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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. HERRERA BEUTLER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 16, 2012.

I hereby appoint the Honorable JAIME HERRERA BEUTLER to act as Speaker pro tempore on this day.

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

PRAYER

Reverend Michael Wilker, Lutheran Church of the Reformation, Washington, D.C., offered the following prayer:

Gracious and merciful God, as the Members and staff of the House of Representatives continue their work to care for our Nation, we praise You and trust You hear our prayers.

It's harvest time in much of our Nation. Thank You for the farm workers and owners, ranchers, fishermen and women, and gardeners who are managing and harvesting the bounty of Your creation. Bless their labor and protect them from danger and adversity.

Election Day is approaching. Thank You for all who volunteer and work toward a fair, inclusive, and productive Election Day: Federal and local election officials, the secretaries of states and their staff members, campaign workers, and candidates. Inspire our diligence, help us correct our errors, and open our hearts and minds to each other.

Finally, we pray for our friends and family members who need Your care. You are gracious and merciful. Hear our prayers. Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. CONNOLLY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONNOLLY of Virginia 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. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 10 a.m. on Friday, October 19, 2012.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House adjourned until Friday, October 19, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

8088. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NPO); Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Document Number: AMS-NOP-11-0063; NOP-11-11FR] (RIN: 0581-AD018) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8089. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service [AMS-DA-10-0055] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8090. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations [Docket No.: APHIS-2008-0015] (RIN: 0579-AC85) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8091. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's report on the Availability of Credit to Small Businesses, pursuant to 12 U.S.C. 252; to the Committee on Financial Services.

8092. 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-Zablocki Act; to the Committee on Foreign Affairs.

8093. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a Determination Pursuant to Section 451 of the Foreign Assistance Act for the use of funds to assist civilian-led unarmed opposition groups in Syria; to the Committee on Foreign Affairs.

8094. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Foreign Affairs.

8095. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''District of Columbia Public Schools Local Schools and Central Office Budget Process Report (Report #2) Fiscal Years 2007-2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

8096. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting the Commission's Fiscal

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Year 2012 Commercial and Inherently Governmental Activities; to the Committee on Oversight and Government Reform.

8097. A letter from the General Counsel, Peace Corps, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8098. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at the Clarksville Modification Center, Ft. Campbell, in Clarksville, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8099. A letter from the Controller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ended February 28, 2011, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on the Judiciary.

8100. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class B Airspace; Salt Lake City, UT [Docket No.: FAA-2011-0438; Airspace Docket No. 11-AWA-4] (RIN: 2120-AA66) received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8101. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Sweetwater, TX [Docket No.: FAA-2011-0829; Airspace Docket No. 11-ASW-9] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8102. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Battle Creek, MI [Docket No.: FAA-2011-1110; Airspace Docket No. 11-AGL-21] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8103. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lemmon, SD [Docket No.: FAA-2012-0391; Airspace Docket No. 12-AGL-2] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8104. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tullahoma, TN [Docket No.: FAA-2011-1367; Airspace Docket No. 11-ASO-41] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8105. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Montgomery, AL [Docket No.: FAA-2012-0411; Airspace Docket No. 12-ASO-26] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8106. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Colorado Springs, CO [Docket No.: FAA-2011-1191; Airspace Docket No. 11-ANM-21] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8107. A letter from the Secretary, Department of Energy, transmitting the Department of Energy's Nuclear Waste Fund's Fiscal Year 2011 Financial Statements, pursuant to 42 U.S.C. 10224(c); to the Committee on Energy and Commerce.

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. GRAVES of Missouri (for himself, Mr. SCHIFF, Mr. LONG, and Mr. AKIN):

H.R. 6575. A bill to amend title XVIII of the Social Security Act to improve operations of recovery auditors under the Medicare integrity program, to increase transparency and accuracy in audits conducted by contractors, 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. BILIRAKIS:

H.R. 6576. A bill to amend title 10, United States Code, to permit veterans who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to such travel; to the Committee on Armed Services.

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. GRAVES of Missouri:

H.R. 6575.

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

Article 1, Section 8, Clause 1 (General Welfare) and Clause 3 (Commerce)

'Congress shall have the power to . . . provide for the . . . general welfare'

'Congress shall have the power . . . to regulate Commerce'

The Medicare Audit Improvement Act makes several changes to the way hospital audits are conducted which involves at least three parties: a hospital, a private Medicare contractor who conducts audits and the Center for Medicare and Medicaid Services. During the auditing process, transactions take place between these parties which is what constitutes this bill as regulating commerce. Further, Medicare is considered to be constitutional as part of providing for the general welfare and therefore any changes to Medicare would fall under this provision as well.

By Mr. BILIRAKIS:

H.R. 6576.

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

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

ADDITIONAL SPONSORS

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

H.R. 546: Mr. GOHMERT.
H.R. 750: Mr. ROKITA.
H.R. 904: Mrs. BIGGERT.
H.R. 1054: Mrs. DAVIS of California.
H.R. 1876: Ms. JACKSON LEE of Texas.
H.R. 2052: Mr. RANGEL and Mr. MCGOVERN.
H.R. 2103: Mr. LANGEVIN.
H.R. 2168: Mr. BISHOP of Utah.
H.R. 2479: Mr. CLEAVER.
H.R. 2514: Mr. ROKITA.
H.R. 2563: Mr. KING of Iowa.
H.R. 3032: Mr. DEFAZIO.
H.R. 3053: Mr. LEWIS of Georgia.
H.R. 3300: Ms. PINGREE of Maine.
H.R. 3444: Mr. BARLETTA.
H.R. 3481: Mr. BOUSTANY.
H.R. 3591: Ms. ESHOO and Mr. ISRAEL.
H.R. 3625: Mr. NADLER.
H.R. 4024: Mr. STARK.
H.R. 4025: Mr. STARK.
H.R. 5969: Mr. FORTENBERRY.
H.R. 5970: Mr. FORTENBERRY.
H.R. 6138: Mr. STARK and Mr. CAPUANO.
H.R. 6291: Mr. MILLER of Florida, Mr. WOLF, Mr. FALEOMAVAEGA, and Mr. DIAZ-BALART.
H.R. 6388: Ms. BORDALLO, Mr. LARSEN of Washington, Ms. NORTON, Mr. TONKO, Mr. TIERNEY, Mr. BUTTERFIELD, Mr. SHERMAN, Ms. VELÁZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROTHMAN of New Jersey, Mr. LOBIONDO, Ms. ESHOO, Mr. LANGEVIN, Mr. CLARKE of Michigan, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. STARK, Mrs. BIGGERT, Mr. MCGOVERN, Mr. HONDA, and Mr. CUMMINGS.
H.R. 6428: Mr. MICHAUD.
H.R. 6527: Ms. JACKSON LEE of Texas.
H.R. 6528: Mr. CONYERS, Mr. LEWIS of Georgia, and Mr. HONDA.