and Commerce Committee has been or is holding hearings on the Clean Air Act and on this issue. That will be one issue that we are going to be working on trying to get done.

The FCC has a regulation for net neutrality. This rule grants the Federal Government new power to regulate the Internet, restricting access and stalling innovation. One of the things that those young people that I met with the other night, it was about 100 of them now, it is not a small group, they all said, most of them, that the Internet was a tool they were using to come up with good ideas or to promote their good ideas or to use the Internet for their good ideas; and they were very much opposed, as am I, to any regulation of the Internet.

The freedom of the Internet is a freedom of expression, a freedom of expression which creates a freedom of ideas, and the exchange of ideas creates innovation, which is the fuel to drive our economy. So Mr. GREG WALDEN is addressing this issue under the CRA of net neutrality.

HHS has a rule on medical loss ratio. This regulation will require all health care plans to pay a minimum of 80 percent of premiums toward health services, eliminating coverage for 47 percent of Americans in small group and individual health plans. This is an area which we have filed, my office and JOHN CARTER have filed this. However, I am going to have a lot of assistance from the medical professionals in this House in going forward on this medical loss ratio. It is a serious regulation which will seriously harm the advancement of health care in America.

Then we have a NESHAP rule for portland cement manufacturing industries. This has to do with cement kilns that make portland cement. "Portland" is not named after a town. It is a process whereby you make the cement that binds concrete to create concrete for this country. There are 18 cement kilns that are likely to close as a result of this. This kills good-paying jobs. The average paying job in one of these kilns starts at around \$60,000 to \$70,000 a year and goes up. These are good jobs.

Now, where are these jobs going to go? You have to have cement. A great number of the kilns that make portland cement have moved offshore al-

ready, and they are over in China and they are over in India and places like that where they have no regulation on particulates that go into the air. Meanwhile, we have actually reduced a lot of the things that go into the air under the present regulations. But these new regulations will move those American jobs out of the country to another country; and rather than help the air, because the same air is in India and China as is over here, it is all part of this great big place we call the world, we will still be polluting the air, but 10 times worse than we do under our current regulations in the United States, and we lose the jobs.

So we are going to seek a vote on portland cement manufacturing regulations. And the argument that this increases mercury pollution is absolutely false because we have evidence to show that mercury pollution, if it is in the United States, it is coming from offshore.

So all these things are things that are proposed right now. We have got charts over here to look at each one of them.

Here is the regulatory moratorium, an outright ban on Federal regulations. It removes the top obstacle to economic recovery. Business won't hire with ObamaCare and EPA regs hanging over their head.

The Regulatory Flexibility Act. The shaded areas indicate U.S. recessions. The 09 research—that is a word I can't read—organization. Look at this. This is what is happening from regulations. It is going up on the unemployment scale.

The RFA requires the Federal agencies to assess the economic impact on small businesses—we talked about that—to come up with alternatives, because unemployment rates are around or above 9 percent for the last 22 months, and it is time that we make these regulations be assessed, and seven out of 10 new jobs are created by these small businesses.

When you hear us talk about the Pesticide Act, very clearly there are the folks that are dealing with it right there, the farmers of America. It is duplicative. That means they already have a permit that allows them to put out these pesticides, and because of this ruling they are having to get another permit at another cost and meet other guidelines for these pesticides.

The Sixth Circuit we think with this Cotton Council versus the EPA made a bad ruling, and these higher costs to producers and consumers and the government are all built into this one bad regulation. This act that we talked about, 872, is to block this bad ruling. This is the kind of fight we have to have to prevent the regulators from getting so involved that they actually shut down our businesses.

Now, no one here, including me, I am certainly not, and I don't think anybody in this House, is proposing that we are going to do things that are harmful. It is not like they weren't al-

ready regulating that pesticide. They just came up with a new permit, new money to spend, new hoops to jump through in order to apply pesticides.

Here is what I have been talking about, the Congressional Review Act. It allows Congress to review every new Federal regulation issued by the government agencies and by passage of a joint resolution overrule that regulation. On these things I have been talking about, the House and the Senate both can go forward under this act, and we can put the brakes on some bad regulations.

Here are the ones I mentioned. The Texas flexible permitting program, the net neutrality rule, the medical loss ratio and the portland cement: those all can be addressed by this act, and many more.

□ 2030

But maybe we could save ourselves a whole lot of time and effort by just passing the newest proposal that I have put forward, and that is a law that says, time-out until 2013 on any regulations from the government, and let's just hold off and let's give this economy a chance to grow. And when it grows, we will prosper, we will get out of this mess we're in, and we will get back to being the America we all treasure and love.

It's not hard to imagine that if there's something really bad, of course, this House will protect it. But many of these things are people in closed rooms, some of which don't even understand the industry they're regulating, coming up with rules because they have a concept of government that is all government—all roads lead to Rome—all government leads to Washington, and that all government decisions and all life decisions should be made here, in Washington. There are people in this city, literally tens of thousands, maybe hundreds of thousands of people in this city, that believe that all life issues should be resolved by the Federal Government.

The perfect example that just really upsets me is the fact that, kind of randomly, when the opposite party, the Democrats, took over in the House, they decided to get rid of all the light bulbs in all the office buildings, and they put in these curly Q light bulbs all over everywhere. These lights, you turn some of them on, it takes you a good 20 count before the light even has enough light to see. That's very uncomfortable, especially in the bathroom. But we've got them. And if you take yours out and put the old incandescent light bulb in there, the next day you'll come back and the maintenance man will have taken it out and put one of those curly Q light bulbs back in there, because the government knows better what light bulbs you ought to have than you do. In fact, they passed a law that says you're not going to be able to have anything but those light bulbs.

They fail to realize that if you accidentally drop one of those light bulbs

onto the floor and it bursts, it's got mercury vapor in it—and some other nasty stuff I don't even know what it is—and all of a sudden you've got to call the hazardous material team to come in in hoods and suits and do a hazmat removal of that broken light bulb.

Now I'm sorry. I like to say that one of the things that we have a real shortage of in America, especially the America that's inside the Beltway in Washington, D.C., is common sense. But to put a hazardous material light bulb in to correct something that you have against a normal light bulb because you think it burns too much power is really not very cost efficient.

I am very pleased to see my friend, Mr. STEVE KING from Iowa, drift in here. If the gentleman has anything he wants to talk about here tonight, I would be glad to yield him some time.

Mr. KING of Iowa. I thank the gentleman from Texas, the good judge, who has taught me a few things about all of this. One of those things is sitting on the Judiciary Committee with the gentleman from Texas is, and I haven't learned it very well, but at least I saw the demonstration on how to listen. One of the common denominators of the judges from Texas that we have serving in this Congress is they are all good listeners. They also have heard a lot of stories, some the truth and some not, and they sort that out pretty well.

When I hear Judge CARTER come to the floor to tell us how it is, I'm pretty confident that he has listened really carefully and drawn a judgment as to what's the truth and what isn't and boiled it down to the essential facts of Constitution and law and common sense and rendered a verdict. So as I hear this verdict emerging here from the presentation this evening, it calls me to the floor to say thank you to the gentleman from Texas for bringing this up, for all the times that you've come to the floor and sometimes fought a lonely battle that turned out to stand on a good cause.

That's the way good things get started. It's usually one person starting this out and then truth seems to attract more people to a truthful and good and a just cause. I am interested in the gentleman's presentation here and not particularly informed but I came to listen. I would be happy to continue my listening.

Mr. CARTER. I will reclaim my time. I am just about through. I just wanted to point out, I don't have anything against fluorescent light bulbs. I've got a few fluorescent light bulbs in my workshop out in the garage, mainly because they just gave me more light for less money, not because of the electricity. But I made that choice. I think that's fine. If people want to choose to have all fluorescent light bulbs in their house, I think that's great. That's the America we love. But I don't think NANCY PELOSI or anybody else in this House of Representatives ought to be

telling us what kind of light bulbs we have to have. It doesn't make sense. It's not fair to you. You are a person of independent will. You are granted liberty and freedom by your Constitution, the Constitution of the United States, and those are just recording God-given rights and privileges. I don't see why we think we are the center of the universe for knowledge in this House to come up and tell you what kind of light bulbs you can have. Or what kind of energy that you can consume. Unless it comes out to be against the national interest. And I would argue right now with all the alternative energy, we haven't got anything to replace what we're using right now yet. But keep working on it and then we'll let us make the choice, let the American citizens make the choice as to what they want to do. I think that's good freedom. That's good liberty. That's what we are all about in this country, and that's why we prosper, because we give the individual the right to make his own choices. If he chooses to do something that harms others, we can put a stop to that. That's why we have laws. But if he doesn't, if he just wants to live his life the way he wants to live it, we don't have any business telling the individual how to live his life. And I would argue this stupid light bulb rule is one of those things. I will argue that until it is imposed completely as a mandate sometime next fall, I think. And then I guess the light bulb police will be coming after me.

But, seriously, this is the kind of things that we do by regulation, or impose our will on others, and in many instances it is done by bureaucrats who sit in Washington, D.C., and they probably have never even seen that plow that we just saw in that farm, except maybe they've seen it on television. But they've certainly not seen anybody out there sweating on an Iowa farm or a Texas farm operating what looks like is a disc harrow that's turning the soil there. And yet they're writing regulations to regulate this man's life. Maybe they're the right thing to do, but you wonder when they have one and they come up with another one that you have to still meet the first one, stack the second one on top of it, and it clearly serves no purpose.

These are all the kind of arguments that frustrate you. They're the kind of things that make the average businessman, the average farmer, rancher, decide to hold off on investing in America because he wants to know what America he's investing in, he or she is investing in. That is the real issue that is driving the fact that we are still sitting here right around 9 percent unemployment after all these months, over 25 months, we're sitting here with the same 8.9, which is as close to 9 as I want to get percent unemployment because the Americans that create the jobs are concerned about what's next.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman from Texas.

As I listen to this presentation, a number of things occur to me about what happens when you have the Federal agencies and the Federal agencies are passing rules and regulations that even though there is a broad authority that's granted to those agencies by this Congress, some of the things that they do are beyond the imagination of the people that debated or voted for the bill in the first place.

I look at the Clean Water Act and the Endangered Species Act, which are more than 30 years old by now. They've turned into something way beyond the imagination of the people that passed them. The environmentalists that supported them then seemed to be on the edge of what would be considered mainstream. Looking back on that, they would be considered mainstream now. But the problem that we have, and particularly with EPA, would be that the mothers and fathers of the EPA employees that first implemented the rules and regulations of the Clean Water Act and the Endangered Species Act, now their children have picked this up and others from outside, a second generation of people.

□ 2040

They have come into these professions now with—like many young people do—and it's a very good thing to be idealistic and have a sense of a cause—but if you look at a law that was written in 1978, and you apply it with a vision of having a cause that you want to be championed for in 2011, quite often the second generation environmentalist is something entirely different than the first generation environmentalist. And they will interpret the law and write rules beyond the scope of the imagination of those who drafted it and ratified it and the President that signed it.

And so I deal with things back in an environmental perspective, having spent my life's work in the soil conservation business. We have gone out and done some drainage work. Mostly, it's been surface work, permanent practices—terraces, dams, and waterways—and I've envisioned that we would want to send all the raindrops down through the soil profile to purify that water in nature's intended way and keep the soil from washing down stream and ending up in the Gulf of Mexico.

And yet the regulations that come from some of the EPA initiatives are things such as—I can think of protected streams, an issue that came to many States, but it came to Iowa. It was one of the things that drew me into political life. They wrote a rule that said that these waters for these streams, these 115 streams that were designed to be protected for their natural riparian beauty, to quote the rule, some of them were drainage ditches that I had floated and walked those streams all through western Iowa. And some of those streams were just drainage ditches. There was no natural riparian left-over beauty because they

had all been changed. But they wanted to preserve them and protect them and call them endangered streams.

And so I began going to the hearings for the rules. And in the rules they wrote that these streams, and according to the geographical boundaries that are defined here, and—"waters hydrologically connected to them" shall be declared protected streams and shall be under the purview of the Department of Natural Resources, which regulates for the EPA. And I began to ask the question. And here's how language gets stretched. I asked the question, What does "waters hydrologically connected to" mean? And the regulators would stand before the public meeting and they would say, We don't know. You're here presenting a rule and you don't know what it means, "waters hydrologically connected to them." No, we don't know. Then take it out. We can't. Why can't you? We can't. How do you know you can't if you don't know what it means? Well, we're here to defend this rule.

So I followed that road show around the State, and they knew when I walked in actually the second meeting who I was and what I was there for. And I asked one question and I didn't get an answer. I just opened my mouth for the second question and they said, Only one question per person. And I said, I drove 2½ hours to get here. It's going to take me 2½ hours to get home. And I've got a lot more than one question. I'm going to stand here until I get them all answered.

Anyway, it came to this. They had decided what amounted to every square foot of the State of Iowa under rules that were "slippery" deceptive. And it was the language that said "waters hydrologically connected to." I know that moist soil will have in it a water content of 25, 28, 30 percent and still be fairly stable. So that would regulate us all the way up to the kitchen sink. Two water molecules touching each other are hydrologically connected. And that's one of the things that environmental extremists sought to impose upon us in the State that gave them all kinds of latitude.

And another one would be when they decided to declare wetlands by aerial photographs. And the aerial photographers would look down, take a shot, and if there were a certain amount of vegetation growing in the field, they declared it to be a wetland that otherwise would have been farmed.

And so there could be somebody missed with the herbicide on top of the hill and the foxtail would grow. It would show up in an aerial photograph. The Corps of Engineers would declare that to be a wetland on the top of the hill where water drained completely away. This is how government regulation gets out of hand and starts to take over the property rights of the individuals who have a right to use that property in a responsible way as a means of an income to produce crops, even if it happens to be cotton, which we don't have much of in my district.

So I just think here that this Congress should do this: we should bring every rule before this Congress for an affirmative vote before it can have the force and effect of law. We can do it en bloc. Bring them all in together. We need to give any Member an opportunity to divide a rule out and force a separate vote on it, and we need to give Members the opportunity to amend them.

And the gentleman from Kentucky (Mr. DAVIS) has a bill that addresses this in this fashion. It's not as broad in scope as I would go, but it is a very, very good start on getting this Congress under control and the regulators under control and giving Congress the authority that's vested in us in the Constitution rather than subcontracting it off to the agencies and letting them run this government at will.

So I appreciate the gentleman from Texas giving me an opportunity to vent myself on these frustrating issues. I appreciate your leadership.

Mr. CARTER. Reclaiming my time, our friend from Kentucky has been down here with me talking just about that act. I don't know if you were in when we first started this. I have just proposed, because I see this tidal wave of regulation, this hurry up and regulate everything you can in a hurry going on by the administration, I will tomorrow morning file a bill to declare a moratorium on all regulations. And they would have to come to Congress showing good cause why it's in the national interest for the good of all mankind that there be an exception to that moratorium so that we would basically just call a king's X, time out, and let's wait for the end of this administration and we'll see what happens in the next one. And by that time we can settle down and create a few jobs in this country because they wouldn't have to, at least for the next 2 years, worry about regulations. So I'll get you a copy of that. It's real simple: no regulations for the next 2 years.

Mr. KING of Iowa. If the gentleman would yield.

Mr. CARTER. Yes, I will.

Mr. KING of Iowa. If the title of that bill is the king's X bill, I'm going to be very interested in signing on.

Mr. CARTER. I like king's X.

I thank you, STEVE KING. You're a good friend for coming down here and joining me. I have gone over what I have to say here tonight. I just want to finish up by saying nobody is against doing the right thing. I'm against people who are creating regulations for the sake of regulations and damaging the people who are the job creators in this country. I'm for protecting the environment, but if you're belching out pollutants in China because you moved out of the United States because of onerous regulations and you weren't belching out those pollutants in America because we had a good Clean Air Act in place before you wrote the bad regulations, then you're not helping the environment at all by sending that

to an unregulated place in China or India.

So let's get real. Let's try to set up an environment in this Nation that creates jobs so Americans can go back to work. It's all about going back to work.

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

OBAMACARE

The SPEAKER pro tempore (Mrs. NOEM). Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. I thank the gentlelady for recognizing me here on the floor of the House, Madam Speaker, and appreciate the privilege to address you. I came to this floor, one, to hear from Judge CARTER and to listen to the presentation that he made. And the other component of it is I came here to talk about one or perhaps two subject matters. One of them is ObamaCare, as one might imagine.

I would make this point that—first, Madam Speaker, if it's possible that there's anybody that doesn't know why ObamaCare is so bad, if they maybe haven't heard the argument in some time and they're forgetting about how bad ObamaCare is, and if they're starting to hear the language about what is redeemable about ObamaCare, I want to make it real clear: nothing. There is not one single component of ObamaCare that is worthy of us making any effort to do anything except to repeal it all, eradicate it all, pull it all out by the roots.

I listen to some Members of this Congress that will say, Well, don't you want your children to be on your insurance when they're 26? No. I raised them to grow up. I want them to take their own responsibility. If they can be elected to the United States Congress when they're 25, then I think that's a pretty good age to at least say you are free, on your own—well, first, you got your car keys when you were 16—your license, anyway.

□ 2050

Then you get to vote when you're 18 and choose the next leader of the Free World. Then you get to go out and, let me say, go into the tavern legally when you're 21 and get elected to the United States Congress when you're 25. Then they kick you off of Mommy and Daddy's insurance when you're 26? Somehow I think that delays the growing-up process.

I think that we need to have people growing up and taking personal responsibility at an early age rather than delaying it to a later age. If the States want to have it at 26, let them have it at 26. If insurance companies want to provide for that market, let them write the policies to provide for that market; but the Federal Government should not stick a mandate on this that requires all health insurance policies to keep the kids on until they're 26.