

### AMERICANS DISTRUST THE NATIONAL MEDIA

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

Mr. SMITH of Texas. Mr. Speaker, the Pew Research Center has found that negative opinions about news organizations now equal or surpass all-time highs. In their poll, 66 percent of those surveyed stated news stories are often inaccurate, and 77 percent think that news organizations seem to favor one side over the other. And in a recent Gallup poll, Americans were asked how much trust and confidence they have in the mass media. A majority, 55 percent, responded “not very much” or “none at all.”

Three years ago I started the Media Fairness Caucus in Congress. This caucus helps encourage a free and fair media as our Founders intended. The purpose of the caucus is not to censor or condemn but to urge the media to adhere to the highest standards of their profession and to provide the American people with the facts, balanced stories, and fair coverage of the news.

Our national media should be held accountable for their performance, just like any other institution. We need to remind the media of their profound obligation to provide the American people with the facts, not to tell them what to think.

### CONGRATS TO THE NIU HUSKIES

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

Mr. HULTGREN. Mr. Speaker, I rise today to congratulate the Northern Illinois University Huskies football team for winning the 2011 Mid-American Conference championship.

Last Friday, the Huskies overcame three first-half turnovers and a 20-point deficit to defeat the Bobcats of Ohio University with a last-second field goal as time expired. The incredible win caps off another great season for the Northern Illinois University Huskies as they finished with a 10–3 overall record and now head to the GoDaddy.com Bowl on January 8 to play Arkansas State.

Congratulations to the players, coaches, and support staff for all of the Huskies for another fantastic season. Go Huskies.

### THE OKLAHOMAN: OKLAHOMA CITY HAS MUCH TO OFFER MILITARY RETIREES

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

Mr. LANKFORD. Mr. Speaker, I rise today to praise the incredible people of Oklahoma City and the wonderful community they're building for our retired military veterans.

A recent study conducted in 379 cities nationwide by USAA and Military.com ranked Oklahoma City as the number one city for a second career for military retirees. Oklahoma City's economy is boosted by a great combination of veteran-owned businesses, defense contracting companies, Federal workers, and Tinker Air Force Base.

This study simply proves what Oklahomans already know: Oklahoma is a great place to live and to work. Oklahoma City has one of the lowest unemployment rates in the Nation and one of the highest work ethics. Oklahoma City is a great place to raise a family, start a new career or retire.

The vets who have chosen to live in Oklahoma City are hardworking individuals with great skills, a great work ethic, and a love for our country. Military retirees make long-lasting contributions within their communities, and they're vital to our State's success.

My message to veterans across the Nation who want to start a new business or new career or find a new community that honors vets for their service, you're welcome to join us in Oklahoma City.

### LOOMING CRISIS FOR OUR SENIORS

(Ms. BUERKLE asked and was given permission to address the House for 1 minute.)

Ms. BUERKLE. Mr. Speaker, I rise to call attention to a looming crisis for our seniors. We are facing the very real prospect of millions of Americans losing their access to health care providers because of reductions in Medicare payments to physicians due to the flawed Sustainable Growth Rate, SGR, formula.

Mr. Speaker, on January 1, 2011, the SGR formula will trigger a 27.4 percent pay cut across the board for Medicare physician services. According to the AMA, in my home State of New York, Mr. Speaker, the cut will amount to \$28,000 per physician. That loss makes it harder for physicians to pay for office staff, space, and equipment, which translates, Mr. Speaker, to decreased access to care for many patients.

Many physicians have indicated that they will no longer accept Medicare patients. Our seniors, Mr. Speaker, rely on Medicare, which they have paid into and has been there for them.

Mr. Speaker, doctors want to provide care to our seniors, and we cannot allow Medicare payment cuts to prevent doctors from serving all of their patients. Our doctors deserve better. Our seniors deserve better.

### MEDICARE

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

Mr. GOSAR. Mr. Speaker, 10,000 older Americans are entering the Medicare system every day, so access to quality

physicians is more important than ever. The sad fact is we are not paying our Medicare providers enough to keep their doors open, much less accept new patients.

In usual Washington fashion, past Congresses have kicked the can down the road; and if we don't act before the end of the year, physicians will face a 27 percent cut in their Medicare reimbursement.

We need to come together and find a better method to pay our Medicare physicians for the long term and include it in a properly thought-out health care reform. If we continue to allow these flawed policies, Medicare patients will suffer, and we owe our seniors better.

Our seniors were made promises by those that came before us serving you today, and I'm here to tell you that we will keep those promises. Taking up this important fix to health care before it's too late will allow us to continue to be the best Nation, a healthy Nation that we can be proud to leave our children and our grandchildren.

□ 1230

### PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011, AND FOR OTHER PURPOSES

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 479 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 479

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules.

Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During any recess or adjournment of not more than three days, if in the opinion of the Speaker the public interest so warrants, then the Speaker or his designee, after consultation with the Minority Leader, may reconvene the House at a time other than that previously appointed, within the limits of clause 4, section 5, article I of the Constitution, and notify Members accordingly.

SEC. 3. Clause 3 of rule XXIX shall apply to the availability requirements for a conference report and the accompanying joint statement under clause 8(a)(1) of rule XXII.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule, H. Res. 479. H. Res. 479 provides for a structured rule so that the House may consider H.R. 10, the Regulations from the Executive in Need of Scrutiny Act.

The rule gives the House the opportunity to debate a wide array of important, germane amendments offered by Members from both sides of the aisle. Better known as the REINS Act, the underlying legislation is a pivotal bill that would change the very way Washington does business.

The REINS Act takes a step back and looks at our current regulatory process, where Congress passes broad, general laws and then lets the executive branch interpret and regulate them however they see fit. H.R. 10 brings us back to the vision that our Founding Fathers had for this Nation and for the institution of Congress. It would ensure that our three branches are co-equals, the way they were designed to be. H.R. 10 would hold Congress accountable for setting America's regulatory policies. It makes Congress do

the work that our Founders intended this institution, the first branch, to do: to regulate.

Mr. Speaker, I know that regulations have been a buzz word up here in Congress recently, and I think it has become so popular, so frequently discussed because people within the Washington Beltway are finally starting to wake up to the fact that those in my home State of Florida have been telling me since before I ever came here: that regulations matter. The government can't really do much to actually create jobs or to physically put people back to work. We might wish it were so, but we don't have the magic job formulas on either side of the aisle that we can use to suddenly create millions of jobs for the nearly 9 percent of Americans who are currently out of work. What we can do is create an environment where real job creators—small businesses and private companies—can gain access to capital and operate with as much regulatory certainty as possible.

Unfortunately, it's hard to create such an environment when the executive branch is constantly churning out one major regulation after another. According to the Congressional Research Service, during his first 2 years in office, Federal agencies under the leadership of the Obama administration published over 175 major rules. These regulations impose tens of billions of dollars annually on our economy and on consumers. This is on top of the continuing burden of redtape that we are already up against, which the Small Business Administration estimates to cost \$1.75 trillion—\$1.75 trillion—yearly.

The Federal Register is sort of like the daily newspaper of the Federal Government. It holds all Federal agency regulations, proposed rules and public notices, Executive orders, proclamations, and other Presidential documents.

According to the National Archives' Web site, you should read the Federal Register if, among other things, your business is regulated by the Federal Government; if you're an attorney; if your organization attends public hearings; if you apply for grants; if you're concerned with government actions that affect the environment, health care, financial services, exports, education, and other major policy issues. Reading this recommendation, it sounds to me like they're saying if you're an active and informed member of the American public, you need to know what's in the Federal Register.

What they don't mention is that the complete Federal Register is 72,820 pages long. That's over 145 reams of paper that contain regulations. To help put it in perspective, that's 725 pounds of paper. And for my Floridian friends, that's about three Josh Freemans, the quarterback for the Tampa Bay Bucs.

Within these 73,000 pages of regulations are regulations that result in 120 million hours of paperwork burdens for

United States businesses every year. The 2011 Federal Register, the rules that are contained within, cost American employers \$93 billion in compliance costs, which equals about 1.8 million jobs.

Think about everything that job creators could do instead of spending hundreds of millions of hours filling out paperwork for the Federal Government, all of the jobs that could be created if they weren't spending money complying with regulations that Congress hasn't even put on them, but regulatory agencies have.

H.R. 10 really does "rein" in these burdens. Instead of letting the White House decide what the regulations should be, only allowing Congress to disapprove an executive's action, H.R. 10 flips the current system on its head.

□ 1240

The REINS Act says if the executive branch wants to impose a major rule, a rule that's going to cost \$100 million or more, then Congress, this body, needs to approve that rule before it has the force of law.

In 2010, according to the Congressional Research Service, executive agencies published over 100 major rules. These basically are rules that went into effect simply because the President said it was so. The REINS Act says: no more.

Now, once the executive branch issues a rule, Congress needs to approve it, otherwise it never takes effect. It's stunning that something so simple, that Congress should make the laws, can be so contentious.

I've heard my colleagues on the other side of the aisle say if Congress just wrote better, more precise laws, the Executive wouldn't need to regulate through these rules. The problem is that sometimes the executive branch agencies have shown they're using their regulatory powers to circumvent the legislative process.

For example, after it was clear the Senate wasn't going to pass cap-and-trade, which really ought to be called cap-and-tax, the EPA just went ahead and started regulating greenhouse gases through the rulemaking process, cutting Congress out of the process altogether. This year's most expensive rule, the greenhouse gas/CAFE standards, is estimated to cost \$141 billion. That's greater than the entire GDP growth for the United States in the first quarter of 2011.

We're not all constitutional scholars. I'm certainly not. But if one thing is clear, Congress is the one who makes the laws. It's not that Congress makes the laws unless they don't make the laws the President wants them to make. The Regulations from the Executive in Need of Scrutiny Act brings us back to the basic foundation of our government. It says that not only does Congress provide the legislative intent, but it also provides the legislative oversight as the rule comes back if it's a major rule that's going to cost over

\$100 million to our businesses and citizens of this country.

That's what we're designed to do, to make tough decisions. That's why I'm so proud to cosponsor this bill. It's why I'm proud to sponsor this rule, and it's why I'm proud to vote for both the rule and the underlying legislation.

With that, I encourage all of my colleagues to vote "yes" on this rule and "yes" on the underlying legislation.

I reserve the balance of my time.

Ms. SLAUGHTER. I thank my friend for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, there's a very dangerous and cynical game being played in the House. Americans need jobs now; and instead of spending our time on job creation, the majority continues to waste time focusing on bills like this one that make it easier for polluters to spoil our air and water; make it easier for big banks to take the kind of risk that brought on our recession; and make it easier for unsafe products from China to poison our children.

The majority seems to think if they repeat their message that Big Government is destroying jobs enough times, it will become true. But economic surveys and economists from the left, right, and center say it's all a made-up argument. Bruce Bartlett, an economist who worked in the Reagan and first Bush administrations, writes that "regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

My friends on the other side of the aisle know this bill won't create jobs. And here's how we know. When the bill is considered for amendment, they will block an amendment that simply says if the independent experts conclude a rule will create jobs, it can go into effect without all these time-consuming extra steps. Why would we want to slow down a rule that could create tens of thousands of jobs? If this bill will create jobs, like the majority claims, what's the harm in saying the bill does not apply when it conflicts with the important goal of creating more jobs for Americans who are out of work? The majority cannot have it both ways, Mr. Speaker.

It has now been a full 336 days since Republicans took control of the House, and they have yet to put a real jobs bill on the floor. But as of today, they've made time for 23 bills that would roll back protections for public health and safety. They provided ample floor time to de-fund public radio; to make it easier for felons to carry concealed weapons; and to reaffirm our national motto, which did not need reaffirming; and, of course, did we want to micro-manage light bulbs. Why? Does the majority really think these are pressing

national issues that demand our attention when we should focus on jobs?

There's no doubt in my mind that in addition to making our workplace, food, water, and airplanes less safe, H.R. 10 would endanger our fragile economic recovery, impeding job creation. Having the right amount of safeguards against bad behavior is part of what has made this country so economically successful. We all know it was only after the financial sector was deregulated so much that we had a catastrophic housing crisis and the recession. Indeed, what regulation there was basically looked the other way. Indeed, in 2008 the Bush administration itself estimated that benefits to the economy for major rules outweighed the cost by at least 2½ to 1. Possibly as much as 12 to 1, they said.

Mr. Speaker, I would be remiss if I did not explain the violence this bill does to the process of passing the laws, the process executing the laws, and the important constitutional principle of separation of powers. The practical result of this bill's new, additional steps in the regulatory process would be to grind the wheels of government to a halt.

Our system of government already has checks and balances built in to make sure that the regulations do what Congress says they should. That is why we have oversight committees. After Congress writes the laws, there are numerous statutes and executive orders that ensure an open process as an agency writes the regulations, requiring them to listen to the stakeholders and the public, to conduct cost-benefit analyses, and justify every aspect of the proposed rule. Congress also continuously keeps an eye on the executive branch by exercising its authorization, appropriation, and oversight functions. Furthermore, entities whose activities are regulated have access to the courts.

When Congress last considered a nearly identical bill in the 1980s, now-Chief Justice John Roberts, who was then an associate White House counsel in the Reagan administration, criticized the legislation for "hobbling agency rulemaking by requiring affirmative congressional assent to all major rules." He said that such a requirement "would seem to impose excessive burdens on regulatory agencies."

Justice Roberts was right then, and he's right today. Congress writes the laws. We rely on professionals and experts—doctors, engineers, microbiologists, statisticians, and so forth—to spell out the details of those policies so the law can be implemented and enforced in a way that makes sense.

If this bill is enacted, those decisions will instead be made by Members of Congress with no or little expertise in what they're talking about. In addition, with the staffs we now have, it would be an impossibility for us to be able to do it. Americans are sick of Congress's political gamesmanship.

The last thing they want to do is extend its reach into vast new areas of our government.

But the Rules Committee's primary responsibility in relation to H.R. 10 is to ensure the integrity of the legislative process in the House. In sending H.R. 10 to the House floor, the committee failed its responsibility. The sheer volume of additional measures the House and Senate would be required to consider should H.R. 10 become law is enough to force Congress to come back into the Capitol and work in shifts. Otherwise, we would never get it all done.

Even though President Obama's administration has promulgated new rules at a slower rate than the Bush administration did in his last 2 years, the 100 or so new major bills on our schedule would mean we would have to take up seven of them a day on every other Thursday just to try to get it done. Inevitably, we could not finish it all; and under this ridiculous bill, it means we would vote on the rest without debate.

□ 1250

If the Rules Committee had bothered to hold any hearings on the bill, maybe the majority would realize how drastically H.R. 10 undermines the deliberative process in this House.

Finally, I want my colleagues to know that this rule deems passage of a nongermane amendment that was written by Mr. RYAN, the chairman of the Budget Committee. The Republicans made an embarrassing discovery at the Rules Committee last week. They realized that the hundreds of new measures the House will consider under this bill would actually violate both their new CutGo rule and the pay-as-you-go statute that Democrats put in place. So the Republicans had a choice: they could either violate the budget rules a hundred times every year or just pass an amendment to make these embarrassing violations vanish. Which one do you guess they chose?

This rule includes a magic amendment that makes all the budget violations go away in a big "poof." But here's the best part: They're using the famous deem-and-pass procedure, which means the mystery amendment will be automatically adopted and the House will never vote on the Ryan amendment.

I guess after all we've seen this year, it should not surprise me that last Tuesday the majority blocked our amendment to strip the special tax breaks from big oil companies supposedly because it was nongermane. That was Tuesday. On Thursday, they just ignored the germaneness rule for this budget amendment.

But, most importantly, Mr. Speaker, we've had 336 days of Republican control of the House with no jobs agenda. It is imperative that we extend the payroll tax cut and the unemployment benefits before Congress leaves Washington for the holidays. That is why I will amend this rule to require those

votes if we defeat the previous question.

So I'm urging my colleagues on the other side, please stop worrying about your campaign message and start getting the message: America's top priority is job creation.

Let's defeat this restrictive rule and get back to work on jobs.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague for yielding, and I am in favor of the underlying bill and the rule.

When I talk to small business owners in my district in western North Carolina, I hear very clearly that regulations and regulatory uncertainty is in fact costing jobs. It's costing our economy, and it's making sure that unemployment remains high, which is an absurd policy coming out of Washington.

Well, I know from my small business owners that regulations cost jobs. Even the Small Business Administration here in Washington, D.C., says that Federal regulations cost \$1.75 trillion per year. That costs our economy, and that is a major impact on our job creators. We know that regulations cost jobs.

Now, some politicians in Washington that don't understand business think that their regulations create jobs. Well, they're right; they create Federal jobs. They create more government employees. They create more people creating more paperwork for those who are trying to move our economy forward. We need to relieve our small businesses of this regulatory hurdle and the challenges that they face.

The Obama administration admitted 1 year ago at this time that they had over 4,000 regulations that they were trying to put in place actively. Over 200 of these regulations cost \$100 million or more on the economy, seven of which will cost \$1 billion, a negative impact of \$1 billion. These regulations, even the Obama administration admits, cost the economy money. And if they cost the economy money, they're costing jobs.

This is the wrong approach, this regulatory approach. What we need to say is, if politicians in Washington think these regulations are in fact good, they need to proactively vote on them.

When I go home and talk to small business owners, they wonder how these regulations actually go into place. It's faceless bureaucrats working behind desks in Washington that put them in place. Their elected officials here in Washington may be able to go home and say they're against them, but they've never had to cast a vote.

What the REINS Act does is say that the elected officials that come to Washington to represent their folks at home need to proactively put their stamp of approval or disapproval on these regulations. That way we can get this economy going again. That's what we need to be about.

I hope that we can have bipartisan support on this very important piece of legislation, the REINS Act. I urge my colleagues to vote for it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Speaker, this Republican leadership is starting to make me envious of the people of ancient Rome, because although Nero only fiddled while Rome burned, at least he did something. House Republicans, on the other hand, have brought yet another piece of legislation to this floor that will do absolutely nothing, not a thing, to address the number one issue facing our country—jobs.

Millions of Americans, through no fault of their own, cannot find work. That means millions of families are struggling to pay their bills, keep their homes, and put enough food on the table. And instead of facing this problem head on, Republicans here in Washington are turning a blind eye to the needs of our neighbors.

You would think that with all the recesses we take around here these days my Republican friends would hear from their constituents about the still struggling economy. I know that's what I hear about from the people of Massachusetts.

There are two things that we can and must do before we break for yet another holiday recess: extend the payroll tax cut and extend unemployment insurance. By refusing to bring the payroll tax cut to the floor, the Republicans are risking tax relief for 160 million Americans while protecting massive tax cuts for 300,000 people making more than \$1 million per year.

Extending and expanding the payroll tax cut would put \$1,500 into the pockets of the typical middle class family. Hundreds of thousands of jobs are at risk. Even Mitt Romney has come out in support of extending the payroll tax cut. If he can take a position, Mr. Speaker, I would hope that the House Republicans could do the same. And every dollar invested in unemployment insurance yields a return of \$1.52 in economic growth. Again, hundreds of thousands of jobs are at risk unless we act.

So instead of those simple, effective measures to improve our economy and spur job creation, we have before us yet another waste of time. It is time to put the people of this country first. I urge my colleagues to reject this rule, and I urge them to vote against the underlying bill.

Mr. NUGENT. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, the Members of the House should listen to

the voices that have been raised about the jobs crisis in our country. These voices are speaking loud and clear.

We should also listen to the quiet voices of desperation of so many Americans who will sit down this Friday night to try to pay their bills and find they have 70 cents worth of income for every dollar's worth of bills that they have. Or the Americans who retired a few years ago and thought that they were set for the rest of their lives but are now looking at the want ads every day because they think they have to get a job to continue to pay their bills in their retirement. Or the quiet, anxious voices of small business owners who are thinking that maybe this Friday will be the last Friday they keep their business open and they shut for good.

These are the voices that should be heard in this country, and they're not being heard by this majority.

Eighty-nine days ago, the President of the United States came to this Chamber and proposed four good ideas to put Americans back to work:

Build more roads and bridges and schools to put construction workers back to work—we haven't taken a vote on that;

Cut taxes of small business people that hire people in the private sector—we haven't had time to take a vote on that;

Take teachers and police officers and fire fighters who have been taken off the job because of this economic disaster at the State and local level and put them back in the classroom, put them back on the job—the majority hasn't had time to vote on that; and, finally,

Let's avoid a tax increase of \$1,000 a year or more on middle class families that's coming January 1, in 25 days, January 1—but the majority hasn't had time to vote on that.

We do have time today to vote on the Temporary Bankruptcy Judgeship Extension Act of 2011. This is entirely appropriate. Bankruptcy judges are very busy in America today because when small businesses don't have customers and customers don't have money in their pocket and people don't have jobs to pay their bills, bankruptcy judges are very, very busy.

□ 1300

It is one thing for the majority to oppose these ideas the President brought here 89 days ago—that's their prerogative and their right—but it's quite another to refuse to even put these ideas up for a vote.

So I would say, Mr. Speaker, to all of our colleagues on both sides of the aisle, let's take this moment. Let's take this bill, let's take this day to put on the floor of the House legislation that would postpone and cancel the tax increase on middle class Americans that's due in 25 days.

Let's not have it. And let's extend jobless benefits for those who are diligently trying to find a job in this difficult economy. Let's find time to do

something for the American people today.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, while this body wastes its time debating yet another bill that does nothing to create jobs or help the middle class, the American people are looking for action from us. We need to stop supporting handouts for wealthy corporations and pass an extension of the payroll tax and unemployment benefits immediately.

Despite saying for months, if not years, that tax cuts are their most important priority, the majority has failed to act on a critical extension of the payroll tax, even though it would save the average American family \$1,500 a year; 400,000 jobs will be lost if we do not pass this payroll tax extension.

The majority has also failed to act on extending unemployment insurance benefits, even though UI has kept 900,000 kids out of poverty last year. In fact, the number of Americans in poverty would have doubled last year if the unemployment insurance benefits had not been extended. And at least 200,000 jobs will be lost if the majority blocks an extension of benefits.

But instead of acting on these two important priorities, what does the Republican majority spend its time on?

We have seen them protect wasteful tax breaks for corporate jet and race horse owners, corporate subsidies for Big Agriculture, Big Oil, special tax treatment for Wall Street millionaires and billionaires, and now this misguided bill, which would undermine our regulatory system to the detriment of everything from food safety to protecting the environment without doing anything to create jobs.

Time and again, the majority has shown that they will go to any lengths to side with the wealthiest 1 percent of Americans, while turning their backs on middle class and working families.

To take one more example, this past week Democrats introduced a payroll tax cut for 160 million people, offset by raising taxes on 350,000 millionaires. But the Republican majority instead put forward a package that would slash the Federal workforce, raise Medicare premiums, curtail the social safety nets.

Instead of just having America's wealthiest families pay their fair share of taxes, the majority would rather see more lost public jobs and less support for middle class families, all in order to continue a tax cut that independent economists agree is critical for our economy.

Keep in mind the Republican mantra in recent memory has always been that tax cuts never, never need to be offset. And a year ago they said the same of a payroll tax cut. They've now changed their tune.

American families deserve better leadership than this. Right now, Congress should be doing everything in its power to create jobs, rebuild our schools and infrastructure, support our small businesses, get our economy moving again. That means passing an extension and expansion of the payroll tax cut; that means passing an extension of the unemployment insurance benefits.

Working to create jobs, that's our job. We do not have the luxury to waste America's time catering to the wealthiest interests in our society and considering ill-conceived bills such as this one.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentlewoman for yielding to me.

I am really confused. I know that many of my Republican colleagues have signed a pledge that said that never will they raise taxes on anybody, the Grover Norquist pledge. I think it's a silly idea to sign such a thing, but most have done that.

Yet it does seem that when it comes to middle class tax cuts, there's this little hesitation going on. Do we really mean cutting taxes for the middle class? Do we mean preserving tax cuts for the middle class? Or are we just talking about the wealthiest Americans?

Right now, if we don't move ahead with extending the payroll tax cut, that's what most, that's what all working families pay, their payroll taxes. You know, we hear, oh, the wealthy, that the wealthy are paying all the income taxes. Yeah, most people would like to pay income taxes. But they definitely pay payroll taxes if they're working. And they're risking 160 million Americans who would not get tax relief if we don't extend the payroll tax cut for working families.

So we need to do that before we leave. But, instead, we're talking about some way to stop any kind of regulations, further health and safety regulations, making it hard to do that.

I got a letter from someone talking about the unemployment insurance and extending those benefits. He says, this is from John, in my district: "I'm a Desert Storm Veteran and lost my job October 21, 2010. I've been drawing unemployment and am now on extended unemployment benefits. I, like millions of Americans, would rather be working 80 hours a week if possible. The job market is scary, but what's worse is the thought that we might be without that last bit of a safety net come the end of December."

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

Ms. SLAUGHTER. I would be happy to yield my colleague an additional minute.

Ms. SCHAKOWSKY. John continued: "These benefits for many is the dif-

ference between having a roof over your head and living on the streets."

He says: "I just hope you can encourage your fellow House Members to put the livelihood of millions of Americans above their petty politics."

Above the petty politics. That's what we're facing right now. If we extend unemployment insurance benefits, it's not just good for John and his family; it's not just good for the hundreds of thousands of people that would lose their unemployment benefits over 500,000 in January. It is also good for the economy. Every dollar generates a \$1.52 in economic activity in the country.

These are the things that the American people at this holiday season are worrying about, are afraid of. He calls it scary. He's afraid. And we're dealing with this pettiness right now. Let's get over it and on with the business of the people.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to my fellow Rules member, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank you for the time.

Mr. Speaker, I will apologize in advance for actually talking on topic here.

In 1791, the Second Session of Congress, John Page was a Congressman from Virginia, and he objected to his peers who wanted to leave and let the designation of postal routes be left to the President. They trusted the President, justifiably, but John Page threatened his colleagues by saying that if we do so he will move to adjourn and leave all the objects of legislation to the President's sole consideration and direction.

□ 1310

Now, the issue at hand back in 1791 was not necessarily what roads and routes should be taken, even though they did have an economic impact. The issue was who should designate those routes because every rule and regulation is, by definition, a legislative function. It is not a function of the administration that should be given to the President or the bureaucracies that are created because of it. It is a congressional function. But we do not take the time to make the details in our particular piece of legislation. When we simply ask in our legislation that a Secretary in a department shall have the power to write rules and regulations and then leave it at that, we are abrogating our responsibility.

"Country of origin" labeling sounded like a great idea. We should know if we are buying American beef. Even though it was passed before I became a Member of Congress, it was my eighth year in Congress before they were able to write the rules because Congress did not take the time and effort to go through the details of understanding what we were doing when we are passing legislation.

The States—my home State—has an administrative review committee that

reviews every rule and regulation, because these are rules and regulations that our people must obey, and if they don't, they are subject to jail and fines; and it is done by a nameless executive bureaucracy that has no accountability to the people by ballot box, nor do they have it to us. We can simply say, Well, I'm sorry about the situation. They, over there, did it, instead of taking the time to do our responsibility. I am told that we need experts over in the executive branch to do this.

The Founding Fathers designed the situation in this country so that people could make judgments for themselves. The idea of needing experts only came in the late 1800s, early 1900s when an individual, who eventually became President, wrote a book about Congress without ever having visited Congress. And in that, he claimed this balance of power, this separation of responsibilities was, in his words, "constitutional witchcraft." From that time on, we decided to abrogate legislative responsibility and simply give it to the other branch, like it's one of those simple things.

Congress has passed 16 jobs bills in the House and sent them over where the Democrat majority in the Senate has refused to deal with any of those bills. Congress is now also dealing with a variety of regulation bills which harm our ability to be economically competitive and harm our ability to actually build new jobs. And once again, the Democrat majority in the Senate has failed to do that.

This is our time and responsibility to look forward to this situation, to take our role and responsibility and pass this particular bill because, like John Page said, It is our job. It is our responsibility. We should accept that responsibility.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of my colleague if he has further speakers?

Mr. NUGENT. Yes. I have one further speaker.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman yielding.

As I sit on the House floor here, I listen to the debate, and I hear a lot of conversations that are off-topic. We are talking, on the other side of the aisle, about payroll taxes and unemployment extensions. This is really a conversation about regulations that affect American businesses' ability to compete, expand, grow, and create jobs. This REINS Act is about holding Members of Congress, elected men and women, accountable to the people who sent them here to do their work, not to empower bureaucrats in Washington to pass rules that kill jobs all across this country.

Just yesterday there was a press release in my district where one of our coal power plants has given notice that

they are going to lay off 74 people because of regulations coming from this town. And you talk a lot about the 99 percent. These are part of the 99 percent, people that are now not going to have a job because of regulations and rules that are shutting down our power sources in Wisconsin.

So you can advocate for unemployment—and I'm happy that you are doing it—because your rules and regulations and the policies that you advocate for are causing 74 people in my district to now go on unemployment. That's unacceptable. Let's advocate for pro-growth policies that are going to help American businesses, entrepreneurs, and manufacturers compete in the global competition. If we continue down this path, we are going to see more businesses go overseas, taking with them the jobs of the people who work in our districts.

So with that, I think we should all have a real conversation about the REINS Act and not about payroll tax and an unemployment extension.

Mr. NUGENT. Mr. Speaker, I have no further requests for time and am ready to close.

Ms. SLAUGHTER. I am prepared to close as well.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, the majority's prioritization of special interests over the economy goes beyond their crusade against government protections for our clean air and water, and safe food and workplaces. Not only has the majority refused so far to pass an extension of the payroll tax holiday, meaning even though we're still struggling to recover from a recession, the average American family will see a \$1,000 increase in their taxes come January.

They have also refused so far to extend unemployment benefits for the 2.1 million Americans whose benefits will run out in the coming months if Congress does not act. Congress has never allowed emergency extended benefits to expire when a jobless rate has been anywhere close to its current level of 8.6 percent.

Some Republicans like to argue that unemployment benefits give people a disincentive to work. But how are people supposed to take jobs that don't exist? Believe me, most of the people who are unemployed in our country right now would much rather get a job, but they can't find one. There are still roughly 6.5 million fewer jobs in the economy today than when the Great Recession started in 2007.

So we're supposed to let them and their children starve or face possible eviction or foreclosure? All of the money that the unemployed receive in benefits goes right back into the economy when they buy groceries, clothes, and health care. The Economic Policy Institute estimates that allowing these Federal unemployment benefits to expire would hurt consumer demand and,

thereby, cost the U.S. economy 528,000 jobs.

And the nonpartisan Congressional Budget Office has indicated that providing extended unemployment benefits is one of the most effective job creation strategies available during a period of high joblessness, stating, "Households receiving unemployment benefits tend to spend the additional benefits quickly, making this option both timely and cost-effective in spurring economic activity and employment."

The choices facing us today couldn't be any clearer. That's why, Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to require that we vote on an unemployment benefit extension and that we vote on a payroll tax holiday extension for next year before we leave for the holidays.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so that we can do the right thing for working families and the millions of Americans looking for jobs.

I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself the balance of my time.

An editorial in The Wall Street Journal stated that the REINS Act—this act that we are talking about—"would revolutionize government in practice and help restore the representative democracy the Founders envisioned." Profound words. While discussing regulatory reform, Wayne Crews of the Competitive Enterprise Institute and a contributor to Forbes magazine said that "reaffirming Congress' accountability to voters for agencies' most costly rules is a basic principle of good government." And Jonathan H. Adler, a professor of law at Case Western Reserve University School of Law, said in a congressional hearing earlier this year that the REINS Act "offers a promising mechanism for disciplining Federal regulatory agencies and enhancing congressional accountability for Federal regulation."

The REINS Act brings accountability back to the regulatory process. I would agree that some regulations are necessary. We all want clean air and clean water. There's no doubt that we need that. We need a safe and healthy environment. We need safe food if we want to protect ourselves and our families. But regulations at what cost?

Through the rulemaking process, the EPA has put a new burdensome standard on water quality in Florida alone. With the numeric nutrient rule the EPA wants to take over the State's

water system. And because they are Washington bureaucrats trying to create a D.C. solution for a Florida problem, the requirements they have set on the State of Florida are scientifically impossible to reach given our State's natural phosphorous levels in our waters. Compliance will require an investment of billions of dollars that will be passed on—to whom? The Florida taxpayers, of course, effectively resulting in a new tax levied on all Floridians. Another analysis estimates that the EPA rulemaking will impose statewide costs ranging from \$3.1 billion to \$8.4 billion per year for the next 30 years.

□ 1320

To put that in perspective, Florida's total budget is only \$64 billion annually. The REINS Act is what people in Florida need and what people in the country need if we're going to keep executive agency rulemaking in check.

We've heard about a number of issues on this House floor. We've heard about issues as they relate to unemployment and to the payroll tax holiday. These issues, though, aren't what are in front of us today. It's really about the REINS Act. It's really about getting government off the backs of people. It's about making Congress accountable for the actions of the agencies that have their authority granted through Congress. It's not the other way around.

Regulatory agencies don't enact laws for Congress. Congress enacts laws. Congress enacts and gives the authority to those who regulate, but Congress can't walk away from its authority to oversee the rules, particularly the major rules, that are promulgated by these agencies—that are costing us jobs, that are costing us billions of dollars every year.

You've heard about it from all of my colleagues who spoke on this side of the aisle. I don't know when Congress lost its way—Representative BISHOP talked about it years and years ago—but Congress did lose its way. It's so much easier to just pass a law and say, You know what? Let the regulatory folks figure out how this is going to shake out at the end.

That's not what we were elected to do. We were elected not only to pass laws but to make sure that the regulations that are proposed by those agencies that have the authority from this Congress are responsible to the people. We need to be responsible to the people who elected us, not the other way around—not responsible to bureaucrats in Washington, D.C.

It's what I hear from all the businesses in my district. It's what I hear from the people I represent. They want government to get out of the way, not to end all regulations like you hear some of my friends across the aisle say. That's not what we're talking about. We are, though, talking about a congressional review before it actually comes to pass so that we stand up as a body and say, You know what? This is just not good for America.

The Keystone pipeline is a perfect example of a jobs bill. They keep talking about the lack of jobs bills. Had the Keystone pipeline come to fruition, which the President has pushed off until 2013, there would have been 25,000 immediate jobs to create and construct that pipeline, and there would have been 100,000 new jobs within the areas of Texas and Louisiana as it relates to the processing of that oil.

The last time I looked, Canada was a friend, but we buy oil from countries that hate us. Do you know what Canada said?—that China is ready to step in and help them out. Is that really what we want, or do we want to bring jobs to America?

With all that has been said, we're to the point at which we need to talk about regulations, and that's what this bill does. It allows seven amendments that are germane to come to the floor—two Republican and five Democratic amendments.

With that, I am happy to support the rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 479 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

Sec. 4. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011.'

Sec. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to provide for the continuation of unemployment benefits, the title of which is as follows: 'Emergency Unemployment Compensation Extension Act of 2011.'

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to

yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.