



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, FRIDAY, OCTOBER 21, 2011

No. 159

Senate

The Senate was not in session today. Its next meeting will be held on Monday, October 24, 2011, at 3:45 p.m.

House of Representatives

FRIDAY, OCTOBER 21, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DENHAM).

DESIGNATION OF THE SPEAKER PRO TEMPORE:

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 21, 2011.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Janet Whaley Zimmerman, St. Patrick's Episcopal Church, Washington, D.C., offered the following prayer:

Almighty God, we ask Your blessings today on those who have achieved every measure of societal success and on those who have lost their jobs, their homes, and are in danger of losing their hope. We ask You to bless those who have received the best education available in this country and those who try to learn in overcrowded classrooms; and we ask You to bless those who enjoy the freedom and security of this great Nation and those who are daily in harm's way fighting wars overseas.

We ask You to inspire our leaders. Give them discerning hearts and agile minds so that together they may shape laws that work for the common good. Equip them to fulfill the challenging

duties that You have given them to do, and help them always to lead with compassion and generosity.

In the name of God, whom I know through Jesus Christ, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE HONORABLE AARON SCHOCK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable AARON SCHOCK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 12, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules

of the House of Representatives that I have been served with a subpoena, issued by the United States District Court for the Central District of Illinois, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

AARON SCHOCK,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, The Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 19, 2011, at 11:56 a.m., and said to contain a message from the President whereby he transmits a notice concerning the national emergency with respect to significant narcotics traffickers centered in Colombia.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H6985

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-65)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2011.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and cause an extreme level of violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

BARACK OBAMA.
THE WHITE HOUSE, October 19, 2011.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 18, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 18, 2011 at 11:23 a.m.:

That the Senate passed S. 1721.
That the Senate passed S. 275.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2011.

Hon. JOHN A. BOEHNER, *The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 19, 2011 at 10:15 a.m.:

That the Senate passed S. 925.
That the Senate agreed to S. Con. Res. 32.
That the Senate passed S. 270.
That the Senate passed S. 292.
That the Senate passed S. 333.
That the Senate passed S. 334.
That the Senate passed S. 404.
That the Senate passed without amendment H.R. 489.
That the Senate passed without amendment H.R. 765.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2011.

Hon. JOHN A. BOEHNER, *The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2011 at 10:50 a.m.:

That the Senate passed S. 894.
With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2011.

Hon. JOHN A. BOEHNER, *The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2011 at 5:42 p.m.:

That the Senate passed S. 1412.

That the Senate passed without amendment H.R. 1843.

That the Senate passed without amendment H.R. 1975.

That the Senate passed without amendment H.R. 2062.

That the Senate passed without amendment H.R. 2149.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 292. An act to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; To the Committee on Natural Resources.

S. 270. An act to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; To the Committee on Natural Resources.

S. 333. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch; To the Committee on Energy and Commerce.

S. 334. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir; To the Committee on Energy and Commerce.

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior; To the Committee on Natural Resources.

S. 925. An act to designate Mt. Andrea Lawrence; To the Committee on Natural Resources.

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the "Officer John Maguire Post Office"; To the Committee on Oversight and Government Reform.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 9 minutes a.m.), under its previous order, the House adjourned until Monday, October 24, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3541. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico [Docket No.: APHIS-2011-0093] received October 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3542. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Pseudomonas fluorescens*

strain CL145; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0087; FRL-8884-6] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3543. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

3544. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

3545. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting annual report on recruitment and retention, training and workforce development, and workforce flexibilities; to the Committee on Financial Services.

3546. A letter from the Deputy Secretary, Department of Energy, transmitting a letter of extension of 45 days to complete the Implementation Plan for Recommendation 2010-2; to the Committee on Energy and Commerce.

3547. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Approaches for Identifying, Collecting, and Evaluating Data on Health Care Disparities in Medicaid and CHIP"; to the Committee on Energy and Commerce.

3548. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revised Definitions; Construction Permit Program Fee Increases; Regulation 3 [EPA-R08-OAR-2011-0340; FRL-9454-3] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3549. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference [MD203-3119; FRL-9454-1] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3550. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Control of Emissions of Organic Materials that are not regulated by Volatile Organic Compound Reasonably Available Control Technology Rules [EPA-R05-OAR-2008-0514; FRL-9451-4] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3551. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Large Appliance and Metal Furniture Coatings [EPA-R03-OAR-2011-0509; FRL-9453-7] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3552. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Nitrogen Oxides Emissions from Glass Melting Furnaces [EPA-

R03-OAR-2011-0286; FRL-9453-9] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3553. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Clean Air Interstate Rule Emissions Trading Program [EPA-R03-OAR-2011-0195; FRL-9453-6] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Review of National Ambient Air Quality Standards for Carbon Monoxide [EPA-HQ-OAR-2008-0015; FRL-9455-2] (RIN: 2060-A143) received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3555. A letter from the Under Secretary, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 28-10 informing of an intent to sign the Project Arrangement; to the Committee on Foreign Affairs.

3556. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Foreign Affairs.

3557. A letter from the Inspector General, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3558. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the Government Accountability Office (GAO) report entitled, "Social Media: Federal Agencies Need Policies and Procedures for Managing and Protecting Information They Access and Disseminate"; to the Committee on Oversight and Government Reform.

3559. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York Reasonable Further Progress Plans, Emissions Inventories, Contingency Measures and Motor Vehicle Emissions Budgets [EPA-R02-OAR-2010-1058; FRL-9453-2] received August 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the Government Accountability Office (GAO) report entitled, "Space and Missile Defense Acquisitions: Periodic Assessment Needed to Correct Parts Quality Problems in Major Programs"; to the Committee on Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1439. A bill to regulate certain State taxation of interstate commerce, and for other purposes (Rept. 112-257). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARINO:

H.R. 3239. A bill to provide certain legal safe harbors to Medicare and Medicaid providers who participate in the EHR meaningful use program or otherwise demonstrate use of certified health information technology; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself and Mr. RUNYAN):

H.R. 3240. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H. Res. 443. A resolution establishing the House of Representatives Summer Internship Program; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MARINO:

H.R. 3239.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. PASCRELL:

H.R. 3240.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. BROOKS.

H.R. 104: Mr. PETRI and Mr. MICHAUD.

H.R. 265: Mr. POLIS and Mr. KUCINICH.

H.R. 266: Mr. KUCINICH.

H.R. 267: Mr. KUCINICH.

H.R. 502: Mr. MURPHY of Connecticut.

H.R. 639: Mr. CARNEY, Mr. BISHOP of New York, Mr. ADERHOLT, Mr. DOGGETT, and Mr. PAYNE.

H.R. 640: Mr. BARROW.
H.R. 679: Ms. SPEIER.
H.R. 721: Mr. ROE of Tennessee, Mrs. BACHMANN, Mr. MATHESON, Mr. ROGERS of Michigan, and Mr. PETRI.
H.R. 763: Mr. POE of Texas.
H.R. 931: Mr. MARCHANT.
H.R. 1173: Mr. ROGERS of Michigan, Mrs. BLACK, Mr. CASSIDY, Mr. OLSON, Mr. BURGESS, Mr. FARENTHOLD, Mr. BONNER, Mr. ROGERS of Alabama, Mr. MARINO, Mr. MCCAUL, Mr. WILSON of South Carolina, Mr. MCKINLEY, Mr. LANCE, Mr. GOWDY, Mr. SESSIONS, and Mr. LANKFORD.
H.R. 1195: Ms. BASS of California.
H.R. 1239: Mr. ISRAEL and Mr. RUSH.
H.R. 1370: Mr. MCKINLEY.
H.R. 1489: Mr. RYAN of Ohio.
H.R. 1637: Mr. FITZPATRICK.
H.R. 1666: Ms. MOORE.
H.R. 1878: Mr. BURTON of Indiana.
H.R. 2077: Mr. TIBERI.
H.R. 2369: Mr. HASTINGS of Washington, Mr. CANSECO, Ms. BUERKLE, Mr. TURNER of Ohio, Mrs. CHRISTENSEN, and Ms. BORDALLO.
H.R. 2387: Mr. ANDREWS.
H.R. 2407: Mr. BACA.
H.R. 2447: Mr. SIRES, Mr. DUFFY, and Mr. SARBANES.
H.R. 2459: Mr. REED and Mrs. SCHMIDT.
H.R. 2492: Mr. NEAL, Mr. ELLISON, Ms. PINGREE of Maine, and Mr. KISSELL.
H.R. 3059: Mr. POLIS, Mr. KISSELL, Ms. BUERKLE, Mr. WELCH, Mr. FRANK of Massachusetts, and Mr. HINCHEY.
H. Res. 60: Mr. BARLETTA.
H. Res. 416: Mr. FORBES.
H. Res. 435: Mr. LEVIN.