United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

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# House of Representatives

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*February 13, 2012.*

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

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

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and gracious God, we give You thanks for giving us another day.

Help us this day to draw closer to You so that with Your spirit and aware of Your presence among us, we may all face the tasks of this day with grace and confidence.

Bless the Members of the people's House as they spend their final day in their home districts.

May these decisive days through which we are living make them genuine enough to maintain their integrity, great enough to be humble, and good enough to keep their faith, always regarding public office as a sacred trust. Give them the wisdom and the courage to fail not their fellow citizens, nor You.

May all that is done this day be for Your greater honor and glory. 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.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 14, 2012, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

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

4965. A letter from the Secretary, Department of Defense, transmitting the Annual Report of the Reserve Forces Policy Board for Fiscal Year 2011, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on Armed Services.

4966. A letter from the Assistant Secretary, Navy, Department of Defense, transmitting the Department's annual report listing all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

4967. A letter from the Secretary, Department of Health and Human Services, transmitting fourth and fifth quarterly report on Progress Toward Promulgating Final Regulations for the Menu and Vending Machine Labeling Provisions of the Patient Protection and Affordable Care Act of 2010; to the Committee on Energy and Commerce.

4968. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, ''Biofuels and the Environment: First Triennial Report to Congress''; to the Committee on Energy and Commerce.

4969. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablock Act; to the Committee on Foreign Affairs.

4970. A letter from the Secretary, Department of Education, transmitting the sixty-third Semiannual Report to Congress of the Office of the Inspector General for the period April 1, 2011, through September 30, 2011; to the Committee on Oversight and Government Reform.

4971. A letter from the Chief Human Capital Officer, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4972. A letter from the Inspector General, Office of Inspector General, U.S. House of Representatives, transmitting a report entitled, ''Capstone Summary —— Improved Controls Needed Over Procurement Management Processes Report No. 12-CAO-04''; to the Committee on House Administration.

4973. A letter from the Acting Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Special Regulations, Areas of the National Park System, Cape Hatteras National Seashore — Off-Road Vehicle Management (RIN: 1024-AD85) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4974. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA887) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4975. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer



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[Docket No.: 101029427-0609-02] (RIN: 0648-XA884) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4976. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Bering Sea Pollock Total Allowable Catch Amount [Docket No.: 101126521-0640-02] (RIN: 0648-XA906) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4977. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount [Docket No.: 101126521-0640-02] (RIN: 0648-XA903) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4978. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Recreational Accountability Measures [Docket No.: 111128700-1702-01] (RIN: 0648-BB66) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4979. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for Fiscal Year 2010 as of September 30, 2010; to the Committee on Transportation and Infrastructure.

4980. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Jobs Act: 504 Loan Program Debt Refinancing (RIN: 3245-AG17) received January 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4981. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Permitted disparity in employer-provided contributions or benefits (Rev. Rul. 2012-5) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4982. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Dividend Equivalents from Sources within the United States [TD 9572] (RIN: 1545-BK53) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4983. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2012-5) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4984. A letter from the Director, Trade and Development Agency, transmitting the Agency's fiscal year 2011 annual report; 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:

*[Omitted from the Record of February 9, 2012]*

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3410. A bill to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, to provide fair and equitable revenue sharing for all coastal States, to formulate future offshore energy development plans in areas with the most potential, to generate revenue for American infrastructure, and for other purposes; with am amendment (Rept. 112–395). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 3864. A bill to amend the Internal Revenue Code of 1986 to extend authorities relating to the Highway Trust Fund, to provide revenues for highway programs, and for other purposes (Rept. 112–396, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

*[Submitted February 13, 2012]*

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 7. A bill to authorize funds for Federal-aid highway, public transportation, and highway and motor carrier safety programs, and for other purposes; with an amendment (Rept. 112–397). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

*[Omitted from the Record of February 9, 2012]*

Pursuant to clause 2 of rule XIII the Committee on House Administration discharged from further consideration. H.R. 3813 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3864 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

## 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. HERGER:

H.R. 4013. A bill to continue the employee payroll tax cut through 2012; to the Committee on Ways and Means.

By Mr. HUIZENGA of Michigan (for himself, Mrs. CAPITO, and Mr. BACHUS):

H.R. 4014. A bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection; to the Committee on Financial Services.

By Mr. SCOTT of South Carolina:

H.R. 4015. A bill to repeal the conservation stewardship program of the Department of Agriculture; to the Committee on Agriculture.

## 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. HERGER:

H.R. 4013.

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

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. HUIZENGA of Michigan:

H.R. 4014.

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

In keeping with the Rules of the House of Representatives, Amendment X is cited as delegating to the states or to the people all ''powers not delegated to the United States by the Constitution.''

Additionally, Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SCOTT of South Carolina:

H.R. 4015.

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

Congress has the power to enact this legislation pursuant to the authority enumerated in Clause 3 of Section 8 of Article I 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. 452: Mr. BARROW.
H.R. 494: Ms. WATERS.
H.R. 679: Mr. OWENS.
H.R. 692: Mr. STEARNS.
H.R. 733: Mr. GINGREY of Georgia.
H.R. 1179: Mr. FLAKE, Mr. POE of Texas, Mr. WOMACK, and Mr. SESSIONS.
H.R. 1206: Mr. WOMACK.
H.R. 1325: Mr. SCHILLING and Mr. SCHOCK.
H.R. 1332: Mr. CHANDLER.
H.R. 1358: Mr. FITZPATRICK.
H.R. 1386: Mr. KING of New York and Mr. TOWNS.
H.R. 1614: Mrs. MCMORRIS RODGERS.
H.R. 1755: Mr. STIVERS.
H.R. 1830: Mr. RIGELL.
H.R. 1936: Mr. TONKO.
H.R. 1960: Mr. GARAMENDI.
H.R. 2077: Mr. GUINTA and Mr. GARDNER.
H.R. 2088: Ms. SUTTON, Mr. ROTHMAN of New Jersey, Mr. FITZPATRICK, and Mrs. DAVIS of California.
H.R. 2145: Mr. WESTMORELAND, Mr. HARRIS, Mr. BISHOP of Utah, and Ms. JENKINS.
H.R. 2152: Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Ms. MOORE, Mr. NEAL, and Ms. BUERKLE.
H.R. 2179: Mr. COOPER and Mr. ROE of Tennessee.
H.R. 2569: Mr. ROGERS of Alabama and Mr. CARDOZA.
H.R. 2679: Mr. INSLEE.
H.R. 2910: Mr. YOUNG of Indiana.
H.R. 2962: Mr. WELCH.
H.R. 3040: Mr. GOSAR.
H.R. 3076: Mr. CLAY.
H.R. 3207: Mr. FILNER.
H.R. 3269: Mr. GUINTA, Mr. SCHILLING, and Mr. SIRES.
H.R. 3283: Mr. SCHWEIKERT.
H.R. 3510: Mr. COOPER.
H.R. 3523: Mr. GRIMM, Mrs. MILLER of Michigan, Mr. GUTHRIE, Mr. ROGERS of Alabama, Mr. BENISHEK, and Mr. BROUN of Georgia.
H.R. 3609: Mr. BROUN of Georgia.
H.R. 3728: Mr. PITTS, Mr. ROSKAM, and Mr. AUSTIN SCOTT of Georgia.
H.R. 3767: Ms. WOOLSEY and Mrs. MCCARTHY of New York.

H.R. 3773: Mr. POE of Texas, Mr. MARCHANT, Mr. HALL, Mr. CANSECO, and Mr. ROSS of Arkansas.

H.R. 3798: MCGOVERN and Mr. SABLAN.

H.R. 3814: Mr. GOODLATTE, Mr. MCCLINTOCK, and Mr. WESTMORELAND.

H.R. 3842: Mr. DAVIS of Kentucky.

H.R. 3860: Mr. GRIJALVA.

H.R. 3877: Mr. HULTGREN.

H.R. 3895: Mr. BENISHEK, Mr. REHBERG, and Mr. WILSON of South Carolina.

H.R. 3974: Mr. RANGEL, Mr. HASTINGS of Florida, and Mr. HINCHEY.

H.R. 3860: Mr. VAN HOLLEN, Mr. PALLONE, Ms. SCHAKOWSKY, and Mr. BUTTERFIELD.

H.J. Res. 101: Mr. MULVANEY.

H. Res. 25: Mr. CICILLINE.

H. Res. 351: Mr. BUCHANAN.

H. Res. 526: Mr. KINZINGER of Illinois.