

rulemaking that seeks public comments and engagement, the administration unilaterally directed the change of over 14,000 engineering requirements.

□ 1940

The Louisiana Secretary of Natural Resources has said the changes would not enhance safety but, instead, “create a regulation with increased safety risks, mandates that cannot be met, and too many ambiguous and unenforceable requirements to count.”

This same regulatory uncertainty is happening all over the country. Take the Western United States. While the administration has announced that solar energy is one of its highest priorities, it has once again created tremendous regulatory confusion.

The new solar energy zones proposal, while potentially helping some solar development, has left dozens of major energy projects and many jobs with no regulatory path forward.

The regulatory confusion on Federal lands is even worse for onshore oil and gas production. Rule changes and regulations have cost billions in lost investments in the West. In my home State of Colorado, there’s been nearly a 90 percent drop, a 90 percent drop in new leases on Federal land.

A recent study by the respected Western Energy Alliance has documented \$3.9 billion in investment that was diverted from the West in 2010 because of red tape and overregulation by the Department of the Interior. The Western Energy Alliance estimates this lost investment could have helped create upwards of 16,000 jobs in the West. And these are high-paying jobs.

The administration is now examining how to impose Federal regulations for the first time on hydraulic fracturing on Federal lands. This proposal would duplicate State permitting and create an unnecessary obstacle for American energy development.

Finally, no discussion of burdensome regulations would be complete without addressing the administration’s war on coal. Nowhere is this effort more evident than their effort to rewrite current surface mining rules. The current rule was the result of years of environmental review, public comment and hearings, and responsible rulemaking. The administration is now purposefully limiting public comment opportunities and rushing forward with a rule that, by its own admission, will cost thousands of jobs.

Even worse, the Obama administration recently pulled a permit 3 years after it was approved for a coal mine that was already hiring people. What sort of confidence can anyone have in an administration and its regulatory environment when issued permits can be stripped away at whim?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. LAMBORN. Mr. Speaker, to conclude, this resolution asks us to focus on the impacts of restrictive regulations just like these, and that is what we plan to do. We will focus on how we can clear away these regulatory hurdles to create a path for energy security, lower energy prices, help for balancing our budget, and, most of all, more high-paying energy jobs for Americans.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. As I listen to this debate this evening, Mr. Speaker, I find myself wanting to focus on jobs, but what I just heard makes my blood boil.

I was the Deputy Secretary at the Department of the Interior while the rapers and pillagers of the public land wanted all regulations to disappear. They wanted to have open hunting for minerals, for oil, for gas and coal on all public lands.

And you talked a moment ago about the pulling of that permit for that coal mine. They would, in that permit, level the hills of Appalachia, flatten them, ruin the streams, destroy, destroy, destroy.

The regulations are there for a reason. They are there to protect the precious environment of America. And if it is your intent to do away with those regulations, then know this: You will have a fight on your hands.

You will have a fight on your hands when you try to do away with the regulations that protect the men and women on those drilling rigs from the extraordinary accidents that happen in deepwater drilling.

But, my purpose here tonight is different. My purpose here tonight is to ask why it is that the Republican majority has spent 5 weeks, 5 weeks leading this Congress, and not created one bill that creates one job, not one. Five weeks, zero jobs. You ran on jobs. Where are your job bills?

Your regulations are hiding—this whole debate is hiding something, because, as we speak, here you are in the process of figuring out how to cut \$100 billion out of the Federal budget for the next 7 months.

What does that mean? It means that national parks will close. It means that the clean water people that came to my office today will have no money, no money to build the sanitation systems and provide clean water for their citizens in the rural communities that you were just talking about.

What is this about? This is about hiding the ball. This is about wasting our time. When we ought to be talking about jobs, instead, you are hiding a \$100 billion cut that will displace hundreds of thousands of workers in the next 7 months. That’s what this is about.

We’re talking about hiding the ball when it comes to the men and women that maintain those very places you talk about out there in the great western lands.

You’re hiding the bill about the cuts you are going to make to education, for the teachers that will lose their jobs, for the janitors, for the bus drivers, for those people that are now employed that will lose their jobs as you attempt to put those cuts in place.

This is about jobs. The Democrats are talking about jobs. We’re talking about making it in America. We’re talking about those solar projects. Yes, we’re talking about who’s going to win the next energy, the next energy systems for this world. It’s not coal. It’s not oil. It’s the green renewable energy and nuclear. That’s what we’re talking about on our side. We’re talking about how we can do that.

And you’re talking about wasting 9 hours of precious time on this floor doing what you’ve already done. You’ve already issued the edicts of what you are going to do in this committee. I received it 2 weeks ago. You’re going to explore this; you’re going to review that. Two weeks ago you told me, a new member of this committee, what you intend to do, and now you’re wasting our time on this floor when we ought to be talking about jobs.

We ought to be talking about China getting ahead of us on tomorrow’s energy, wind, solar, solar thermal, all of those things. But no, no, we’re going to talk about what you’ve already done. You did it 2 weeks ago.

Why are you wasting our time when Americans want jobs, when Americans want solid legislation like Make It In America, using our tax money to buy solar and wind equipment that is manufactured in America? Why don’t we talk about that?

Why don’t we talk about using our money, our tax money that we pay every day at the gasoline pump, about American-made buses and trains?

But no, we’re going to talk about regulations. You already have told us what you’re going to do.

Let’s talk about creating jobs. That’s what we ought to be doing here. We ought not be wasting our time doing what you’ve already done. You’ve told us what you’re going to do.

And, by the way, if you think for a moment you can do away with those regulations that are protecting America’s precious resources and lives, know this: You’ve got a fight. You’ve got a fight that you lost in the 1990s. You lost it in the 2000–2008 period, and you will lose that fight because we are about creating good, healthy jobs in America that do not destroy the American environment.

Mr. HASTINGS of Washington. Mr. Speaker, after hearing the last gentleman, I yearn for these open rules we’re going to have.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair.

□ 1950

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. FLEMING), the subcommittee chairman of the Fisheries, Wildlife, Oceans and Insular Affairs Subcommittee.

Mr. FLEMING. Mr. Speaker, first of all, I want to bypass the hysterics that have been going on tonight from some of our speakers and let's talk about the things that are important to Americans.

I have the great honor of representing the people of the Fourth District of Louisiana. I have a deep and abiding appreciation for the coastal wetlands and the thousands of jobs that are dependent on the health of the Gulf of Mexico. We in Louisiana understand that the offshore oil and gas industry is critical to our long-term economic survival.

Despite the tragedy of the Deepwater Horizon accident, the citizens of Louisiana support environmentally safe offshore energy development, and they are growing increasingly frustrated, if not angry, at the Obama administration's de facto moratorium that occurs today in the gulf, time delays that recently resulted in a Louisiana Federal judge finding the Department of the Interior in contempt of court. This moratorium has caused the loss of thousands of jobs; it has increased our growing dependence on imported oil, and it has contributed to the accelerated increase in the price of gasoline.

We have also heard an ongoing drumbeat of misinformation about hydraulic fracturing, which is a longstanding practice that has been effectively regulated by the States for over 60 years. In my own congressional district, hydraulic fracturing is necessary for the development of the Haynesville Shale play.

As a result of this energy activity, our local and State tax revenues have increased by at least \$900 million in 2009 alone, and more than 57,600 new jobs in Louisiana have been created. Let there be no mistake; if you add unnecessary and strangling bureaucratic red tape to hydraulic fracturing, the net result is less jobs and less energy for this country.

As the chairman of the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, I will be conducting comprehensive oversight reviews, hearings on several job-destroying regulations and policies that are being promoted by the Obama administration.

The most far-reaching and least understood of these policies are those being proposed by President Obama's National Ocean Council, which will add additional layers of bureaucracy as well as a new zoning process for the coastal and marine environments. Yes, actual zoning out in the ocean. The council is in the process of creating a new layer of oversight over both recreational and commercial activities.

This effort will either override or replace a number of existing State-initiated cooperative efforts with a federally led planning process based on new Federal guidelines. In addition, the administration has undertaken a process to zone the Nation's oceans and coastal areas. This process could reach far inland and could override local planning and zoning processes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 15 seconds.

Mr. FLEMING. Clearly, this will have an effect on the jobs and economic livelihood on coastal and fishery-dependent communities and could have a devastating economic impact on a range of ocean users. So, for that reason, I stand in support and urge my colleagues to support this resolution as well.

Mr. MARKEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the independent bipartisan commission on the BP oil spill issued its final report last month. And what did it conclude? Well, that the Deepwater Horizon that went to the bottom of the Gulf of Mexico, creating the worst environmental disaster in our country's history, was not an isolated incident; that the problems were systemic across the entire oil and gas industry.

That report was a blistering, scalding indictment of the deregulatory environment which was created at the Department of the Interior that led inexorably, inevitably to this catastrophe, this environmental catastrophe.

But are we here tonight debating legislation to implement the reforms that the commission presented to the Congress in order to prevent another catastrophe like this? No, we are not. We are instead debating whether or not we should have fewer regulations, whether or not regulations that actually protect against incidents like this hurt job creation.

Well, ladies and gentlemen, what we learned from the Deepwater Horizon catastrophe was that lax regulation doesn't save money; lax regulation costs money. Lax regulation does not create jobs; lax regulation destroys jobs. And in this case, lax regulation led to the loss of 11 lives and 155 other individuals who were seriously injured. Lax regulation, ladies and gentlemen, leads to catastrophe.

Boosterism breeds overconfidence, and overconfidence breeds disaster. That's what happens in our financial markets. That's what happens in environmental and health regulation when you just trust the private sector to always do the right thing. Ladies and gentlemen, this is what happens when the government doesn't move in to protect the little guy, to protect ordinary citizens.

The reason that we were able to move from the average age of death at 48 years of age in the year 1900, after 5,000 years from the Garden of Eden

until 1900, to 79 years of age just 100 years later is we started to regulate for public health and safety for ordinary people. Methuselah always lived to 900 years. The wealthy always did well. But only when regulation started to be put on the books to protect the meek—the water, the air, and the environment in which people live—did ordinary families start to benefit as well. That's what they want to take off the books. That's the agenda of large companies across our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MARKEY. I yield myself 1 additional minute.

How do you create jobs? We haven't heard that yet. We haven't heard that yet. Well, they say drilling. Well, last year there were 4,700 new leases that were granted by the Bureau of Land Management, but the oil industry only began drilling on 1,400 of them, only one-third.

Now, we don't really have to worry going forward in the future, because at \$100 a barrel plus, ladies and gentlemen, the \$40 billion in tax breaks that the Republicans want to give to the oil industry over the next 5 years, we don't have to worry that they are going to go drill, because they are going and drilling.

But why are we giving them \$40 billion? Why aren't the Republicans out here as free market devotees saying let's take that \$40 billion of taxpayers' money away from the oil industry? Why aren't they doing that? Why are they going to allow the taxpayers to be shaken upside down at the gas pump and have money come out of their pockets for the rest of this year as the price of a gallon of gasoline goes to \$3.30, \$3.40, all the way up to \$4 a gallon again?

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MARKEY. I yield myself 1 additional minute.

Because the real agenda here is to create as many red herrings as they can about the real agenda. As a matter of fact, we can put an aquarium out here there are so many red herrings. As a matter of fact, so many red herrings are being created by the Republicans in this debate that they wouldn't be an endangered species there are so many things that are taking us off the real agenda that they are taking about. And the real agenda is to make sure that we do not invest in wind, that we do not invest in solar.

And, by the way, in the Waxman-Markey bill that was passed that year, \$60 billion was put in to the Waxman-Markey bill for clean coal technology; \$75 billion was put into that bill for nuclear technology that they could apply for low-interest loans to build new nuclear power plants in our country, plus wind, plus solar, plus geothermal, plus all the other things that we could do domestically in our country.

What we are talking about here, though, is a different agenda altogether. It's an agenda that will just allow the oil industry to go back to business as usual without the regulations to protect the public health and safety.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Washington has 9 minutes remaining. The gentleman from Massachusetts has 6½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the subcommittee chairman of the Water and Power Subcommittee, Mr. McCLINTOCK, from California.

□ 2000

Mr. McCLINTOCK. I thank the gentleman for yielding.

I know I speak for all of my Republican colleagues on the Water and Power Subcommittee when I say that we are excited and eager to undertake the mission outlined in House Resolution 72 to identify the Federal regulations in this field that are impeding job creation and that are slowing the economy. The only problem we have got is deciding where to start.

A generation ago, the principal objective of our water and power policy was to create an abundance of both. It was an era when vast reservoirs and hydroelectric facilities produced a cornucopia of clean and plentiful water and electricity, on a scale so vast that many communities didn't even bother to measure the stuff. But that objective of abundance has been abandoned in favor of the rationing of shortages that have been caused by government. The result is increasingly scarce and expensive water and power that now undermines our prosperity as a Nation. Nowhere is that more evident than in the Central Valley of California.

This last Congress sat idly by as this administration deliberately diverted 200 billion gallons of water away from the most abundant agricultural region of our Nation, all to satisfy the environmental left and its pet cause, a 3-inch minnow called the delta smelt. This willful diversion cost over 20,000 farm workers their jobs. It inflicted up to 40 percent unemployment rates in the region. It destroyed more than a quarter-million acres of the most fertile farmland in America. And it forced up the price of groceries for us all.

Or we could start with the Klamath, where this administration is pushing to tear down four perfectly good hydroelectric dams that generate 155 megawatts of the cleanest and cheapest electricity on the planet, enough to power over 150,000 homes, because we are told of catastrophic declines of salmon.

When I suggested building a salmon hatchery instead, I was informed there already is one. It produces 5 million salmon molt a year, 17,000 of which re-

turn to that river as fully grown adults to spawn. But they are deliberately ignored in the population counts. To add insult to insanity, as they tear down these dams in the name of saving the salmon, they are also tearing down the fish hatchery that actually is saving the salmon.

Or we could begin in Colorado, where they have sacrificed over 1,000 megawatts from the Glen Canyon Dam for the humpback chub—at the expense of a long-neglected species called homo sapiens.

Mr. Speaker, Ronald Reagan was right: In this crisis, government is not the solution to our problems, government is the problem. The good news is that it's entirely within our power to correct, and it was clearly the mandate of the American people last fall, and we will act on that mandate beginning with a series of hearings and actions directly related to this much-needed resolution.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute. I do so just to say that Democrats see high unemployment and we look forward. We recognize that American ingenuity, innovation, and hard work can dig us out of this hole by creating high-paying, long-term domestic jobs in new vibrant industries.

The Republican majority, they see high unemployment and they look backwards. They seek to increase the already massive profits for huge international corporations and hope that on their way to the bank they hire a few people here and there.

Ladies and gentlemen, the great challenge of our time is to not allow China and Germany to replace OPEC as the place from which we have to import our energy technologies. If there is no plan which is forthcoming from the Republican majority, which so far has not presented itself, because they have yet to have one bill that actually creates one job come here onto the House floor in the first 5 weeks that they have controlled the majority, then I am afraid that the next generation of young Americans will wonder why all the solar and wind technology is being manufactured in China, and they here in America are unemployed.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the valuable new member of our committee, Mr. GOSAR from Arizona.

Mr. GOSAR. Mr. Speaker, rural Arizona is under attack from overregulation, out-of-control spending, and government redtape. The small businesses that power my district can no longer compete. I just wrapped up a weeklong tour of my district, and one thing was clear: The Federal Government is in the way and inhibiting my district from creating jobs. Government agencies have over-regulated our businesses out of existence.

Take for example the Schultz Pass Fire in Coconino County. Last year, a 12-year-old girl, Shaelyn Wilson, lost her life because of the government's in-

ability to use our forest resources in a commonsense fashion. As a further insult, this manmade, bureaucrat-dictated disaster resulted in a fire that could have been prevented, and now we, the American taxpayer, will be forced to pay for it for the next 50 to 100 years.

Enough is enough. A bureaucrat in Washington, D.C., should not dictate decisions that are best left to local communities that have to suffer the tragic consequences of government's actions.

Mr. MARKEY. Mr. Speaker, we only have one speaker remaining on our side, so until the majority is down to one speaker, we would like to reserve the balance of our time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 2 minutes to another new valuable member of the Resources Committee, Mr. JOHNSON of Ohio.

Mr. JOHNSON of Ohio. Mr. Speaker, I rise today in strong support of House Resolution 72. For too long, the EPA, the Department of the Interior, and other permitting agencies have held vitally important energy projects hostage to their unreasonable job-killing demands.

In eastern and southeastern Ohio, our unemployment rates are among the highest in the State, and we are falling behind the rest of the Nation. But we are blessed with an abundance of natural resources that we could tap into to create thousands of high-paying jobs and economic opportunity, if the government would simply get out of the way.

Over the last week, I met with my constituents at three town hall meetings, and there was one message that came through loud and clear: Get the government out of the way so we can get back on the right economic track.

Right now, there is a company that wants to invest \$6 billion in eastern Ohio for a clean energy project that would turn coal to liquid while capturing 85 percent of all carbon dioxide produced. This project would create at least 2,500 direct jobs that would help revitalize the local economy. But at each and every turn, Federal regulators have moved the goalposts, making it more and more difficult for this project to get off the ground.

Mr. Speaker, eastern and southeastern Ohio cannot afford to lose the jobs this project would create. We can't afford for the company to call it quits due to what can only be described as Federal harassment.

It is time that the Federal Government gets out of the way so we can unleash our natural resources, both onshore and offshore, to create high-paying jobs and put us on the road to energy independence. We have got to get serious, Mr. Speaker, about our energy future.

I encourage my colleagues to support this important resolution.

Mr. MARKEY. Mr. Speaker, I am the last remaining speaker on our side. I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very, very pleased to yield 2 minutes to another new member of the Natural Resources Committee, the gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Speaker, one of the top concerns I am hearing from my constituents is the state of our economy and jobs, and that is why I rise today in support of this resolution directing the committees of the House to examine and exercise oversight of Federal agency regulations and their impact on the economy.

The U.S. Department of Energy recently announced that we currently have the highest gas prices in this country that we have ever had during the month of February, and it makes no sense for the Department of Interior to continue to resist access to our own sources of American energy. This is critical, because our country's economic health is tied to having a robust energy sector.

Obama administration officials estimated it would cost roughly 23,000 jobs if they enacted the deepwater drilling moratorium, but it went ahead anyway. And to add further insult to Americans, it also included a shallow water regulatory permit slowdown. Recently a judge held the Department in contempt for administration's drilling moratorium.

□ 2010

Congress and this administration can and should encourage private sector job growth, not hinder it with unreasonable regulations. We risk losing more scarce jobs and more investment capital every single day due to the ever-increasing weight of our Federal bureaucracy. Many of these regulations place significant burdens on manufacturers and small businesses at a time when our economy can least sustain them. According to the Small Business Administration, Federal regulations cost American businesses between \$8,000 and \$10,000 per year per employee and between \$15,000 and \$37,000 per American household each year.

One of the worst offenders of this regulatory epidemic under the Obama administration is the Environmental Protection Agency. Unfortunately, the expansion of their power is not without cost. To name a few of EPA's pending egregious actions and estimated consequences:

One, a ban on the pesticide Atrazine, which will result in a potential loss of 45,000 ag-related jobs;

Two, a mandate requiring the use of expensive and/or economically unsound renewable energy sources, causing a \$5.2 trillion cut in our GDP, a \$2,400 cut in household incomes per year, and the loss of more than 1 million American jobs;

Number three, new unsubstantiated ozone standards costing \$1 trillion in compliance costs and 7.3 million jobs lost.

The SPEAKER pro tempore (Mr. HERGER). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. FLORES. And to add insult to injury, when asked if their regulations had a cost benefit analysis, they said that they didn't need them, that their rules were the most cost-effective in government. I strongly beg to differ. I think that the arrogant nature of the EPA and the administration is not doing American business any favor or American jobs any favors. Something has to be done to stop this epidemic.

I urge my colleagues to join me in supporting this resolution.

Mr. MARKEY. I yield myself the balance of my time.

I say to the gentleman from Washington State that just 2 weeks ago we passed by unanimous consent the oversight plan which the majority has for the Department of the Interior, and the minority signed off on that oversight plan over all of the regulations and all of the various agencies that come under the jurisdiction of our committee. We did not fight that.

This debate tonight is something that doesn't really even have to take place. The committee—our committee, the Natural Resources Committee—is already fully empowered to do all of the oversight that they believe is necessary, and we will be there joining with them where it is necessary to conduct that oversight.

Coming back, though, to the central point, that's something that we all agree upon. What the American people want is to see what the agenda is for creation of jobs in our country. That's what has been lacking on the House floor since the Republicans have taken over the House of Representatives. And that's the most important agenda for our country. And I don't believe that we can accomplish that goal if the Republicans continue with their objective of \$100 million in profits going to oil companies at the same time that they want to give \$40 billion worth of tax breaks to them.

That is not really a good policy for our country. That's not going to create any new jobs. It would be better if we took that \$40 billion, moved it over to wind and solar and all-electric vehicles; that we moved it over to take care of the low-income people whose oil prices are just skyrocketing across this country, so that people don't freeze in their own homes. That would be a better use of that \$40 billion instead of handing it over to the oil and gas industry. We would create more jobs, we would protect people and keep them safe in their own homes, and we would have a better balance for where this country should be going. Instead, we're here debating oversight of these agencies, and we agree with the need to do so.

We probably disagree over the extent to which we should deregulate them. In fact, if we deregulate too much, if we take too many regulations off the books, we're just going to see a repeti-

tion of the same kind of environmental disasters that have ravaged our country over the years, the same kind of economic collapse that was a result of turning a blind eye to the shenanigans that went on in the financial marketplace with the big Wall Street firms that were not given the proper oversight, and on and on down the line.

So I want to just say again to the majority that we want to work with you on our committee. We want to work with you on the oversight that is necessary. That's why we signed off on the plan to do the oversight. I just think that we have wasted an hour here on an issue that we already agree upon; that we should be partnering to make sure that wherever there is chicanery, wherever there is wrongdoing that we should partner together to root it out.

But I'm afraid that this is part of a larger agenda that really seeks to destroy the wind and solar industries in our country, to cut dramatically the low-income heating assistance that we give to the poorest people in our country, to keep the \$40 billion in tax breaks on the books for the largest oil and gas companies in our country even as they are going to enjoy \$100 billion worth of profits this year given to them by tax breaks that are a hundred years old, with the price of a barrel of oil now at \$100 a barrel.

That is absolutely absurd, ladies and gentlemen. It is a squandering of the limited resources that we have in our country that should be spent on creating new jobs in the renewable energy sector and creating jobs by the millions that young people in our country want to create. They want to be able to tell OPEC, We don't need your oil any more than we need your sand.

And as Mubarak is teetering, the one message that we can send to the Middle East is the same message that President Kennedy sent to Krushchev in 1961. We are going to use our technological might in order to fend off this threat that is posed to our country economically, militarily, diplomatically, environmentally. We are going to use this as an opportunity.

That is not what this debate is about. That's where we should move over the next weeks and months. My hope is that we can do it together.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Washington has 1¼ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time, and I appreciate my friend from Massachusetts' willingness to work with us on this very important issue.

But I want to make it very, very clear because there are some on the other side that were suggesting that we want to do something that we're not even debating here, and that is to wipe

every regulation off the book. No, what we are trying to do here is to look at the regulations and see where perhaps they are not being carried out as Congress intended them. And I think specifically what we want to do, since this President took office, even though we should have done that with past Presidencies on both sides of the aisle, but since this President took office, the scope and reach of the executive branch has greatly expanded as has been documented by just about every speaker and even acknowledged by speakers on the other side. And the question, Mr. Speaker, is: Why? And what is the cost to our economy and American jobs?

Congress has an obligation to look into this and to hold the administration accountable—and any administration, for that matter, in the future. So, Mr. Speaker, what we are doing here tonight and what this resolution on the floor that we are debating by virtually all committees in the House is simply starting that process. And I look forward to working with my friends across the aisle because we appear to have common ground.

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

□ 2020

Mr. DAVIS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 72. It instructs the Committee on Ways and Means, as well as nine other committees, to review existing, pending, and proposed regulations and orders from Federal Government agencies and to focus on their impact on the Nation's economy.

In listening to the stories I hear tonight from both sides, one thing that I would like to say for the record is that oftentimes our discussion about regulations gets caught up in unnecessary emotion and ideology.

One point that I would like to make is that so much of what we address are process issues. When we increase complexity—and I'm speaking as an engineer, not as a Member of Congress—we can reduce effectiveness. I am not opposed to regulation, but I am a strong supporter of sensible regulation, of honestly looking at the secondary and tertiary effects of regulations that either come from poor legislation that was too broadly written or from compromises so great, so elastic that the bills were thrown over the wall to agencies that may or may not act within the intent of Congress and are not working closely with those who are regulated.

I think it is of constitutional importance for our body to make sure that we work together with those who are regulated and with those who are the executive agencies that we oversee to ensure that there is a high-quality outcome and that our communities are not unreasonably burdened with the objective that is defined. Much of that context has gotten lost from the origi-

nal intent of many of the agencies that have come into being over time.

I will tell you that the motivation for me, after my professional career prior to Congress, that the motivation for me in addressing this issue of regulations doesn't come from feeling that standards are wrong, but that so many regulations impede or prevent actual job growth and innovation.

The question that I'd asked time and again over the period of the last Congress, particularly last year, was: Where are the jobs?

With this growth of a regulatory state, what we do not understand are those impacts on business owners, who need predictability in order to hire people. We can have fine sounding language about the intent of legislation, which might sound okay here in the Chamber, but as we know from the health care bill and others, many Members didn't read the bill, didn't understand the secondary effects that would come from implementing policy, and left regulators with a near impossible task. And many of the rules that have begun to come out on this are nearly impossible to implement effectively and in a cost-effective manner.

I would say that any reforms in government should be bipartisan. This should be one of those—first for the institution and second for the people we represent to create jobs. We can remove a great deal of that unpredictability and give certainty rather than create an adversarial relationship between the executive branch and the people who create the jobs and who pay the taxes, and I am speaking specifically to our small business owners.

This resolution is necessary because the ever-expanding regulatory code is far too complex and burdensome. Regulations are the off-budget hidden cost of government impeding Americans' ability to create jobs. The Small Business Administration estimates the annual cost of Federal regulations in the United States exceeded \$1.75 trillion in 2008, almost double the amount of all individual income taxes collected last year.

Both sides agree all the time on the ability to refine regulations. I would say that the Government Reform Act was only used one time in its existence since 1995 to stop a regulation that was going to be considered unnecessary or too costly.

There is a program through the Small Business Administration to address regulations and their costs over time. In coming out with their top 10 regulations for review in that time, the only thing that has been done out of thousands and thousands of regulations that have been reviewed or pushed for reform was to simply remove a withholding of payment to architects and construction companies doing government contracts. That's not affecting the core of this, which is our tax-paying base—the ability to create the jobs that generate the taxpayers that fund the government.

At a time when our economy is struggling to recover, we can't afford to have anything other than a sensible and competitive regulatory code. It must be the mission of this Congress and our government to improve the competitiveness of the United States and the global economy and thus create jobs.

The resolution we consider tonight represents an important first step in the process by learning to develop eyes to see the roots of the problem and the impositions on businesses. Again, this is not anti-regulation. It is asking the question: Why are we accepting a regulation? What are the impacts of it going to be? It is allowing those who are being regulated to be part of this discussion, and more than comments from the Federal Register that are very rarely heeded by the agency community.

It is important for us to reform the code and to reform the process of how we view that code so that there is transparency and accountability and a check and balance that the American people have, not only on us but on the executive branch as well.

We've just entered our 21st straight month of at least 9 percent unemployment or more. As Americans across the country continue to look for work, Members of Congress have a responsibility to ask ourselves: Are we adequately addressing job creation by removing the barriers to growth and creating conditions that encourage businesses to hire? In industrial engineering language, we would call that asking the questions: Is this a non-value-adding regulation? Does it add value to safety in a true and tangible form?

For example, half of all the regulations in OSHA have nothing do with actual safety. They have to do with paperwork compliance standards that could shut a business down. This is not a statement against the importance of industrial safety. It's simply asking the question so as to remove excesses and remove extraneous overhead. The agencies will be more efficient, and we will be much more effective in creating jobs in the private sector.

For the past 2 years, the answer to one question is simply that we have not been adequately addressing job creation by removing these barriers to growth and encouraging businesses to hire. From the failed stimulus package to the misguided attempt at health care reform to financial regulatory reform, American businesses have been hit with an explosion of new taxes and regulations. They increase the cost of doing business, and therefore make it more difficult for businesses to hire.

For small businesses that have less than 20 employees, the regulatory burden amounts to an average of \$10,585 per employee per year. These small firms have been responsible for 64 percent of the net new hires over the last 15 years and could play a role in lowering our unemployment rate if the

regulatory burden on them were reduced and brought into a scale of context for their size versus a very large business. Excessive regulations can also have a direct impact on American families, many of whom are already struggling to make ends meet, by increasing the cost of food, medicine, doctor visits, and utility bills for basic services such as electricity, water, and sewer rates.

I am encouraged that President Obama has recognized the potential negative economic effects of regulations and rules in both his State of the Union address and in a recent op-ed in *The Wall Street Journal* that followed an editorial about a bill that I introduced last year called the REINS Act.

This is not a partisan issue. Both Republican and Democratic administrations have contributed to the massive growth of government and to expanding the volume and complexity of the regulatory state. However, I am concerned that the President's recent rhetoric on regulation may be just that—rhetoric. Despite these comments, the administration has used the regulatory process, not the Congress, to advance elements of its agenda that cannot be passed in the Congress.

After Speaker PELOSI forced the job-killing cap-and-trade bill through the House of Representatives, the legislation was stopped in a democratically controlled Senate. In December of 2009, however, the Environmental Protection Agency took matters into its own hands, without the express approval of the Congress, to begin moving to regulate greenhouse gas emissions.

This raises serious questions of our ability to control and provide oversight of the executive branch on behalf of the constituents we represent. These regulations would have disastrous consequences for a weak economy. They would result in higher energy costs, which, in turn, will result in increased utility rates for struggling families and for the small businesses and manufacturers that employ millions of Americans.

Any time a regulation or rule enacted by an executive branch agency can have this kind of impact and broad-reaching implications on our economy, it should be subject to the review of the Congress to be accountable to our citizens and not a faceless bureaucrat in an agency.

This was the idea behind H.R. 10, the REINS Act, legislation that I introduced to provide greater accountability and transparency in the rule-making process. On all rules that have a direct economic impact of over \$100 million, the REINS Act would require an up-or-down, stand-alone vote by both the House and the Senate and require that they be signed by the President before they can be enforced on the American public.

While the REINS Act reforms the process of how these regulations are approved going forward, the resolution we are debating tonight addresses

those rules already on the books or those that have been proposed. President Obama has also ordered his agencies to review rules and proposals that may be hindering job creation or economic growth. However, H. Res. 72 is superior to the President's review in several important ways.

First, the resolution before us would ask the House committees to review regulations rather than the agencies that created them and enforce them. The fox should not guard the henhouse. Before even beginning the review required by the President's Executive order, the EPA announced that it was confident that the review process would not result in the repeal or alteration of a single current or pending rule.

That is not internal oversight, and it goes against the clear, express will of the American people and their elected Representatives and Senators. In fact, when House Oversight Committee Chairman DARRELL ISSA called on business and trade associations to identify regulations that burden their businesses, EPA rules were cited more than any other Federal agency.

□ 2030

By passing this resolution, we will begin a regulatory review that is both objective and analyzes costs and benefits in real numbers.

Before being elected to Congress, I ran a small manufacturing consulting business. What we did for a living was process improvement and flow management. In other words, we took inventory of a manufacturing facility's processes. We understood the flow. We sought to decrease complexity, remove processes that didn't add value, and increase the overall throughput and efficiency of the facility, thus protecting the existing jobs and creating more jobs in return. That's exactly what H. Res. 72 asks the House committees to do with the Federal regulatory process.

Removing and altering outdated, costly or ineffective rules will streamline our regulatory code and make our economy more competitive and inviting to investment and job creation. Even saving a small percentage of the \$1.75 trillion that is currently spent on regulatory compliance each year by job creators would free up capital which can be reinvested into our economy to create jobs.

Please join me in supporting this resolution so that we can begin the process of reforming the Federal code and get our economy moving and hiring again.

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

Mr. LEVIN. I yield myself as much time as I shall consume.

This is about oversight, and what the majority is doing is losing sight of the needs of tens of thousands of workers in this country. What they are doing is overlooking the needs of the workers of this country.

Our committee has jurisdiction over trade adjustment, and what's happened

this week regarding trade adjustment assistance is really incomprehensible and, I think, disgraceful. This Congress is going to leave town tomorrow. On Saturday, the extension of TAA expires, the 2009 extension. And what's going to happen? Tens of thousands of people, who will be laid off because of trade, will no longer be able to be certified—tens of thousands. They will be out of luck when they hit bad luck through no fault of their own.

We've received all kinds of communications from people in my State, and I'm sure there are people like this in every single State. We heard from a machinist laid off, qualified for TAA, and is now pursuing a career as a technician. He's in a program that goes on for a few years. Before TAA was overhauled in 2009, States could not have approved training of that length nor have approved the prerequisite training.

We heard of another worker, a service worker in the State of Michigan, laid off, qualified for TAA, and is now pursuing an associate's degree. She's planning to complete her program in June of 2012. Before the TAA reforms of 2009, service workers were not even eligible for TAA.

We also know of another person who was laid off, a die helper, who's qualified for TAA to continue training on a part-time basis. Only because of the extensions of 2009, the changes, the improvements, could this person have been in that training.

And then another worker in Michigan—and you know, workers throughout the country are like this—who learned that she would be laid off, petitioned for TAA and began pursuing an M.A. degree before she actually lost her job.

There are thousands of people who are going to be in this position, and because the majority in this House have failed to act, there are going to be tens of thousands of people who will have no place to turn in terms of training.

Since the 2009 improvements, about 177,000 people have been able to receive training—170,000—and now, beginning Monday, tens of thousands will not be able to be certified for help.

Now, this isn't only in the State of Michigan. It's not only in the State of Ohio. It's not only in the State of Indiana. It's not only in Pennsylvania. This is true throughout the country—true throughout the country—and essentially, the majority here is leaving, turning their backs on the people of this country.

So what happened this week was the following: that a few groups outside of this institution decided they did not want to support the 2009 expansion of benefits; and a group within this House, the Republican Study Committee, issued a document urging Republicans not to support the extension. There are many, or some, Republicans in this House who were ready to support it, but they pulled back the bill,

and the document from the study committee has this as one of the reasons why we should not step up to the plate.

They said, under TAA programs, the government picks winners and losers because TAA favorably discriminates towards workers who lost their job due to trade. Well, picking winners and losers, what TAA does is to fill in gaps that were not filled in previously and often gaps that were increased because of the inaction of the now-majority of this House.

And talking about winners and losers, the losers are going to be the unemployed people of this country, unemployed through no fault of their own, unemployed, looking for work, who will not be able to be certified for TAA. This is a disgrace. And there are some people who will continue to be eligible for TAA who are going to have to now pay more for their health care if they can afford it.

When we put this together a few years ago, this is what Senator GRASSLEY said about the reforms, and I quote, Today's achievement is the result of the dedication, hard work, and commitment of many individuals. It is the culmination of years of effort, and I am confident that the result will serve to benefit American workers in Iowa and across the United States for years to come, end of quote.

The failure of the Republicans to bring this bill to the floor this week means that what Senator GRASSLEY said will serve to benefit American workers in Iowa and across the United States for years to come, that's going to end on Monday, because Saturday is a weekend. People who are laid off because of trade are going to hit a wall, a wall.

So we are in favor of oversight. We made that clear earlier. We are also sure we should not be shortsighted about the needs of productive people who want to work and cannot find a job.

The person speaking on behalf of the Republicans, my distinguished colleague on the Ways and Means Committee, talked about those who are out of work through no fault of their own. You mentioned 9 million. There's a record number of people in this country who have been unemployed for a longer period of time than has been true in the past, and now all they ask for, unemployment comp in many cases—they're looking for work—and a chance to be retrained. On Monday, for thousands that chance will be gone.

□ 2040

That should not have happened.

Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. MCDERMOTT) manage the balance of the time on the Democratic side.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield 2 minutes to a distinguished fellow member of the Ways and Means committee, the gentleman from California, Chairman HERGER.

Mr. HERGER. Mr. Speaker, I want to thank the gentleman from Kentucky for his leadership in working to bring more congressional oversight to the regulatory process. The heavy hand of overbearing environmental regulations has struck my northern California rural congressional district in full force. The Endangered Species Act, in addition to regulations under the Clean Water Act, Clean Air Act and other environmental laws continue to be enforced by Federal agencies and activists to curtail irrigation water for family farms and ranches, force communities and developers to spend hundreds of millions of dollars on environmental "analysis" and even threaten public health and safety by delaying forest management to reduce catastrophic wildfire and much needed infrastructure such as flood preventing levees and transportation improvements. Another set of job-crushing regulations surrounds the 3 percent withholding tax that is set to go into effect next year. This tax will cost far more in unfunded mandates on small businesses and State and local governments than it will ever raise in revenue for the Federal Government.

Mr. Speaker, tomorrow I will be reintroducing bipartisan legislation to repeal the unfair 3 percent withholding tax. I would like to enter into the record a letter from the Government Withholding Relief Coalition highlighting this provision's regulatory burden and urging its repeal. I strongly support this resolution and look forward to stopping the regulatory assault on my constituents and our Nation's economy.

GOVERNMENT WITHHOLDING  
RELIEF COALITION,  
January 28, 2011.

Re: regulations and their impact on the economy and jobs.

Hon. DARRELL E. ISSA,  
Chairman, Committee on Oversight and Government Reform, House of Representatives,  
Washington, DC.

DEAR CHAIRMAN ISSA: The Government Withholding Relief Coalition and its 116 member associations appreciate your interest in regulations that negatively impact the economy and jobs. We welcome the opportunity to highlight one specific issue that was the genesis for the creation of this coalition: the 3% tax withholding mandate. This requirement is set to go into effect on January 1, 2012 if it is not repealed. It will cost jobs and waste significant amounts of time and money for companies as well as governments to implement.

The 3% withholding law, which was enacted in Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222) as section 3402(t) of the Internal Revenue Code, mandates that federal, state, and local governments withhold 3% of nearly all of their contract payments, Medicare payments, farm payments, and certain grants. Compliance with this law will impose significant, unnecessary financial burdens on both the public and private sectors, with a disproportionate impact on small businesses.

The Internal Revenue Service (IRS) issued a proposed rule in December 2008 and is scheduled to issue a final rule to implement this counterproductive law in the near future. However, this is just the beginning of the regulations that need to be altered and issued. The Federal Acquisition Regulations (FAR) will need to be changed, and regulations for Medicare payment, farm payments, and grants will also need to be modified. These are merely the federal regulations that will need to be changed, but since this requirement flows down to state and local governments (as an unfunded mandate), every state and many city, county, and municipal governments will need to change their regulations and companies will have to learn to comply with these numerous and likely divergent implementing regulations.

The provision is already proving costly and will increase exponentially as the implementation deadline moves closer. If this tax is not repealed, it will cost companies and governments at all levels substantial amounts of money. These exorbitant expenditures will be at the expense of hiring new employees, expanding businesses, and providing government services at a time that neither the public nor private sector can absorb such unnecessary costs.

The Department of Defense in April 2008 estimated that it would cost more than \$17 billion in the first five years to comply with the 3% withholding requirement, which far exceeds any estimated revenue gains due to tax compliance. While this estimate may be reduced depending on how the law is implemented, needless to say, the costs will be huge across all levels of government.

The Coalition believes this law and its corresponding regulations are a prime example of wasteful requirements that have a negative impact on the economy and job-creation. As you develop your agenda, we strongly urge you to consider the damaging effects of the 3% withholding tax and include its repeal among your priorities for this year.

Sincerely,

GOVERNMENT WITHHOLDING RELIEF  
COALITION.

Aeronautical Repair Station Association, Aerospace Industries Association, Air Conditioning Contractors of America, Air Transport Association, America's Health Insurance Plans, American Bankers Association, American Clinical Laboratory Association, American Concrete Pressure Pipe Association, American Congress on Surveying and Mapping, American Council of Education, American Council of Engineering Companies, American Health Care Association, American Institute of Architects, American Logistics Association, American Moving and Storage Association, American Nursery and Landscape Association, and American Road & Transportation Builders Association.

American Society of Civil Engineers, American Subcontractors Association, American Supply Association, American Traffic Safety Services Association, American Trucking Associations, Armed Forces Marketing Council, Associated Builders and Contractors, Associated Equipment Distributors, Association of National Account Executives, Association of School Business Officials International, Business and Institutional Furniture Manufacturers Association, California Association of Public Purchasing Officers, Coalition for Government Procurement, Colorado Motor Carriers Association, Computing Technology Industry Association, Construction Contractors Association, and Construction Employers' Association of California.

Construction Industry Round Table, Construction Management Association of America, Design Professionals Coalition, Edison

Electric Institute, Electronic Security Association, Engineering & Utility Contractors Association, Federation of American Hospitals, Financial Executives International's Committee on Government Business, Financial Executives International's Committee on Taxation, Finishing Contractors Association, Gold Coast Hispanic Chamber of Commerce, Government Finance Officers Association, Independent Electrical Contractors, Inc., International City/County Management Association, and International Council of Employers of Bricklayers and Allied Craftworkers.

International Foodservice Distributors Association, International Municipal Lawyers Association, Management Association for Private Photogrammetric Surveyors, Mason Contractors Association of America, Mechanical Contractors Association of America, Medical Group Management Association, Messenger Courier Association of the Americas, Miami Dade County, Modular Building Institute, Munitions Industrial Base Task Force, National Asphalt Pavement Association, National Association for Self-Employed, National Association of College & University Business Officers, National Association of Counties, National Association of Credit Management, and National Association of Educational Procurement.

National Association of Government Contractors, National Association of Manufacturers, National Association of Minority Contractors, National Association of State Auditors, Comptrollers and Treasurers, National Association of State Chief Information Officers, National Association of State Procurement Officials, National Association of Wholesaler-Distributors, National Beer Wholesalers Association, National Corn Growers Association, National Council for Public Procurement and Contracting, National Defense Industrial Association, National Electrical Contractors Association, and National Electrical Manufacturers Association.

National Emergency Equipment Dealers Association, National Federation of Independent Business, National Institute of Governmental Purchasing, National Italian-American Business Association, National League of Cities, National Precast Concrete Association, National Office Products Alliance, National Roofing Contractors Association, National Small Business Association, National Society of Professional Engineers, and National Society of Professional Surveyors.

National Utility Contractors Association, National Wooden Pallet and Container Association, North-American Association of Uniform Manufacturers & Distributors, North Coast Builders Exchange, Office Furniture Dealers Alliance, Oregon Trucking Association, Plumbing-Heating-Cooling Contractors—National Association, Printing Industries of America, Professional Services Council, Regional Legislative Alliance of Ventura and Santa Barbara Counties, Santa Rosa Chamber of Commerce, Security Industry Association, Service Disabled Veteran Owned Small Business Council, and Sheet Metal and Air Conditioning Contractors National Association, Inc.

Shipbuilders Council of America, Small Business & Entrepreneurship Council, Small Business Legislative Council, TechAmerica, Textile Rental Services Association of America, The Associated General Contractors of America, The Association of Union Constructors, The Distilled Spirits Council of the U.S., The Financial Services Roundtable, U.S. Chamber of Commerce, United States Telecom Association, Veterans Entrepreneurship Task Force, and Women Impacting Public Policy.

Mr. McDERMOTT. I yield myself such time as I may consume.

Mr. Speaker, as we come out to discuss this resolution, H. Res. 72, I couldn't but think of a story from the middle part of the United States of America. There was a Methodist minister who fell ill, very, very seriously ill, and the head of the board of deacons called the board together to have a discussion about what they should do about the problems of the ailing minister. They had a long discussion. It took, not as long as this debate will take, but it took 2 hours. And at the end, by a vote of 4-3, with 17 abstentions, they wrote a letter to the minister urging him to get well.

Now this resolution has about as much effect as that letter to that minister in central Illinois. Two years ago—and what a difference a day makes—January 28, 2009, this Congress passed the American Recovery Act. Seven hundred billion dollars that stopped the economic collapse in this country, that got us started on recovery from the problems created by the previous administration. We did that in less than a hundred days.

We've been here a hundred days. There used to be a TV program I liked when I was a kid called *This Is The Week That Was*. Now let's review this week that was. I arrived back from Seattle and on the calendar were two bills. One was a bill to deal with, as the gentleman from Michigan has suggested, the problems of workers who have been displaced by trade, the so-called Trade Adjustment Act, TAA. That was one bill. The other bill was a bill to extend the Patriot Act. I don't know what the leadership on the other side was thinking. Maybe they can't count. But the bill to extend the Patriot Act went down in flames. They then pulled the bill on extending TAA. That was Tuesday.

Then we came to Wednesday. That was the day they brought the bill in, a meaningless bill, messing with the United Nations funding, that didn't save one single dollar but simply said we weren't going to pay our dues to this, then that section of the United Nations that somebody didn't like, and so they decided they'd come out here and make a big show about the United Nations. That bill went down in flames.

Now the week has not been a total loss. We did change the name of a courthouse; we did it on Wednesday, and I think we got something to go home and talk to our people about in our districts.

And now we're to Thursday. Here we are spending 9 hours out here on a meaningless piece of legislation. It is truly a sad day for the House that we are spending another day not helping the people of America. Not helping the private sector create jobs. Not doing what the people sent us here to do. Early this morning, congressional representatives and staff came to work on Capitol Hill to work for the American people. It is the job every day for Members and staff to oversee the agencies of the Federal Government, to oversee

the regulations so that the common good is served. It doesn't require House Resolution 72. We are here to track how money is being spent and that it is being done responsibly. That is the Congress' constitutional responsibility and has been for 224 years.

You would have thought that maybe the people on the other side would have figured this out, Mr. Speaker. We stood out here and read the Constitution. I guess for some of them it was the first time they had ever read it but they weren't paying attention or something because this resolution is simply restating what has always been our responsibility.

Now it's been 100 days, as I said, for the Republicans in control of the House, and they have done not one single thing to create a job. Nada. Nil. Zilch. Nothing. Not a single thing to create a job in 100 days. We have 14.9 million unemployed in this country. We have an intense economic competition with the rest of the world that we are in danger of losing if we don't get moving. We have a home foreclosure crisis in this country. We've got two wars. We've got huge energy and environmental issues to deal with and an economic system that's falling further and further behind the rest of the world. We do not lead the world in college graduates per capita. We are about sixth or seventh or eighth, somewhere down there. Other countries are passing us because of our inaction.

And what do we do? The Republicans say, let's go out and waste the 10th of February. Now, instead, the Republicans are having us working for two whole days to tell the House of Representatives to do its job. For heaven's sakes, what a silly piece of legislation. This bill is an insult to the American people. It's an insult to the people who work here, and they don't even seem to understand they're insulting themselves, as though they didn't know what their job was. It's like Nero fiddling while Rome burned. The House is sitting here while millions of Americans are unemployed. They're selling their belongings. They're emptying their 401(k)s. They're doing everything possible to stay afloat.

□ 2050

Now, this isn't 1930. In 1930, what people did was, they took what few belongings they had, went out, put it on the top of the car, drove to California, and found a job. That's what people did. But every day, millions of Americans can't move to take a new job because they can't sell their house because their homes are under water, according to the banks. In Seattle today, one-third of the homes are under water. Now, if you don't think some foreclosures are coming out of that, you don't understand how it works. There is a whole new underclass of unemployed, undertrained Americans who are not being helped to compete in the world economy.

And while Americans across the country suffer, the Republicans come

out here with H. Res. 72. They are going to do nothing. The Republicans, the party of “saying one thing and doing another,” promised big action on jobs during the election: If you elect us, we will get this country rolling again. So they have taken control of the House, and what do the American people get? Instead of helping the private sector with a smart science, technology, and energy investment policy, we are considering Republican legislation on pornography. That certainly makes a lot of sense if you don’t have a job.

Instead of compassionately and energetically helping the unemployed, the Republicans want to redefine the rape of women to keep some women who have been raped from getting abortions. You will see that one next week. That’s going to be the great bill.

Where’s the job bill? Where are the job bills? I have no idea. There are more 99ers every week. Now in case you don’t know what a 99er is on the other side, let me educate you. We have an unemployment system that provides for unemployment insurance for 99 weeks; and when it runs out, you are done. And there are four or five people for every job that comes up in America. So if you go out looking for a job, you have a one in four chance of having any chance at getting it. And yet these 99-weekers are piling up all over the country because they’ve run out of their unemployment insurance, and the Republicans do nothing about creating jobs.

Instead of intelligently debating administration plans in Afghanistan, Iraq, Iran, Republicans want to vote on meaningless bills like the one I talked about with the United Nations that save no money and don’t advance the U.S. interest in anything.

The Republicans ran on a slogan, Mr. Speaker: Government spending kills jobs. They are the extreme party of “everyone for themselves,” no action for the common good. And now that the Republicans have responsibility, all they have is their message machine. That’s what these 9 hours are about. Just in case you haven’t broken the code, they are all in their offices now, Mr. Speaker, cranking out press releases: I’m going to take on this regulation. I’m going to take on that regulation. And somehow they think that those messages will get them reelected in November of 2012. They are creating a paper blizzard. Like we have had some snow around here, well, this is a real blizzard.

Now when you try to govern without ideas, it doesn’t go over very well with the American public, and slowly the Republican leadership is hearing the feedback. What is the new Republican response? They say the need to “retool their messaging.”

Since we have to waste the people’s time on the floor today on this meaningless resolution, I thought I should try and be helpful to the Republican effort. It’s my civic duty. As a member of

the minority, I should help the majority rule. Now, the problem the Republicans are having is that what they ran on, that “Big Government is the problem,” isn’t true. Big Government is not the problem. No one wants Big Government. What do we want that for? We’ve all been through TSA. We don’t want that stuff.

But the government is not the problem. The government is made up of Americans, good Americans who are writing rules and regulations to do things that Americans want. Americans want clean water. They want to be able to drink the water. They want some water to irrigate their crops. They want water for a lot of things. And it takes regulation because if you let anybody take as much water as they want, some people and some very important things are not going to get done.

They want clean air. Americans want clean air. They know there is an epidemic of asthma among children living in cities, and they’re worried about it. And they want regulations. They want regulations in construction so that you don’t create an epidemic of youngsters with asthma who fill the emergency rooms every night in hospitals in this country.

Now, the American people want fairness. They want the rule of law. They want laws fixed that don’t work. Sometimes you pass a law; and 10 years ago, it seemed like a good idea at the time. Things change. Things need to be changed. Sure, we ought to be doing that. But you don’t need House Resolution 72 to tell you to do it. Common sense would tell you to do it. And the American people need the collective help that we can give them. The American people want effective government that deals with people’s problems.

Now the Republican “fear and blame machine” is an old, tired, failed philosophy that from time to time can be used to scare the American people in an election. They did it in 2004. Remember the orange alerts and the Oh, God, yellow alerts. Oh, God, we’ve got to have 4 more years of the same stuff. And we got 4 more years of it. In 2010, here they are again.

We were over in the Ways and Means Committee today doing oversight with a wrecking ball. Let’s wreck the bill that we passed last year on health care. Now Bill Frist—you are not going to call him a wild-eyed liberal. He used to be the majority leader in the Senate. Bill Frist said to the Republicans, Mr. Speaker, don’t repeal it. Fix it. But what we’re doing today is getting ready to blow the bill out of the way so that we can have the Paul Ryan road to the end of Medicare and to a voucher system. Paul Ryan vouchers for every senior citizen in this country is the goal. And that oversight is really set to blow apart any chance of developing better law than we got through here last year.

It would work better if both sides worked together, there’s no question

about it. But if you’re going to use a wrecking ball and try to put in a voucher system and say to all the old people in this country, Hey, here’s your voucher. This is an \$8,000 voucher. Go out and find yourself an insurance company that wants to give you insurance. Mr. Speaker, consider that idea. I mean, I don’t know how old the Members’ mothers and fathers are; but when you get to be 75 or 80, and you go out with an \$8,000 voucher and try to build health insurance, you can’t do it, except by taking another \$5,000 or \$6,000 out of your pocket.

The seniors in this country spend already one-third of their income on health care. They have got plenty of skin in the game. They don’t need any more. But the Ways and Means Committee today is doing that rather than trying to figure out what it is that we can do to make the law better. There wasn’t a single question about how can you make the law better. All it was was an attack on the man who ran CMS. The first question was, Do you still believe that the national health system of Great Britain is the best thing since sliced bread? The question wasn’t, Doctor, how can we help you make this law work more effectively for the American people?

There is an extreme agenda here, and it won’t be helped by retooling the message. Now, the other thing that is kind of ridiculous about this whole thing is, we have an Oversight Committee on the Ways and Means Committee. We have a very distinguished Member from Louisiana, Dr. BOUSTANY is a very smart Member of Congress. He is the ranking member on the Oversight Committee. He does not need H. Res. 72 to tell him to do oversight. He is a very thorough man. He is a cardiac surgeon. I mean, come on. This guy is smart and able and can see what the problems are, and he doesn’t need these 10 hours out here flogging this resolution so that we can then have our press releases.

□ 2100

The American people deserve better than this. They deserve us to put positive proposals forward that will create jobs, that will deal with the foreclosures, that will deal with the health care problems they have, that will deal with the energy problems, will deal with what’s happening in the world and what’s going on overseas.

And we are about to see in the budget that comes out what the priorities of the Republican Party are. The budget is a moral document. It is when you say what you really care about. And when you look at that document, you will see what they really care about.

Mr. Speaker, I urge my colleagues to vote “no.”

I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, returning to the subject of regulations and its impact on the creation of jobs and the need to create jobs to create taxpayers, I yield 2 minutes to the

gentleman from Nebraska (Mr. SMITH), a distinguished new member of the Ways and Means committee.

Mr. SMITH of Nebraska. Mr. Speaker, I rise in support of today's resolution directing committees to review existing, pending, and proposed executive agency regulations. Congress is charged not only with legislating but with also overseeing the implementation of legislation.

Agencies continue to promulgate blanket rules which ignore Congressional intent. Forty-three major regulations were published by executive agencies in 2010, and another 191 are currently in the works. These regulations marginalize small businesses and communities which have less ability to absorb the cost of compliance. Small towns in Nebraska, for instance, are spending millions of dollars installing water treatment facilities and electric generation units to comply with EPA standards which continue to be arbitrarily changed, regardless of the science. These people are, in good faith, purchasing lower emission units. They want to comply with the law, Mr. Speaker. But cities and residents can no longer afford higher prices because of these arbitrary and inconsistent regulations. It's not fair, and it's not good government.

I would also like to touch on some Medicare regulation, which has the potential to disproportionately hurt rural hospitals. Medicare outpatient physician supervision requirements have a serious impact in my district and I'm sure many others. For the last 2 years, Medicare rules for outpatient hospital procedures have included a provision to require a medical doctor be on site for even the simplest of procedures, for example, a phlebotomist taking a blood sample. Certainly, I don't think that was congressional intent.

Without the current temporary suspension of this rule for small rural hospitals, many critical access hospitals in my district would not have the manpower to perform outpatient procedures on a regular basis, the result for patients being lengthy travel to larger cities for care, be it routine care or otherwise.

This regulation is also having a negative impact in more urban areas. Yesterday I was speaking to a group of physicians from Nebraska, and one shared with me his ability to remotely order a CT scan at the hospital when he knows such a procedure is necessary.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVIS of Kentucky. I yield the gentleman an additional minute.

Mr. SMITH of Nebraska. However, the hospital cannot begin the scan until after he arrives at the hospital to oversee the scan, although not even necessarily perform the scan.

As a cosponsor of the REINS Act, I also applaud this effort to begin curbing unchecked agency regulation hampering families, job creators, and the growth of America's economy.

Mr. McDERMOTT. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, it is a privilege to yield 2 minutes now to the gentleman from Minnesota (Mr. PAULSEN), a distinguished member of the Ways and Means Committee.

Mr. PAULSEN. Mr. Speaker, I want to rise also in support of this resolution which directs committees to review Federal agency rules and regulations which indeed may unfairly harm the ability to create jobs and grow our economy.

I continue to hear on a pretty regular basis from my small businesses in my community in Minnesota about new rules and new proposed regulations that absolutely could hamper their operations and opportunity for growth. I'm just going to give a couple of examples real quickly.

I've heard from financial service companies in my district about a rule that the Department of Labor is proposing now that fundamentally changes a 35-year-old definition of "fiduciary" under ERISA. Now, if implemented, this new rule would cause a major disruption to the marketplace and directly result in higher costs and severely limited access to much-needed products and services to consumers.

I've also heard from some of my medical device companies in my district that are leading the world in developing these new lifesaving technologies. And there's a new rule now that's been proposed by the Department of Transportation which would require finished medical devices and other products that contain lithium batteries to now be shipped as hazardous cargo. Now, this is going to have a devastating impact on the production of pacemakers, defibrillators, and neurostimulators.

This is a new requirement that would severely disrupt the medical industry's just-in-time delivery system. It's going to lead to bottlenecks in the supply chain, and it's going to delay access to care for patients all over the country, even though these devices pose no demonstrable safety risk.

And it isn't just medical devices, Mr. Speaker. The regulation is also going to have a significant impact on shipping of everyday technologies. All in all, it's estimated that this new regulation alone is going to cost about \$1 billion annually to the economy and these businesses.

Mr. Speaker, these are just a few of the examples, and we've heard others tonight of some of the burdensome regulations that are out there and being proposed, and it clearly outlines the need for some oversight and reform.

I ask for support of the resolution.

Mr. McDERMOTT. I yield myself the balance of my time.

Mr. Speaker, I'm just sitting here thinking about this whole business about regulation. Since I've been in Congress, when I arrived here we were in the midst of the savings and loan crisis which cost this country some-

thing like \$50 billion or something to bail ourselves out of. It wasn't the fact that we didn't have the right rules and regulations; we just weren't enforcing them.

Then we had Enron went on down in Texas, and we had the Exxon Valdez, and you look at all these issues.

We need regulation and enforcement to make sure that the people are protected. It is our job, in part, to protect the American people from the capitalist system. The capitalist system is not bad. It simply doesn't have any morals. It is designed to make money. That's all it's about.

And the regulations that are put in are, in large measure, to protect the American people from the excesses of the economic system. And if we don't do that, we don't do our constituents what they sent us here to do, which is to represent them and protect them. We think about protections in terms of, you know, things overseas and missiles flying in from somewhere and all that kind of stuff, but there is more damage done to American people by what happens here in this country by our own companies to the water and the air and the land and the air we breathe. So it is very important that we do this. We should be doing continuous oversight. And in some instances, we should be tightening the regulations.

The banking system that collapsed collapsed because we allowed Wall Street to have a heyday with derivatives and said, you know, do whatever you guys think is right. What they thought was right was to gamble with our pensions and our people's savings, and the whole system collapsed. And we're digging our way out of it.

And to come out here and say what we need is to remove regulations is simply not—doesn't make sense, and it shouldn't make sense to anybody who thinks about it for 1 minute. And I urge my colleagues to vote against this. It's useless. It's stupid. Every committee already has an oversight subcommittee and they will do it, and I think that there is no reason to pass this.

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

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Mr. DAVIS of Kentucky. Mr. Speaker, in closing, I find some degree of irony in the gentleman's comments that anybody saying that we need to do away with regulation was stupid, because the President of the United States stood in this Chamber last month and was citing specific regulations that were redundant or were inappropriate.

The resolution that we have been debating tonight is a critical step toward restoring our economy and getting Americans back to work. I would like to point some context out on this.

I think we have 100 percent agreement in the Chamber tonight that we want clean water and we want clean

air. I'm the father of an asthmatic child, two asthmatic children, I might add, who has been up all night and made the trips to the ER and understands this. But there's a significant difference between the context of application there and dealing with some of the changes and the moving standards in the regulatory community that have huge economic impact on our communities.

I would like to cite three brief examples of different contexts of regulations that need to be modernized or changed, or have lost their context.

Again, we are not talking about an anti-regulation issue here. The fact is that regulations have never been aggressively attacked. What happens is we layer another regulation on top of an existing regulation. We increase the complexity of that. We create new organizations that do the same thing, costing more money, creating uncertainty. And I think we have common ground on the need for that reform. But let me give you the first example.

Clean air is a great concern to me. I grew up around the steel and the mining industries as a small boy on the other side of the tracks and got to see the bad things that were done. When the EPA came into being, there were some good starts. Ironically, the real efforts of true environmental remediation began in the States. Operation Scarlet in Pennsylvania began changing the way the land was treated. Much of that was copied by the Federal Government and changed our community demonstrably. But those days are long gone, those good old days, and the complexity and the intrusiveness of the bureaucracy is even different to a greater degree.

The Marathon oil refinery that's in Catlettsburg, Kentucky, spent tens of millions of dollars in full compliance with existing regulations. Long-term capital investments were made to deal with sulfur, nitrous oxide, and mercury, other chemicals that were in potential emissions, both in water and in the air. And then, after these huge, multiyear capital investments, the ball was moved again. It has crippled the ability of that specific facility to grow and to create jobs.

That is what I'm talking about, context and predictability. Having overseen long-term capital investment plans in the manufacturing industry, when you have to take 10 years, you cannot afford to have that lack of predictability. This is what we are talking about.

At a closer level to home, we talk about veterans a lot here, we talk about prescription drug problems, drug addiction issues. That's something I care very much about. Growing up in a dysfunctional household and seeing the worst of substance abuse or substance addiction in family members, I can say, as somebody who has volunteered for over 30 years to help people escape from these kinds of things, that regulation in fact is helping to create a worse problem.

We work very closely with the Veterans Administration. As a former Army Ranger myself, I care very much about our veterans coming home. And the one thing I would say here, Mr. Speaker, is that we do have a prescription drug diversion problem with older veterans in certain parts of the country.

I was approached by a group of doctors from the Veterans Administration who shared with me that they had been banned by the Veterans Administration general counsel from using the drug registries that are in the State of Indiana and the State of Kentucky, as well as all other States in the Union that have these registries, from simply checking to make sure that the patients weren't seeing a civilian doctor in another State or a civilian doctor in Kentucky and going to the VA to get a double or triple dosage of the same pain medications like Oxycodone and selling it on the street or abusing it themselves to a degree. The doctor said to me, "I'm not interested in criminal prosecution. I don't want to kill my patients. I want to make sure they receive the best health care."

With a stroke of a pen, the general counsel of the VA has added to the complexity of this problem. I spoke to the head of National Drug Control Policy at the White House personally about this, and he said his hands are tied and, "We are looking into that." All of this impacts jobs ultimately.

Finally, I will give a context of the small business owner who gets trapped in this before fully closing. We have lots of great innovative small business owners who go out and they see an opportunity, and they take the risk, usually with their life savings, which may not be much. We only had a few thousand dollars when we started our business that became successful and supported a number of families for many years before I came to Congress.

My friend, Nick Bell, who started Braxton's Cleaners, was an entrepreneur that wanted to take a chance and build a dream with that. His customer service is outstanding, and people flock to him for the responsiveness, the creativity, the initiative, the kindness of his people. He implemented home delivery and suddenly wanted to set up satellites. So many people were coming to him for business, he realized he needed to put another dry cleaning machine in place. One would think that, to support more customers, we could do that.

He suddenly found out, as he bumped up against the Division of Water and the Environmental Protection Agency for the first time, that he had to do a soil sampling under the pad, the concrete pad of his building, before putting that second machine in. What he didn't know along the way was that an arbitrary decision was made in another Federal agency that dry cleaning fluid was put on a list of carcinogens. As one oncologist told me, you would probably have to drink about 80 gallons of this

product daily to create the chemical pH in your body to cause cancer in the first place. But that's beside the point. Here is the context of why we have to forcibly address regulations, and I will point this out.

Mr. Bell suddenly found out that one teaspoon of water under 14 bore holes under the pad was discovered. In that teaspoon of water were several parts per million of dry cleaning fluid. Guess what. They said, "Well, you're going to have to remediate this." Mr. Bell said, "I can't afford to do that." The response from the compassionate Federal agency that cares about jobs was, "If you don't remediate it, you are going to shut it down." That made him an activist. He was going to have that business shut down, every family working there, over one teaspoon of water, and he had to spend effectively his life savings of \$60,000 to clean up one teaspoon of water, and it took him years to recover.

Those are the stories. I appreciate all the comments about caring about workers. I care about those. My grandfather was a mine inspector after he retired. I care about those issues. And I think that it's incorrect to try to create this demonization of those of us who just ask the question, why is that there? We have regulations that not only impede jobs, but regulations that make it so complex.

And I will speak with authority as an engineer on this. The more complicated you make something, the more likely you will have errors. Thus, many of the things that have been cited tonight as reasons we need more regulations are because we have got so many that it can become arbitrary overnight.

I agree with the gentleman that we need to address these issues, but we need to do them in a manner that is devoid of emotion and with a technical focus on what the numbers actually say. And, regarding regulations, let's measure the right things, because we don't do that. What worked in 1960 is not necessarily applicable with the technology and the tools today.

Reviewing all current and proposed rules is the first step. We should do it, because successful businesses, successful schools, any successful institution, even, I guarantee you, the champion Green Bay Packers, review their playbook on a regular basis throughout the season to make sure that they were adaptive and agile for that great game we saw last week.

Reviewing it is a necessary step for us, and it's one that by reviewing this will not hinder economic growth; it will help it. It will free people to achieve, to fulfill the spirit of regulations and help enhance prosperity for all Americans. On behalf of the Ways and Means Committee, we are eager to do our part in this task.

The next step will be to change the way that major rules take effect in the first place. We need more accountability up here. That is nonpartisan.

And the last administration, I am sure that the gentleman and I could find plenty of opportunity to point out regulations that were against the will of Congress that were being implemented regardless of who was in the majority here. For the sake of our Constitution and the people who sent us here, we should embrace that.

To provide greater transparency and accountability to this process, I look forward to the House moving forward with the REINS Act, which will be a complement to H. Res. 72. I urge all of my colleagues to support this resolution as the critical first step of opening the eyes of the Congress, opening the eyes of the American people to the impact of these regulations honestly, and to alleviate job creators from not the burdens of legitimate safety standards, of legitimate standards to benefit our communities, but those non-value-adding overheads that are imposed upon us that prevent the hiring and create unpredictability.

Let's move forward. Let's take the burden off our families from these excessive and unnecessary regulations, and create jobs and put America back to work.

Mr. CANSECO. Mr. Speaker, I rise in support of the H. Res. 72, the great engine of America for the last 235 years has been innovation. American ingenuity is a tremendous source of pride in our nation's history. Sadly, this aspect of American life is reeling today from a wave of new regulations that have been added on top of an already complex regulatory system that costs money, jobs, and growth across every sector in our economy. We've been told that more regulation is somehow "good for us," that a select few know better than our citizens how to make the day to day decisions in our small businesses. But every time a teenager in our country is prohibited from entering the work force because his would-be employer has to comply with a new health law and can't afford his labor, we lose the chance for that teenager to learn valuable skills and perhaps create something special later in his life. Every time a small bank in West Texas is forced to comply with a law that came as a result of the irresponsibility of others, we lose the chance for that bank to extend a loan to an entrepreneur that is capable of creating hundreds of jobs in a small community. Mr. Speaker, Pecos County State Bank in Fort Stockton, Texas takes in 50 percent of the deposits of that town's residents. The cost to run their annual audit is now almost four times as much as it was before the onslaught of regulations we've seen passed in the last two years. We cannot keep placing these burdens on our small businesses.

Mr. Speaker, I urge this Congress to begin the work of placing the responsibility and trust in our society back where it belongs—in the hands of the people. We must begin it now before it's too late.

Mr. FALCOMA. Mr. Speaker, I thank the Ranking Member of the Committee on Natural Resources, Mr. ED MARKEY, for the opportunity to speak on this important issue. I also like to thank Chairman DOC HASTINGS for his leadership.

Every year, thousands of federal rules or regulations governing almost every aspect of

society are conceived through the federal rule-making process. Consequently, federal agencies perform quasi-legislative functions and, in many ways, serve as an extension of Congress. This notion of an unelected entity having such tremendous impact on society rests uneasily with democratic theory. For this reason, a critical feature in our democracy is to control excessive bureaucratic discretion and to ensure that rules and regulations promulgated by federal agencies are consistent with the intent of Congress as expressed in the law.

The Administrative Procedure Act (APA) of 1946, exists for this purpose—to constrain excessive bureaucratic discretion through procedural requirements for agency decision making, including setting goals and standards for regulations, and ensuring public participation through notice and comment. Other statutory rulemaking requirements applicable to a wide range of agencies include the Regulatory Flexibility Act, the Paperwork Reduction Act, the Unfunded Mandates Reform Act, and the Information Quality Act. These statutory requirements established a clear process for agency rulemaking and standard by which the quality of regulations should be measured.

I appreciate the concerns of my Republican friends that there are problems with many federal regulations. Over the years, we have seen evidence of excessive bureaucratic discretion that result in federal regulations being too burdensome, costly, counterproductive and even prohibitive. Critics argue that mundane requirements have led to the ossification of the rulemaking process, which at times could mean years before the final regulations are put in place.

Meanwhile, federal regulations are derived from the laws that are enacted by Congress. These laws are put in place to safeguard public interest. Without federal regulations though, we could have situations such as the recent Deepwater Oil Spill in the Gulf of Mexico. The lack of regulatory oversight contributed to one of the biggest oil spills in the country, in which, the deepwater well released about 200 million gallons or 4.9 million barrels of crude oil into the Gulf of Mexico, over a period of 84 days. To prevent such environmental disaster in the future, we need stronger federal regulations to ensure that appropriate standards are in place.

Mr. Speaker, I support a more common sense approach to federal regulations. Federal agencies should strive to protect the public interest and to ensure that proposed regulations do not stifle economic growth and job creation. For this reason, I am pleased that President Obama has ordered a government wide review of federal regulations to root out those regulations that stifle job creation and make our economy less competitive.

As the lawmaking institution in our system of government, we also have a responsibility to ensure that federal agencies are given the resources and better guidance to formulate regulations that are consistent with the intent of the law.

Mr. CRITZ. Mr. Speaker, I rise today to remind this body of what the American people asked of us in November. They did not ask us to continue the parliamentary back and forth this institution has become known for; nor did they ask us to stand around while small businesses are hurting on Main Street. What the constituents of the 12th district of Pennsyl-

vania asked of me, and what the American people demanded from this Congress, is for us to help build an environment where business can create jobs.

Yet today, we are here considering a resolution that would give lip-service to creating jobs, but have no actionable results. H. Res. 72 simply instructs House Committees to review existing, pending, and proposed regulations by federal agencies. These Committees are to then create an inventory of these regulations to report this information. Mister Speaker, this is what our committees are already doing. These are the actions we are already taking to ease the burden on the small businesses in this country. What productive action are we taking by debating and voting on our Committees to fulfill a role in Congress that has already been defined for them?

This resolution is the epitome of the redundancy. I can say with certainty that H. Res 72 does nothing to reduce real regulatory burden on small businesses. Yet we are on the cusp of adopting a rule that will have my colleagues charged in a debate for an extended amount of time. This is what Americans see as the problem in Washington. As they are struggling, we are engaging in debate on a symbolic measure that does nothing more than reiterate what we have already been charged to do as Members of Congress. What are we doing for our small businesses today?

Small businesses create two-thirds of net new jobs each year in this country. It is our duty to make sure that we help generate the best environment to allow these job creators to thrive. Some of the reasons we were all elected to the 112th Congress was to help these small businesses and help our economy. What we are considering today, will produce no actionable result for either of these two goals.

There is no question that the small businesses of America face a large burden when it comes to federal regulations. Federal regulations now cost Americans \$1.75 trillion each year; that's up 50% from their annual costs in 2005. Federal agencies continue to add thousands of pages of new regulations which add to the already challenging task of creating a small business. It's estimated that these federal rules cost \$10,585 per worker for businesses with less than 20 workers. This cannot be the environment in which we expect our unemployment rate to turn around. It will take a bipartisan effort to reduce this burden and guarantee that our economy continues to thrive.

As a member of the Small Business Committee, I am determined and ready to work with my colleagues on both sides of the aisle to review these challenges and barriers faced by job creators in this country. But I am sure this can be accomplished with the rules already set in place for this body. What will hinder this process and do nothing for small business is a debate on the House floor for nine and a half hours, as this rule sets in place, on instructing members to do what has already been asked of them. After that time, how can Congress say that it helped foster the environment for small businesses to create jobs? How many jobs can we say have been created as a result?

What our small businesses need is action. What the American worker needs is action. What our economy needs is action, and today, with this resolution, we have no action. I urge

my colleagues to vote no on this rule, which will result in no jobs for the small businesses of America.

Mr. SHUSTER. Mr. Speaker, I rise today in strong support of H. Res. 72, a resolution directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.

While it is clear that across government there are tremendous amounts of red tape that we must cut in order to more effectively and efficiently spur job creation, I would like to focus on four specific issues under the jurisdiction of the House Transportation and Infrastructure Committee.

#### FMCSA HOURS OF SERVICE

Proposed changes by the U.S. Department of Transportation to hours of service rules for truck drivers would have a substantially negative impact on productivity and the U.S. economy.

The rules currently in place are working well and do not need to be changed. Since the current rules were implemented seven years ago, the trucking industry's safety performance has improved at an unprecedented rate. Both the number and rate of fatal and injury accidents involving large trucks have declined by more than one-third and are now at their lowest levels in recorded history. The remarkable reduction in the number of truck-involved fatal and injury crashes occurred even as truck mileage increased by almost 10 billion miles between 2003 and 2008, the latest year for which data is available.

If the proposed changes are implemented, trucking companies will need to put additional trucks and drivers on the road to deliver the same amount of freight, adding to final product costs and increasing congestion on the nation's already clogged highways. Small business truckers would be especially hard hit.

On two prior occasions, the Federal Motor Carrier Safety Administration (FMCSA) estimated that similar changes would cost the U.S. economy \$2.2 billion, inclusive of safety benefits. However, in the new proposed rule FMCSA has changed its methodology for estimating both the benefits and costs of changes to the hours of service rule, effectively decreasing estimated annual costs by \$1.5 billion and increasing estimated annual benefits by \$1.1 billion in order to produce a positive benefit-cost ratio. Further, the agency's own analysis shows that the net benefits of retaining the current daily driving time limit exceed the net benefits of reducing allowable driving time by one hour, the option favored by FMCSA. Frankly, it is very difficult to understand how FMCSA rationalizes its proposal on this fact alone.

In addition to encumbering the industry and a struggling economy, the proposed changes would significantly challenge law enforcement. Because the proposed rules are complex and restrictive, motor carriers could have difficulty understanding them and enforcement officers could have difficulty accurately identifying violations. For instance, in order to determine if a driver can legally claim to have met the conditions of a weekly rest provision, enforcement officials would have to ensure that at least 168 hours had elapsed since the beginning of the most recent weekly rest period, and that the break included two consecutive nighttime peri-

ods between midnight and 6 a.m. Such complexity will only serve to hamper both industry compliance and motor carrier enforcement.

Now is not the time to impose costly new regulations that would impede the nation's economic recovery and increase the cost of almost every product Americans produce and buy.

Along with my good friend, the gentleman from Missouri, Mr. GRAVES, I am circulating a letter on this issue to be sent to the Secretary of Transportation, Ray LaHood. I encourage all of my colleagues to join in signing on to this important letter.

#### SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS ISSUES

As the Chairman of the Subcommittee on Railroads, Pipelines, and Hazardous materials, there are three issues under my jurisdiction that I want to draw attention to—two related to railroads and another related to hazardous materials.

Put simply, the United States has the greatest freight rail network in the world. Our system is the most efficient and cost-effective in existence, and relies on virtually no subsidies from the federal government. Over a century ago, America's railroads opened the door for economic expansion, literally ushering in the great advancements in industry that sparked America's emergence as an economic power on the world stage. By linking our coasts, rail opened markets for goods and services in parts of our nation before rendered inaccessible. America's railroads revolutionized transportation, gave promise to freedom of movement and made business more efficient. That heritage continues to this day.

Today, we find ourselves in the midst of a new era of a freight rail renaissance. With 140,000 miles of track carrying almost two trillion ton-miles annually, freight rail is an immense jobs generator and a major driver of the nation's economy. In fact, the industry supports directly or indirectly over 1 million jobs, and 43 percent of all freight carried each year in the U.S. is moved by train—with demand projected to grow. In order to meet this demand, it is essential that there is continued growth in rail capacity.

#### SURFACE TRANSPORTATION BOARD

Yet given their successes and self-reliance, the railroad industry appears to be in the crosshairs of the Surface Transportation Board (STB). The question is this: will America's railroads continue to be given the freedom necessary to grow their industry without direct interference by the federal government or will the STB attempt to move to re-regulate the industry?

Re-regulation would be a potentially catastrophic public policy that could erase 30 years of positive growth in rail, and threaten to reduce the railroads to the ruinous decreases in services and disinvestment not seen since the 1970's. I firmly believe that if the Surface Transportation Board attempts to re-regulate this vital industry, it will be only a matter of years before our once self-reliant railroads will be forced to rely on taxpayer dollars to invest in infrastructure, safety and efficiency as federal mandates mount.

The Surface Transportation Board has recently announced two hearings. One will review rail traffic exemptions while the other will assess the competitive marketplace in which the railroads operate. In connection with those hearings, we would like to express our collec-

tive view about the importance of the freight rail industry as a critical component of our nation's transportation system, and impress upon you the importance of maintaining the existing regulatory balance between the railroads and shippers.

The passage of the Staggers Act in 1980 created a balanced regulatory system that has allowed the rail industry to build the world's best freight rail system, while protecting shippers in areas where there is no effective competition. Since its passage, average inflation-adjusted rail rates measured by revenue per ton-mile are down over 50 percent and freight railroads have re-invested more than \$480 billion back into their operating networks. That could not have been done—and will not be done in the future—unless the STB maintains the current regulatory balance as contemplated by the Staggers Act.

Recently I joined with my senior colleagues on the Transportation Committee, what we call the "Big 4"—the Chairman of the full Committee, Mr. MICA, the Ranking Member of the Full Committee, Mr. RAHALL, the Ranking Member of the Railroads Subcommittee, Ms. BROWN, and myself, the Chairman of the Railroads Subcommittee—in sending a letter to the Chairman of the Surface Transportation Board regarding maintaining the existing regulatory balance between the railroads and shippers.

In our letter, we made it clear that any policy change made by the STB which restricts the railroads' abilities to invest, grow their networks and meet the nation's freight transportation demands will be opposed by the Transportation Committee.

#### POSITIVE TRAIN CONTROL

Notably, these debates are occurring at a time when the rail industry is at a crossroads dealing with massive new mandates and proposals that threaten to undermine our rail renaissance. Recent unfunded mandates on the freight rail industry to retrofit equipment with Positive Train Control (PTC) equipment are expected to cost in excess of \$10 billion, with limited, if any, operational benefit. This mandate will divert scarce capital from critical investments in one of the most capital-intensive businesses in the world.

The Federal Railroad Administration (FRA) issued a Final Rule in January 2010 to implement the statutory requirement in the Railroad Safety Improvement Act of 2008 to implement Positive Train Control (PTC) systems by December 31, 2015 on mainline rail tracks that carry passenger trains or hazardous materials that are toxic by inhalation.

Positive Train Control is a technology (or combination of technologies) that is designed to automatically stop or slow a train before accidents caused by human error can occur. The accidents PTC is intended to prevent include:

- Train-to-train collisions;
- derailments caused by excessive speed;
- unauthorized incursions by trains onto sections of track where maintenance is taking place;

- trains moving through track switches left in the wrong position.

A fully functional PTC system must be able to precisely determine the location and speed of trains, warn train operators of potential problems, and take action if the operator does not respond to a warning. The type of accidents that PTC systems are designed to prevent are very rare. Of all train accidents on rail

mainlines over the past seven years, only around 4 percent would have been prevented if PTC systems had been in place.

According to the FRA, freight railroads will have to spend up to \$13.2 billion to install and maintain PTC systems over the next 20 years, but PTC will yield just \$608 million in benefits over the same period—a cost-benefit ratio of 20 to 1.

An April 2010 study by the consulting firm Oliver Wyman found that the so-called “business benefits” of PTC—reducing train delays and being able to move more trains through congested sections of track—are actually very low or nonexistent. In fact, systems very similar to PTC that are currently being implemented in Europe do not support that claim that PTC will yield significant business benefits for U.S. railroads.

The manner in which FRA determined which track will be required to have PTC installed has caused a great deal of concern in the railroad industry. Many provisions of the Final Rule go well beyond the statutory requirements of the Railroad Safety Improvement Act. These provisions add hundreds of millions of dollars to costs, but will not improve safety in any meaningful way.

In the final rule, the FRA orders railroads to install PTC on rail lines that carried toxic-by-inhalation hazardous materials in 2008. Nothing in the law refers to using 2008 as the base year for determining where PTC must be installed.

As it currently stands, the Final Rule will require that approximately 70,000–80,000 miles of rail miles have PTC systems installed, about half of the total Class I railroad 160,000-mile national freight network.

The decision to use 2008 as a base year for determining which tracks require PTC implementation makes no sense, because hazardous materials routing in 2015 will be vastly different than in 2008, for the following reasons:

Significant hazardous materials rail routing changes were recently implemented in response to a Department of Transportation/Department of Homeland Security joint regulation requiring railroads to ensure that toxic-by-inhalation chemicals are transported on routes posing the least overall safety and security risk.

Additionally, marketplace dynamics are changing the transportation of hazardous materials. For example, many chemical companies are phasing out production of chlorine, or moving their production sites to where the chemical will be used, thereby dramatically changing the amounts and routes over which these toxic-by-inhalation materials are moved.

Finally, the rule does not provide for a “de minimis” exception, where a rail line carrying very little of these materials could be exempted from the PTC requirement. Such an exception would significantly reduce costs without compromising safety in a meaningful way.

The PTC mandate applies to all passenger railroads on the general railway system, including Amtrak and 26 different commuter railroads.

Amtrak’s capital needs and operations are fully subsidized by annual appropriations. Commuter railroads also receive capital funds from the Federal Transit Administration for repair and modernization of their systems, but these federal funds represents only about 40 percent of total funds spent on their systems,

which are primarily supported by local governments.

The cost of installing PTC is a significant burden for these commuter railroads. The American Public Transportation Associations estimates that installation of PTC on commuter railroads will cost more than \$2 billion—these agencies are already cutting service levels or raising fares because of the recession’s impact on local government budgets.

Additionally, most commuter railroads operate over freight rail-owned track. These agencies must ensure that the PTC technology they install on their commuter systems is interoperable with the systems that their host railroads put in place.

Because of issues like interoperability, there is real doubt that PTC can be successfully implemented by December 31, 2015.

There is also a severe shortage of available broadband spectrum for the wireless communications networks that are central to PTC implementation. The Federal Trade Commission has authority over allocating spectrum, and the FTC decision process is slow and cumbersome.

Instead of penalizing the rail industry for its success, Washington should be promoting new investment and expansions in service to keep America’s railroads in the driver’s seat of the global economy. That’s why I support tax credits for the expansion and rehabilitation of the nation’s rail infrastructure.

Tax credits are a proven and effective policy tool to encourage businesses to invest in worthwhile projects. Because the railroads still pay for their projects under tax credit plans, tax credits ensure that the railroads will only pursue projects that will grow their businesses, and ultimately expanding the economy. Direct grants, on the other hand, could be seen as “free money” that would not be subject to the same rigorous business decisions. There are two tax credit bills that I support, including a 25 percent tax credit for rail projects that expand the rail network and ease congestion, and a short line tax credit that expired at the end of last year.

America’s railroads are at a crossroad. The direction the Administration pushes the rail industry will have a lasting impact on American competitiveness and economic growth. Washington must resist the urge to over-regulate an industry that has proven it to be largely self-sufficient and capable to weather economic stress and improve upon its business model. We cannot go back to the days of stifling over regulation and I will do my part as a member of the Transportation and Infrastructure Committee to make sure it does not happen.

#### LITHIUM BATTERIES

Finally, I want to touch on the transportation of lithium batteries.

In January 2010, the Department of Transportation issues a Notice of Proposed Rule-making to regulate the air transport of lithium batteries.

The proposed rule:

Regulates and treats as a hazardous material all lithium batteries and most devices shipped with or containing such batteries, such as laptop computers, cell phones, and medical devices.

Applies to air shipments within the U.S. and to shipments carried on U.S. registered aircraft traveling anywhere in the world.

Proposes to limit stowage of lithium batteries on cargo aircraft to crew-accessible po-

sitions or in yet-to-be-approved Federal Aviation Administration fireproof containers.

Billions of lithium batteries have been safely transported as air cargo in the last twenty years. This is not one of NTBS’s “Most Wanted” safety recommendations. In fact, there are no confirmed fatalities associated with the lithium batteries transportation that I am aware of.

The proposed rule grossly underestimates the cost of the regulation to American businesses. The Department of Transportation analysis estimates approximately \$9 million per year in cost to the U.S. economy. But actual costs to hundreds of businesses—battery manufacturers, consumer goods manufacturers, freight handlers, and air transportation companies—could easily top \$1 billion a year.

I believe the Department of Transportation analysis did not take into account:

Additional annual payroll and internal handling costs,

Administrative costs associated with negotiating and executing hazardous materials contracts for customers shipping these newly-regulated goods,

Adverse impacts on retail shipping outlets,

Potential layoffs associated with the burdensome requirements, and

Commercial consequences from potential lithium battery shipment consolidation.

The United Parcel Service alone estimates this new regulation would cost the company \$264 million in the first year, and more than \$185 million in each following year.

This proposed rule threatens to stifle job creation and industrial advancement, and affects a wide segment of the economy, including U.S. manufacturing, transportation, and retail sectors. It will also give foreign cargo carriers a competitive advantage over U.S. companies.

Transportation regulations for lithium batteries have been extensively considered by international bodies such as the United Nations, International Civil Aviation Organization and International Air Transport Association. In order to protect the competitiveness of the U.S. in the international marketplace, standards for the transport of lithium batteries should be fully harmonized with international rules and regulations. This is the only reasonable focus of any regulatory action on air transportation of lithium batteries. I strongly support efforts to make the transport of lithium batteries as safe as possible, but we must do so in a reasonable, responsible manner.

I applaud our House leadership for bringing this important resolution to the floor and thank them for the opportunity to discuss these important issues.

Mr. BACA. Mr. Speaker, I urge all my colleagues—Democrats and Republicans—to support small business and small business trucking.

As we debate H. Res. 72, the most critical issue facing America is how to increase jobs so that families can rise up against economic hardships.

Small businesses are essential to our nation’s economy.

They account for half of our gross domestic product, more than half our jobs, and three-fourths of new jobs created each year.

We must support new and small businesses through open access to loans, credit and capital.

We can reduce onerous paperwork, and give small companies the tools they need to

take care of their employees and build their companies.

By passing legislation focused on protecting the economic vitality of small businesses in the trucking industry and all other sectors, we will facilitate economic growth for all Americans.

Mr. DAVIS of Kentucky. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of this resolution is postponed.

□ 2120

#### HONORING COLORADO STATE UNIVERSITY

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

Mr. GARDNER. Mr. Speaker, tonight I rise to honor the 141st anniversary of the founding of Colorado State University, located in Fort Collins, Colorado.

On February 11, 1870, Colorado Territorial Governor Edward McCook signed the Morrill Act establishing the State Agricultural College in Fort Collins. In its 141 years, Colorado State University has grown to over 26,000 students, 1,400 faculty members, and has become one of the Nation's leading research universities. On average, CSU's research expenditures top \$138 million annually.

To this day, Colorado State University still maintains the commitment of a State agricultural college. It provides countless support for promoting economic development throughout the rural communities in Colorado. CSU has over 90,000-plus alumni that live in the State, accounting for nearly \$4.1 billion annually in household income for Colorado. The CSU alumni list includes State Governors, business leaders, Olympic gold medalists, teachers, researchers, artists, and even a Member of the U.S. House of Representatives.

I am proud to call myself a Colorado State alumnus. It is my honor to recognize CSU on the House floor for its 141 years of excellence in education and research.

#### JOBS, THE DEFICIT AND FEDERAL SPENDING

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 18 minutes as the designee of the majority leader.

Mr. AKIN. Mr. Speaker, congratulations. You look good up in the Chair there.

We are going to have a chance to talk for just a few minutes about an interesting topic. It is something on the minds of Americans everywhere, and that is about jobs, about the deficit and about Federal spending and what we have to do in those areas.

I think sometimes it is helpful, you hear so much detail that you need to

step back at the 30,000-foot view and say what is the big picture of what is going on. So I have here one of those traditional pie-type charts, and it has an overview of the total spending of the Federal Government in the year 2010. So what I want to do is just take a look at that and then talk about what that means relative to the problems we have in overspending in the Federal Government.

Also, this connects to unemployment in this sense, that when the Federal Government spends too much money and is too intrusive and takes too much in taxes, all of those things destroy the jobs created by small businesses.

So let's just be completely clear. We have heard stories about unemployment and these "heartless Republicans." The problem is that if you destroy businesses, you don't have any businesses, you don't have any jobs. And that is what we have been doing. How is it we destroy businesses? One, we overtax them; two, we overregulate them with red tape; three, we make it hard from a liquidity point of view to get loans from banks, because the Federal officers are looking over the bankers' shoulders second-guessing the loans; fourth, we create an era of uncertainty because we don't know what the silly government is going to do next; and, last of all, we spend money like mad, which then makes the economy that much harder for our businesses to compete in a world competitive environment.

But let's take a look at this pie chart here, and there is something here that when you start to think about it is really a little bit on the frightening side. Let's take a look at some of the big chunks of money.

The bottom one down here is defense. The Constitution of the United States says that the Congress will provide for the national defense. It is the one main thing that Congress is supposed to do. States can't do it; locales can't do it. It is something that has to be done by the Federal Government. That is why our U.S. Constitution says even in the preamble to provide for the national defense. That is \$692 billion here in the 2010 budget. So there is defense.

This over here is the non-defense, what is called discretionary. These are the funds that Congress spends every year, and that is \$666 billion. This includes things like the Education Department, the Energy Department, the Department of Commerce. It would be jails and prisons, things like that. All of those, the Park Service, would all be in this non-defense discretionary area. So these two, kind of similar size, running in there about a little bit under \$1.5 trillion in total.

Now, the other one that I want to call to your attention, though, is all the rest of these. This is Social Security, this is Medicare, this is Medicaid. And so what these things are, a lot of times people call them mandatory spending. What does that mean?

Well, what it means is that sometime a long time ago a Congress came along, passed these laws, and the law works like a little machine and the machine spits out dollar bills whenever anybody meets certain criteria. So we call it an entitlement. These little machines are spitting out, printing out, dollars; and the Congress doesn't have to do anything at all and the Federal Government is spending lots of money. How much money? Well, Social Security, there is \$700 billion, there is another \$519 billion in Medicare, and Medicaid, \$273 billion.

Another thing that works a little bit like an entitlement is the debt. So if we sell a Treasury bill, we have to pay the interest on it; and when we do that, we get this interest. And then there is these other mandatory things which are really other kinds of entitlements. So it is not just Social Security, Medicare and Medicaid. You have got SCHIP, you have got food stamps and things like that that are additional entitlements.

So these things here, when you put all of these together, this is kind of a spooky number. These things come out not too far away from a little over \$2 trillion, maybe \$2.3 trillion. And what does that mean, \$2.3 trillion? What that is, that also is the amount of revenue in a given year for the Federal Government.

So what has happened is all these entitlements now plus the interests on the debt have gotten to the point that they are chewing up all the money that the Federal Government takes in in taxes in a given year. So then the question is, well, how about defense? How about non-defense discretionary? How about these things? Do we have any money? No.

The point of the matter is you can zero this out, zero these out, and these together are using all of the money that the Federal Government is taking in in revenue in a given year. Now, that is kind of scary. What that says is that we are starting to run deficits of over \$1 trillion.

In fact, the Obama deficits for the last 2 years have been about \$1.5 trillion. That is a lot of money. That is three times a bigger deficit than President Bush's worst budget deficit. So you take his worst budget deficit, which is about \$450 billion, and we are talking the last 2 years we are running at a \$1.5 trillion deficit. So this is what is going on.

So let's take a look. If you are like an awful lot of Americans, you want to solve a problem. We have got a problem here. We are apparently spending too much money. So you say, well, what are our alternatives? How do we approach this?

I am thankful this evening also that we have got one of our very bright young freshmen Congressmen from the State of Colorado. SCOTT is here to join us, SCOTT TIPTON. SCOTT, I just want to make sure you knew, any time you want to jump in here, we could talk a little bit about this.