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PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

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WASHINGTON, FRIDAY, AUGUST 26, 2011

No. 127

## House of Representatives

The House met at 10 o'clock and 30 minutes a.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

August 26, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

Speaker of the House of Representatives.

### PRAYER

Reverend James Stoeger, S.J., Jesuit Secondary Education Association, Washington, DC, offered the following prayer:

Loving God, draw us to Yourself, to Your concerns and desires for us.

Help us attend as You might Yourself to the needs of our communities, Nation, and world. Draw our hearts towards those persons in want, those suffering illness or hunger or poverty. Inspire us to approaches and solutions for matters such as defense and learning and financial well-being.

For those Members on vacation, help them enjoy needed rest and family time. Please, God, bless the Members of this House, their staffs, and the country they serve.

This morning, in particular, we pray as well for the safety of those people and communities in the path of Hurricane Irene. Please, God, care for them. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution 375, the Journal of the last day's proceedings is 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.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 375, no legislative business will be conducted on this day.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to sections 3 and 4 of House Resolution 375, the House stands adjourned until 11 a.m. on Tuesday, August 30, 2011.

Accordingly (at 10 o'clock and 34 minutes a.m.), the House adjourned until Tuesday, August 30, 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:

2818. A letter from the Secretary, Department of Health and Human Services, transmitting a report of a violation of the Antideficiency Act by the Department for multiple fiscal years, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2819. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Bernard J. McCullough III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2820. A letter from the Secretary, Department of the Treasury, transmitting a report

on Credit Ratings References in Department and Bureau Regulations; to the Committee on Financial Services.

2821. A letter from the Acting Comptroller, Office of the Comptroller of the Currency, transmitting a Report on Credit Ratings; to the Committee on Financial Services.

2822. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report entitled, "Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2010", pursuant to 21 U.S.C. 355, section 505(q)(3); to the Committee on Energy and Commerce.

2823. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of North Dakota since April 5, 2010, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

2824. 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; Diesel-Powered Motor Vehicle Idling Act [EPA-R03-OAR-2011-0471; FRL-9445-9] received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2825. 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; State of California; Interstate Transport of Pollution; Interference with Prevention of Significant Deterioration Requirement [EPA-R09-OAR-2011-0211; FRL-9446-6] received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2826. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8881-8] (RIN: 2070-AJ57) received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2827. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California

□ 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.



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State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0429; FRL-9444-3] received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2828. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan; South Coast Air Quality Management District [EPA-R09-OAR-2011-0462; FRL-9437-6] received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2829. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2011-0416; FRL-9446-7] received July 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2830. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, "RCRA Hazardous Waste Identification of Methamphetamine Production Process By-products"; to the Committee on Energy and Commerce.

2831. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — American Society of Mechanical Engineers (ASME) Codes and New and Revised ASME Code Cases [NRC-2008-0554] (RIN: 3150-AI35) received July 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2832. A letter from the Secretary, Department of Commerce, transmitting the semi-annual report on the activities of the Inspector General for the period October 1, 2010 through March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2833. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Customs and Border Protection Officer Retirement (RIN: 3206-AL69) received July 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2834. A letter from the Chief, Branch of Foreign Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing the Salmon-Crested Cockatoo as Threatened Throughout its Range with Special Rule [Docket No.: FWS-R9-IA-2009-0056; MO 92210-1111F105 B6] (RIN: 1018-AW00) received July 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2835. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2010; to the Committee on the Judiciary.

2836. A letter from the Attorney General, Department of Justice, transmitting the Department's decision not to appeal the decision of the district court in the case of the United States v. Scott A. Holencik, No. 10-00017-VAP (C.D. Cal.); to the Committee on the Judiciary.

2837. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determining the Amount of Taxes Paid for Purposes of the Foreign Tax Credit [TD 9536] (RIN: 1545-BK40) received July 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## 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. BRALEY of Iowa:

H.R. 2826. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from employer social security taxes with respect to service members and veterans, and to provide a business credit for the retention of such individuals for at least 1 year; to the Committee on Ways and Means.

By Mr. DOLD:

H.R. 2827. A bill to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California:

H.R. 2828. A bill to provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities, and for other purposes; to the Committee on Education and the Workforce.

## 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. BRALEY of Iowa:

H.R. 2826.

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 I, Section 8, Clause 18 of the United States Constitution.

By Mr. DOLD:

H.R. 2827.

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

Article 1, Section 8, clause 3, which provides Congress the power to "regulate commerce with foreign Nations and among the several States." This legislation clarifies language in the Dodd-Frank Act regarding the registration and regulation of municipal advisors. It does this by amending the Securities Exchange Act of 1934.

By Mr. GEORGE MILLER of California:

H.R. 2828.

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

Article 1, Section 8, Clause 1, 3, 18 of the U.S. Constitution; Article I, Section 9, Clause 7 of the U.S. Constitution.

## ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

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

H.R. 104: Mr. OWENS.

H.R. 389: Mr. SENSENBRENNER.

H.R. 402: Ms. DEGETTE, Ms. BASS of California, Ms. ESHOO, Mr. BERMAN, and Mrs. NAPOLITANO.

H.R. 772: Mr. ELLISON.

H.R. 795: Mr. TIPTON and Mrs. BONO MACK.

H.R. 835: Ms. ROYBAL-ALLARD.

H.R. 1236: Mr. TERRY, Mr. YOUNG of Indiana, and Mr. HONDA.

H.R. 1244: Mr. BUCHANAN.

H.R. 1327: Mr. CONYERS.

H.R. 1418: Mr. GARY G. MILLER of California.

H.R. 1546: Mr. WELCH, Mr. PEARCE, and Mr. CRITZ.

H.R. 1639: Mr. DENT and Mrs. BLACKBURN.

H.R. 1700: Mr. ROHRBACHER.

H.R. 1744: Mr. GRIMM and Mr. GOODLATTE.

H.R. 1792: Mr. SHERMAN.

H.R. 1848: Mr. BACHUS.

H.R. 1897: Mr. BARLETTA and Mr. COURTNEY.

H.R. 1936: Mr. TERRY.

H.R. 2005: Mr. YOUNG of Alaska, Mr. SESSIONS, Ms. ROYBAL-ALLARD, Mr. ENGEL, Ms. SCHAKOWSKY, and Ms. KAPTUR.

H.R. 2028: Mr. FATTAH and Mr. HINCHEY.

H.R. 2082: Ms. WILSON of Florida.

H.R. 2194: Mr. DOYLE.

H.R. 2195: Mr. PAUL, Mr. HARPER, and Mr. DOYLE.

H.R. 2210: Mr. HIMES, Ms. CASTOR of Florida, Mr. ELLISON, and Ms. HIRONO.

H.R. 2223: Mr. RAHALL.

H.R. 2414: Mr. CARTER.

H.R. 2497: Mr. ROSS of Florida, Mr. MCCAUL, Mr. KINGSTON, Mr. NEUGEBAUER, and Mr. SCHWEIKERT.

H.R. 2541: Mr. OWENS.

H.R. 2557: Mr. ROSS of Arkansas.

H.R. 2655: Mr. DENT and Ms. MCCOLLUM.

H.R. 2698: Ms. HERRERA BEUTLER.

H.R. 2814: Mr. CUMMINGS.

H. Res. 134: Mr. FLEISCHMANN.