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Vol. 157

WASHINGTON, MONDAY, OCTOBER 24, 2011

No. 160

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

October 24, 2011.

I hereby appoint the Honorable ADRIAN SMITH to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

*Speaker of the House of Representatives.*

### PRAYER

Reverend Avelino Gonzalez, St. Joseph's Catholic Church, Washington, D.C., offered the following prayer:

Dear Lord, God of history, and our Father, you have anointed this great Nation to be the promoter and defender of freedom, unity, justice, peace, and the common good. You inspired our Founding Fathers, at the inception of our Republic, to recognize that mankind is endowed with self-evident and unalienable rights which reflect our unique status of being created in Your image and likeness.

We beseech You today, and ask You to pour out Your Holy Spirit upon our Republic and upon the Members of this House of Representatives so that all the deliberations and decisions of this governing body may be in conformity with our great call to defend these transcendent rights, and thereby, help build a civilization of authentic love, justice, and peace.

We ask this in Your Most Holy and Eternal name. Amen.

### EMPLOYING INDIVIDUALS WITH DISABILITIES

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Mr. Speaker, recently the Civitan Club of Wheeling, West Virginia, hosted a learning session on "Employing Individuals with Disabilities." With nearly 50 million Americans living with disabilities, I applaud the efforts of the Wheeling Civitan Club for recognizing the importance of providing individuals with disabilities the tools necessary to be successful.

President Ronald Reagan called for people to provide understanding, encouragement, and opportunities to help persons with disabilities lead productive and fulfilling lives.

As an individual with a significant hearing impairment, and a grandfather of a child with special needs, I am very familiar with the hardships of overcoming the obstacles of disabilities.

Disabilities have no boundaries. They cut across the lines of racial, ethnic, educational, social, and economic backgrounds and can occur in any family. I encourage us all to learn about the people in our community who have disabilities, and to recognize that all of us have talents and abilities that can make this a better place in which to live.

### CLASS ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, last week, Secretary of Health and Human Services Kathleen Sebelius announced that despite her Department's best efforts, what is known as the CLASS Act is not fiscally viable and will not be implemented.

The CLASS Act would have created a long-term care insurance option for employees. But you know what? It had been called a Ponzi scheme of the first order. Not my words, not even my Governor's words. Those are the words of

Senator KENT CONRAD, the Democratic chairman of the Senate Budget Committee.

Mr. Speaker, this is just another example of bad policy that was caused by the rushed approach to create and pass the Patient Protection and Affordable Care Act. Instead of focusing on reducing the price of long-term care insurance, the CLASS Act would have cost the taxpayers more money for the creation of yet another Federal program.

Now, incredibly, the CLASS Act is being abandoned by the Department of Health and Human Services, but the President refuses to let it go. We'll have a hearing on this in my committee later this week, Energy and Commerce.

But, Mr. Speaker, we can and we must do better. We need to repeal this health care law and replace it with commonsense market-based solutions that enhance our medical system, put the patient at the center of care, and drive down the cost of health care.

### HONORING FATHER ISAAC MASGA AYUYU

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, we recently celebrated an important anniversary in the Northern Mariana Islands for one of our longest-serving spiritual leaders. Reverend Father Isaac Masga Ayuyu has led the island faithful for 25 years. Pale' Ike, as he's fondly known, is the first ordained priest from the island of Rota, and the fifth local person to join the priesthood. He serves today as Parochial Vicar of Mount Carmel Cathedral on Saipan, and as Director of Worship for the Diocese.

Pale' Ike has had many mentors on his way to the priesthood, in particular, his parents, Francisca Masga

□ 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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Ayuyu and the late Corbiniano Songao Ayuyu, whose support he recalls each time he celebrates mass with the chalices that was a gift from them.

In our faith-based community, priests are ever in demand. Pale' Ike baptizes the newly born and conducts funeral rights for the recently departed. He tends to the spirit of those who are homebound or in hospitals. And he conducts weddings, he hears confessions, he says mass.

Outside of this tradition of priestly duties, he also has a lead role in community functions. Where there is a large family gathering, he is expected to attend. When someone builds a new home, Pale' Ike is called upon to bless it.

For your 25 years in the priesthood and as part of our daily life, thank you, Pale' Ike.

**COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE JOHN ABNEY CULBERSON, MEMBER OF CONGRESS**

The SPEAKER pro tempore laid before the House the following communication from Brittany Seabury, District Director, the Honorable JOHN ABNEY CULBERSON, Member of Congress:

OCTOBER 17, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a deposition subpoena for documents and testimony by the U.S. District Court for the Southern District of Texas to appear as a witness in a pending civil lawsuit.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

BRITTANY SEABURY,  
*District Director for*  
*U.S. Representative John Abney Culberson.*

**COMMUNICATION FROM THE HONORABLE JOHN ABNEY CULBERSON, MEMBER OF CONGRESS**

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN ABNEY CULBERSON, Member of Congress:

OCTOBER 17, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, U.S. House of Representatives,*  
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After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOHN ABNEY CULBERSON,  
*Member of Congress.*

**RECESS**

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1615

**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RUNYAN) at 4 o'clock and 15 minutes p.m.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

**KANTISHNA HILLS RENEWABLE ENERGY ACT OF 2011**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 441) to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 441

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Kantishna Hills Renewable Energy Act of 2011".*

**SEC. 2. DEFINITIONS.**

*In this Act:*

(1) **APPURTENANCE.**—The term "appurtenance" includes—

(A) transmission lines;

(B) distribution lines;

(C) signs;

(D) buried communication lines;

(E) necessary access routes for microhydro project construction, operation, and maintenance; and

(F) electric cables.

(2) **KANTISHNA HILLS AREA.**—The term "Kantishna Hills area" means the area of the Park located within 2 miles of Moose Creek, as depicted on the map.

(3) **MAP.**—The term "map" means the map entitled "Kantishna Hills Micro-Hydro Area", numbered 184/80,276, and dated August 27, 2010.

(4) **MICROHYDRO PROJECT.**—

(A) **IN GENERAL.**—The term "microhydro project" means a hydroelectric power generating facility with a maximum power generation capability of 100 kilowatts.

(B) **INCLUSIONS.**—The term "microhydro project" includes—

(i) intake pipelines, including the intake pipeline located on Eureka Creek, approximately 1/2 mile upstream from the Park Road, as depicted on the map;

(ii) each system appurtenance of the microhydro projects; and

(iii) any distribution or transmission lines required to serve the Kantishna Hills area.

(5) **PARK.**—The term "Park" means the Denali National Park and Preserve.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

**SEC. 3. PERMITS FOR MICROHYDRO PROJECTS.**

(a) **IN GENERAL.**—The Secretary may issue permits for microhydro projects in the Kantishna Hills area.

(b) **TERMS AND CONDITIONS.**—Each permit under subsection (a) shall be—

(1) issued in accordance with such terms and conditions as are generally applicable to rights-of-way within units of the National Park System; and

(2) subject to such other terms and conditions as the Secretary determines to be necessary.

(c) **COMPLETION OF ENVIRONMENTAL ANALYSIS.**—Not later than 180 days after the date on which an applicant submits an application for the issuance of a permit under this section, the Secretary shall complete any analysis required by the National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.) of any proposed or existing microhydro projects located in the Kantishna Hills area.

**SEC. 4. LAND EXCHANGE.**

(a) **IN GENERAL.**—For the purpose of consolidating ownership of Park and Doyon Tourism, Inc. lands, including those lands affected solely by the Doyon Tourism microhydro project, and subject to subsection (d), the Secretary may exchange Park land near or adjacent to land owned by Doyon Tourism, Inc., located at the mouth of Eureka Creek in sec. 13, T.16 S., R. 18 W., Fairbanks Meridian, for approximately 18 acres of land owned by Doyon Tourism, Inc., within the Galena patented mining claim.

(b) **MAP AVAILABILITY.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **TIMING.**—The Secretary shall seek to complete the exchange under this section by not later than February 1, 2015.

(d) **APPLICABLE LAWS; TERMS AND CONDITIONS.**—The exchange under this section shall be subject to—

(1) the laws (including regulations) and policies applicable to exchanges of land administered by the National Park Service, including the laws and policies concerning land appraisals, equalization of values, and environmental compliance; and

(2) such terms and conditions as the Secretary determines to be necessary.

(e) **EQUALIZATION OF VALUES.**—If the tracts proposed for exchange under this section are determined not to be equal in value, an equalization of values may be achieved by adjusting the quantity of acres described in subsection (a).

(f) **ADMINISTRATION.**—The land acquired by the Secretary pursuant to the exchange under this section shall be administered as part of the Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

**GENERAL LEAVE**

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.