

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

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 118, DISAPPROVING RULE RELATING TO WAIVER AND EXPENDITURE AUTHORITY WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM; PROVIDING FOR CONSIDERATION OF H.R. 3409, STOP THE WAR ON COAL ACT OF 2012; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM SEPTEMBER 22, 2012, THROUGH NOVEMBER 12, 2012

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 788 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 788

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means and the chair and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

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. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977. 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 amendments specified in this resolution and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Natural Resources, the chair and ranking minority member of the Committee on Energy and Commerce, and the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amend-

ment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-32. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that 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 amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. On any legislative day during the period from September 22, 2012, through November 12, 2012, —

(a) the Journal of the proceedings of the previous day shall be considered as approved;

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 6. Each day during the period addressed by section 3 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 7. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

POINT OF ORDER

Ms. MOORE. Mr. Speaker, I respectfully raise a point of order against H. Res. 788 because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentlewoman has met the threshold burden under the rule, and the gentlewoman from Wisconsin and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. I thank you so much, Mr. Speaker.

I raise this point of order, not necessarily out of concern for unfunded mandates, although there are some in the underlying bills under consideration here today, H.J. Res. 118 and H.R. 3409. Rather, I am here today because this is the only opportunity to voice my adamant opposition to the TANF-related resolution of disapproval, H.J. Res. 118, given the strict closed terms of our debate today.

My goal here today, Mr. Speaker, is to be a voice of reason, and certainly a voice of truth in this debate, because we are all undoubtedly about to hear an astonishing array of half truths and, Mr. Speaker, even lies about the Temporary Assistance For Needy Families program or TANF—the lie, for example, that the TANF program was this raving success that took people out of poverty, gave them dignity and put them in good jobs. Well, what it really did was to really kick poor people off the rolls.

You know, under President Clinton, 1996, when we passed the original TANF bill, it was a time of prosperity; and those people, primarily women, who would normally get off the rolls within 2 years, found jobs which were readily available. But even more, primarily women, just simply languished in poverty as a permanent underclass.

□ 1240

Despite the creation of the so-called “safety net” under TANF, many, many women have languished in poverty and are still in poverty today. We’re not just talking about the poor. We’re talking about deep poverty.

Mr. Speaker, did you know that between 1996 and 2011 the numbers of U.S. households living on less than \$2 per person per day—the measure of extreme poverty as defined by the World Bank for developing nations—has more than doubled from 636,000 to 1.46—nearly 1.5—million people and that the number of children in extremely poor households has also doubled from 1.4 million up to 2.8 million children living in poverty—children, by the way, who cannot work? We are talking about the poorest of the poor. These numbers are startling given that we are talking about the United States of America, not some Third World country.

Now let’s get to the big lie that these resolutions relate to. The Republicans claim that the work requirements have been gutted under the Health and Human Services’ guidance. These lies have already been debunked by the

media, by Fact Check checkers, even by the original architects of TANF—for example, by Ron Haskins.

Apparently, our colleagues find it convenient to ignore the facts; but, of course, we have heard throughout this election cycle that the GOP is not going to be dictated by facts. Sadly, I'm not at all surprised that we are forced to engage in this TANF battle on the House floor. I knew that the GOP would challenge the administration's proposal at the earliest opportunity; but, frankly, House Republicans' timing on this could not be worse.

Do you think that the American people are demanding more attacks on the poor from your party this week or that doubling down on a strategy of vilifying the poor is a wise choice—trotting out the mythical, lazy welfare queen who doesn't want to take responsibility for her own life, who is part of the 47 percent who would rather have a so-called "government handout" than a job?

I think that the insistence on considering this bill at this moment in history when we should be considering critical issues like the farm bill for our drought-ridden States or the Violence Against Women Act—or how about this one, Mr. Speaker, the American Jobs Act?—rather than political message bills is remarkably tone deaf. TANF was written at a time when our labor market and our economy were radically different than they are today.

I didn't support TANF in 1996, but I certainly don't support it now that I have seen what it has done. It has become a hollow shell of a safety net program. It is not going to be allowed to evolve with the times, and it is now nothing short of completely broken. TANF recipients have been poorly served by the program, which too often locks people into a cycle of poverty through rigid guidelines and red tape while allowing them no access to real opportunity. In its current form, the program makes it extremely hard to move from welfare to work, which is supposedly the goal of the program, an honorable goal of the program.

Mr. Speaker, check this out: States can meet their work requirements even if none—zero—of their recipients find a job. States are only measured by whether or not recipients participate in certain activities for a set number of hours, like if they just job search and never find a job.

Not only are we not moving people from welfare to work in this program, but we are not allowing people any opportunity to get the education and training they might need to compete in the labor market or to learn valuable skills. We are trapping them in so-called "job-search activities" that are poorly designed and add up to nothing. TANF just does not provide real opportunities that could translate into better lives for beneficiaries. There are others who are unable to get help at all because the program is not designed to allow them in the door.

Shockingly, States are rewarded for simply lowering their caseloads rather than for moving people into jobs. There is, indeed, an incentive for States to create barriers that prevent the individuals and families with the highest need from even participating. We've heard the horror stories of people who have been kicked off TANF or who couldn't get in in the first place and of the desperate things they've had to do to feed and shelter and clothe their children.

By now, those of us who have been paying even the bare minimum of attention realize that the Republicans have been playing politics with the Obama administration's waiver program and have been playing fast and loose with reality. I would venture to guess that every Member in this Chamber knows the truth, that Republicans and Democratic Governors have been requesting increased flexibility in implementing the welfare reform for many years.

In fact, in 2005, no fewer than 29 Republican Governors asked for increased waiver authority, and given my limited time, I will only name a few of them. We have such socialist Governors like Mississippi Governor Haley Barbour, Texas Governor Rick Perry. How about Arkansas Governor Mike Huckabee and none other than—drum roll, please—Massachusetts Governor Mitt Romney?

Like these Governors, I wholeheartedly endorse the idea of allowing States the flexibility to craft welfare systems that meet the specific needs of their job markets and their participants. I know—and I know that many of you know, though you refuse to acknowledge it—that the waiver proposal from the Department of Health and Human Services would meaningfully strengthen our ability to move people from welfare to work.

May I inquire, Mr. Speaker, as to how much time I have remaining.

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 40 seconds remaining.

Ms. MOORE. I was once one of those 47 percent—a welfare recipient. I have seen firsthand the successes and failures of this safety net in my community and across the Nation. I support the administration's strategic efforts to guarantee that TANF is a more effective program. I encourage all of my colleagues to reject H.J. Res. 118, this resolution of disapproval, and to, instead, work together to build a strong workforce and economy.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to claim the time in opposition to the point of order and in favor of the consideration of the resolution.

The SPEAKER pro tempore. The gentleman is recognized for 10 minutes.

Mr. BISHOP of Utah. Mr. Speaker, the question before the House is: Should the House consider H. Res. 788? While the resolution waives all points of order against the consideration of

H.J. Res. 118 and H.R. 3409, the committee is not aware of any points of order, and the waiver is basically pro-phyllactic in nature.

We heard a lot of emotional and interesting points as to the basis of the bill that could be debated if, indeed, this rule were to be passed. I don't think it is actually the time right now in a point of order to go over the benefits of the bill or the detriments of whatever may happen if the bill, itself, is actually debated. There is time for that.

We do know that the number of individuals receiving welfare has dropped by 57 percent, that poverty amongst all single mothers has fallen by 30 percent, that the poverty amongst black children has dropped to its lowest level since 2001, and that employment and earnings amongst single mothers have increased significantly.

□ 1250

But that's all debate to the bill, which still has to go through the rule debate, and we're not talking about that. This is a procedural issue.

We could talk about the fact that in '93 the Ways and Means Committee did say that waivers granted after the date of enactment may not override provisions in the TANF law that concern further mandatory work retirements. But, once again, that would be the kinds of things that we should be talking about in the debate of the bill, which will come after the debate on the rule, which will come after our discussion of this procedural point of order.

So, actually, the merits of what the bill is is not the same thing as the purpose of the procedural point of order. The procedural point of order still has to be based on the idea of unfunded mandates within the rule.

The Congressional Budget Office believes that H.R. 3409 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act. However, based on the information for EPA and a small number of public entities would be required to comply with the bill's requirement, the CBO estimates that the cost of those entities to comply would fall below the Unfunded Mandates Reform Act's annual threshold for intergovernmental mandates. It's a threshold that is set and adjusted for inflation.

So the Congressional Budget Office states that H.J. Res. 118 also contains no intergovernmental or private sector mandates as defined by the Mandates Reform Act. That is the basis of the point of order. The bottom line is there is no violation of both an unfunded mandate within the rule or in the bills themselves.

The rest of the discussion is actually to the merits of the legislation and is appropriate at the time as we are debating that legislation.

So, Mr. Speaker, although I really have this great desire to use the full 10 minutes of discussion here, the bottom line still—

Ms. MOORE. Will the gentleman yield whilst he has too much time?

Mr. BISHOP of Utah. No, thank you.

Ms. MOORE. Will the gentleman yield to a question?

Mr. BISHOP of Utah. I appreciate the honor. Will the gentlewoman from Wisconsin let me finish the statement?

Ms. MOORE. I am asking you if you would yield to a question, not for me to speak.

Mr. BISHOP of Utah. I appreciate the interruption, but let me finish here. And probably not. Let's get on with the issue at hand here.

The point of order basically, Mr. Speaker, is still specious. It is in order to allow the House to continue its scheduled business for the day because the issue of the point of order is the unfunded mandate, not the other merits towards the legislation.

So I do urge Members to vote "yes" on the question of consideration. We will have an additional hour to discuss anything you wish to on the rule debate, as well as a whole lot of time on the merits of the bill when we debate the bill itself.

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

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

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

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

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members 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. This resolution provides for a closed rule for the consideration of H.J. Res. 118, the congressional disapproval waiver of work requirements, and provides 1 hour of general debate, with 30 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Ways and Means and 30 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Education and the Workforce.

This rule also provides for a structured debate for consideration of H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act, and provides for 1 hour of general debate, with 20 minutes equally divided and controlled by the chair and

the ranking minority member of the Committee on Natural Resources, 20 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Transportation and Infrastructure.

Finally, this rule makes in order a number of important amendments on both sides of the aisle. If staff doesn't change my mind, I believe there are 13—7 Republican and 6 Democrat—amendments which is as close as you can get with an uneven number to a fair rule. So it is a fair rule.

Mr. Speaker, now speaking towards the merits of this particular resolution, I would like to make special mention of Congressman JOHNSON, who is the base sponsor of H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act. He definitely has been one of the leaders in this entire area of the issue of coal as it is used in energy. Not only is it important to his constituents, but this is an important issue for the entire country. And I want to recognize Mr. JOHNSON as having been tireless in committee, asking questions that go to the core of this particular issue, providing amendments, and then finally culminating with his bill which deals with how we actually can use coal to further our energy needs in this particular country. Representative JOHNSON is a freshman who has learned fast and is a true champion for inexpensive energy that will expand our economy and create jobs for American citizens.

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

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

This week marks the last time the Chamber will meet until the middle of November. As we depart, the majority walks away with the dubious distinction of having presided over a session of Congress that is widely called the least productive in history. This Congress has achieved that distinction because, although bipartisan consensus is needed to pass any bill into law, the majority has spent the last 2 years pursuing an extreme and partisan agenda. In fact, they have repeatedly spurned potential bipartisanship in order to vote on ideological legislation that will never become law.

In week after week, the majority has refused to help our Nation's drought-stricken farmers. With the Senate-approved farm bill sitting on the table and a bipartisan outcry to pass a 5-year farm bill growing, the majority has decided to neglect our Nation's farmers and allow the farm bill to expire without even attempting to pass a bill at any time in the House.

An expiration of the farm bill means that dairy farmers in my part of the country, western New York, and

throughout the United States will lose what little safety net they have. Yet, when faced with the choice of passing a compromised farm bill or pursuing an all-or-nothing partisan agenda or, as we're doing today, passing bills that have already passed the House just because they liked them so much they wanted to see them again, the majority chose the latter.

In western New York, farmers don't need the majority to play partisan games. They need a 5-year farm bill, and they need it now.

Unfortunately, the bills we consider today offer more of the same. Both the bills before us today are little more than extreme and partisan messaging documents designed to benefit politicians running for office, not the American citizen struggling to get by. Take, for example, H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act. That's a fine title there. Four out of the five titles in this bill, as I had said a minute ago, four out of the five bills in this measure have already been voted on by the House, but they were too partisan and extreme to pass the Senate. They will not yet again pass the Senate; therefore, it is simply a waste of time today.

It costs a lot of money to bring all the Members of Congress back to Washington from the four corners of the United States, and to come back to re-pass bills that have already passed that will never go beyond this House cannot be called anything else but a colossal, disastrous waste of time.

Among other things, the bill would roll back decades of environmental protections, endanger the public's health, and prevent our country from addressing the growing threat of climate change. The majority knows that such extreme proposals will not pass into law, but they are moving forward anyway in order to serve political campaigns. Similar sentiments appear to be driving the consideration of the second proposal, the TANF disapproval resolution.

□ 1300

This bill is based upon a premise that has been proven false by multiple fact-checking organizations, including The Washington Post Fact Checker. Indeed PolitiFact, a nonpartisan project of the Tampa Bay Times, has concluded that "by granting waivers to States, the Obama administration is seeking to make welfare-to-work efforts more successful, not end them."

Despite that, we're going to bring up the bill today to cure something that does not exist. It is astounding that at a time when we could be voting on a jobs bill, Republicans have instead chosen to block an Obama administration proposal that would help States put more people back to work and, indeed, has been requested by those States' Governors.

Perhaps most telling is the fact that even as we consider these bills, the majority also refuses to consider legislation to address serious national crises.

Yesterday at a meeting of the Rules Committee, they blocked five amendments that would address those issues.

First they brought an amendment by Representative BOSWELL to vote on the bipartisan Senate farm bill. They had another chance yesterday to bring the farm bill up before we all go home. Then they brought an amendment by Representative MOORE to reauthorize the Violence Against Women Act, which expires in days and a bipartisan bill, if ever there was one, because I was one of the coauthors of the bill. That has been routinely authorized by both parties until this year.

Finally, they blocked amendments by my colleagues, Representatives LEVIN, CONNOLLY, and BLUMENAUER to pass tax cuts for the middle class, to extend a production tax credit for renewable energy producers, wind energy, and to consider legislation to address the financial crisis facing the postal service.

The majority was given a chance to bring all of its proposals to the floor, but they walked away and went forward with the messaging before us today. So we will pass today four bills that have been passed previously.

I asked my colleagues in the majority: Which is more important, to provide relief to the drought-stricken farmers or voting to deny climate change? Which is more important, passing a symbolic resolution based upon a false premise or providing tax cuts to the middle class? Which is more important, passing self-proclaimed messaging documents, or working together to provide for the millions of Americans in need? If you would ask a farmer in Monroe County, New York, if they would rather have Congress pass a dead-on-arrival messaging bill or act on a bipartisan farm bill, I know and you know what they would choose.

In closing, what we are considering today are choices made by the majority, a choice to pursue an extreme and bipartisan agenda that they knew would never become law. In so doing, they have failed to provide results for the American people that lead to the least productive Congress in the history of our Nation.

I urge my colleagues to reconsider the choices that have been brought here today and the legislation that we are about to consider. In the process, I hope we can finally end the political games and return to the responsibility of governing.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope you will forgive me if I try to limit myself to what is actually in the resolutions and the bills that we are presenting today as far as the Rules Committee is concerned.

There is, though, a common thread that runs through the two resolutions that happen to be here and deals with the definition of what is administrative

and what is legislative. Even if the current administration seems to have a problem in making that definition of what is administrative, we in Congress need to clearly understand what is our legislative responsibility.

Our good friend, LOUIE GOHMERT of Texas, always says that he who learns the lessons of history will find some other way to screw it up. That's probably true. I don't want to sound like an old history teacher, but I am. I do want to say that there are some things that we in Congress should be doing to learn from our past history.

John Page, in 1771, a Congressman from Virginia, was on the House floor when it was determined while the House was debating whether they stuck around to actually determine where postal routes should be. People wanted to go, and, more importantly, the people trusted the President. The question was, Why don't we just let the President do it all?

It was John Page who stood up and said, and I move to adjourn and leave all objects of legislation to his, the President's, sole consideration and direction. He shamed Congress into doing their job of writing the legislation and not allowing the executive branch, the administration, simply to do everything by fiat. We sometimes have forgotten that.

In the TARP language, we put in language like, the Secretary of the Treasury will be able to purchase troubled assets on such terms and conditions as are determined by the Secretary; or authorize any purchase on which the Secretary determines, promotes financial market stability; or the Secretary is authorized to take such action as the Secretary deems necessary to carry out all authorities in this particular act.

That is legislative authority that we passed on to the executive branch. That was a tragic mistake. We should not incorporate that tragic mistake, wider now, by simply allowing the executive branch to take on responsibilities and authorities of their own free will and volition.

We have this same situation once again in the history of this country. We had a President of the United States who wrote a book about Congress without ever visiting Congress itself, who said what the Founding Fathers realized, in which their effort to have vertical separation of power between State and national government—what we call federalism—and horizontal separation of powers between the three branches, which we call the separation of powers—and every public school student is taught that—they were put in there so that individual liberty, which I always consider to be individual choices and options in running their lives, would be protected against the concentration of power in one branch or another.

Now, this former President of the United States called this separation of powers political witchcraft. He said it was wrong to try and separate powers

perplexingly subdivided and distributed to be hunted down in out-of-the-way corners. An earlier President than him thought, you know, the President of the United States is elected by everybody, Congress by a few people, the courts by none. Therefore, ignore the courts, which has some appeal, but at the same time the President should speak for the government.

This other President, coming back later, built upon that so he increased the role and power of the executive branch under the concept the President is the President of the whole people and, therefore, he has the ability to transcend separation of powers.

His effort to improve democracy was to eliminate democracy and instead ensure that the decisions were not made by the people or the voice or representatives of the people, but by experts, experts who were serving in the administrative branches. We, if you like that concept, call it the administrative state. If you don't, we call it "nanny government." Nonetheless, that was the concept.

One of the other Presidents that came shortly before him said there will be little permanent good that can be done by any party if we fail to regard the States as anything other than a convenient unit for local government. He said there is no harm by concentrating power in the hands of one individual. He also said that he would not be content with keeping his talents undamaged in a napkin. That's perhaps why the Speaker of the House at the time said he had no more use for the Constitution than a tomcat has for a marriage license.

The bottom line of what happened in the history is that all of a sudden we found that the Founding Fathers who believed in people and believed in the legislative branch, listening to John Locke, who said you cannot transfer the power of the legislature to another branch, those type of people decided at that time that the people should not be running their own affairs, that government experts should be making that policy.

To be honest, when we're talking about the first resolution that deals with TANF, the welfare issue, I don't care if the waiver is the greatest thing since sliced bread, it is still extra-constitutional and it should not be used and Congress should not allow it to take away what is the role of Congress, and only Congress, to establish these issues and set these boundaries.

In the other bill that we're talking about, we're talking about prohibiting future actions by entities, in this case, specifically the EPA, which would destroy jobs, increase the cost of our utilities that would cause greater costs of lighting homes and heating homes, especially for those who have the least ability to do so.

Congressmen and Congresswomen must stand up and insist that Congress create these standards and create these options, not being made by executive

fiat. That is the very purpose of why we are here.

The first President, to whom I referred, ended up with a legacy of many programs implemented which we still today find controversial. He was labeled by historians as an arrogant President at that time who refused to talk to Congress. Because of that, he lost some of his last, most precious programs in an effort to try and go around Congress rather than working with Congress.

□ 1310

Now, Mr. Speaker, that's why this resolution is before us and why these two separate bills are here. Both of them attempt to set the record straight and show that it is Congress' responsibility to set the rules and the guidelines. It is not an administrative prerogative. And we as Congress need to step forward and say we are the ones who do this. We should not allow it to be done by anyone else, regardless of why it's being done or the merits of why it's being done. It's our job.

We should learn from history. We should be more like John Page and try and make sure the Congress does these types of issues and makes these types of decisions and less like Presidents later on who thought the President speaks for everybody and the President has every right to transcend separation of powers and do it for himself. That's the basis of these two bills. That's the important issue. We should learn the lesson of history.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Republicans are saying that there is a war on coal. They even named this bill the End the War on Coal Act. But the only battle coal is losing is in the free market to natural gas, to wind, to solar.

Just 4 years ago, coal generated 51 percent of our electricity. Now it is down to 35 percent of our electricity. Have the lights gone off? No. And that's because coal has been replaced in the free market by natural gas, which has risen from 21 percent to 30 percent of all electrical generation in our country. And by the way, the same thing is true for wind. Wind has gone from 1 percent of electrical generation to 4 percent of electrical generation.

That's your answer. That's what's happening. The marketplace has moved to natural gas—another fossil fuel, by the way—and wind. And why have they done so? Natural gas is cheaper than coal. It's more plentiful now because of fracking technologies. And the market has moved.

What is happening? What is happening is that natural gas prices have gone down 66 percent in the last 4 years. That is the shift from coal over

to natural gas. That's the arithmetic. You're a consumer, you see a product, it does the same thing as the other product, and it's dropped 66 percent in price. The arithmetic says I go and get that product if it's going to ensure that my home is heated, that my air conditioning goes on. It's just arithmetic. Coal is losing to natural gas.

So when the Republicans say there is a war on coal, in a market sense, yes, there is a war. In the same sense that when we started carrying BlackBerry's, it was a war on the black rotary-dial phone; in the same sense that when we started using Macs and PCs, it was a war on typewriters; in the same sense that the horseless carriage was a war on horses; in the same sense that refrigerators were a war on salted meats; in the same sense that the telegraph was a war on carrier pigeons.

These aren't wars. It's innovation. It's competition. It's natural gas versus coal. All we're saying as Democrats is let the free market work. You're here saying, No, protectionism. Protectionism against the natural gas industry winning this battle in the marketplace. By the way, natural gas is also winning the battle in the marketplace against home heating oil. Tens of thousands of people are shifting from home heating oil over to natural gas. Why? It's cheaper. The same thing is true in the production of petrochemicals and fertilizers. Industries are moving away from oil as the component part of moving over to natural gas. Why is that? It is cheaper. It's across-the-board.

Do you understand this, Republicans? It's arithmetic. It's simple. It's easy to understand. It's not the policies of the Obama administration. If you want to blame someone, blame ADAM SMITH for the ruthless, Darwinian, paranoia-inducing market system that we've adopted where utilities and private citizens and the petrochemical industry move toward a product which is cheaper, more available here in the United States, a domestic industry that is here.

Instead, this is a Republican Congress which has 302 anti-environmental votes, which they've cast in just a year and 8 months. That's 302 anti-environmental votes. That's what they're all about. This whole thing is an excuse to lower the protection against pollution coming from coal that damages the health of children, the health of our environment all across our country, when they're just losing a battle to natural gas in the marketplace.

They get an F on Medicare this Congress, F on tax breaks, F on jobs, F on urgent priorities, F on women, and an F on environment. It's just an excuse because they don't like what is going on in the marketplace. And it's a shame because they tout themselves as that party. Simultaneously, you know what they do? They're killing the wind tax break—killing it because it's up to 4 percent of electricity and keeping the exact same amount in for ExxonMobil

and the oil companies to produce oil. Now how can you call that a plan of all-of-the-above?

All of this tilts the playing field, tilts the competition in the marketplace. You can't give tax breaks to oil and take them away from wind and say you're all-of-the-above. You can't say you want to tilt the playing field toward coal as natural gas is winning in the marketplace and say you're in favor of all-of-the-above. You are not. You are not.

So, ladies and gentlemen, I ask for a "no" vote on this rule and a "no" vote on these bills as they come to the floor of the House. It is anti-market policy on steroids as they bring it out here on the House floor.

Mr. BISHOP of Utah. With gratitude for the last speech, which was such a stirring support of fracking, which has made gas so plentiful and useful in this country, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank the gentleman from Utah.

The bill we are considering today is very simple: It's a bill that protects one of the Nation's most abundant and cheap energy sources—coal—and ensures that some of the highest-paid family wage jobs in the country are saved.

I want to focus on title I of H.R. 3409 that limits the authority of the Secretary of the Interior to issue new burdensome regulations under SMCRA until the end of 2013. This title will put a short timeout on the recklessly rushed rulemaking by the administration that has resulted in millions of wasted dollars and confusion by all parties regarding the current management of coal by the Office of Surface Mining. This rulemaking has been an unmitigated disaster, with the administration attempting to compress what ordinarily would take 36 months into 15 months. When news got out about how many jobs would be lost under these proposed rules, the administration fired the independent contractor who provided the analysis.

The administration's own analysis is that 7,000 direct mining jobs would be lost and an additional 29,000 people would fall below the poverty level in the Appalachian basin alone. The proposed rules would have a negative economic impact in 22 States.

How in the world can a President who gives lip service to creating jobs allow his bureaucrats to kill jobs in coal States?

This bill will simply give OSM a timeout so they can hear and address the concerns raised by the cooperating agencies, coal mining States and tribes, and citizens. It will allow States time to read the hundreds of pages of materials in months rather than days. The current rulemaking by OSM is an out-of-control process with no regard for mine workers and their families who depend on these jobs.

I urge my colleagues to support the resolution and the Johnson bill.

Ms. SLAUGHTER. Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this political resolution that aims to wrongly characterize the administration's position on Temporary Assistance to Needy Families. This is a waste of our time.

The purpose of the administration's waiver proposal is to allow States to test alternative and innovative strategies that are designed to improve employment outcomes for needy families. As the Department of Health and Human Services has said repeatedly, waivers will only be approved if a State can prove that there is an effective transition from welfare to work. In essence, that they are putting more people to work.

Is the majority now against putting people to work? Or are they against states' rights? If so, they may want to tell their Presidential candidate. In 2005, Mitt Romney and 28 other Republican Governors wrote a letter requesting more "flexibility to manage their TANF programs" and "increased waiver authority."

□ 1320

This is exactly what the administration's waiver proposal does. For 2 years now, instead of working with us to create jobs, instead of passing middle class tax cuts, instead of passing the Violence Against Women Act, instead of passing responsible deficit reduction and to help us to try to get the economy moving again, the urgent priorities that we should be working on right now, this majority has continually put forward politically motivated resolutions.

You know, I would just say to you that the American people cannot afford a do-nothing Republican Congress that refuses to act on issues critical to the middle class, critical to small businesses, critical to farmers, critical to women. They need to expect better leadership from us.

I urge my colleagues to oppose this resolution. We need to get work done, not politically motivated resolutions.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the chairman of the Science Committee, the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise in strong support of the rule and H.R. 3409, the Stop the War on Coal Act. This may sound a little strange to a guy from an oil and gas State, but we have an awful lot of coal.

This bill takes a number of simple, commonsense, and long overdue steps to rein in the Obama administration's out-of-control EPA, which is waging all-out war on American energy. Coal is at the heart of that war. Anyone who fails to believe such a war exists should speak to the people of Mount Pleasant, Texas, in my congressional district.

EPA's Cross-State Air Pollution Rule threatened 500 jobs at two coal-fired

power plants in Mount Pleasant. Fortunately, the courts threw out this rule in August after finding that EPA went well beyond the law in its efforts to regulate coal out of existence.

We know EPA will go back to the drawing board. H.R. 3409 adds needed protections for any future proposal and, in doing so, protects jobs not only in my State, but in coal-producing States and coal-using States all around the country.

The bill also blocks future efforts to attack coal through other regulations, most notably the EPA's effort to enact economywide restrictions on greenhouse gas emissions. These rules are based on shaky science and would raise the cost of energy for all Americans. They should never see the light of day.

I want to mention my support for two amendments made in order under this rule. They will be offered by members of the Science, Space, and Technology Committee, which I chair. These amendments address serious problems with EPA science that the committee highlighted during the 112th Congress; specifically, Congressman DAN BENISHEK's amendment that requires that an analysis of the cost of regulations explicitly evaluate the potential negative health effects of regulations. Energy and Environment Subcommittee Chairman ANDY HARRIS' amendment would require that the scientific data EPA uses to justify its regulations is peer reviewed and made publicly available.

These amendments reinforce and strengthen the transparency and openness provisions in H.R. 3409. I urge Members to support these amendments, the rule, and the underlying bill as well.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, as one who believes in the value of work, I voted for the 1996 law to transform welfare to workfare. Now as the ranking Democrat on the subcommittee overseeing this law, I want to strengthen reform and assure that every able-bodied American who can work is working, you know, people like Mitt Romney's father, who long ago was on a form of welfare himself before he became wealthy. Those are the kind of people that should be working.

Unfortunately, Republicans talk work for everyone else, but when it comes to doing the work here in Congress, well, they don't quite measure up to it.

It's just like the expired Federal education law. They have been in power here for over 20 months, and we wouldn't need any changes or waivers in the law if they'd done their job to renew workfare.

The real question here is not whether we emphasize work but how, how we achieve the most effective ways to get more people working.

This administration has simply responded to Republican Governors and

some Democrats who are seeking more flexibility and less bureaucratic paperwork, who sought better ways to get more people working.

Even the Republican staff director who wrote the original 1996 reform law and who recently surveyed 42 State TANF directors says that these Republican attacks are "exaggerated."

So, why in the world would Republicans be here today, when there is so much other work that this Congress has failed to do, presenting what is really an antiwork resolution masquerading as prowork?

Well, I think it's because particularly during this week, such a very difficult and troubling week for Mitt Romney, they're a little desperate. They think they can hoodwink enough Americans to turn on their neighbors by falsely dividing us—dividing us between makers and takers, between manufacturers and moochers, between producers and parasites. That is not America.

Whenever they bump into an inconvenient fact like what actually is involved in this legislation, they just ignore it. They have made this Congress largely a fact-free zone.

When confronted with reality, they hold up those signs that say "believe." They left a word off. It really should say "make believe," because that's what's at stake here, the fantasy that they bring us on all aspects of this measure. Fantasy is a mighty poor way to govern America.

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

Ms. SLAUGHTER. Mr. Speaker, I'm glad to yield 2 minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Speaker, I rise in opposition to the rule and the underlying bill, the polluters' bill of rights.

I understand that my Republican friends are trying to improve the coal industry's outlook, and I imagine that most industries would benefit if Congress simply eliminated their obligation to help keep the public safe.

We hear a lot about the immorality of leaving our children with mountains of debt, and I completely agree with that. I support measures to responsibly reduce the debt. But bills like this one are piling another form of debt on our children. We are leaving them to deal with the consequences of letting coal companies pollute the air that our children breathe and the water that they drink.

Our failure to take comprehensive action on global climate change is already profoundly immoral. It is a disgrace that we refuse to sacrifice on behalf of our grandchildren. I fail to understand the perverse notion that my colleagues on the other side share that somehow global climate change is a laughable matter that we can sweep under the rug instead of an unprecedented threat to the health of our children and to the security of our Nation.

How many more millions of tons of greenhouse gases would my Republican colleagues like in our atmosphere before they're concerned? How much less

polar ice? How many more cases of preventable cancer should American children develop?

I offered an amendment to slow down the bill's assault on America's environmental laws until scientists could verify that what this Congress seeks to accomplish would not increase cases of preventable cancer among our most vulnerable: children, seniors, and those with chronic conditions.

Regrettably, the House will not even have a chance to vote. It must be too inconvenient for my colleagues to have to tell their constituents that they value these coal companies above sick children.

Well, I've got news for my colleagues. Ignoring the consequences of our actions does not make them go away. These rules are in place because the American people demand safe air and water. They expect the electricity that powers their homes is not produced in a way that makes tumors grow in their loved ones.

We should focus on building a Nation, a secure economic future in this Nation. That means investing in clean energy industries instead of catering to special interests.

□ 1330

Moving forward with clean energy is the least we can do. Passing this bill is the worst thing we can do. I urge my colleagues to reject the bill.

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

Ms. SLAUGHTER. Mr. Speaker, we have no further requests for time, except one more. And we want to defeat the previous question.

I'm going to offer an amendment which proposes that Congress will not adjourn until the President passes the middle class tax cut into law. Additionally, I want to make in order the amendment that will extend the renewable energy tax credit. These tax credits are directly responsible for creating more American jobs. Allowing them to expire will mean fewer manufacturing jobs at home and more jobs sent overseas to China. We cannot afford to leave town without extending them.

To discuss our proposal, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Mr. Speaker, today is Thursday, September 20. And tomorrow, I understand, the House is set to adjourn until after the election. Tomorrow, the House is set to leave town without finishing the work that the American people sent us here to do.

Now, I have no objection to increasing domestic energy production, and I think an all-of-the-above approach is a rational approach to take. However, I rise against this rule. I rise in opposition to this rule because two amendments that I had offered to the bill were not made in order by the Rules Committee. The amendments I offered

were on substantive policy that my constituents are calling for, and I am here to stand up for and represent my constituents in Iowa—and, I might add, across the Nation.

One amendment would extend the wind production tax credit. Wind energy plays a significant role in electricity generation in the State of Iowa and many other States—for us about 20 percent—and the manufacturing of wind turbine components in Iowa has brought high-tech manufacturing jobs to my district. The fact that the House is set to adjourn until after the election while this industry is being forced to lay off workers because of Congress' inaction is shameful. It's something we should not do. Yesterday, it was announced we would be laying off 400, and more to come.

Another amendment I offered would have allowed the House to finally vote on a farm bill. But once again the Republican leadership of the House stopped the House from voting on a farm bill. Let me say that again: The House Republican leadership is preventing this House from working its will on a farm bill.

Mr. Speaker, apparently some House Republicans believe standing up for our farmers and ranchers across the country is not worthy of this House. This is a disgrace. Inaction on a farm bill is creating the market uncertainty that the House Republicans so often decry, and this uncertainty will only get more complicated as the House continues to kick the can down the road.

So, once again, I rise in opposition to this rule. And I call on my colleagues to defeat the previous question so that we can amend the rule and proceed to a debate that will result in the House actually doing the work our constituents sent us here to do.

Mr. BISHOP of Utah. Mr. Speaker, I have some empathy for the gentleman from Iowa, but I will have to say that one of the reasons that those amendments were not made in order was, quite frankly, because both of them were nongermane to the base bill, and that becomes a concept.

One of the reasons that Ms. SLAUGHTER speaks on wishing to stay here until we pass middle class tax cuts—and I think I can approve of that because, actually, when we considered H.R. 8, the Rules Committee took an extraordinary step of waiving the rules of the House—including CutGo and other budget-related points of order—so an amendment could be given by Mr. LEVIN, and he could have an opportunity to present that amendment. That amendment was debated, and it was rejected on a bipartisan vote of the House in August.

Unlike the amendment, then H.R. 8 passed the House with a bipartisan vote, which means the House has voted for a middle class tax cut. We have done our duty. It is one of the myriad of bills that is sitting over on the Senate side waiting for them to do something so that we can proceed to a conference committee.

So I actually approve of what the gentlelady from New York is saying because basically we've done it, and we did it on August 1.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I do have a late entry here. I would like to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, 102 days from today, every American who pays income taxes will face a substantial tax increase; 102 days from now, the estate plans of small business people will be blown asunder because of the changes in the Tax Code that will automatically occur; 102 days from now, workers at defense plants, medical research institutions, and other very important functions in our country will lose their jobs because of an across-the-board spending cut called a sequester. The response of the majority to this looming problem is to leave town.

Now, I must confess that, given the majority's propensity to end the Medicare guarantee and provide tax cuts to millionaires, perhaps them leaving town does have a certain appeal. But under these circumstances—where there is a significant problem in our country, where farmers all across the country have no idea under what rules they will be running their farms and their businesses because a farm bill that received broad support from Democrats and Republicans on the Agriculture Committee has not made its way to the floor—in light of all this trouble, amidst all the stress of the American economy, the plan for the majority is to leave town tomorrow until after the election. This is irresponsible in two ways.

First, I think we have a duty to act before the election so the voters of this country can assess where we stand and whom they want to have represent them in the years ahead. And second, the problems of American families will not be put on hold during the 6 or 7 weeks that we're back in our districts politicking. Then we'll all come back after the election—many people will be in what's called a lame duck status where they're not coming back—and we will compress all of these decisions into 5 or 6 weeks. This is just not the proper way to legislate. It's not the proper way to govern our affairs.

So I would urge Members to oppose the previous question, which has the effect of putting on the floor legislation that would guarantee a tax cut, tax relief for middle class people, as well as the creation of jobs in our country because of clean energy. Now, you can agree or disagree with those propositions, but I don't think any of us disagrees with the proposition that in the face of these very real crises for the American people, we're just getting on

the plane, getting on the bus, getting on the train and leaving town. It's the wrong thing to do.

We should oppose the previous question and vote "no."

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

Ms. SLAUGHTER. Mr. Speaker, may I inquire through my colleague if he has any other requests for time?

Mr. BISHOP of Utah. I actually don't think I have any other speakers. I may be surprised in the next few minutes, as will be the case.

Ms. SLAUGHTER. It happens.

Mr. BISHOP of Utah. It happens, yes.

Ms. SLAUGHTER. Then I am prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, I sincerely regret that today we will consider legislation that has no chance of becoming law. Our constituents send us here with an expectation that we will work together and deliver results. That doesn't mean that they expect us to abandon all of our principles, but it does mean that while we engage in fierce debate, we do so in the spirit of collaboration and at the end of the day we come together to produce bipartisan legislation that will address the major issues that are facing our country.

For the last 2 years, the majority has actively avoided such bipartisan legislating, and as a result we face a mounting number of issues that demand our attention. Sadly, none of those pressing issues are addressed in today's bills.

So I urge my colleagues to oppose today's rule and the underlying legislation. It is time we put aside political games and address the pressing national issues facing this country.

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

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

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to vote "no" on the previous question, to defeat the previous question, and I urge a "no" vote on the rule.

I yield back the balance of my time.

□ 1340

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

In our discussion of this particular rule today, we have, as oftentimes is the case, wandered far and wide.

I would point out to one of the speakers who was just up there saying that we should stay here doing the sequestration act, dealing with the sequestration issue, the House did. On May 10, we passed the Sequestration Replacement Act. Once again, it's sitting over in the Senate. To wait here until we do the middle class tax cuts, we did that in August. It's waiting over on the Senate to do something.

We have issues that are significant in the two that are before us. If we're talking about welfare in some particular way, whether the rule that was made coming out of the executive branch was appropriate or not, we could go back and say why it was done. It is true the President, in 1997 and once again in 1998, said he would not have supported the legislation that created the system that we have. It's also true that in The Washington Post editorial, they made comments that said the Obama administration is waiving the Federal requirement that ensures a portion of able-bodied TANF recipients must engage in work activities. If this is not getting welfare reform, it's difficult to imagine what would be.

But even if the substance of that was inaccurate, the fact that it was done by regulation, by rulemaking coming from the administrative branch, puts us in suspect category. Rules should not be establishing what is our priority; it should be laws made on this body. If you want to change it, if you want to do waivers, it should be coming from this particular body.

The other half of it deals with coal. This is a Nation with the largest coal reserves in the world. We have 500 years of potential electricity at cheap rates coming from coal. A coal plant today is as much as 99 percent cleaner than one built 40 years ago, and yet rules and regulations that have been promulgated or are being threatened to promulgate are one of those that impede the ability of building new plants.

There is no valid reason why the American coal industry should be suffering at the hands of overzealous Washington regulators or why workers are being laid off in the Midwest, in Virginia, Pennsylvania, Ohio, West Virginia, and other places; although, today, it was again announced that there will be 1,200 coal mining jobs that will be eliminated across central Appalachia by a company, one company.

And once again, there is the kind of unfair regulations that are taking place. It is true that H.R. 3409 is cobbled together with other bills that have passed this body, but I would remind you that each of those four that have already passed this body were passed on a bipartisan vote, with anywhere between 16 and 37 Democrats, depending on the bill, joining with Republicans to pass those. And, when put together in a package with H.R. 3409, presents a good package to make sure that we are in favor of cheap energy, energy that will drive and build our economy and provide jobs for those who need those particular jobs.

I went historically in a while earlier because I wanted to say that we have faced these types of situations in the past, where the question was: Should the President make the rules or regulations or should Congress actually pass legislation?

The President to whom I referred ended his tenure in a somewhat bitter way, refusing to work with Congress,

instead, trying to go around Congress, which produced, at that time, a historic deadlock between the Presidency and the Congress.

This is a Nation of laws. Laws are made here. It's not a Nation of rules. And if the rules and regulations are going to have the effect on the future and are going to have an effect on the American people, they should not be done by executive fiat. Whether you like them or not, they should not be done in that manner. It should be done here legislatively.

That's the purpose of both of these issues that are tied together in this rule; that's the thread that comes together—whether or not we actually believe Congress should be doing the job of creating the standards and the rules, or we're willing to simply abrogate our responsibility, our power, our options to some other body.

And I would hope that as Congress we would be very careful and considerate about what our responsibility is, and we would take very seriously any encroachment on the role of law that is given to us by the Constitution. It was the vision of the Founding Fathers that this should be the body that makes those decisions, not the executive branch.

This is a good bill, these are good bills, and this is a fair rule.

We haven't even talked about the amendments that were made in order, but they do cover, in fact, we did have one statement about the amendment that was not made in order, and I half wish—the Member is no longer here, but his issue of concern is covered in another amendment that is made in order and will be discussed on this floor.

So it is a fair rule. It will have a vigorous debate. And there are two good bills that would be brought before this body that I hope sincerely pass. I do urge their adoption, and I sincerely urge the adoption of this rule that will move us forward.

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

AN AMENDMENT TO H. RES. 788 OFFERED BY
MS. SLAUGHTER OF NEW YORK

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

SEC. 8. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the resolution (H. Res. 746) prohibiting the consideration of a concurrent resolution providing for adjournment or adjournment sine die unless a law is enacted to provide for the extension of certain expired or expiring tax provisions that apply to middle-income taxpayers if called up by Representative Slaughter of New York or her designee. All points of order against the resolution and against its consideration are waived.

SEC. 9. Immediately after House Resolution 746 is no longer pending, 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. 15) to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families. 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 Ways and Means. 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. 10. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 9 of this resolution.

SEC. 11. Notwithstanding any other provision of this resolution, the amendment printed in section 12 shall be in order as though printed as the last amendment in the report of the Committee on Rules accompanying this resolution if offered by Representative Boswell of Iowa or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 12 The Amendment referred to in section 11 is as follows:

At the end of the Rules Committee Print, add the following new title:

TITLE VI—EXTENSION OF RENEWABLE ENERGY CREDIT SEC. 601. EXTENSION OF RENEWABLE ENERGY CREDIT.

(a) WIND.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2017”. (b) BIOMASS, GEOTHERMAL, SMALL IRRIGATION, LANDFILL GAS, TRASH, AND HYDROPOWER.—Each of the following provisions of section 45(d) of such Code is amended by striking “January 1, 2014” and inserting “January 1, 2017”:

- (1) Clauses (i) and (ii) of paragraph (2)(A).
- (2) Clauses (i) (I) and (ii) of paragraph (3)(A).
- (3) Paragraph (4).
- (4) Paragraph (6).
- (5) Paragraph (7).
- (6) Subparagraphs (A) and (B) of paragraph (9).
- (7) Subparagraph (B) of paragraph (11).

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 238, nays 179, not voting 12, as follows:

[Roll No. 587]

YEAS—238

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

NAYS—179

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

Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating

NOT VOTING—12

Akin
Filner
Gallegly
Granger

□ 1406

Messrs. GEORGE MILLER of California, DAVIS of Illinois, and TONKO changed their vote from “yea” to “nay.”

Messrs. GINGREY of Georgia and LABRADOR changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:
Mr. CARNEY. Mr. Speaker, during rollcall vote No. 587 on Previous Question H. Res. 788, I mistakenly recorded my vote as “yea” when I should have voted “nay.”

I ask unanimous consent that my statement appear in the RECORD following rollcall vote No. 587.

Mr. FILNER. Mr. Speaker, on rollcall 587, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore (Mr. QUAYLE). The question is on the resolution.

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

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

The yeas and nays were ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 182, not voting 14, as follows:

[Roll No. 588]
YEAS—233
Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)

Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—182
Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings

Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchev
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind

NOT VOTING—14
Akin
Filner
Gallegly
Granger
Heinrich

□ 1420

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:
Mr. FILNER. Mr. Speaker, on rollcall 588, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Thursday, September 20, 2012 I had a delay on my American Airlines flight 1342 from Chicago to Washington, D.C. due to mechanical difficulties. I missed procedural votes on ordering the Previous Question and the Adoption of the rule for Welfare Work Requirements and Stop the War on Coal.

Had I been present, I would have voted “yea” on the above stated bills.

DISAPPROVING RULE RELATING TO WAIVER AND EXPENDITURE AUTHORITY WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 788, I call up the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by