

S. 1958. An act to extend the National Flood Insurance Program until May 31, 2012.

PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. WEBSTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 487 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 487

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. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, 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 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 report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill 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 Florida is recognized for 1 hour.

Mr. WEBSTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from Colorado (Mr. POLIS), 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. WEBSTER. Madam 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. WEBSTER. Madam Speaker, I rise today in support of the rule and the underlying bill. House Resolution 487 provides for a structured rule for consideration of House Resolution 1633, the Farm Dust Regulation Prevention Act.

The rule makes 8 of the 11 amendments submitted to the Rules Committee in order, a majority of which are Democrat amendments, in order to have robust debate here on the floor of the House of Representatives.

H.R. 1633 passed out of the Energy and Commerce Committee with bipartisan support after proceeding through the committee process under regular order. A subcommittee hearing was followed by a subcommittee markup, and then a markup was held by the full committee, which passed the bill with bipartisan support.

The Farm Dust Regulation Prevention Act is quite simple. It seeks regulatory certainty in the short term and a regulatory, commonsense approach in the long term. Specifically, this legislation does two things. First, in the short term, the Farm Dust Regulation Prevention Act would temporarily prohibit the EPA from issuing a new coarse particulate matter standard for 1 year.

H.R. 1633 does not prohibit EPA from issuing a revised standard for coarse particulate matter after this 1-year timeout. Coarse particulate matter, or PM10, is also known by a much more common name: dust.

Second, in the longer term, this legislation would limit future EPA regulation of nuisance dust to areas where it is not already regulated by State or local government, where it causes substantial adverse effects, and where the benefits of the EPA stepping in would outweigh the costs.

Nuisance dust is particulate matter that is generated primarily from natural sources, dirt roads, earth moving, or other common farm activities. Nuisance dust is pieces of plants plowed up during tilling, soil disturbed by the movement of livestock or bits of rock kicked up by a truck driving down a dirt road. The definition specifically precludes combustion emissions, coal combustion residues and radioactive particulate matter from mining operations.

H.R. 1633 does not eliminate EPA's authority to step in if local or State regulatory efforts fall short of what is needed to adequately protect the public. The bill would allow EPA to step in and regulate "nuisance dust" in areas where States and localities do not do

so, if it substantially hurts the public health, and if benefits of applying these standards outweigh the cost.

□ 0920

So in summary, if it isn't regulated, it would harm public health, and the benefit of regulation would outweigh the cost of regulation. The EPA could, and presumably would, fill that void.

While EPA Administrator Jackson has announced that she does not plan on changing the standard, EPA has been actively considering a revised, more costly and stringent standard as part of the review process. The same review process increased the stringency of that standard in 1996 and most recently in 2006. Prior to the administrator's announcement, EPA's staff had recommended further changes to the standard.

Despite Administrator Jackson's statement, there is nothing currently on the books preventing the EPA from adopting a stricter regulation. Further, as we all know, the environmental lobby could force a more stringent standard regardless of what the EPA announces, finalizes, or proposes through legal action.

This legislation provides ironclad certainty to farmers, ranchers, small business owners that farm dust would stay off the EPA's to-do list for at least another year. For that very reason, farming, agricultural and rural small business organizations of all shapes and sizes have put their steadfast support behind this legislation. To them, certainty means the ability to grow their business by creating jobs in their communities, feeding every American, and providing for their families through the sale of the fruits of their labors.

The agricultural community and, more largely, rural America is critical to economic growth and job creation. The agricultural sector alone supports 1.8 million American jobs and represents 5 percent of our Nation's total exports. The Obama administration has acknowledged the importance of economic health for rural America. In fact, the President's White House Rural Council has claimed that rural America is "central to the economic health and prosperity of our Nation."

Unfortunately, it is often rural communities, particularly those in the western United States, that suffer from the highest rates of unemployment and are least equipped to bear the burden of additional costs stemming from Washington.

So once again, Madam Speaker, I rise in support of this rule and the underlying legislation. The relevant committee of jurisdiction has worked to provide us with a bipartisan bill which, at its core, quite simply offers regulatory certainty in the short term and commonsense regularity relief in the long.

This bill is not a cure-all, but is a step in the right direction. While a small step, it is a commonsense approach to fixing what's wrong in Washington, D.C. It's a step that many in

Congress on both sides of the aisle seem ready and willing to take.

As I mentioned, the Farm Dust Regulation Prevention Act passed out of subcommittee and full committee with bipartisan support. The bill has over 100 bipartisan cosponsors. Companion legislation in the Senate also enjoys that same bipartisan support.

Let's ensure rural businesses and American farmers that at least for 1 more year they can cross dust off the list of the potential bureaucratic burdens passed down from Washington.

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

Mr. POLIS. Madam Speaker, I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I rise today in opposition to the rule and the underlying bill.

Today, there are very serious challenges facing our country, facing rural America, suburban America, and urban America. In the next 3 weeks, Congress has to address the payroll tax cut issue, or there will be an enormous tax increase, over \$1,000 per family, to the American middle class. This Congress has to pass a budget or the government will shut down. This Congress has to address a number of other expiring tax provisions—all in the next 3 weeks.

This is real work to do, real work that needs to be done for the American middle class, the American people, for farmers, for businessmen and -women, and for workers.

And yet today, this body is not taking on real work. Instead, we're addressing an illusory problem, a fake problem rather than a real one. My colleague from Florida mentioned the specter of someone somehow regulating the dust kicked up by a truck on a dirt road. I don't think there's a single Member of this body that wants to regulate the dust that's kicked up by a truck on a dirt road. The EPA certainly doesn't. The farmers don't want us to. Members of Congress don't want us to.

So what are we exactly talking about? Instead of addressing the serious problems that are facing the Nation, we're talking about a bill that satisfies talking points, has a few unintended consequences, which I'll get into in my remarks, and ignores the real problems of today.

This bill before us claims to block the EPA from implementing a rule that doesn't even exist, hasn't even been thought up, and is opposed by the head of the EPA. That's right. We've got millions of unemployed Americans, a massive tax increase looming, and yet here we have a bill to stop the EPA from doing something it's not doing.

EPA Administrator Lisa Jackson just told Congress specifically that they have no intention of doing a rule in this area because the existing rules passed during the Reagan administration are adequate.

So instead of worrying about a non-existent farm dust rule, maybe we should pass a regulatory ban on blowing smoke, because that's exactly what Congress is doing with this bill here today.

Not only does this bill seek to address a non-existent problem, Madam Speaker, but it also has a number of unintended consequences. The new loopholes it creates in the mining and other sectors will have severe public health and environmental impacts. Now, there will be a number of amendments that have been allowed under this rule that will go into a discussion and tailoring of this bill to hopefully roll back some of these unintended consequences, but what this bill does, rather than solve a problem, is create a slew of new problems which we would need to address.

This bill is chock full of exemptions for major industries. It allows for more arsenic and lead pollution from industrial sources, with dire consequences for health and well-being. It disables the ambient air quality standards within the Air Quality Act. This bill won't help farmers at all because it won't fend off any onerous regulation because none of the regulations that are being contemplated are even being thought of by anybody in the EPA.

Interestingly, what this bill will do is it allows the release of more pollution from industrial sources like open-pit mining, coal-processing facilities, cement kilns and smelters. This has nothing to do with the family farms that you're going to hear people talk about debating this bill.

That's why this bill's main supporters are not farmers, but they're the mining industry. In fact, this bill has gained vocal support from the National Mining Association; and one of the biggest groups representing farmers, the National Farmers Union, has said this bill isn't necessary. In fact, in October, National Farmers Union president Roger Jackson said, "The National Farmers Union is pleased to see EPA Administrator Jackson provide final clarification for Members of Congress and the agriculture community that the agency does not have plans to regulate farm dust."

He went on, "Lately, there has been considerable anxiety within the farming community that EPA is going to regulate dust on farms. We hope this action finally puts to rest the misinformation regarding dust regulation and eases the minds of farmers and ranchers across the country."

Yet, instead of letting sleeping dogs lie and quelling the ridiculous rumors that somebody plans to regulate dust kicked up from cars on dirt roads, here we have Members of this body reinvigorating and giving credibility to these false rumors, scaring the hardworking farmers of America into thinking somehow government is about to regulate something that no one is purporting to regulate.

Furthermore, during committee consideration of this bill, an amendment

by Congressman BUTTERFIELD would have explicitly limited this bill to agriculture, which is what the proponents of this bill purport it to be about. And yet the majority voted down that amendment, sending a clear message that this bill is not about farmers.

Let us see this bill for what it really is—another effort to attack the EPA and prevent the EPA from implementing the Clean Air Act under its commonsense rules to protect our public health.

It's time to get serious with the business of the House, to take on the real tasks that we have of expanding the payroll tax cut, passing a budget, and stop making up problems and making up solutions that cause more problems than they purport to solve. We've already got enough problems that this Congress and this country need to work on. Let's get to work.

I reserve the balance of my time.

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

Mr. POLIS. Madam Speaker, it is my honor to yield 3 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. I thank the gentleman for yielding time.

Madam Speaker, the bill before us today is entitled the Farm Dust Regulation Prevention Act of 2011.

I want to make something very clear. If we were here today voting on a bill that actually stopped farm dust from being regulated by the EPA, I would support it. Agriculture is hugely important to my home State of Wisconsin, and the thought of regulating farm dust on a Federal level is simply ridiculous. However, there is no attempt by the EPA to regulate farm dust. Administrator Lisa Jackson said that the EPA has no intention of regulating farm dust.

□ 0930

The Republican Senate sponsor of this bill, former Secretary of Agriculture MIKE JOHANNIS, states that the EPA has provided "unequivocal assurance that it won't attempt to regulate farm dust."

This legislation is not about farm dust. Instead, this bill creates a new category of pollution called "nuisance dust" and exempts it from the Clean Air Act entirely. To be clear, "nuisance dust" is a made-up term that has no basis in established science.

Under this legislation, particulate pollution from open-pit mines, mine processing plants, sand mines, lead smelters, and cement kilns would be exempt from the Clean Air Act. These facilities emit coarse and fine particulates—arsenic, lead, mercury, and other toxic substances.

Now, I don't know about you, Madam Speaker, but this doesn't sound like "farm dust" to me.

I agree with my colleague Congressman JOHN DINGELL, who said, "This is a solution in search of a problem." During the Energy and Commerce Committee markup, the majority

showed us that this bill isn't about farm dust at all; it's about hacking another hole in the Clean Air Act and about stoking the fears of rural Americans and farmers for cheap political points.

Americans are so sick of these political games. They want jobs, not fear mongering and baseless accusations. We shouldn't be wasting our time and theirs dealing with myths. We have real problems that need real solutions.

We should be extending the payroll tax relief for hardworking American families. We should be passing a transportation bill that puts Americans back to work rebuilding our crumbling roads and bridges. We should be extending unemployment insurance to millions of Americans who are still out, pounding the pavement day in and day out, trying to find work.

Republicans need to stop stoking the fears of farmers and rural Americans and get back to fixing the real crisis facing our country—the jobs crisis.

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

Mr. POLIS. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to require that we vote on an unemployment benefit extension and that we vote on a payroll tax holiday extension for next year before we leave for the holidays.

I would like to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my friend and colleague for yielding.

Madam Speaker, I rise today to urge my colleagues to extend unemployment benefits now.

It is amazing that we have time to debate this farm dust bill. We are polluting our air, but we don't have time to create jobs or to help people who have lost their jobs through no fault of their own. It is our moral obligation to give just a little bit of hope, a little bit of justice to help people survive these cold, difficult, hard times.

During this holiday season, I ask each and every one of you to take a deep, hard look within and ask yourselves: Is this how I wish to treat my mother? my father? my sister? my brother? my son? my daughter or my neighbor?

The unemployed lost their jobs through no fault of their own. They don't want handouts. They want jobs. This small amount of money is just enough to squeeze by while they continue to look for jobs. Help them. Please help them keep roofs over their heads, shoes on their feet, food on their tables, and heat in their homes.

Madam Speaker, this is the least we can do. It is the right thing to do. It is the fair thing to do. Fairness cannot wait. Give them just a little bit of hope in the name of those elected to serve them. Let's come together. Let's put politics aside and just get it done. Vote "no" on this rule, and extend unemployment insurance here and now.

Mr. WEBSTER. Madam Speaker, I yield myself such time as I may consume.

That's a good reason as to why we should pass this bill. The real cure for unemployment is employment. If we can remove the uncertainty from the marketplace for farmers and for those in other places in this country through limited regulation—good regulation but not by overburdening the businesses and the job creators of this country—then we will have the opportunity to solve that problem, to solve it by hiring people.

I am hoping that this bill will pass. In knowing that it probably will pass in the House, I hope the Senate takes it up and the President signs it, and I hope we end up with less regulation in an area where many, many jobs could be created and where certainty could be provided if we would only pass this bill.

I reserve the balance of my time.

Mr. POLIS. I don't see how this bill would create any jobs, because it's purporting to undo regulations that don't exist and that aren't going to exist. So, obviously, if somebody at the EPA were to get the idea to start regulating farm dust, we would probably act to undo those regulations, which might help create jobs. Yet nobody is doing that, so this bill does absolutely nothing.

I would like to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. There is a lot of mourning among the comedians of this country that Herman Cain has left the field, but I think the Republican caucus is now stepping in to give the comedians things to laugh at.

This bill is about dust. This is dust to throw in the American people's eyes so they won't see what's going on here. We're going home a day early. Why aren't we staying here tomorrow? Because they haven't got anything to do or they can't figure out how to do it. I don't know which it is.

In fact, we have never put out a jobs bill from this House now in 11 months of the Republican majority, who said jobs are the issue. Boy, we've got to get jobs. They haven't produced a single job in 11 months off this floor. They're letting the unemployment extension expire. Beginning in January, 5 million Americans are not going to get benefits from the unemployment insurance because the Republicans have to throw dust in the people's eyes so that they won't see. But they know. They're not stupid.

The American people can see through this game. They know we're going home because you can't get your act together. You run this House and you can't put a bill out here to extend unemployment benefits. Now, I understand that the unemployment bill is an issue, but you can't extend the payroll.

Madam Speaker, what's wrong with the Republicans that they can't get their act together to somehow extend the reduction in the payroll tax?

That's going to take a thousand bucks out of every middle class per-

son's pocket in the next year—but what are we talking about today? Dust. Ah, dust. I can just see it on Jon Stewart—or maybe it will be Sean Hannity. I don't know which it will be.

The fact is that this Congress has been a do-nothing Congress on the issues that affect the American people. The middle class is getting clobbered, and you're talking about dust.

It reminds me of this business we went through, this manufactured stuff, about raising the debt limit. It was such an awful thing, so we created this committee that was going to cut \$1.2 trillion. That was magician talk. You don't want to talk about raising the debt limit. You want to talk about this committee that did nothing because the six members on the Republican side who came to that committee said from the very start that they would not raise taxes, that they would not look at revenue.

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

Mr. POLIS. I yield the gentleman an additional 30 seconds.

□ 0940

Mr. MCDERMOTT. In my view, if you're serious, you sit down and you talk about everything. The last 3 weeks of that committee, they never even met. That was dust in people's eyes.

Get them to talk about a commission. We had all this talk about a commission. Are they going to do this, are they going to do that, what's going to happen? In fact, everybody around here knew it was a lot of baloney from the start, and that's what this is today, more baloney.

You know, Yogi Berra, who is one of my favorite philosophers, said, this is *deja vu* all over again. We did this last Christmas, we didn't extend the benefits, and we're doing it again this year.

Mr. WEBSTER. Madam Speaker, I yield myself such time as I may consume.

Yes, Yogi Berra, it ain't over till it's over. We've got time.

We have a plan. House Republicans have a plan. It's down here on this card. We have a plan, a jobs plan. Twenty-five of those issues have already passed this House and they went to the Senate. And where are they? I don't know. They're there. They're ready to be acted on.

Let me just give one. The union labor in this country rallied around that bill a couple of days ago and said we want to build the pipeline. It's tens of thousands of jobs. Many of the Democrats opposed that, and yes, it's thousands and thousands of jobs. Is it a job creator? Absolutely.

Do we have a plan? We have a plan, and that's just one of the 25 that's waiting in the Senate for action. We need to have action there. We have a plan. We have job plans, this is it, and we're ready to move this country forward, get our economy rolling again, creating jobs, and making this economy better for everyone in America.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, we have no remaining speakers on our side. I would like to inquire if the gentleman has any remaining speakers.

Mr. WEBSTER. I am prepared to close.

Mr. POLIS. I yield myself such time as I may consume, Madam Speaker.

We get it and the American people get it. Just because you repeat something enough times doesn't make it true.

What businesses need in this country is long-term certainty and predictability, a fair playing field with clear rules for all. And yet here we are with a bill like this creating more uncertainty by introducing ambiguously drafted bills and new ambiguously drafted standards that skew the rules in favor of some and against others, making it tougher and tougher for small business, entrepreneurs, and innovators who don't have teams of lobbyists in Washington, D.C., monitoring every bit of legislation to get by and succeed.

The American people understand it wasn't the Environmental Protection Agency that caused this recession, that caused this economic mess we're in, and the economic recovery won't come through creating loopholes in public health laws.

If we are serious about helping farmers, there's plenty that we could be doing. But increasing industrial pollution for mining and coal processing isn't something that farmers in my district and across Colorado have asked me to do.

Farmers are concerned about many real-life challenges. Farmers are concerned that their kids can't get financing to go carry on the family business because the startup and liability costs are too high. Farmers are concerned about the estate tax.

Farmers are concerned about getting sued by Monsanto because their crops were contaminated by Roundup Ready pollen. Farmers are concerned about rapid swings in commodity prices because of instability in the market. Political brinkmanship and gridlock create market instability, and bills that create corporate handouts, loopholes, and more uncertainty like this one aren't helping farmers, they're hurting farmers, and they aren't helping the rest of the country either.

In addition to ignoring the needs of farmers, this bill ignores our national debt. In fact, it ignores our own House protocols to pay for things. Oddly enough, not regulating this non-existent regulation isn't cheap. Because of the bureaucratic changes that would ensue from this bill, the non-partisan CBO has scored this bill as costing the Federal Government \$10 million. So this bill violates the Republican rule for discretionary authorizations.

In fact, while the majority has pledged to adhere to spending limits on all indirect spending bills by including

offsetting language, this bill includes no offsetting language, which is particularly grating because this bill doesn't actually do anything besides create more Federal bureaucrats.

Madam Speaker, with only one committee hearing and a quick vote, this bill shouldn't be before us on the floor today. We have real work to do. We need a good-faith effort to get to the bottom of the real issues that affect this country and caused the recession, and help the middle class. This bill is not aimed at doing anything for farmers. It's not even aimed at a real problem.

I urge my colleagues to follow the House CutGo guidelines, to table this bill and focus on the real problems we should be working on. We all must stop pretending the answer to this country's problems is giving handouts and loopholes to those with the most lobbyists here in Washington, D.C.

As I mentioned earlier, Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule.

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 Colorado?

There was no objection.

Mr. POLIS. Madam Speaker, I urge my colleagues to vote "no" and defeat the previous question so that we can do the right thing for working families and the millions of people looking for a job and vote on an unemployment extension and a payroll tax holiday and extension before we leave for next year, 3 more weeks.

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

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

This bill provides for ample open debate, allowing for the colleagues here on this floor and across the aisle, both on our side and theirs, to offer amendments to this bill.

The underlying bill isn't particularly controversial. As a matter of fact, it's rather simple. This bill has no effect on direct spending. It does not appropriate any money or have any new appropriation in it at all. This bill creates no new programs. It has nothing to do with CutGo or pay-as-you-go, either way. It doesn't do either.

In the end, I can't imagine 186 different groups being so stirred up in this country to write and to call and to ask for this legislation, groups like the National Corn Growers Association and the Sheep Growers Association and the Association of Cooperatives and the Farm Bureaus across this country and the American Soybean Association and many, many more getting stirred up about nothing?

No, that argument is heifer dust. It is. This argument is real, it's true, and it's right, and it's absolutely just like

what's happening in EPA in many other areas.

The underlying bill, as I said, is quite simple. It provides much-needed certainty in the short term for agricultural, ranching, and rural businesses by hitting pause on the EPA's runaway regulatory machine for just one measure for just 1 year.

H.R. 1633 simply says that now is not the time to thrust yet another burdensome, costly and, in EPA's own judgment, unnecessary regulation on rural job creators. In the long term, it offers regulatory relief to rural America by acknowledging that States and local communities are better suited to manage dust in their own communities and thus grant them the flexibility to do so.

It's particularly offensive because it's like the old cookie-cutter approach that Washington uses, the same program that's good for Ocoee, Florida, is good for Butte, Montana, and inner-city New York, and it's wrong. We ought to get rid of the cookie-cutter approach and go back to local communities and State governments and let them solve their problems, as opposed to one-size-fits-all Federal Government.

Given the state of the economy, given the EPA administrator's own comments about the lack of need to further regulate farm dust, given the dearth of scientific evidence that says that this is a danger, there is some sort of danger from farm dust, this legislation represents a commonsense effort to create an environment for job creation that all Members should support. It gives farmers, ranchers, and other rural small business owners the certainty, at least when it comes to dust, that costly regulations would not shackle their ability to focus on growing their business, providing for their families, and creating much needed jobs in rural America.

I ask my colleagues to join me in voting in favor of the rule and passage of the underlying bill.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 487 OFFERED BY MR. POLIS

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

SEC. 2. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: "Payroll Tax Holiday Extension Act of 2011."

SEC. 3. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to provide for the continuation of unemployment benefits, the title of which is as follows: "Emergency Unemployment Compensation Extension Act of 2011."

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

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

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

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

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

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

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

Mr. POLIS. 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 9 o'clock and 50 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1030

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 10 o'clock and 30 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on H. Res. 487, by the yeas and nays; adoption of H. Res 487, if ordered; motion to suspend the rules on H.R. 1254, de novo; approval of the Journal, de novo.

The first electronic vote will be conducted as a 15-minute vote. The remainder of the votes in this series will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011.

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 19, as follows:

[Roll No. 902]

YEAS—241

Adams	Goodlatte	Nunnelee
Aderholt	Gosar	Olson
Akin	Gowdy	Paulsen
Alexander	Granger	Pearce
Amash	Graves (GA)	Pence
Amodei	Graves (MO)	Peterson
Austria	Griffin (AR)	Petri
Bachus	Griffith (VA)	Pitts
Barletta	Grimm	Platts
Bartlett	Guinta	Poe (TX)
Barton (TX)	Guthrie	Pompeo
Bass (NH)	Hall	Posey
Benishek	Hanna	Price (GA)
Berg	Harper	Quayle
Biggert	Harris	Reed
Bilbray	Hartzler	Rehberg
Bilirakis	Hastings (WA)	Reichert
Bishop (UT)	Hayworth	Renacci
Black	Heck	Ribble
Blackburn	Hensarling	Rigell
Bonner	Herger	Rivera
Bono Mack	Herrera Beutler	Roby
Boren	Huelskamp	Roe (TN)
Boustany	Huizenga (MI)	Rogers (AL)
Brady (TX)	Hultgren	Rogers (AR)
Brooks	Hunter	Rogers (KY)
Broun (GA)	Hurt	Rogers (MI)
Buchanan	Issa	Rohrabacher
Bucshon	Jenkins	Rokita
Buerkle	Johnson (IL)	Rooney
Burgess	Johnson (OH)	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Ross (AR)
Calvert	Jones	Ross (FL)
Camp	Jordan	Rothman (NJ)
Campbell	Kelly	Royce
Canseco	King (IA)	Runyan
Cantor	King (NY)	Ryan (WI)
Capito	Kingston	Scalise
Carter	Kinzinger (IL)	Schilling
Cassidy	Kiame	Schmidt
Chabot	Labrador	Schock
Chaffetz	Lamborn	Schweikert
Coble	Lance	Scott (SC)
Coffman (CO)	Landry	Scott, Austin
Cole	Lankford	Sensenbrenner
Conaway	Latham	Sessions
Cravaack	LaTourette	Shimkus
Crawford	Latta	Shuler
Crenshaw	Lewis (CA)	Shuster
Culberson	LoBiondo	Simpson
Davis (KY)	Long	Smith (NE)
Denham	Lucas	Smith (NJ)
Dent	Luetkemeyer	Smith (TX)
DesJarlais	Lummis	Southerland
Dold	Lungren, Daniel	Stearns
Dreier	E.	Stivers
Duffy	Mack	Stutzman
Duncan (SC)	Manzullo	Sullivan
Duncan (TN)	Marchant	Terry
Ellmers	Marino	Thompson (PA)
Emerson	Matheson	Thornberry
Farenthold	McCarthy (CA)	Tiberi
Fincher	McCaul	Tipton
Fitzpatrick	McClintock	Turner (NY)
Flake	McCotter	Turner (OH)
Fleischmann	McHenry	Upton
Fleming	McKeon	Walberg
Flores	McKinley	Walden
Forbes	McMorris	Walsh (IL)
Fortenberry	Rodgers	Webster
Fox	Meehan	West
Franks (AZ)	Mica	Westmoreland
Frelinghuysen	Miller (FL)	Whitfield
Gallely	Miller (MI)	Wilson (SC)
Gardner	Miller, Gary	Wittman
Garrett	Mulvaney	Wolf
Gerlach	Murphy (PA)	Womack
Gibbs	Neugebauer	Woodall
Gibson	Noem	Yoder
Gingrey (GA)	Nugent	Young (AK)
Gohmert	Nunes	Young (FL)
		Young (IN)

NAYS—173

Ackerman	Boswell	Ciocilline
Altmire	Brady (PA)	Clarke (MI)
Andrews	Braley (IA)	Clarke (NY)
Baca	Brown (FL)	Clay
Baldwin	Butterfield	Cleaver
Barrow	Capps	Cohen
Bass (CA)	Capuano	Connolly (VA)
Becerra	Cardoza	Conyers
Berkley	Carnahan	Cooper
Berman	Carney	Costa
Bishop (GA)	Carson (IN)	Costello
Bishop (NY)	Chandler	Courtney
Blumenauer	Chu	Critz