

example, in the first month after the European Union-South Korea free trade agreement went into effect in July, EU exports to South Korea increased 36 percent over the year before. Meanwhile, U.S. market share has been steadily declining, from 21 percent 10 years ago to 9 percent today. Colombia has implemented trade accords with its neighbors and with Canada and will soon implement an agreement with the European Union, but U.S. exporters still face an average of 9 percent in tariffs. These treaty agreements need to be passed to create jobs.

AMERICAN JOBS

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

Ms. HANABUSA. Mr. Speaker, we speak of jobs, both sides of the aisle speak of jobs. And we wonder, why is it that jobs are not being created? It is because the public has no confidence in any of us. So let's start to look seriously at the jobs bill that we have before us, and that is the President's American Jobs Act. And let's look at specifics within that. We speak generically, but let's see how it really affects people, and let's look at how it affects the one group of people that we all say we want to help: the veterans.

When I was home, we went to the opening for the U.S.VETS. It was to implement the President's plan that we will end veteran homelessness by the year 2015. But we also know an integral part of that is the jobs. Look at what his act produces: Returning Heroes tax credits of up to \$5,600 if you hire an unemployed vet; a Wounded Warriors tax credit of up to \$9,600 if you hire a disabled veteran. Isn't it time for us to just stop all of this and start to focus on what we need to do to create the jobs for the people who need it?

PROVIDING FOR CONSIDERATION OF H.R. 2681, CEMENT SECTOR REGULATORY RELIEF ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 2250, EPA REGULATORY RELIEF ACT OF 2011

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 419

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. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, 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 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 received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. 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 recommend with or without instructions.

SEC. 2. 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. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, 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 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 received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. 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 recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. NUGENT) is recognized for 1 hour.

Mr. NUGENT. Mr. 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 the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days 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. I rise today in support of House Resolution 419. The rule provides for consideration of two separate but related bills: H.R. 2250, the EPA Regulatory Relief Act of 2011; and H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

I'm proud to sponsor this rule, which provides for a modified open amendment process with a preprinting requirement. This modified open rule means that any Member, Republican or Democrat, with any germane amendment that complies with the other rules of the House will have the opportunity to debate that issue. It's another example of the Republican majority's continued commitment to openness and transparency.

Mr. Speaker, since coming to this body back in January, my priority has been to create an environment where American workers can prosper. In my home district, unemployment hovers around 13 percent. I don't doubt this sad statistic is part of the reason why Vice President BIDEN is in my district today, talking up the President's so-called American Jobs Act. Unfortunately for thousands of people looking for work in Florida's Fifth Congressional District, they can't afford for the President and Vice President to just keep talking about it. They need action, not promises. They need to actually break down the barriers that are preventing job creators and employers from creating new jobs.

Every week when I go home, I meet with small business owners to get their input on what they need to start hiring again. They always tell me the same three things: We need demand from customers; loans aren't as easy to come by as they were prior to the recession; and they have no idea what to expect from Washington, as it relates to regulation and taxes. Washington can't directly control the first two things but can absolutely take care of the third.

□ 1240

When we had a balanced budget amendment rally in Dade City, one of the small business owners stood up and said, what we need is certainty from the Federal Government. We need certainty what our taxes are going to be and what regulations are going to be. He talked about the fact that regulations change on a moment's notice based upon whims of the government. He used to plan 3 to 5 years out in regards to what their business plan was going to do, what their hiring process was going to be. Today, they're lucky if they can plan 90 days based upon the uncertainty. And so long as two-thirds of Americans in this country think that we're on the wrong track, they're going to stay hunkered down, waiting for signs that things are improving.

The American people need to believe that we're putting this economy back on track, back towards growth and prosperity, and you do that through leadership. There are currently 219 regulations under consideration. Each of those regulations separately will cost us \$100 million. That's \$21.9 billion in increased regulations on businesses today that are already crushed because they can't compete. What's more, there are 4,226 new regulations in the hopper. With that many regulations costing that much money hanging over their heads, how on Earth can we expect small businesses to actually create jobs?

Today in the House, we have the ability to address some of these executive rules, all promulgated by the EPA. Those rules, collectively known as Boiler MACT and Cement MACT, put thousands of jobs in my district in jeopardy. For the life of me, I can't understand how the Vice President can stand up in front of the citizens of Land O' Lakes, Florida, talking about job creation with a straight face when the Obama administration is actively pursuing regulations like Boiler MACT and Cement MACT.

In my district alone, the Cement MACT rule could cost up to 200 cement manufacturing jobs, not adding into the total of jobs that are going to be lost on the associated industries that move it, sell it, and use it. Additionally, numerous groups and industries have made it clear that Boiler MACT regulations will cost them hundreds of millions of dollars and will put many of their employees in the unemployment line. And yet our President ignores these regulations and keeps talking about doubling down with a second stimulus, following the failed first stimulus package. Well, here we are today, doing something to actually save jobs, not just talking about it.

One of the very first actions I took as a Member of Congress was to invite the EPA to come to my office and explain to me their finalized rules in respect to the Portland cement manufacturing that goes on in my district. They said to me, We understand it's not without challenge to the industry. I may not

have been here long, but I know Washington doublespeak when I hear, Well, it's not without additional challenges to that industry.

It's not just the Cement MACT rule that's "not without challenge," Mr. Speaker. My colleague, Mr. HASTINGS, wrote a letter to the EPA about 2 months ago, and I commend him for this letter. In it, he says, "The Boiler MACT rule alone could impose tens of billions of dollars in capital costs at thousands of facilities across the country." My colleague from Florida asked the EPA to consider a more flexible approach that "could prevent severe job losses and billions of dollars in unnecessary regulatory costs."

In Florida alone, Boiler MACT will affect at least 43 boilers, requiring \$530 million in retrofits. I just heard from the Florida sugar industry, who estimates Boiler MACT for their compliance alone will cost \$350 million and cost untold jobs. I've heard from the pulp and paper workers, who may need to lay off 87,000 workers if the Boiler MACT regulations go into place. I've heard from timber producers in my district that have recently been hurt because U.S. plywood producers have had to close because of lack of demand, and now they're fearful they may have to deal with the double whammy that Boiler MACT is going to do in regards to putting businesses out of work and close them down. It could crush one of the last outlets for their timber products.

Representative HASTINGS, in his letter to the EPA, said this: "I believe that regulations can be crafted in a balanced way that sustains both the environment and jobs." I believe these bills, H.R. 2250 and H.R. 2681, meet that balance and makes that balancing possible.

These bills don't completely eliminate clean air emissions regulations for boilers, incinerators, or cement kilns, but what they do is require the agency to create regulations that actually take achievable science into account. They give the affected industry time to comply. In sum, they make the EPA think about the American workforce, Mr. Speaker; and in an environment where job creation is key, I don't see how we can't support that.

With that, I encourage my colleagues to vote "yes" on the rule, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend, colleague, and fellow Floridian for yielding the time, and I yield myself such time as I may consume.

I rise today in opposition to the rule for H.R. 2250. In my considered opinion, both these bills are yet another effort by the Republican leadership to demonize the Environmental Protection Agency while doing nothing to create jobs for the millions of Americans who are unemployed.

My colleague Mr. NUGENT, my friend, cited the letter, the authors of same being Walter Minnick, ROBERT ADER-

HOLT, G.K. BUTTERFIELD, and JOHN SHIMKUS. I signed that letter. I was not the author of same. I do not deny any of its particulars, specifically the fact that there should be flexible approaches to address the diversity of boiler operation, sectors and fuels that could prevent severe job loss.

I would remind my friend that the measure that we were speaking of is under a stay and, therefore, the implementation of the provision will continue, I believe, to allow for the needed flexibility.

And I think you referred, and I refer again, to the portion of the joint bipartisan letter:

"As EPA turns to developing a final Boiler MACT rule"—mind you, they had not, and this was as of August of last year—"we hope you will carefully consider sustainable approaches that protect the environment and public health while fostering economic recovery and jobs within the bounds of the law."

That is precisely what I signed on to and stand by, and I don't believe that it is inconsistent with anything that my friend pointed out nor did he suggest that it would be inconsistent.

But I did also hear my friend talk about Washington doublespeak, and I distinctly heard him refer to what has now kind of perpetuated itself inside this beltway, and that is the statement that was made earlier by the distinguished Speaker of the House of Representatives that "at this moment the executive branch has 219 rules in the works that will cost our economy at least \$100 million. That means under the current Washington agenda, our economy is poised to take a hit from government of at least \$100 million."

I would ask my colleague to not follow on that pattern; otherwise, you get caught in the Washington Beltway doublespeak. The better proof allows an analysis that was done by The Washington Post, and I'm not a follower necessarily of The Washington Post Fact Checker, but so far I've not heard anyone reference them.

□ 1250

They do give people Pinocchios for when something is not the truth. It's either one Pinocchio, two or three. As it turns out, what the Washington Post said following the Speaker's comments that you have used here today, my dear friend, is that Mr. BOEHNER left the distinct impression that 219 new regulations were hanging like a sword of Damocles over the U.S. economy; but it turns out the number of potential regulations is inflated as well as the potential impact. Overall, his statement contains significant factual errors, and they give it three Pinocchios. I would urge that you not try to earn these Pinocchios that they're talking about, and let's try to get the facts straight.

Just last week, we were having this very same discussion about a bill that made it easier for power plants to emit

harmful mercury and other toxic pollutants into the air. Today, we're talking about letting industrial boilers and cement kilns do the same thing. Last week, I asked, Why is it that certain ones can follow the standards and that others can't? I still am puzzled by that. I also asked last night how it is if we don't know what the rules are going to look like that we would be smiting down, if there is such a word, the rule.

Mr. Speaker, we are judged by what we do and not by what we say. What my friends on the other side of the aisle continue to do is to call up bills that are shortsighted and undermine our ability to maintain the public health and cleanliness of our air and water. Bills like these that destroy regulations protecting the air we breathe and the water we drink have the same consequences regardless of intent. Republicans cannot close their eyes to these effects and plead good intentions.

I assure you these effects are severe. Mercury is a powerful neurotoxin that does, in fact, hinder brain development in infants and children. Other toxic metals getting a pass under these bills are arsenic, chromium and lead, which are known to cause cancer and birth defects.

Despite these facts, my friends on the other side cling to their anti-regulatory dogma with fanatical fervor. I had a friend last night say to me that some people have a conscience and brain and that others just think about dollar signs. I feel that my colleagues who have brains—I believe they have consciences—seem to place the dollar signs ahead of many of the practical matters that would benefit society.

This anti-government rhetoric has gone so far as to lead my colleagues on the other side astray of the protocols laid out by Majority Leader CANTOR. In the third protocol laid out in his Legislative Protocols for the 112th Congress, Leader CANTOR writes:

"Any bill or joint resolution authorizing discretionary appropriations shall specify the actual amount of funds being authorized. Authorizations shall not utilize terms such as 'such sums as may be necessary' or similar language that fails to specify the actual amount of funding being authorized."

Yet neither of these bills specifies how much money is authorized for the implementation of the bill, leaving the cost a mystery. Furthermore, ambiguous language in these bills will create legal uncertainty and ensure litigation. Since these bills don't specify how much they cost, neither bill contains an offset for the cost. These bills also defy Leader CANTOR's fourth protocol that we know around here as CutGo. There will be a real cost for the EPA to take on another lengthy rule creation process, but my friends on the other side have chosen to ignore this contradiction.

Mr. Speaker, these bills are not just bureaucratic infighting. They will have real and measurable effects. According to EPA's analysis, H.R. 2250 would re-

sult in a significant number of premature deaths, in a significant number of additional heart attacks, and in considerable numbers—more than 100,000—of additional asthma attacks that otherwise could have been avoided.

Likewise, H.R. 2681 would cause tens of thousands of adverse health effects, including the premature deaths that are suspected and the heart attacks and additional asthma attacks that otherwise could have been avoided.

The reason I didn't use EPA's numbers is I don't think EPA or anybody else has the prerogative to make a decision about how many people are going to die at a certain time. That said, it does not mean, however, that one person is not going to die, and it does not mean that one person is not going to have asthma. My position is one death that could be avoided is too many, and one asthma attack, if you've been around children who have them, is too many if they could be avoided.

In light of these estimates, these bills appear to be nothing more than another attempt to purge any government intervention related to keeping our air clean and environment safe.

Consider that these regulations the Republicans say are destroying jobs have not even gone into effect. The Boiler MACT rules dealing with industrial boilers, as I, along with my colleagues, wrote to EPA, are currently in an administrative state while the EPA reviews industry-provided data. That's why we sent the letter during that period of time—to ask them to please consider the diversity, as I continue to do, of boilermakers in this country.

We don't even know what those rules are going to look like; yet the Republican gut reaction is to oppose them. Or consider that the cement rules have been finalized for a year already. Most cement plants are already in compliance, and those plants that aren't are working with the EPA to get in compliance.

Mr. Speaker, based on what I've seen by the Republican-led Congress, it is clear to me that they have no intention of using their power to create jobs. I heard my colleague, my friend, say that the President's administration is not about the business with the so-called, he said, American Jobs Act. I don't know whether it would create a single job or not. We wouldn't know it until it passed, and it isn't going to be passed here in the House of Representatives because the agenda that you've laid out is an agenda that's going to attack the EPA as if they are some horror show here in this country and not an agenda, as you heard in the one minutes this morning and as you've heard from the Democratic leadership repeatedly, to bring up the Jobs Act, to put it on the floor, to let it be debated under an open rule, and to do what's necessary for us to create jobs.

The history of the Clean Air Act shows that its benefits—longer lives, healthier kids, greater workforce pro-

ductivity, and ecosystem protections—outweigh the costs by more than 30 to 1. I continue to remind my friends that the Clean Air Act was implemented under the Richard Nixon administration, and it has been in existence for 40 years. This country has experienced ups and downs during that period of time insofar as its economy is concerned, and said regulations haven't caused all of the economy to collapse.

Otherwise, during the period when Speaker Gingrich and President Clinton and those of us who were here balanced the budget, we wouldn't have been able to do it if the Clean Air Act were all that bad as you all are pointing out in your continuous attack against the EPA. In the time since the act was passed, air pollution has been reduced by more than 60 percent while the gross domestic product of the United States grew by more than 200 percent.

□ 1300

Furthermore, an EPA economic analysis found no indication that any cement plant would close due to the cement rules. At most, the analysis at this point indicated that 10 underutilized plants would go idle temporarily while waiting for economic conditions to improve.

However, if we can get the economy back on track and restore the demand for cement, then those plants will not have to go idle. We need to focus on creating customers and restoring demand. I heard that from my colleague saying that's what he hears from businesspersons, I hear that same thing, that they need demand and that they need customers. We need to make it easier for them to do that and not easier for the suppliers to pollute.

You know what's a great way to create more demand for concrete? Invest in infrastructure projects that use concrete for roads and bridges, the very same proposals called for in the President's Jobs Act.

If Republicans are so concerned with the concrete plants shutting down, you should work toward helping these businesses sell more concrete. Making it easier for them to pollute does not provide underutilized plants with new customers.

In the midst of an economy still suffering the effects of the greatest recession in a generation, the only answer my friends on the other side seem to have is to dismantle any government regulation intended to protect our Nation's public health and environment. This, Mr. Speaker, is economic extremism.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I love listening to my friend from Florida (Mr. HASTINGS).

We talk about what the EPA and what this rule and underlying legislation will do. What they fail to point out is that any Member, Democrat or Republican, as it relates to any issue that this rule and the underlying legislation will address, has the ability, has

the ability to submit an amendment, an amendment process that allows us, if the bill is flawed, in our estimation, to submit an amendment, bring it up for the House, have a debate on it, and let's talk about it.

There are ways to fix legislation, not just kill it. There are ways that we can do things as it relates to, you know, business. When we talk about the ability for these companies, I will tell you that I got a different flavor on it. Not from the EPA—of course they have their own take on what's going to work and isn't going to work—but I have heard from, actually, manufacturers that it will cost jobs. It will be to their advantage, if they want, to actually load up their stuff, put it on a truck and take it to Mexico where there are no air quality standards at all, none, and we'll breathe that air forever.

My good friend brought up about CutGo, and I really need to talk about that. First of all, H.R. 2681 and 2250 fully comply with the rules of the House, including CutGo.

The CBO cost estimates clearly state that neither of these bills affect direct spending. While it may actually force the EPA to revisit the rule, they have the staff to do it. It's not like it's a new mandate to them. It's not a new program. It meets within the majority leader's legislative protocols, including discretionary CutGo.

These bills do not authorize any new appropriations, which is one of the tests for discretionary CutGo. These bills do not create any new program or office. That's an additional test on discretionary CutGo. And rulemaking is a basic, basic function of federal agencies and particularly the EPA; so they certainly have the staff available to do it without additional costs. That's part of what their job is.

Mr. Speaker, I would like to yield 5 minutes to my friend, the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank my friend from Florida for yielding me the time.

Mr. Speaker, I hope you will challenge the American people to watch this debate that happens over the next hour, because I am down here as a freshman to tell you this is exactly what is supposed to be happening in the U.S. House of Representatives. This is what is supposed to be happening in the people's House.

I hold in my hand a committee report, the committee report from H.R. 2250. It was introduced by a freshman, a freshman from the southwestern corner of Virginia who introduced it, Mr. Speaker, because he's worried about jobs in his district.

You are not going to find—and I challenge you to find, a single Member who'd come to the floor to say my freshman colleague introduced this bill because he has any motivation other than the best interests of the men and women and families that live in his district.

Now, understand that: He introduced this bill that we are going to discuss, if

this rule passes, because he is concerned about the men, women, children, the families in his district. That's why this legislation was introduced.

He introduced this legislation over the summer, June 21. On September 8 the subcommittee that deals with this legislation had a hearing. On September 8 they had a hearing, and on September 13, a week later, reported out this bill through the regular subcommittee process. We go on, Mr. Speaker, September 20, the full committee had hearings, markups on this bill, met in open markup session, and on September 21, reported out this bill, printed this committee report online for all of America to read.

And today, if the rule proposed by my friend from Florida passes, we are going to allow any Member of this House, any Member, Republican and Democrat alike, to offer any changes that they propose, any changes. All they have to do, we gave notice of that a week ago today, all they have to do is preprint their amendment in the CONGRESSIONAL RECORD, submit it by the close of business tonight so that all Members will have a chance to read it and consider it thoughtfully. Mr. Speaker, that is how this House is supposed to run: regular order, regular process, hearings, markups, and allowing any Member to have their say.

Now, nevertheless, this rule is being challenged and urged for its defeat because folks don't like the underlying idea. That's a real frustration for me, Mr. Speaker, because I grew up in a Nation where we disagree about things from time to time and that's okay.

And what we do is we disagree about them, and then we bring them to the House floor for a vote so that America gets to decide. I am the voice for 921,000 people in Georgia, and I can only speak for them when I have a vote on the House floor. This rule provides that any amendment offered by any Member of this body gets to have the voice of my 921,000 constituents heard. This is the way it's supposed to be run.

I came, Mr. Speaker, from a press conference earlier with about half the freshman class urging the Senate to take up legislation, job-creating legislation that is just sitting there in the Senate and the Senate won't take it up. Why? Because perhaps folks don't like the ideas in their entirety. Mr. Speaker, I recommend they amend them, that they adopt our process of amending bills in a way that the people's voice gets to be heard.

We don't have to agree on everything, but we have to talk about it. We have to move that legislation forward, and we have to get the American people's work done. It's not optional, Mr. Speaker. If you didn't want to get the American people's work done you shouldn't have signed up for the job. And come next November you have a chance to go back home. But if you want to get the people's work done, this is the right process to do it.

Mr. Speaker, all jobs are not created equal. I challenge anyone to come to

the floor of the House and tell me that jobs are not going to be destroyed, manufacturing jobs, good-paying manufacturing jobs, destroyed by the implementation of this rule.

Now we are going to create some other jobs. All the moving companies who move folks out of their house in my district when their homes get foreclosed on because they lost their jobs, those jobs are going to be created. We are going to create some jobs with these rules, but not the kinds of jobs that I know we want, we collectively want.

This bill has a lot of common ground in it, Mr. Speaker, and we have an opportunity in this process to find that common ground. You know, folks tell this as the tale of Republicans out to get the EPA. Nobody loves clean air more than I do. Nobody loves clean water more than I do, and I would argue no one participates in the outdoors more than I do.

□ 1310

But the EPA asked, Mr. Speaker, that they have more time to finalize this. They said, We don't have time to get it right. Can we have more time? And you know what? The Court got involved and said, no, you cannot; no more time for you. Why, Mr. Speaker? Because the Congress said no.

Today the Congress has an opportunity to say yes, Mr. Speaker. I rise in full support of the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I guess it's my prerogative to assist in correcting a couple of measures. I kind of wish my good friend—and he is and he's going to be a real asset to our institution as an institutionalist, and I'm referring to my friend, Mr. WOODALL from Georgia. He and I enjoy quite a tete-a-tete in the Rules Committee. It's just that when he puts forward his proposition, I wish he had that same fervor with all of the closed rules we have had in the House up to this time. One-half of all of the rules we've promulgated until today have been under closed rules. This one is a modified open rule. And, yes, you're correct, Members can come down and they can go forward if yesterday they knew today that they had to meet by the close of business the amendment process.

Mr. WOODALL. Will the gentleman yield?

Mr. HASTINGS of Florida. I would be happy to yield to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank the gentleman for yielding.

Of course, the Rules Committee sent out a Dear Colleague a week ago alerting them that they had until tonight. And I say to my friend, I think you're absolutely right about the need for even more openness in this House. Of course, we only had one open rule in the last Congress.

Mr. HASTINGS of Florida. Absolutely.

Mr. WOODALL. As a part of this freshman class, we're making progress. I look forward to working with you to make even more progress. And I hope, since we can agree this one is done right, that we can come together, vote in favor of this, and then look forward to our next challenge.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Reclaiming my time, I can't agree that this one is done right, but it's a modified open rule. It's not an open rule, and you know that as well as do I.

But more important, I want to refer to my good friend from Florida as well when he said that CutGo is not applicable in this particular situation. I disagree. And I think what needs to be understood by my colleague, Mr. NUGENT, is we don't make these rules here in the House. The protocols have been established early on, and we don't say what CBO needs to do. I think all of us are in agreement that CBO is a non-partisan requirement, a group that estimates for us what would be the net cost of legislation.

In this particular measure that we are considering, H.R. 2681, CBO estimates that implementing H.R. 2681 would have a net cost of a million dollars over the next 5 years. The cost of this legislation falls within budget function 300, natural resources and environment.

Now then, I repeat the protocols enunciated and promulgated by the majority leader, Mr. CANTOR: any bill or joint resolution which authorizes the appropriation of funds for any new agency, office, program activity, or benefit shall also include language offsetting the full value of such authorization through a reduction in the authorization of current ongoing spending.

Now, that just is not happening here. And CutGo, although applicable, is being waived, I guess.

At this time, I'm very pleased to yield 3 minutes to the distinguished gentleman from Oregon, my good friend and classmate, Mr. BLUMENAUER.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this. And I must say, I could not agree more with the gentleman from Florida. If we were really concerned about creating job opportunities and strengthening the cement industry, we would be moving forward with legislation to rebuild and renew America, to deal with crumbling roads, inadequate transit systems, unsafe bridges, water and sewage systems, and treatment plants that need investment.

Sadly, what we have seen since the new majority assumed office is that, in fact, they have been involved with a series of initiatives that are actually cutting back on that initiative, that are reducing resources for infrastructure at exactly the time when America needs them the most.

Now, I'm sorry, but this bill continues an agenda that we heard articu-

lated a great deal last week, that is, not willing to take the 21-year delay from the amendments to the Clean Air Act and move forward to have something in effect by 2013. They want to delay, to start over in many of these cases.

Now remember, in 1990 we amended the Clean Air Act to require these regulations to be completed by the year 2000. But a combination of the Republican takeover of Congress and foot dragging by the Bush administration meant that we weren't ready. When they came up with something out of the Bush EPA, it was inadequate and the courts threw it out. Well, we're back trying to deal with this responsibility.

Now, concern was raised about who cares about people in their districts. Well, I would be prepared to argue that anybody ought to look at the research that's available. Look at the tens of thousands of lives that will be impacted: 6,600 lives every year will be saved by the boiler rule; 2,500 lives a year by the cement rule. Per year. This affects people in every district; massive health care savings across America from people who won't be subjected to those conditions. If you care about people that you represent, you ought to factor in these health considerations.

Now, this legislation requires EPA to toss out work that it has already done and replace it with the least burdensome standard, including the work practice standard which is only a requirement to keep the equipment in working order and regularly tuned up. If we had adopted that initiative, that philosophy 20 years ago, tens of thousands of people would have died.

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

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

Mr. BLUMENAUER. But we didn't. We moved forward. And, in fact, the record shows, despite arguments like we've heard today, there were tens of thousands of jobs created complying with the Clean Air Act requirements.

But what would they do here? You know, as my good friend from Florida pointed out, there are many in the industry who are already complying. They've seen the handwriting on the wall. They want to be good citizens, or there is pressure locally to clean up their act. This bill would reward the people who are dragging their feet and have the dirtiest plants and equipment, and penalize the people who are being responsible environmental stewards.

You know, my friends on the other side of the aisle oftentimes adopt rhetoric that the 17,000 men and women who work in EPA are the enemy of the American people, are the enemy of the economy. Well, I suggest they ought to get acquainted with some of their constituents who work for the EPA.

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

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

Mr. BLUMENAUER. And work to make sure that they have the resources to do their jobs right, and to stop making them political footballs.

I've had my disagreements over the years with EPA, but I respect the men and women who work there. I understand the pressures they're under, and Congress is not helping them do their job any better. And this would be a dramatic step backward. Mercifully, it won't go any place in the Senate, and the President would veto it anyway. But, we should understand what is going on.

Mr. NUGENT. Mr. Speaker, I would just like to remind my colleagues that this does not violate CutGo. Clearly on its face, as he said, making my point, this does not authorize any new spending, not a penny.

With that, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS). (Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I'm pleased to come down here to thank the Rules Committee for the modified open rule and a chance for us to go through this bill bit by bit, amendment by amendment, to address concerns that my friends on the other side of the aisle might have about this.

□ 1320

I am following my good friend from Oregon, and I appreciate his passion. But I come to the floor to talk about the jobs. And the EPA, whom I've also rallied against numerous times, produced the Cross-State Air Pollution Rule in July. The result of that is two power plants in Illinois are closing. One is 369 megawatts, and the other one is 302 megawatts. That means 671 megawatts of basal power is going to be offline. If you understand the law of supply and demand—less supply plus similar demand or higher demand equals higher costs—then it's very easy to project higher energy costs for everybody across this country because of that rule.

Secondly, the job losses. In the first plant, 14 management and 39 union-represented employees will lose their jobs. That's at plant number one. At plant number two, eight management and 29 union-represented employees will lose their jobs.

We do this and we come down and we have these debates on the role of the EPA so that we can have the debate about jobs in this economy. This is not the time—in fact, I have asked the President, the best thing he could do for his own reelection and for the country is stop doing things. Put a hold on new rules and new regulations and let the economy recover. Let's put people back to work. Let's make these power plants that are employing these folks still have jobs. Let's make sure the tax base in these small rural communities that these power plants pay taxes to still have that property tax revenue going.

Boiler MACT is another example of what we did last week, and these effects on job losses are real. This announcement was done today. Boiler MACT will affect a lot of municipal power plants who have a contractual obligation with their citizens saying we will locally produce power. And so they are breaking contract with their citizens. The Cement MACT is another example of when we talk about jobs and infrastructure. The result of these cement plants closing is that we will import cement.

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

Mr. NUGENT. I yield the gentleman 30 additional seconds.

Mr. SHIMKUS. I would just ask my friends, does that make sense that we are now going to import cement at higher cost from countries who aren't complying with these rules and regulations? I think not. This debate is about jobs and the economy. Now is not the time to ratchet down these rules so we make it more difficult to create jobs, keep jobs, and grow this economy.

Mr. HASTINGS of Florida. Mr. Speaker, I would just remind my friend that when plants like he referenced are closed, it doesn't mean that the demand is not still there. And what happens is it means that new plants are being built. And guess what happens when you build new plants? You use steel, you use cement, and you have jobs. So I'm not certain that analogy that he put forward holds in that case.

I would tell my friend from Florida to know that I have no further speakers at this time and I am prepared to close.

Mr. NUGENT. I thank my friend from Florida for that.

Mr. Speaker, the last Member that spoke talked about closing coal-fired electric plants. It is amazing that the President just last month put in abeyance an EPA rule as it related to just that issue. He put in abeyance that rule because he said that it was going to cost jobs at a time when we could least afford closing plants and cutting jobs. The President gets it, and I applaud him for doing just that.

I reserve the balance of my time.

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

Mr. NUGENT and I are from Florida. The largest supplier of energy—electricity, specifically—in Florida is a company known to him and me as Florida Power and Light. Mr. NUGENT probably does not remember that I ran for the Public Service Commission in the State of Florida to deal with regulatory matters and to address the ongoing concerns. And much of what we talked about at that time, in addition to two lawsuits that I had filed in my community, was about coal-fired electric generating plants.

Florida Power and Light, being an extremely responsible energy producer, has taken upon itself to eliminate much of their coal-fired activity. And

in spite of all these regulations and their alleged uncertainty and everything having to do with it, they now are using gas-fired facilities and working on trying to reduce emissions, period, and have no problems. The largest electricity producer in this country is Exelon, which has no power. They come from Mr. SHIMKUS', the gentleman that just spoke, territory in Illinois. That's where they're based, and they have no concerns with complying with these regulatory matters.

Now, one thing I heard about cement being imported, the reason for that is the low demand. And if my Governor and some of these other Governors would get off the dime and go about the business, and if this Congress was to go about the business of implementing the infrastructure provisions that are offered in the Jobs Act of the President, then we would use more cement, and we wouldn't have to get any from anywhere as we have not in the past when the economy has that kind of demand.

For people who believe in the Republican anti-government, "the EPA is the evildoer of the world" doctrine found in many of these bills—and I might add we will see more of this according to the majority leader—we are going to demonize EPA, those 17,000 employees. I found it ironic that someone commented a minute ago that they have enough staff in order to be able to do it, while at the same time every time we look to cut some agency, we are cutting EPA, and many people in the Republican Party have used as their mantra the elimination of the EPA.

So I don't know that they could offer any kind of regulation on the Clean Air Act or anything else. But I offer to them these suggestions: If you don't like regulation, don't drive on roads; don't fly; don't go to national parks; don't worry about listeria in cantaloupe and lettuce; don't worry about mercury, chrome, cadmium, and other toxins that pollute the air and cause our children to have asthma. Just don't do that. Don't have any regulations. Just go about your business. And we would then find ourselves in mass confusion with people with premature deaths that are unnecessary.

We can do this. We can have a conscience and a brain and we can make money in this country. We've done it in the past; we will do it in the future.

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

Mr. NUGENT. Mr. Speaker, once again I want to thank my colleague from Florida for his eloquent words.

It is about America getting back on track. It is about America worrying about regulations that are going to kill jobs. As I mentioned earlier, the President is even concerned that overregulation by the EPA would do just that, kill jobs when we can least afford it.

□ 1330

If you look at this act, what we're talking about doing is not eliminating

anything. It's about saying 15 months to get it together at the EPA, to look at it, and let's not kill jobs in America. It gives 5 years, then, for those businesses that I've met with that are more than willing to do their fair share to keep the air that we breathe and the water that we drink clean and pure.

I live in Florida. Mr. HASTINGS lives in Florida. We depend upon clean air and water in Florida just like many other States. So, Mr. Speaker, I support this rule and encourage my colleagues to support it as well.

Despite what President Obama and Vice President BIDEN would have you think—giving a bus tour and the Vice President's being in Land O' Lakes, Florida—speeches don't create jobs. For the President, it may be a joke to say shovel-ready jobs, you know, weren't as shovel ready as we thought with the first stimulus package, but the American people footed that bill, and it's no joke to them.

Mr. President and Mr. Vice President need to recognize the reality that H.R. 2250 and H.R. 2681 recognize that jobs are not created in a vacuum, that government creates an environment in which job creators operate. Regulations like Boiler MACT and Cement MACT do nothing to encourage industry to invest in America. Instead, they force employers to shut their doors, move jobs overseas or just across the border to Mexico. They force us to lose our manufacturing base and import cement from countries like China.

I'm proud to play a part in rolling back this type of regulation. I encourage my colleagues to join me in this effort by supporting H. Res. 419 and the underlying bills, H.R. 2250 and H.R. 2681.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. NUGENT. 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.

CONTINUING APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2608.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to the unanimous consent agreement of yesterday, I call