

friend, and to let you know that we need to follow in the pathway of Carrie Meek that brings us all together to pass the jobs bill, a bill that could really be named after you Carrie, and as well to ensure that we protect those who have been harmed by disasters.

Thank you, Congresswoman Carrie Meek.

### BARRIERS TO JOB CREATION

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

Mr. SCALISE. Madam Speaker, this House and this Congress need to be focused on job creation. In fact, this House has passed scores of legislation out of the House over to the Senate that would create millions of American jobs. Yet the Senate refuses to take any action on them.

And what do we get from the President? We get more of the same class warfare and failed stimulus legislation. Of course, his first stimulus was such a disaster. We had a hearing last week that exposed the Solyndra scandal. That's the company that the President used as the poster child for the stimulus bill 2 years ago. And what happened? The taxpayers are on the hook right now for over \$530 million of money that was thrown away by this company that the President called a year ago the "future of this country."

Well, I don't want a future of bankruptcy, I don't want a future of scandal, and I don't want a future of the radical regulations and this class warfare that this President has given to this country. We need to create American jobs. We need to get these crazy regulations off the backs of our small business owners and create jobs in America.

### WE LOVE OUR CARRIE MEEK

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

Mr. HASTINGS of Florida. Madam Speaker, I want to thank FREDERICA WILSON for organizing the "We Love Our Carrie Meek" 1-minutes.

Carrie, I want to make sure that you understand that this is not funereal, and they've kind of made it sound that way. This is a tribute to you. And since you and I came here together, along with JIM CLYBURN, CORRINE BROWN, SANFORD BISHOP and EDDIE BERNICE JOHNSON, and BENNIE THOMPSON halfway, since he came a little bit later, I speak for them as well.

EDDIE BERNICE could not be here but asked that I recite a portion of her remarks, and that is that your career in the House was distinguished as well as that on the State level.

Almost immediately, the Congresswoman established herself as a champion of expanding federal programs to create jobs and provide initiatives for African American business owners. In a

battle that is still being fought today, Congresswoman Meek passionately opposed cuts to social welfare programs in the 1990s to prevent the financial burden from being carried on the backs of the middle class and the disadvantaged.

I have the distinction of offering EDDIE BERNICE's full remarks and the compliments and congratulations from all of our class that came here in 1992, and an even greater distinction of speaking with Carrie perhaps as much or more than most of the Members with regularity and sharing with her the number of jokes and a number of anecdotes that we have together.

I, as well as all of us, are proud of you, Carrie, and the enormous work that you have done and that you will continue to do through the foundation. And thanks again for sending Kendrick to us as well.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair would remind all Members to address their remarks through the Chair.

### PROVIDING FOR CONSIDERATION OF H.R. 2401, TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION ACT OF 2011

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 406 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 406

*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. 2401) to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes. 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 two hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. 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 re-

port 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 to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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.

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

Mr. BISHOP of Utah. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

### GENERAL LEAVE

Mr. BISHOP of Utah. I also ask unanimous consent that all Members may have 5 legislative days during which they may revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. Madam Speaker, this resolution provides for a structured rule for consideration of H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation. Fortunately, the anagram comes to TRAIN, so it's the TRAIN Act of 2011.

It makes in order 12 specific amendments out of the 14 that were received by the Rules Committee. Of the two not made in order, one was withdrawn by the sponsor and the other was not germane to the rules of the House. So what the Rules Committee has presented here is a rule that is, quite frankly, not bad. It is going to provide for an open discussion for those who are interested in this particular issue on the floor. It's a very fair rule, and it continues the record of the Rules Committee in this Congress of making as many amendments in order as possible which simply conform to the rules of the House. That's been the goal of our chairman, Mr. DREIER, and say what you will, he has produced a standard of fairness in the floor discussions that we will be having here on the floor in the past as well as in the future.

There are a lot of people that say Congress is simply dysfunctional. I admit, the system was designed to be complex, but there are a lot of people, especially those that have very little contact with this system, who simply stand up and say, why can't you just

reach across the aisle, find some compromise, and work in a bipartisan manner? To those people who are continually asking for that, you got it. It's here today in this particular bill.

The discussion draft of this bill was a bipartisan bill with a Republican and Democrat sponsor. First hearings on this bill were done back in April, so they have done their due diligence in studying the issue and working the bill to the point that they actually scrapped the first bill and reintroduced another, and once again, with bipartisan sponsorship of the bill.

□ 1250

If you look at the cosponsors on this bill, you will find Republicans and Democrats. Even in the final vote in committee, one Republican voted against it, and 29 percent of the Democrats actually voted for it. This is a process to be envied. If you want a good system, a bill that comes through in a bipartisan manner, this is it.

We all know that business is impacted by both legislation and regulation, and sometimes the blatant disregard for the cumulative negative impacts of onerous and sometimes overlapping new rules and regulations have had a disastrous effect on industry and on jobs. The current EPA appears to be driven to regulatory excess by asserting powers or controls in an area where that power and control have never been expressly delegated to the agency by Congress.

So, Madam Speaker, while I'm sure that every Member wants to have clean air and clean water and all Americans want clean air and clean water—they are vital objectives and laudable goals—however, I also think that many would agree that some of the current issues in some areas have gone beyond what Congress ever intended or ever approved, and also far beyond common sense. It has not helped the economic health of this particular country, which is why I commend the sponsors, both sides of the aisle, who recognize this problem and have come up with this legislation to fix the problem.

The underlying bill, H.R. 2401, simply says to the EPA—and potentially other agencies—stop, slow down. Take a more careful look at what you're doing or proposing to do. Take a serious and methodical look at whether or not what you're doing is duplicative of rules and regulations already on the books, whether or not they are overlapping, confusing, or contradictory rules and regulations to those already on the books. It tells them to do an analysis of alternative strategies that may be used to avoid damage to our fragile environment as well as our fragile economy.

This bill tells EPA—and others—that before certain draft regulations go into effect, it actually needs to study and consider the cumulative impacts of these new rules and regulations on energy production, on costs, on jobs, and on our Nation's global competitiveness.

Imagine that. Imagine a Federal agency seeking to institute rules and regulations which actually took the time to study the impacts of those plans and rules and regulations first. Who could oppose such a concept? It is just common sense.

There will be some that will complain, when the bill is discussed on the floor—maybe even here on the rule itself—that this goal is to dismantle the EPA and dismantle other organizations. No programs are cut by this process. Nothing is changed by this process. Some will stand up and say it's going to be a biased study. There are no limits to what the agencies can study. What this bill simply does is it makes sure that what has been ignored in the past is no longer ignored.

Are there some specific things that have to be considered? Yes, that's right, because we specifically identify what has been ignored. There is nothing in this bill that forbids any rules or regulations. It just says to the agencies, for heaven's sake, get the facts first.

This bill holds the executive branch agencies accountable and forces them to be reasonable and actually study what they're doing before they implement it.

This is a good bill, it is a very good rule, and I would urge adoption of both. I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong opposition to H.R. 2401. I do thank my colleague, Mr. BISHOP, for granting the time for the opposition.

This bill is really another attempt by the Republican leadership to demonize the Environmental Protection Agency and dismantle any government regulation intended to protect our Nation's public health and the environment.

H.R. 2401 is a waste of time and an absolute insult to the millions of Americans without jobs. Instead of crafting legislation to increase consumer confidence, instead of helping Americans hold on to their homes, instead of creating jobs for the millions of people who are unemployed, instead of relieving the burden of the middle class by making the Tax Code more fair, my friends on the other side are asking us to vote on a bill that effectively bars the EPA from finalizing and implementing two of the most significant air quality regulations in decades.

Coal plants—and let me lay my bonafides out here: I do believe in clean coal—the biggest source of unregulated mercury emissions in the United States, pump out 48 tons of emissions every year. Mercury contaminates more than 6 million acres of freshwater lakes, and I want to just take the prerogative of talking about one.

I was born in Altamonte Springs, Florida, and the nearest lake to where I was born is called Mobile. At one point, my grandfather could pass by and say to my grandmother, I'm going down to the lake and catch some fish—and be guaranteed that that was going

to be the case—and bring it back home in short time.

Now that lake is dead, and it's because of mercury contamination that that lake is dead; 46,000 miles of streams, and the stream that led into Lake Mobile is dead. And 225,000 acres of wetlands across the United States in all 50 States have some type of fish consumption advisory. Let me repeat that: all 50 States have some type of fish consumption advisory.

What's more, there are substantial economic benefits to these clean air rules that my friends are trying to block. The EPA estimates that the Mercury and Air Toxic Standards alone could generate more than 30,000 construction jobs and 9,000 long-term utility jobs, benefiting steelmakers, pipefitters, boilermakers, and others.

The economic value of air quality improvements totals \$59 billion to \$140 billion annually. That's 25,300 lives lost to toxic air pollution; over 11,000 heart attacks; more than 12,000 asthma attacks, and a significant portion of them being children; over 12,200 additional visits to the emergency rooms of our country; and hundreds of thousands of missed work days.

Overall, the EPA predicts that the monetary value of protecting Americans' health through implementing the Clean Air Act is projected to reach \$2 trillion in 2020 alone. Yet this bill ignores those benefits.

Madam Speaker, all of us know that times are tough, but this great Nation has been through tough economic times before. Environmental regulations are not the problem. The economy was really tough—and we are reminded of it often by my colleagues—under President Carter; yet the EPA at the time managed to set new national air pollution standards for airborne lead and began the phaseout of ozone-layer-destroying gases from aerosol spray products.

Nor has protecting the environment always been a partisan issue. The EPA has also had great successes under Republican Presidents. Upon founding the EPA in 1970, President Richard Nixon said the following: "We can no longer afford to consider air and water common property, free to be abused by anyone without regard to the consequences. Instead, we should begin now to treat them as scarce resources which we are no more free to contaminate than we are free to throw garbage into our neighbor's yard." That was in 1970.

One of the first tasks assigned to the EPA was to enforce the Clean Air Act, also signed by President Nixon. Since its adoption, these regulations have prevented an estimated 200,000 premature deaths.

□ 1300

During President Reagan's administration, the EPA tested elementary and secondary schools for asbestos for the first time and named protecting endangered wetlands a top priority, while

subsequently opening the new Office of Wetlands Protection.

And contrary to what many of my friends across the aisle believe, history did not end with President Reagan. President George H.W. Bush implemented the new cap-and-trade policies that successfully addressed the growing problem of acid rain.

President Bush's EPA also started the wildly successful Energy Star program, helping Americans save money through adopting energy-efficient products and practices. Since then, Energy Star has saved Americans \$17 billion on utility bills.

And on a more personal level, I grew up at times with asthma, as did a cousin of mine who still suffers the effects of it. Several of the employees that work with me now and some before have had asthma, and I genuinely believe that if we did not have the clean air standards that we have today, some of us may not be here.

In light of all these accomplishments, it's clear that H.R. 2041 is nothing more than an effort, at the behest of a big, big set of businesses, to delay and block necessary and important regulations that will keep our country safe and clean.

Republicans claim that this bill assists agencies with their economic analyses of EPA regulations. This is nothing more than a convenient, ad hoc justification.

Firstly, all major regulations already receive years of extensive cost-benefit analysis before implementation. At the same time, this bill fails to take into account any of the health and environmental benefits of the regulations in question, rendering the one-sided "cost-only" analysis set forth by this bill unnecessary.

Second, the version of the Energy and Commerce bill that was reported out suspends two major regulations that have been the subject of analysis, litigation, re-examination and rewriting for over two decades. Both the National Environmental Policy Act and Executive order 12866 signed by President Clinton require Federal agencies to perform the type of analysis required in the bill, including a comprehensive cost-benefit analysis.

By requiring unnecessary and duplicative studies, my friends on the other side could not make their desire to indefinitely block these regulations any more clear.

I've introduced an amendment that carves out an exception for rules and regulations drafted in adherence to the rules already on the books, freeing these important regulations to proceed along as scheduled.

Madam Speaker, based on what I've seen by this Republican-led Congress, it's clear to me that they obviously have no intention of using their real power to create jobs. Instead, they prefer to waste time on measures such as this bill that are designed to do one simple thing, and that is to further delay both past and future regulations.

Now, let me make it clear. I've quarreled, as have some of my colleagues, with the Environmental Protection Agency, as rightly we should when the circumstances permit, and that is, in my case, with the numeric nutrient standards that are proposed in Florida. A court has made a decision regarding the enforcement of those nutrient standards, and I believe that the communities involved are prepared to undertake to do what's necessary. And I do not believe that EPA has to involve itself at this point in time.

But when I quarrel with EPA, as I do, I don't do it in a way that demonizes the agency. I do it in a way that's looking for a solution.

One thing that I've learned in the years that I've been in this institution is that whether you have a right or left or center ideological perspective, to begin demonizing certain people suggests to me that those people probably have been successful. I don't know Lisa Jackson, the Environmental Protection Agency Cabinet official, but I do know that the way people are screaming about the work that she has done suggests that she must be having some success.

It's time to call my friends out on the other side for their shenanigans, and show the American people that they are more interested in helping big business and the wealthy than the middle class and working poor Americans who continue to struggle all across this Nation every single day.

If we start cutting the regulations that protect the environment when we are down, where will we be when we recover?

I've seen firsthand what happens in places that disregard environmental protections for the sake of business. I remember being in Seong, China with a departed colleague, Gerald Sullivan, who was chair of the Rules Committee, and holding my hand in front of my face and not being able to see it. I also had that same experience in Los Angeles, California, in the late 1950s.

This certainly is not the kind of home that we want to leave for our grandchildren. The air that we breathe, the water that we drink, the soil on which we produce our crops is the earth that we call home. And, in my view, we must keep it clean.

Let me tell you what Ronald Reagan said. If we've learned any lessons during the past few decades, perhaps the most important is that preservation of our environment is not a partisan challenge. It's common sense. Our physical health, our social happiness, and our economic well-being will be sustained only by all of us working in partnership as thoughtful, effective stewards of our natural resources. President Reagan made those remarks on signing an annual report of the Council on Environmental Quality.

Additionally, he said, in a radio address, that I'm proud of having been one of the first to recognize that States and the Federal Government have a

duty to protect our natural resources from the damaging effects of pollution that can accompany industrial development.

And more importantly, what he said is, what is conservative after all, but one who conserves, one who is committed to protecting and holding close the things by which we live? And we want to protect and conserve the land on which we live, our countrysides, our rivers and mountains, our plains and meadows and forests. This is our patrimony. This is what we leave to our children, and our great moral responsibility is to leave it to them either as we found it or better than we found it. He made those remarks at the dedication of the National Geographic Society's new headquarters building in 1984.

President George W. Bush said, our country, the United States, is the world's largest emitter of manmade greenhouse gases. We account for almost 20 percent of the world's manmade greenhouse gas emissions.

In addition, in a joint address to Congress he said, I also call on Congress to work with my administration to achieve the significant emission reductions made possible by implementing the clean energy technologies proposed in our energy plan. Our working group study has made it clear that we need to do a lot more.

Those words from two Presidents that are revered, rightly, by many of us in this institution, and certainly by my colleagues that are Republican that share the same ideological perspectives, should be sufficient to put to rest this polluting bill that we could rename the Toxic Polluting America measure.

I reserve the balance of my time.

□ 1310

Mr. BISHOP of Utah. I thank the gentleman for not demonizing me or my colleagues and our motives on this bill.

I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. I'll try to do better about that as we progress.

Madam Speaker, I yield 2 minutes to my good friend, a former member of the Rules Committee, a distinguished Member of this body from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. I thank my colleague from Florida for his eloquent words and for allowing me a moment to speak on the floor.

Madam Speaker, the TRAIN Act will repeal two critical clean air standards: the proposed Mercury and Air Toxics Standards and the final Cross-State Air Pollution Rule for power plants that burn coal and oil.

I'm from the State of Maine, and Maine is the tailpipe of the Nation for most atmospheric pollution. Nearly 130,000 people in Maine have been diagnosed with asthma. Yesterday in my office, I met with a wonderful young man named Jake, one of 28,000 children in the State of Maine who suffer from

asthma. I also met with his parents, small business owners who struggle to pay more than a thousand dollars a month in insurance and medication to keep Jake healthy.

Since 1970, the Clean Air Act has saved hundreds of thousands of lives and decreased air pollution by 60 percent. Implementing Clean Air standards will mean fewer kids and parents will struggle with life-long costs of dirty air. Improved standards will also mean reducing the amount of mercury and toxins in the air and water.

In 2000, the government determined that major coal-burning entities are the single largest source of manmade emissions of mercury in the United States. It's estimated that 6 percent of women in the U.S. of childbearing age have dangerous levels of mercury in their blood, and more than 410,000 children born each year in the United States are exposed to levels of mercury in the womb high enough to impair neurological development.

Madam Speaker, improved Clean Air Act standards will dramatically reduce atmospheric pollution and decrease dangerous healthy effects of dirty air. The TRAIN Act would delay those standards.

Companies are prepared to meet improved Clean Air Act standards by making further investments in technology that would create over a million jobs in the United States between 2011 and 2015. The TRAIN Act will delay those investments.

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

Mr. HASTINGS of Florida. I yield the gentlelady an additional 30 seconds.

Ms. PINGREE of Maine. The TRAIN Act will delay those investments and delay those jobs in this country. The TRAIN Act is bad for business, it's bad for our health, and it's bad for the State of Maine. I urge a "no" vote on the TRAIN Act and a "no" vote on delaying Clean Air Act standards.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 1366, the National Manufacturing Strategy Act of 2011.

Madam Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), whose father I had the privilege of serving with as well.

Mr. LIPINSKI. Madam Speaker, I rise today to urge my colleagues to oppose the previous question so we can bring to the floor a bipartisan bill that I reintroduced earlier this year, H.R. 1366, the National Manufacturing Strategy Act.

I know that my colleagues on both sides of the aisle recognize our near-term and long-term economic challenges and understand that the American people want us to help them get back to work. So rather than consid-

ering a bill to tie up pending environmental regulations in red tape, we should be bringing to the floor a bill we can agree will improve our competitiveness and help the private sector create good jobs.

The National Manufacturing Strategy Act requires the President to establish a bipartisan public/private manufacturing strategy board. This board would analyze the various factors that affect manufacturing, including trade, taxes, regulations, among others. It would also consider the government's programs, policies, and role in promoting manufacturing and identify goals and recommendations for Federal, State, and private sector entities to pursue in order to achieve the greatest economic opportunity for manufacturers in America.

The strategy will be reexamined every 4 years so it would reflect the implementation of prior recommendations, reassess global markets and technological development, and plot a revised strategy.

The Federal Government already has significant and broad influence on the domestic environment for manufacturing; and certain areas of the government rely greatly on a strong manufacturing base, particularly our national defense. Yet there's little to unify the multitude of programs and policies that exist throughout the government toward the common goals and agenda for promoting our domestic manufacturing base and securing our place in the world's markets.

Unfortunately, the government's promotion of manufacturing has been ad hoc. Instead, we need to be proactive and organized and efficient across our government.

Most of our competitors understand the need for a strategy. Not just China and India but also Germany, Canada, the United Kingdom, among others, have developed and implemented strategies.

This idea enjoys widespread support in America from a wide range of industrial sectors, labor, and the public. A poll conducted last year by Alliance for American Manufacturing found that 86 percent of Americans favor a national manufacturing strategy aimed at getting economic, tax, labor, and trade policies working together.

This public support already has been echoed in this Chamber where last year we passed this bill by a bipartisan vote of 379-38.

I urge my colleagues in the House to join me in calling for action on jobs and the economy. We cannot continue to sit idly as our manufacturing base and quality, well-paying jobs depart for China, India, or elsewhere.

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

Mr. HASTINGS of Florida. I yield the gentleman an additional 1 minute.

Mr. LIPINSKI. We must take action to provide a competitive and focused foundation for those who will continue to make it in America, and we can do

so now by defeating the previous question and then passing the National Manufacturing Strategy Act. The American public is waiting. They need jobs. They want us to act. So let's move forward together on something we can agree to and get Americans back to work.

Mr. BISHOP of Utah. I am pleased to yield as much time as he may consume to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my extraordinarily quick-witted, thoughtful and hardworking colleague from the Rules Committee for yielding me the time. I rise in strong support of this rule, and I take the floor to do my doggone-est to help us put in perspective why it is that we're here and what it is that we're doing.

Let me say that at the outset I think most everybody acknowledges if you're a job creator, that often government regulation and government control has undermined your potential to create new jobs and streamline your operation and make sure you can deliver a product or a service to a consumer at a lower price.

Let's just at the outset say that the notion of trying to tackle the issue of the overreach of government overregulating businesses and individuals is a challenge that needs to be addressed. That's really what came to the introduction by our colleague, Mr. SULLIVAN, and the very hard work done by Mr. WHITFIELD in the Energy and Commerce Committee of this so-called TRAIN Act, T-R-A-I-N. Don't ask me to say exactly what the acronym means. I'd have to read it to see it.

It basically means that we're going to have an entity put into place that's going to look at both the costs as well as the benefits for dealing with the issue of regulation.

Now, my friend from Fort Lauderdale regaled us in the Rules Committee when we were marking this up a couple of days ago about the time that he spent in Los Angeles. He told the story about awakening and not being able to open his eyes because the air pollution was so great in Los Angeles. He may have shared that with our colleagues here on the House floor as he did in the Rules Committee. I don't know. I haven't followed the debate that closely. I was in another meeting.

I will say that I live in Los Angeles today, and I represent the Los Angeles basin. I'm a Republican. I'm a Republican who likes to breathe clean air, and I'm a Republican who likes to drink safe water. I don't have as a goal, as a priority, the obliteration of air quality or water quality. It's not a priority for me, and I frankly don't know of any Democrat or Republican in this institution who has a desire to do that.

□ 1320

I am also one who recognizes that many of the things that have been done at the governmental level have played

a role in actually improving air quality and in playing a role in improving drinking water. I will say that there is no desire on the part of anyone to undermine the assurance that we have of clean air and safe drinking water.

Now, having said that, I think it's important for us to recognize that we are going to do everything that we can, though, to say when we see duplicative regulation. When we see the kind of burden that has been imposed, we should see action taken. But guess what? This committee is not empowered to do anything—anything at all—like what has been described or implied by my colleagues on the other side of the aisle. This committee will not be able to repeal any regulation as it relates to drinking water or clean air or any of these ideas.

I also want to say that I happen to believe that good environmental policy happens to be good business. I know there is often this sense that, if you're pro-environment, you must be anti-business, and if you're pro-business, you must be anti-environment. I see the two really going hand in hand; but it's important for us to make sure that we don't go overboard in undermining businesses' potential to address environmental needs with a regulatory burden that is as great as some have reported it to be.

To me, we have made every single amendment that complied with the rules of the House in order, so we're going to have an opportunity for a free-flowing debate with Democrats, including an amendment that the Democratic floor manager of this rule will have that has been made in order by the Rules Committee.

We're going to have an opportunity for a free-flowing debate, and I urge my colleagues to support this very commonsense measure.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

My colleague from California spoke about what our committee would do. I would urge him to understand that Congress is doing it for them with this measure.

Madam 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 gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, the day before yesterday, Frances Beinecke, the president of the Natural Resources Defense Council, said the following:

“GOP lawmakers would have us believe that the public health and environmental safeguards stemming from the Clean Air Act—a 40-year-old law signed by President Nixon—are thwarting economic growth. It's not the unregulated market in mortgage debt, the U.S. trade deficit with China, or the shaky state of European banks

that is freezing growth. It's the EPA's effort to reduce toxins from old power plants.”

Madam Speaker, millions of Americans are hurting and are in desperate need of our help. Instead of working to create jobs, my colleagues on the other side would rather consider “do nothing” bills. We've been doing nothing around here for a very long time now and have been considering “do nothing” to get our economy back on track. This “do nothing” bill does not create jobs, and it does nothing to help the struggle of middle class and working poor Americans. Let me just give some examples of the time line on the Environmental Protection Agency's laws and list them, in part, by administration.

I spoke earlier about the Clean Air Act of 1970 and the Clean Water Act that President Nixon vetoed. His veto was overridden, and then he signed it on October 18, 1972.

Under President Ford, we got the Safe Drinking Water Act, and the cancer-causing pesticides were banned. There was the Toxic Substances Control Act in 1976 under President Ford.

Under Jimmy Carter, we got the Clean Water Act of 1977. Then the EPA set a new national air pollution standard for lead, and I'm sure families with children understand that dynamic. The phaseout of chlorofluorocarbons took place in 1978.

Under President Reagan, in 1982, we got the Nuclear Waste Policy Act and the asbestos testing in schools, which was critically important throughout this Nation. We got the Chesapeake Bay pollution cleanup and a 90 percent reduction of lead in gasoline. During that same period of time, although it was not his discovery, the ozone layer problem was discovered. Then in 1986, President Reagan signed the Safe Drinking Water Act Amendments, the wetlands protection measure, and the Right-to-Know Laws for chemical safety. The Montreal Protocol was signed by the President in 1987 and standards for underground storage tanks in 1988. The sewage Ocean Dumping Ban also came about in 1988.

The Alar pesticide ban for use on foods came under President Bush. Toxic waste control came under President Bush as well as the Pollution Prevention Act. Acid rain controls were enacted as well as the Energy Star program.

Those are just a few, and I won't go into the many under President Clinton and the few that have taken place under President Obama.

With that said, there seems to be this act against the Environmental Protection Agency that suggests that they have been harmful in some way—that's another word for “demonize”—that they've been harmful, the EPA, in all of these things that have been done throughout all of this time that have helped our environment.

I just, for the life of me, don't understand why it is now we want to slow

down this process and allow for an analysis, that is already being done, to be delayed. We want to protect and conserve the land on which we live—our countryside, our rivers, our mountains, our plains, and meadows and forests. That's what Ronald Reagan said. This is our patrimony. This is what we leave to our children, and our great moral responsibility is to leave it to them either as we found it or better than we found it.

Does the bill that we're considering today leave the land better than we found it? I think you know the answer.

I urge my colleagues to vote “no” on the previous question, “no” on this rule and the underlying bill, and I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of my time.

I have to admit that in a prior existence, when I was a debate teacher in high school, one of the things we taught our kids—because every team did it—was, regardless of what the bill was that the affirmative presented, to come up with a series of problems. In every instance, the negative team would always end with this plan, whatever the plan was, resulting in a melting of the polar icecap, which would trigger a thermonuclear war. It didn't matter what the affirmative plan had. One of the negative arguments was it will melt the polar icecap and trigger a thermonuclear war.

Sometimes when we're here on the floor, I feel that we're doing those same kinds of debate cases, because it doesn't matter what the bill is; it's going to do all sorts of things. This bill simply says that, before you implement a rule or regulation, you're going to study everything, including its impact.

One of the speakers who came to the floor said there are two rules that are going to be prohibited in this bill. Now, there are two rules specified in this bill that say, before you implement them, see what they will do to the jobs and the economic cost. I mean, these rules could increase the electricity costs for everyone, rich or poor, by 3, 4, 5 percent or more. We don't know. Study it first before you do it.

There was a rule that was passed in my State dealing with particulate matter. In my area, in one of the very remote rural areas, we do testing on solid rocket motors.

□ 1330

That testing could violate this rule. No one knows for sure because the EPA didn't do that kind of analysis.

One of the private sector groups said the U.S. Environmental Protection Agency disturbingly admitted that the impact on American jobs is not a consideration in rulemaking, even while the United States continues to struggle through the recession and unacceptably high unemployment.

I'm sorry, that's one of the things that should be considered in rulemaking. Is there an executive order

that mandates it? Yeah, but it's not being done.

So what we want to do is to have a law passed that says, yeah, what is not being considered should be considered. It doesn't stop the rulemaking, it doesn't stop the rule, it doesn't roll back anything, it doesn't kill anybody, it doesn't melt the polarized cap, and it doesn't start thermonuclear war. It simply says we will have a commission, interagency, together to look at specific things; and we will consider it.

So before you come up with another rule or regulation, you know the total impact, what it does to the environment, what it does to the economy, what it does to human beings.

Studying is something we should all recognize and we should all want. This is what the bill does. It doesn't destroy anything, it doesn't cut anything, it doesn't stop anything. It just says before you proceed, you know what you're doing, and that should be common sense.

That should be what we were doing in the first place. And if it takes a piece of legislation to make sure we do what we should have been doing in the first place, let's pass this legislation, this bipartisan legislation with Republican and Democrat sponsors that was passed with Republican and Democrat votes—and actually one Republican voted against it as well.

This is a bipartisan process, this is a bipartisan bill, this is a good piece of underlying legislation, and it is an incredibly fair rule because, remember, 12 of the 14 amendments, every one that could be made in order, was made in order to be discussed and debated on this floor, which is the way we should be doing things at all times. It's a great process, and I look forward to listening to the debate on all 12 amendments as well as the base bill when we finally get to the position of debating this bill on the floor.

Mr. GINGREY of Georgia. Madam Speaker, I rise in strong support of this rule and the underlying legislation, H.R. 2401—the TRAIN Act. At a time when we have 14 million people out of work in this country, we must enact commonsense policies that will reduce the regulatory burden on job creators so that they can put people back to work.

Unfortunately, over the past 30 months under the Obama Administration, the EPA has issued a wide array of large, expensive regulations that affect virtually every facet of the U.S. economy, from homeowners, hospitals, and farmers to small businesses and manufacturers. H.R. 2401 addresses two of the more egregious of these regulations. First, the Utility MACT is designed to limit emissions of mercury, acid gases, and non-mercury metals from power plants. Next, the Transport Rule is designed to establish specific statewide caps for sulfur dioxide and nitrogen oxide emissions from power plants.

Madam Speaker, through these proposed rules, the combined cost on job creators will be \$17.8 billion annually and will jeopardize 1.4 million jobs by 2020. The Utility MACT rule alone is estimated to increase electricity costs on families by nearly 4% at a time when our economy can least afford it.

As a member of the Energy and Commerce Committee, I commend the leadership of Chairman UPTON and Energy and Power Subcommittee Chairman WHITFIELD for their leadership on this issue. H.R. 2401 would put the brakes on several of EPA's most damaging regulations until an interagency committee can fully study the cumulative effect of all proposed rules. This study would analyze both the health and social benefits as well, as the actual impact on economic competitiveness, trade, energy supplies, consumer spending, and jobs.

Madam Speaker, millions of out-of-work Americans are desperately crying out for us to help put them back to work. During these challenging economic times, we should not allow burdensome federal regulations from the EPA to add more people to the unemployment rolls. For this reason, I ask all of my colleagues to support this rule and the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 406 OFFERED BY  
MR. HASTINGS OF FLORIDA

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

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, 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. 1366) to require the President to prepare a quadrennial national manufacturing strategy, and for other purposes. 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 among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such 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. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

(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. BISHOP of Utah. 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.

Mr. HASTINGS of Florida. Madam 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.

# RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1534

# AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 3 o'clock and 34 minutes p.m.

## WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 409

*Resolved*, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of September 30, 2011, relating to a measure making continuing appropriations for the fiscal year ending September 30, 2011.

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

Mr. DREIER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend, my Rules Committee colleague, the gentleman from Worcester, Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I might consume. During consideration of the resolution, all time that is yielded is yielded for debate purposes only.

## GENERAL LEAVE

Mr. DREIER. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the matter that is before us.

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

There was no objection.

Mr. DREIER. Madam Speaker, we are dealing with extraordinarily challenging times.

The American people have been sending a message to us which is powerful and overwhelming, and it's one that I believe that both Democrats and Republicans have heard, and that is: We need to get our economy back on track. We need to make sure that we

have a climate that will create jobs so that people—many of whom I represent, sadly, and I know the Speaker faces the same thing in the Show Me State of Missouri, and my friend in his State of Massachusetts faces this. We have friends and neighbors who have lost their jobs, who have lost their homes, who have lost their businesses, and the message that has come to us overwhelmingly is that we must put into place policies that will encourage job creation and economic growth.

We obviously have a very troubled global economy. The developments that have taken place in Europe have played a big role in leading to today's huge drop in the stock market. I haven't looked at it in the last few minutes, but earlier today it was down over 400 points, and I know we have obviously difficult decisions that lie ahead for many.

We, as an institution, the United States Congress, have a responsibility to address the fiscal needs and challenges that are before us. One of those challenges and one of the factors that has played a role in the economic downturn, I believe very strongly, has been the \$14½ trillion national debt that looms before us.

Again, as you know very well, Madam Speaker, in a bipartisan way, Democrats and Republicans alike decry the \$14½ trillion national debt that we have and the fact that we have deficits going as far as the eye can see.

Now, we know that last July, just before we adjourned for the month of August, we had to deal with the question of whether or not we were going to increase the debt ceiling. We tackled that issue, and we ended up coming to a bipartisan consensus. We all knew that it was necessary for us to increase the debt ceiling because there was a responsibility to pay the bills that have been accumulated in the past.

From this side of the aisle, we complained and fought against the 82 percent increase in non-defense discretionary spending that we've seen over the past 4 years, but with that money having been spent, we recognized that the bills had to be paid.

That led us, Madam Speaker, to come to a bipartisan consensus that we would, in fact, increase the debt ceiling; but we had to tackle, in a bipartisan way, the deficit and debt issues that are looming before us.

So we put into place a joint select committee which, as we all know, is going to be charged with, by November 23, completing its work and, by December 23, having a vote in the House and the Senate. And if they're not successful, we will deal with sequestration, which will be across-the-board spending cuts that I don't think anyone wants to see happen because we want to be in a position where we make those decisions for \$1½ trillion. And as many have said, that group of Senators the other day said a \$4 trillion—excuse me—\$4 billion. What is the number? I was right, \$4 trillion. Excuse me. You

know the proverbial Everett Dirksen line: A billion here, a billion there; before long, you're talking about real money. And that was five decades ago that he said that, and we are where we are now.

So the plan, as proposed by some, Madam Speaker, would take us to as much as \$4 trillion in spending cuts, and I hope we can do that in a bipartisan way.

Now we are in a position where we—as I said yesterday during the debate on the rule on this issue, last year, for the first time since the 1974 Budget Act was put into place, we didn't have a budget that was proposed to us.

□ 1540

Hey, I'm not in the business of pointing the finger of blame. I'm just in the business of looking at the facts of where we are. So we know what has been inherited. We know, as we hear these very strong statements being made, that we've gone through a difficult 9 months. We had to deal with the continuing resolution to simply clean up the mess. The Acting Speaker is a member of the Appropriations Committee, and she knows very well the challenges that we had with those appropriations bills having to be done last year. That Appropriations Committee on which the Acting Speaker sits has to deal with this issue, and had to deal with it earlier this year. Today, Madam Speaker, we are in a similar position.

We, right now, know that the fiscal year comes to an end next week. We have some very important priorities that need to be addressed, and the one that everyone is talking about is the fact that we have seen disaster after disaster hit this Nation. We are determined to ensure that those who have suffered most over the past several weeks and months from disasters—flooding—and I remember seeing my colleague from Vermont (Mr. WELCH) yesterday. He sent out photographs of the devastation of the flooding that has taken place in Vermont. In Pennsylvania, we just had a Republican Conference at which one of our new colleagues, Mr. MARINO, was up, talking about the fact that he has been walking through mud, talking to families—to parents who have their children literally sitting on automobiles because they can't get into their homes—and asking what it is that they're going to do.

We have our fellow Americans who are suffering, and we want to ensure that the dollars necessary for the Federal Emergency Management Agency are there. The chairman of the Appropriations Committee reported to us that we're seeing about \$30 million a day being expended through the FEMA funding, and there's about \$200 million left. So we are faced with the prospect of expiration—the expiration of all of the resources that FEMA needs—by this weekend, Madam Speaker. That's the reason that we are back here today.