

UNITED STATES
 NUCLEAR REGULATORY COMMISSION,
 Washington, DC, October 13, 2011.
 Hon. WILLIAM L. DALEY,
 Chief of Staff, The White House, Washington,
 DC.

DEAR CHIEF OF STAFF DALEY: As individual members of an independent regulatory commission, we all took oaths to execute this agency's nuclear regulatory mission and to uphold the institution's values, including its Principles of Good Regulation. Our obligation is not only to the agency and its staff, but also to the American people. It is from that foundation that we write to express our grave concerns regarding the leadership and management practices exercised by Nuclear Regulatory Commission (NRC) Chairman Gregory Jaczko. We believe that his actions and behavior are causing serious damage to this institution and are creating a chilled work environment at the NRC. We are concerned that this will adversely affect the NRC's essential mission to protect the health, safety and security of the American people.

In a long series of very troubling actions taken by Chairman Jaczko, he has undermined the ability of the Commission to function as prescribed by law and decades of successful practice. Since this current Commission was formed some 18 months ago, after the President nominated and the Senate confirmed the three newest members, we have observed that Chairman Jaczko has:

Intimidated and bullied senior career staff to the degree that he has created a high level of fear and anxiety resulting in a chilled work environment;

Ordered staff to withhold or modify policy information and recommendations intended for transmission to the Commission;

Attempted to intimidate the Advisory Committee on Reactor Safeguards, a legislatively-chartered independent group of technical advisors, to prevent it from reviewing certain aspects of NRC's analysis of the Fukushima accident;

Ignored the will of the majority of the Commission; contrary to the statutory functions of the Commission; and

Interacted with us, his fellow Commissioners, with such intemperance and disrespect that the Commission no longer functions as effectively as it should.

Recently, on October 5, 2011, Chairman Jaczko appeared as an invited guest at a periodic meeting of the agency's Executive Director for Operations and other senior career executives. According to multiple reports, his comments reflected contempt for the Commission itself and open disdain for the Internal Commission Procedures, a document that embodies governing principles from the NRC's organic legislation—the Energy Reorganization of 1974 and the Reorganization Plan No. 1 of 1980. These procedures guide the conduct of the work of the Commission.

Over the last 18 months, we have shown Chairman Jaczko considerable deference. Moreover, for the sake of the agency, its staff, and public confidence, we have strived to avoid public displays of disharmony. Unfortunately, our efforts have been received only as encouragement for further transgressions.

We are committed to conduct the work of this agency to the best of our ability and despite the items highlighted above and numerous other troubling actions taken by Chairman Jaczko, we have carried out the work before us and will continue to do so. However, Chairman Jaczko's behavior and management practices have become increasingly problematic and erratic. We believe his conduct as Chairman is inconsistent with the NRC's organizational values and impairs

the effective execution of the agency's mission.

We provided Chairman Jaczko our concerns in the attached memorandum.

Sincerely,

Commissioner KRISTINE L.
 SVINICKI.
 Commissioner WILLIAM D.
 MAGWOOD, IV.
 Commissioner GEORGE
 APOSTOLAKIS.
 Commissioner WILLIAM C.
 OSTENDORFF.

UNITED STATES
 NUCLEAR REGULATORY COMMISSION,
 Washington, DC, October 13, 2011.
 Memorandum to: Chairman Jaczko.

From Commissioner Svinicki, Commissioner Apostolakis, Commissioner Magwood, Commissioner Ostendorff.

As you know, many of us have, on occasion, taken issue with your interpretation of the relative role of the Chairman and the Commission, the role of the Chairman and the EDO, and your approach to working with the Commission to lead this agency. Over the past year, these issues, linked with your troubling personal approach to interacting with us and the senior staff, have intensified. This is a matter of serious concern. We have responsibilities relating to the Commission and the NRC staff, and we are accountable to Congress and the American people. It is from this foundation that we write to express our grave concern that your leadership and management practices are causing serious damage to this institution.

First, with respect to your relationship with the Commission, it is not uncommon to have some degree of tension between a Chairman and the members of an independent regulatory commission. But in the present case, your intemperate and disrespectful behavior and conduct towards fellow Commission members is completely unacceptable. A few recent examples include your outburst of temper demonstrated by storming out of an agenda planning meeting while a colleague was speaking, yelling at fellow commissioners on the phone, and termination of an NRC staff detailee's assignment to a Commission office without any advance discussion with the affected Commissioner. Although your relationship with Commissioner colleagues has been a serious problem for some time, it has gotten worse in recent months.

Second, your intimidation and bullying of the NRC staff to do things your way has resulted in a work environment with a chilling effect. While you are a champion of openness in Commission deliberations, you have taken steps to discourage open communication between the staff and the Commission. There are a number of recent examples where you or your office directed the staff to withhold certain views from the Commission or strongly criticized the staffs' views. Two recent examples include your direction to the EDO to withdraw the SECY paper on the Fukushima Near Term Task Force Report as well as your strong, ill-tempered criticism of the senior staffs' recommendations in the post-Fukushima "21 day" report. While you have communicated to us that your primary motivation in seeking to remove the EDO is based on his lack of communications with you, due diligence with numerous senior staff indicates that your motivation stems from instances where the EDO did not follow your view on what to present to the Commission as the staff's policy position. This impairs the ability of the Commission to function effectively; furthermore, your view of the role of the EDO is fundamentally contrary to that of the Commission and the way the NRC has functioned over the years.

Third, we are shocked to have received numerous reports from NRC senior staff about your remarks at the October 5 Senior Leadership Meeting. Your comments have been interpreted by those present not only to reflect your disdain for the Internal Commission Procedures, but also your contempt for the Commission. Your remarks to the NRC senior staff undermine the entire Commission. This conduct is of grave concern to us and is absolutely unacceptable.

In response to this persistent situation, we have decided to transmit the attached letter to the White House Chief of Staff to notify him of our serious concerns. We recognize that this is an extraordinary step, but do not believe that you have left us with viable alternatives.

□ 1050

THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, I rise today in opposition of H.R. 3630, the Middle Class Tax Relief and Job Creation Act. This bill is yet another example of Republicans bringing a partisan bill to the floor which has no chance of becoming law.

At this critical time in our economy, Republicans are continuing to pursue their own ideological agenda. Time and again, Republicans continue to choose brinksmanship over constructive engagement with Democrats. Allowing these extensions to expire would have a devastating impact on our economic growth and job creation.

Republicans must put aside partisan differences and work with Democrats so that we can assist millions of Americans who lost their jobs through no fault of their own. Putting money in the pockets of American families should be one of our top priorities. It just seems like common sense.

Although H.R. 3630 extends the Emergency Unemployment Compensation program until January 2013, it also lowers the amount of time benefits are provided from 99 weeks currently to 59 weeks. Furthermore, the bill also would allow States to require a high school diploma or being enrolled in classes for a GED to be eligible for benefits. The bill also offsets the cost by freezing Federal employee pay for another year through 2013.

Although recent data has shown that the national unemployment rate has dropped to 8.6 percent, the African American unemployment rate rose at the same time from 15.1 percent to 15.5 percent. High African American unemployment rates are a direct result of the high job loss in the public sector. During the past year, while the private sector has added 1.6 million jobs, State and local governments have shed at least 142,000 positions.

Because traditionally there has been racial discrimination in employment, blacks have relied on government jobs in large numbers since the Reconstruction era. As a matter of fact, one of the

first job openings for freed enslaved people was the United States Postal Service, which opened their doors and hired qualified ex-slaves during that period.

We will be passing legislation that helps the private sector, but we also need to be concerned about the public sector instead of freezing or limiting their pay. As a matter of fact, the private sector has been very derelict.

During World War II, even though the United States was way behind in our development of a war machine—ships, tanks, and boats—President Roosevelt had to send an Executive Order to companies insisting that they hire African Americans because we were losing the effort, but they refused to break down racial discrimination even as we were being outmanned by our enemies. And so we find there is still the difficulty for African Americans to get into the private sector; and we find that, therefore, many are losing their jobs in the public sector.

H.R. 3630 also makes large cuts in health care programs. It cuts over \$21 billion from the Affordable Care Act programs, which will increase the uninsured by 170,000 Americans.

Additionally, H.R. 3630 rolls back the Emergency Unemployment Compensation program substantially, making drastic cuts to Medicare, and contains controversial riders that should not be included in this bill.

We should not risk tax increases on middle class families, dropping unemployment benefits for those out of work, or preventing seniors from accessing their doctors through Medicare by including unrelated and controversial provisions.

The bill is fiscally careless, and it increases the deficit by \$25.3 billion over the next 10 years, according to CBO.

Due to the more than \$21.5 billion in provider cuts, the American Hospital Association is urging Congress to oppose this bill that will harm health care in communities across America.

Important funding for preventive care that was included in the Affordable Care Act is also subject to billions of dollars in cuts. Changes in the bill will result in 170,000 more uninsured Americans.

So, therefore, I urge defeat of this unfair plan, which also throws in the pipeline, which makes no sense.

CRISIS OF SEXUAL ABUSE OF CHILDREN IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, just a few minutes ago I heard one of my colleagues on another matter dealing with children raise the question: Who lobbies for our children?

Frankly, I don't want to live in a country that doesn't hold our children as the precious resources that they are, to be coddled and nurtured, given the opportunities of life irrespective of

their ethnic background, religious background, economic background, where they live in this country. I think the greatest testimony of a country's moral values is how they protect and respect their children.

Just an hour or two ago, Mr. Sandusky, in a Pennsylvania courtroom, decided not to listen to numbers of his accusers in this sordid scandal of child sexual abuse. That is his legal privilege. And as someone who adheres to the Constitution of due process and a right to a trial by one's peers, I'm not here to quarrel with a legal system that allows an accused—in this instance, a proposed defendant—to defend themselves. But I am here to challenge the crisis of sexual abuse of children in America and the sordid salaciousness of the coverup that adults have participated in. Shame on us. Shame on us.

As the chair and founder of the Congressional Children's Caucus, I raise my iron and I ask the media around this country to come from underneath the rocks and begin to attack the coverup and quietness of professional or amateur sports, of college sports, of high school and primary and secondary sports, of nonprofits who deal with children who have an inkling or a knowledge of the sordidness and the dastardly actions of sexually abusing children and not saying one word. And so this week I'm going to ask my colleagues to join me in introducing legislation that will cease and desist Federal funding going to colleges and universities and nonprofits who are found to have covered up charges of child sexual abuse.

When is it going to stop?

The heinousness of the alleged acts of Mr. Fine in Syracuse by the State laws suggest that the statute of limitations cannot reach him. The Federal law must speak. The voice of America must speak. And the irony of it is I listened to a commentator this morning say, How long will the coach be able to stay in Syracuse in the prominence of their season this year? As long as he wants. And no one has gotten to the bottom of what happened to those boys at Syracuse University.

Added to that is an ESPN tape that they sat on for how many years and no recrimination, no accusations against an entity that enjoys the trust and confidence and enjoyment of the American sports fans to have held a tape and denied that tape to at least be vetted to determine the harshness of what happened to a child.

Child sexual abuse cases, 90,000 of them are reported, but the numbers of unreported abuse are far greater, because it is documented that children wait at least 2 years before they're willing to tell even family members. Why? Because we, as adults, have made it so harsh, so accusatory for the child. The child is in fact the defendant, the wronged person. And God forbid, don't accuse a famous adult, for then you are completely maligned, thrown on the trash heap of life.

□ 1100

The boys that Mr. Sandusky was accused of acting against happened to be vulnerable children, vulnerable families, at-risk children, parents, single mothers, who were looking for a male role model. Isn't that allowed in America?

Aren't we familiar with raising that impoverished child up and giving the opportunity to be raised up by their bootstraps, getting some wonderful male role model, in the instance of girls, a woman role model? Isn't that the American way, that everybody has a door open to the greatest country in the world?

But that trust was violated, and those children now, basically grownups, did not survive and will not survive the mental conditions that they will be subjected to.

Mr. Speaker, as I close, let me say that children have died because of child sexual abuse. Join me in supporting this legislation to be able to say zero tolerance for the cover up of sexual abuse of children. It's a pox on our house. Where are the children's lobbyists? We must be that lobbyist.

CHILD SEXUAL ABUSE STATISTICS

Although child sexual abuse is reported almost 90,000 times a year, the numbers of unreported abuse greater because the children are afraid to tell anyone what has happened, and the legal procedure for validating an episode is difficult (American Academy of Child & Adolescent Psychiatry, 2004).

It is estimated that 1 in 4 girls and 1 in 6 boys will have experienced an episode of sexual abuse while younger than 18 years. The numbers of boys affected may be falsely low because of reporting techniques (Botash, Ann, MD, Pediatric Annual, May, 1997).

Sixty-seven percent of all victims of sexual assault reported to law enforcement agencies were juveniles (under the age of 18); 34 percent of all victims were under age 12. One of every seven victims of sexual assault reported to law enforcement agencies were under 6. Forty percent of the offenders who victimized children under age 6 were juveniles (under the age of 18). (Bureau of Justice Statistics, 2000).

Most children are abused by someone they know and trust, although boys are more likely than girls to be abused outside of the family. A study in three states found 96 percent of reported rape survivors under age 12 knew the attacker. Four percent of the offenders were strangers, 20 percent were fathers, 16 percent were relatives and 50 percent were acquaintances or friends (Advocates for Youth, 1995).

OVERVIEW

Child sexual abuse has been at the center of unprecedented public attention during the last decade. All fifty states and the District of Columbia have enacted statutes identifying child sexual abuse as criminal behavior (Whitcomb, 1986). This crime encompasses different types of sexual activity, including voyeurism, sexual dialogue, fondling, touching of the genitals, vaginal, anal, or oral rape and forcing children to participate in pornography or prostitution.

CHILD SEXUAL ABUSERS

Perpetrators of child sexual abuse come from different age groups, genders, races and