United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, SEPTEMBER 26, 2011 No. 144

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 26, 2011.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

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

PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Lord God Almighty, You commend us to trust in You with all our hearts and not lean on our own understanding. You ask us to acknowledge You above all others, and when we do, You promise to make our paths straight.

Lord, the limits of worldly wisdom won't illuminate a clear path on which our leaders may tread with assurance of Your favor. So I pray that You will pour a generous portion of Your divine wisdom and power into each Representative's life.

Equip them with faith that sees into the future, hope that unburdens their hearts and minds, and the assurance that You, Lord God, still reign on Your throne and will help this great Nation and its citizens experience Your blessings when we turn our hearts to You alone.

Father God, restore peace to the fearful and joy to those burdened by the cares of life, and be with those in harm's way and their families. This I ask in the Name that is above every name.

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 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, September 23, 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 September 23, 2011 at 2:56 p.m.:

That the Senate passed with an amendment H.R. 2832.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

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, September 23, 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 September 23, 2011 at 3:29 p.m.:

That the Senate passed without amendment H.R. 2646.

That the Senate passed without amendment H.R. 2943.

That the Senate agreed to S. Con. Res. 27.

That the Senate agreed to S. Con. Res. 29.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

SENATE CONCURRENT RESOLUTIONS REFERRED

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

S. Con. Res. 27. Concurrent resolution honoring the service of Sergeant First Class Leroy Arthur Petry, a native of Santa Fe, New Mexico, and the second living recipient of the Medal of Honor since the Vietnam War; to the Committee on Armed Services.

S. Con. Res. 29. Concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. ''Buzz'' Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

Printed on recycled paper.

H.R. 2646. An act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 2883. An act to amend part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An act to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 11 a.m. on Thursday next.

There was no objection.

Accordingly (at 12 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Thursday, September 29, 2011, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

3247. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3248. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3249. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3250. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1206] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3251. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3252. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3253. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1211] received August 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3254. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3255. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Fair Credit Reporting Risk-Based Pricing Regulations (RIN: R411009) received August 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3256. A letter from the Executive Secretary, National Labor Relations Board, transmitting the Board's ''Major'' final rule — Notification of Employee Rights Under the National Labor Relations Act (RIN: 3142-AA07) received September 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3257. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commissions's final rule — Poison Prevention Packaging Requirements; Exemption of Powder Formulations of Colesevelam Hydrochloride and Sevelamer Carbonate [CPSC Docket No.: CPSC-2011-0007] received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3258. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Event Data Records [Docket No.: NHTSA-2011-0106] (RIN: 2127-AK71) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3259. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines [Docket No.: RM07-9-004; Order No. 710-C] received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3260. A letter from the Assistant Attorney General, Department of Justice, transmitting Administration of the Foreign Agents Registration Act of 1938, as amended, for the six month period ending December 31, 2010, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

3261. A letter from the Director, Administrative Office of the United States Courts, transmitting a copy of the Report of the Judicial Conference of the United States for the March 2011 session; to the Committee on the Judiciary.

3262. A letter from the Delegated Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Oklahoma Advisory Committee; to the Committee on the Judiciary.

3263. A letter from the Secretary, Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the General Electric Co. in Evendale, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3264. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Time for Payment of Certain Excise Taxes, and Quarterly Excise Tax Payments for Small Alcohol Excise Taxpayers [Docket No.: TTB-2011-0001; T.D. TTB-94; Re: T.D. TTB-89; Notice No. 115; T.D. TTB-41; TTB Notice No. 56; T.D. ATF-365; and ATF Notice No. 813] (RIN: 1513-AB43) received September 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3265. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Antelope Valley of the California High Desert Viticultural Area [Docket No.: TTB-2010-0005; T.D. TTB-93; Ref: Notice No. 108] (RIN: 1513-AB55) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3266. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Revision of Distilled Spirits Plant Regulations [Docket No.: TTB-2008-0004; T.D. TTB-92; Re: ATF Notice No. 870 and TTB Notice Nos. 83, 86, and 92] (RIN: 1513-AA23) received August 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. KING (of New York): Committee on Homeland Security. H.R. 901. A bill to amend the Homeland Security Act of 2002 to codify the requirement that the Secretary of Homeland Security maintain chemical facility anti-terrorism security regulations; with an amendment (Rept. 112–224 Pt. 1). Ordered to be printed.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2250. A bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes; with an amendment (Rept. 112–225). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2273. A bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels; with an amendment (Rept. 112–226). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2681. A bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes; with an amendment (Rept. 112–227). Referred to the Committee of the Whole House on the state of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 901. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 11, 2011.

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 Ms. BASS of California (for herself, Mr. BASS of New Hampshire, Ms. HANABUSA, Mr. SCALISE, Ms. MOORE, Mrs. CAPITO, and Ms. DELAURO):

H.R. 3067. A bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer; to the Committee on Energy and Commerce.

By Mr. HULTGREN:

H.R. 3068. A bill to require the periodic review and automatic termination of Federal regulations; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, 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.

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 Ms. BASS of California:

H.R. 3067.

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

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article. I.

Section 8.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. HULTGREN:

H.R. 3068.

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

Article 1, Section 8, Clause 1—''to provide for the . . . general welfare of the United States;''

ADDITIONAL SPONSORS

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

H.R. 399: Mr. LANGEVIN.

H.R. 645: Mr. POMPEO.

H.R. 973: Mr. KLINE.

H.R. 1166: Mr. MACK.

H.R. 1351: Mr. LEWIS of Georgia.

H.R. 1489: Ms. DELAURO.

H.R. 1639: Mr. BROUN of Georgia, Mr. HURT, and Mr. NEUGEBAUER.

H.R. 1717: Mr. DEFAZIO.

H.R. 1744: Mr. WOODALL.

H.R. 1821: Mr. COURTNEY.

H.R. 1834: Mr. SCOTT of South Carolina.

H.R. 1940: Mr. DEFAZIO, Mrs. ELLMERS, and Mr. COHEN.

H.R. 2059: Mr. QUAYLE, Mr. SCOTT of South Carolina, and Mr. FLEMING.

H.R. 2369: Mr. GIBSON.

H.R. 2447: Mr. SCOTT of South Carolina, and Ms. CHU.

H.R. 2568: Mr. FLEMING.

H.R. 2668: Mr. FLAKE, Mr. CANSECO, and Mr. JOHNSON of Ohio.

H.R. 2706: Mr. ROONEY.

H.R. 2763: Mr. RIVERA and Mr. WAXMAN.

H.R. 2855: Mr. SERRANO.

H.R. 2898: Mr. HECK and Mr. NUGENT.

H.R. 3000: Mr. HECK and Mr. GOODLATTE.

H.J. Res. 73: Mr. YOUNG of Indiana and Mr. SHULER.

H. Res. 220: Mr. HINOJOSA.

H. Res. 344: Ms. ZOE LOFGREN of California.