



United States  
of America

# Congressional Record

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

Vol. 158

WASHINGTON, FRIDAY, MARCH 16, 2012

No. 44

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, March 19, 2012, at 2 p.m.

## House of Representatives

FRIDAY, MARCH 16, 2012

The House met at 10 a.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,  
March 16, 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

Reverend Blake Johnson, Church of the Advent, Washington, D.C., offered the following prayer:

O Lord our Governor, whose glory is in all the world, we commend this Nation to Your merciful care that, being guided by Your providence, we may dwell secure in Your peace.

Grant to the Members of this House, and to all in authority, wisdom and strength to know Your will.

Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve this people in Your fear.

Where we have failed You, we ask You to be merciful and grant us the grace to turn to paths of righteousness for Your name's sake.

Lord, keep this Nation under Your care and guide us in the way of justice and truth, through Jesus Christ our

Lord, who lives and reigns with You and the Holy Spirit, one God, world without end.

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,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, March 15, 2012.

Hon. JOHN A. BOEHNER,  
The Speaker, U.S. Capitol, United States 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 Representa-

tives, the Clerk received the following message from the Secretary of the Senate on March 15, 2012 at 5:06 p.m.:

That the Senate passed without amendment H.R. 473.

That the Senate passed with an amendment H.R. 886.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### HOOR OF MEETING ON MONDAY, MARCH 19, 2012

The SPEAKER pro tempore. Without objection, when the House adjourns today, it shall adjourn to meet at 4 p.m. on Monday, March 19, 2012.

There was no objection.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 4 p.m. on Monday, March 19, 2012.

There was no objection.

Accordingly (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Monday, March 19, 2012, at 4 p.m.

### EXECUTIVE COMMUNICATIONS, ETC.

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

5273. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aureobasidium pullulans strains DSM 14940 and DSM 14941; Exemption from the Requirement of a Tolerance [EPA-

□ 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.

H1365

HQ-OPP-2010-0099; FRL-9337-3] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5274. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Pasteuria nishizawae* — Pn1; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0807; FRL-9337-2] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5275. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirotetramat; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0783; FRL-9332-9] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5276. A letter from the Secretary of the Army, Department of Defense, transmitting the U.S. Army Fisher Houses Fiscal Year 2012 Annual Operating Budget Overview; to the Committee on Armed Services.

5277. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0538; FRL-9632-7] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5278. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Greenhouse Gas Reporting Program: Electronics Manufacturing (Subpart I): Revisions to Heat Transfer Fluid Provisions [EPA-HQ-OAR-2011-0512; FRL-9633-5] (RIN: 2060-AR09) received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5279. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources [EPA-HQ-OAR-2010-0873; FRL-9630-7] (RIN: 2060-AH23) received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5280. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-11, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5281. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and pursuant to Executive Order 13313 of July 31, 2003 a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Foreign Affairs.

5282. A letter from the Secretary, Department of Energy, transmitting proposed legislation to amend section 4306 of the Atomic Energy Defense Act; jointly to the Committees on Armed Services and Energy and Commerce.

#### 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. UPTON: Committee on Energy and Commerce. H.R. 452. A bill to repeal the pro-

visions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; with an amendment (Rept. 112-412 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. Supplemental report on H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system (Rept. 112-39 Pt. 3).

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Rules discharged from further consideration. H.R. 452 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 Ms. ROS-LEHTINEN (for herself and Mr. BERMAN):

H.R. 4197. A bill to extend the authority to provide loan guarantees to Israel; to the Committee on Foreign Affairs.

By Mr. GOSAR (for himself, Ms. BERKLEY, Mr. FRANKS of Arizona, Mr. SCHWEIKERT, Mr. QUAYLE, Mr. HECK, Mr. AMODEI, and Mr. FLAKE):

H.R. 4198. A bill to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park; to the Committee on Natural Resources.

By Mr. RIGELL:

H.R. 4199. A bill to amend the Internal Revenue Code of 1986 to close the corporate jet depreciation loophole and to increase the work opportunity tax credit for veterans; to the Committee on Ways and Means.

By Mr. SCHWEIKERT (for himself, Mr. MULVANEY, Mr. GOSAR, Mr. FRANKS of Arizona, and Mr. QUAYLE):

H.R. 4200. A bill to amend the Americans with Disabilities Act of 1990 to prohibit the Attorney General from administering or enforcing certain accessibility regulations relating to pools at public accommodations or provided by public entities; to the Committee on the Judiciary.

By Mr. TURNER of Ohio (for himself and Mr. ANDREWS):

H.R. 4201. A bill to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. MANZULLO:

H. Res. 586. A resolution expressing the concern of Congress regarding the Argentine Republic's willful and repeated disregard for the rule of law in the United States; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, 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 Representa-

tives, 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. ROS-LEHTINEN:

H.R. 4197.

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

Article I, section 8 of the Constitution.

By Mr. GOSAR:

H.R. 4198.

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

First, Congress has the power to regulate interstate commerce pursuant to Article I, Section 8, Clause 3 of the U.S. Constitution. This clause provides, in relevant part: "The Congress shall have Power To . . . regulate Commerce . . . among the several states . . ." Congress has the power to regulate traffic and intercourse between the states. *Gibbons v. Ogden* (1824). ("Commerce, undoubtedly, is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse . . .")

Second, Congress has the express authority to create rules and regulations with regard to federal property pursuant to Article IV, Section 3, Clause 2 of the U.S. Constitution. This clause provides that "Congress shall have the power to . . . make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . ." This grants Congress the power to act as an ordinary property owner, including the power to regulate who may enter and for what purposes.

By Mr. RIGELL:

H.R. 4199.

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

Article 1, Section 8, Clause 1, "The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."

By Mr. SCHWEIKERT:

H.R. 4200.

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

Art. 1, § 8, Clause 3 of the Constitution: "To regulate Commerce with foreign Nations, and among the several States," & Art. 1, § 8, Clause 18: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. TURNER of Ohio:

H.R. 4201.

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

Military Regulation: Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

Necessary and Proper Regulations to Effectuate Powers:

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.

#### ADDITIONAL SPONSORS

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

- H.R. 692: Mr. SCHWEIKERT.
- H.R. 721: Mr. CLARKE of Michigan, Mr. DICKS, and Mr. BISHOP of New York.
- H.R. 1167: Mr. GOSAR.
- H.R. 1244: Mr. KING of Iowa.
- H.R. 1370: Mr. BASS of New Hampshire.
- H.R. 1575: Mr. ROSKAM.
- H.R. 1735: Mr. LARSON of Connecticut.
- H.R. 1744: Mr. CRENSHAW.
- H.R. 2051: Mr. MICHAUD.
- H.R. 2106: Mr. LAMBORN.
- H.R. 2479: Ms. SCHWARTZ, Mr. HIGGINS, and Mr. GUTIERREZ.
- H.R. 2659: Mr. NADLER, Mr. RANGEL, and Ms. WATERS.
- H.R. 2866: Mr. GRIMM.
- H.R. 3053: Ms. BASS of California.
- H.R. 3307: Mr. RUSH, Mr. VAN HOLLEN, and Ms. HAHN.
- H.R. 3356: Mr. LUETKEMEYER.
- H.R. 3368: Mr. GEORGE MILLER of California.
- H.R. 3643: Mr. LATOURETTE and Mrs. CAPPS.
- H.R. 3839: Mr. CARSON of Indiana and Mr. MCCAUL.
- H.R. 3860: Mr. RUPPERSBERGER.
- H.R. 3877: Mr. GRIFFIN of Arkansas.
- H.R. 3880: Mr. AUSTIN SCOTT of Georgia.
- H.R. 3989: Mr. AUSTIN SCOTT of Georgia.
- H.R. 4077: Mr. TURNER of New York, Mr. MCCAUL, Mr. PLATTS, and Mr. MCGOVERN.
- H.R. 4107: Mr. HUIZENGA of Michigan, Mr. COLE, and Mr. BARLETTA.
- H.R. 4134: Mr. RANGEL.
- H.R. 4160: Mr. WILSON of South Carolina, Mr. WALBERG, and Mr. WESTMORELAND.
- H.R. 4169: Mr. LEWIS of Georgia, Mr. MORAN, Ms. SCHWARTZ, and Mr. MARKEY.
- H.R. 4174: Mr. JONES and Mr. KISSELL.
- H.J. Res. 71: Mr. BENISHEK.
- H. Res. 490: Mr. SCOTT of South Carolina, Mr. CALVERT, Mr. RIBBLE, Mr. GOODLATTE, Mr. BERG, Mr. GRAVES of Missouri, and Mr. CRAVAACK.
- H. Res. 526: Mr. BURTON of Indiana.
- H. Res. 560: Mr. ALTMIRE and Mr. GERLACH.
- H. Res. 568: Mr. DENT, Mr. LANDRY, Mr. AKIN, Mr. PETERS, Mr. CARNEY, Ms. RICHARDSON, Mr. SMITH of Texas, Mr. CONNOLLY of Virginia, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. RIGELL, Mr. MARCHANT, Mr. MURPHY of Connecticut, Ms. JENKINS, Mrs. HARTZLER, Mr. BONNER, Mr. MCCAUL, Mr. MCKINLEY, Mr. FLAKE, Mr. RUNYAN, Mr. SCHILLING, Mr. MCKEON, Mr. ROKITA, Ms. WASSERMAN SCHULTZ, Mr. LUJÁN, Mr. KISSELL, Mr. BERG, Ms. WILSON of Florida, and Mr. BISHOP of New York.
- H. Res. 583: Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. RIVERA, Mr. MORAN, Mr. CONNOLLY of Virginia, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. SCHOCK, Mr. RUSH, Mr. MEEKS, and Mr. WAXMAN.