

BILLS PRESENTED TO THE  
PRESIDENT

Karen L. Haas, Clerk of the House, reports that on November 4, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 368. To amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 818. To direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

## ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 16, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS,  
ETC.

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

3838. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dana T. Atkins, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

3839. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Adam M. Robinson, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

3840. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Eric B. Schoomaker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3841. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Francis H. Kearney III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3842. A letter from the President and Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ethiopia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3843. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Investment Advice — Participants and Beneficiaries (RIN: 1210-AB35) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3844. A letter from the Secretary, Department of Health and Human Services, transmitting the first biennial report concerning the Food Emergency Response Network mandated by the FDA Food Safety Modernization Act (FSMA); to the Committee on Energy and Commerce.

3845. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-19, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3846. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-34, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3847. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-39, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3848. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the 2011 list of U.S. Army Corps of Engineers projects that have been identified as candidates for de-authorization; to the Committee on Transportation and Infrastructure.

3849. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, John H. Kerr Reservoir, Clarksville, VA [Docket No.: USCG-2011-0545] (RIN: 1625-AA08) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; East Coast Drag Boat Bucksport Blow-out Boat Race, Waccamaw River, Bucksport, SC [Docket No.: USCG-2011-0672] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V DAVY CROCKETT, Columbia River [Docket No.: USCG-2010-0939] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; TriRock Triathlon, San Diego Bay, San Diego, CA [Docket No.: USCG-2011-0789] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ryder Cup Captain's Duel Golf Shot, Chicago River, Chicago, IL [Docket No.: USCG-2011-0847] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Head of the Cuyahoga, Cuyahoga River Cleveland, OH [Docket No.: USCG-2011-0825] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction for Qualified Film and Television Production Costs [TD 9552] (RIN: 1545-BJ24) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3856. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Cost-of-Living Adjustments to the Internal Revenue Code Tax Tables and Certain Other Tax Items (Rev. Proc. 2011-52) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3857. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — November 2011 (Rev. Rul. 2011-25) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3858. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Treatment of Stock of a Controlled Corporation under Section 355(a)(3)(B) [TD 9548] (RIN: 1545-BH49) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3859. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Eligibility for Exemption from User Fee Requirement for Employee Plans Determination Letter Applications Filed After January 31, 2011 [Notice 2011-86] received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3860. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Salvage Discount Factors for 2011 (Rev. Proc. 2011-54) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3861. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities; Excise Taxes and Employment Taxes [TD 9553] (RIN: 1545-BH90) received October 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3862. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Unpaid Loss Discount Factors for 2011 (Rev. Proc. 2011-53) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3863. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Privacy Office third quarterly report for fiscal year 2011; to the Committee on Homeland Security.

3864. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, "DHS Privacy Office 2011 Annual Report to Congress"; to the Committee on Homeland Security.

3865. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled: "Implementation of Recovery Auditing at the Centers for Medicare and Medicaid Services"; jointly to the Committees on Energy and Commerce and Ways and Means.

3866. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2013, in accordance with Section 7(f) of the Railroad Retirement Act; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

3867. A letter from the Secretary, Department of Energy, transmitting proposed legislation to restore the Restricted Data (RD) category certain information that has been removed from that category pursuant to section 142 of the Atomic Energy Act of 1954, as amended; jointly to the Committees on Energy and Commerce, Intelligence (Permanent Select), and Armed Services.

3868. A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation entitled "Pipeline and Hazardous Material Transportation Safety Reauthorization Act of 2011"; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, Science, Space, and Technology, and the Judiciary.

#### 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. NUGENT: Committee on Rules. House Resolution 466. Resolution providing for consideration of motions to suspend the rules (Rept. 112-285). Referred to the House Calendar.

#### 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. POE of Texas (for himself and Mr. CARTER):

H.R. 3422. A bill to require the Secretary of Defense to transfer at least 10 percent of certain military equipment returning from Iraq to Federal and State agencies; to the Committee on Armed Services.

By Mr. CRENSHAW (for himself, Mr. VAN HOLLEN, Mrs. McMORRIS RODGERS, Mr. PAUL, Mr. HARPER, Mr. YOUNG of Florida, Mr. ROGERS of Kentucky, Mr. DEUTCH, Mr. CARNAHAN, Mr. BISHOP of New York, Mr. HOLT, Mr. SESSIONS, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, Ms. NORTON, Mr. MICHAUD, Mr. TOWNS, Mrs. EMERSON, Mr. DIAZ-BALART, Mr. WOLF, Mr. LANGEVIN, Mr. KLINE, Mr. VISLOSKY, Mr. CONNOLLY of Virginia, Mr. KING of New York, Mr. POE of Texas, Mr. ROTHMAN of New Jersey, Mr. GALLEGLY, and Mr. MILLER of Florida):

H.R. 3423. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 Mr. HOLT (for himself, Mr. ANDREWS, and Mr. SIREs):

H.R. 3424. A bill to establish a program under which the Administrator of the Environmental Protection Agency shall provide grants to eligible State consortia to establish and carry out municipal sustainability certification programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, 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 Mr. GEORGE MILLER of California (for himself, Mr. PAYNE, Mr. HINOJOSA, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. KILDEE, and Mr. LOEBsACK):

H.R. 3425. A bill to provide subsidized employment for unemployed, low-income

adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONNOLLY of Virginia:

H.R. 3426. A bill to amend the Federal Water Pollution Control Act to require the closure of oil storage and processing facilities that have spilled oil multiple times near residential neighborhoods, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOGGETT (for himself, Mr. PETERS, Mr. STARK, Mr. BLUMENAUER, and Mr. RANGEL):

H.R. 3427. A bill to provide for the availability of self-employment assistance to individuals receiving extended compensation or emergency unemployment compensation; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, Small Business, and Appropriations, 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 Mr. FRANK of Massachusetts:

H.R. 3428. A bill to amend the Federal Reserve Act to replace the Federal Open Market Committee members representing the Federal Reserve banks with additional members appointed by the President, and for other purposes; to the Committee on Financial Services.

By Mr. PALAZZO (for himself and Mr. SCALISE):

H.R. 3429. A bill to authorize the use of certain offshore oil and gas platforms in the Gulf of Mexico for artificial reefs, and for other purposes; to the Committee on Natural Resources.

By Mr. ROTHMAN of New Jersey:

H.R. 3430. A bill to direct the Federal Communications Commission to extend the final deadline for private land mobile radio licensees to migrate to narrowband technology by 2 years; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 3431. A bill to prohibit the Administrator of the Environmental Protection Agency from granting a waiver under section 211(f)(4) of the Clean Air Act for any fuel or fuel additive that will reduce fuel efficiency or cause or contribute to engine damage; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. GRIJALVA, Mr. DEFazio, Mr. BLUMENAUER, Ms. SCHWARTZ, Ms. LEE of California, and Mr. HINCHEY):

H.R. 3432. A bill to authorize voluntary grazing permit retirement on Federal lands managed by the Department of Agriculture or the Department of the Interior where livestock grazing is impractical, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 Mr. CARNEY (for himself, Mr. POLIS, Mr. CONNOLLY of Virginia, Mr. PERLMUTTER, and Mr. SCHRADER):

H.J. Res. 87. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McGOVERN:

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies or other

corporate entities established by the laws of any state, the United States, or any foreign state; to the Committee on the Judiciary.

#### 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. POE of Texas:

H.R. 3422.

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

Clause 1 of Section 8, of Article 1, in the United States Constitution.

By Mr. CRENSHAW:

H.R. 3423.

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

Article I, Section 8, Clause 1 of the U.S. Constitution

By Mr. HOLT:

H.R. 3424.

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

Article I of the Constitution of the United States

By Mr. GEORGE MILLER of California:

H.R. 3425.

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

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

By Mr. CONNOLLY of Virginia:

H.R. 3426.

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

Article 1 of the Constitution

By Mr. DOGGETT:

H.R. 3427.

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

Article I, Section 8 of the Constitution that grants Congress the authority, "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. FRANK of Massachusetts:

H.R. 3428.

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

Article I Section 8, Clause 3 (the Commerce Clause).

By Mr. PALAZZO:

H.R. 3429.

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

According to Article I, Section 8, Clause 1 of the Constitution.

By Mr. ROTHMAN of New Jersey:

H.R. 3430.

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. SENSENBRENNER:

H.R. 3431.

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

Article I, Section 8, Clause 3 of the U.S. Constitution

By Mr. SMITH of Washington:

H.R. 3432.

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