

economic impact of the loss of 1 foot of draft is \$373 million. The majority of this impact is lost business opportunities due to light loading of non-containerized vessels. If the dredging crisis at the port continues to worsen, this cost will quickly accelerate.

This amendment will help alleviate the crisis. The Port of Houston will get more desperately needed dredging funding. I strongly support this amendment and urge my colleagues to do the same.

IN SPECIAL RECOGNITION OF
MARSHALL KOBYSKI ON HIS
OFFER OF APPOINTMENT TO AT-
TEND THE UNITED STATES MILI-
TARY ACADEMY

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2012

Mr. LATTA. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding student from Ohio's Fifth Congressional District. I am pleased to announce that Marshall Kobylski of Bowling Green, Ohio has been offered an appointment to the United States Military Academy at West Point, New York.

Marshall's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet Class of 2016. Attending one of our Nation's military academies not only offers the opportunity to serve our country but also guarantees a world-class education, while placing demands on those who undertake one of the most challenging and rewarding experiences of their lives.

Marshall brings an enormous amount of leadership, service, and dedication to the incoming Class of 2016. While attending Bowling Green Senior High School in Bowling Green, Ohio, Marshall was a member of the National Honor Society, participant in the Ohio Energy Project, President of the Chess Club, and a Buckeye Boys State delegate.

Throughout high school, Marshall was a member of his school's cross country and track teams and earned varsity letters in both sports. In addition, Marshall participated in various church based organizations, including the youth group. I am confident that Marshall will carry the lessons of his student and athletic leadership to the Military Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Marshall Kobylski on the offer of his appointment to the United States Military Academy. Our service academies offer the finest military training and education available. I am positive that Marshall will excel during his career at the Military Academy, and I ask my colleagues to join me in extending their best wishes to him as he begins his service to the Nation.

IN RECOGNITION OF ALLEN M.
PROWS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Officer Allen Prows for his 31 years of service at the Daly City Police Department.

Mr. Prows was appointed police officer in 1980 and graduated from the Northern California Criminal Justice Training Center Academy at College of the Redwoods in Eureka, California.

Upon completion of the field training program, Officer Prows began his extensive career as a patrol officer. Working all shifts, he rose quickly from rookie to seasoned veteran in the patrol division where he spent his entire career. He is highly respected by his fellow officers and citizens alike and has received numerous letters of appreciation from residents and recognition for good team work with unit commanders from the department.

Officer Prows was awarded several departmental commendations, including one in 1986 for his part in the capture of two suspects who had vandalized Jefferson High School with graffiti and broken windows. He received another one in 1991 for being part of a team that apprehended a bank robbery suspect.

Allen Prows graduated from Newark High School in 1975. He earned an Associate of Arts degree from Ohlone Community College.

He lives in South San Francisco and is the proud father of two sons, Kevin and Mathew.

Mr. Speaker, I ask this body to rise with me to honor the service of Officer Allen Prows to the residents of Daly City. For over three decades, he has been dedicated to our community and made it a safer and better place.

H.R. 4335, THE POSTAL SERVICE
ACCOUNTABILITY ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2012

Mr. RAHALL. Mr. Speaker, on March 29, I introduced H.R. 4335, the Postal Service Accountability Act.

My bill would empower the independent postal regulator, the Postal Regulatory Commission, PRC, to block postal closures where the Postal Service, USPS, does not give sufficient attention to the undue burden a closure would have on a community.

Under current law, when the Postal Service is considering closing a post office, the affected public must be notified. The Postal Service opens a 60-day comment period, which includes a public meeting to allow local citizens a chance to voice their concerns. Once the public comment period closes, should the Postal Service decide to close a post office, the public has 30 days to appeal the decision to the Postal Regulatory Commission.

According to the Congressional Research Service, the PRC may fault the USPS' decision to close a post office only if the PRC finds the decision to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; without observance of procedure required by law; or unsupported by substantial evidence on the record. The PRC may require the USPS to reconsider its decision, but the ultimate authority to close a post office rests with the USPS.

My bill would give the PRC a binding authority to block a post office closure. It would require the Postal Service to consider the economic impact of a closure on a community, and empower the PRC to set aside a deter-

mination that is unsupported by substantial evidence regarding projected savings, mail delivery services, and community and worker impact. In addition, the Postal Service would be required to perform an after-the-fact review one year after a closure and make public its findings to ensure mail delivery services have been maintained.

My bill also would apply the revised appeals process to postal sorting facilities. Currently, there is no appeals process for mail processing facilities.

As well, my measure would prevent the Postal Service from proceeding with a closure without the written concurrence of three commissioners, halting the dubious practice of affirming closures by tie votes.

These are modest and practical changes designed to ensure that the Postal Service approaches these closures with an open mind and listens respectfully and attentively to community opinion. At issue is the basic right of citizens of a community to be heard. It will help to guard against the bureaucratic mentality, which too often takes root in executive agencies, that agency officials know best. We must ensure that the Postal Service's actions are grounded in the best interests of the people it was created to serve.

In July 2011, when the Postal Service announced its Retail Access Optimization Initiative and its intention to study nearly 3,700 post offices nationwide for closure, including 85 in southern West Virginia, the Postal Service was already pursuing a host of closure studies for separate post offices, as well as the consolidation of postal sorting facilities, including eighteen post offices and three processing facilities in southern West Virginia.

Under the law, the Postal Service is required to consider the impact of a post office closure on a community, on the affected postal workers, and on mail delivery services. Federal law requires the USPS to "provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining."

And, yet, there have been serious doubts raised about the Postal Service's adherence to these requirements. In its advisory opinion on the Postal Service's RA01 proposal, the PRC found that the Postal Service was unable to provide the data necessary to confirm its cost savings projections associated with the post offices proposed for closure. The Commission also expressed concerns about ensuring that alternatives are available to meet the needs of affected communities prior to a postal facility closure decision.

In a concurring opinion, the PRC chairman strongly rebuked the Postal Service's closure process, noting: "The Commission has recently heard appeals on more than 60 individual post office closings. The records in these cases reveal a pattern of inaccurate and overly optimistic economic savings calculations and of careless disregard of community concerns. While the facts of those cases were not considered by the Commission in its Advisory Opinion, they nevertheless demonstrate an ongoing institutional bias within the Postal Service that presumes closing small post offices automatically provides cost savings and network efficiencies."

The PRC's findings echo what I am hearing anecdotally from my constituents—that the public comment process is a perfunctory exercise—just for show—as the Postal Service

bulldozes ahead closing valued postal facilities for very little, if any, economic savings. This sentiment has become so frequent that it prompted me to contact the Postmaster General last October to question whether the public comment process is truly accomplishing its purpose, which is to give the public an opportunity to convey its views to the Postal Service and to give the Postal Service the opportunity to adjust its actions accordingly.

Within a two-month period last fall, the USPS Appalachian District scheduled more than 40 public meetings in southern West Virginia, raising doubts that the Postal Service can appropriately manage the public feedback received from each meeting and prepare for continued mail delivery should a closure occur.

In one case, residents said that their post office was closed before rural delivery was fully established. In other instances, public meetings have been scheduled at inconvenient times, like Halloween night, limiting public participation.

In 2009, as part of a separate closure process, the Postal Service issued an emergency suspension of the Hacker Valley Post Office in Webster County, West Virginia. I said at the time that the action was unwarranted and I was later validated in my concerns by the Postal Regulatory Commission. In response, the Postal Service offered to solicit for a Contract Postal Unit, CPU, in Hacker Valley, which would be operated by a supplier under contract with the Postal Service to provide retail postal services. After soliciting bids in March 2011, postal officials abruptly ended the process, requiring me to contact the Postal Service to remedy the matter, which it did.

What happened in Hacker Valley underscores the need to keep a close eye on the Postal Service's proposed closures. I am convinced that legitimate safety and convenience concerns of residents and businesses are not being sufficiently addressed—that many post offices' fates are predetermined and that the public comment process, in too many instances, has become a perfunctory step in the closure process, instead of being used to truly assess legitimate safety and convenience issues, and to take steps to minimize the adverse impact on the community.

I also question the criteria used to select post offices for a closure study, noting the conflict with the Postal Service's statutory charter that requires the Postal Service to provide "a maximum degree of effective and regular postal services" to rural communities where post offices are not self-sustaining, explicitly prohibiting small post offices from being closed solely for operating at a deficit.

Despite this requirement, the Postal Service has utilized computer-driven criteria in identifying retail facilities for closure. Three of the four criteria are financially based and clearly target small facilities that are not heavy revenue producers. As such, it is not surprising that there is a concentration of closings in rural areas, where computer-driven criteria cannot fully reflect the importance of a post office.

Clearly, the Postal Service has a responsibility to ensure its long-term fiscal solvency, but that must not happen at the expense of its public service obligations in ensuring universal mail services.

The Postal Service is not FedEx or UPS, which can pick and choose between profitable

and unprofitable markets. Nowhere does the law waive the Postal Service's public service obligations if deficits run high. The Postal Service needs to look at other ways to become more profitable and competitive by improving and modernizing its services rather than cutting off rural customers.

Rural customers, more so than their urban counterparts, rely on the Postal Service for basic mail necessities—for sending bills and receiving checks, newspaper deliveries, and small businesses reaching customers—especially in areas where internet access is limited.

These closures will disrupt local economies and the lives of residents and businesses—from seniors who depend on the delivery of life-sustaining mail-order drugs, to the communities where the post office is the heart of the neighborhood—and there needs to be a better mechanism in place to ensure not only that public concerns are being addressed, but also that the public feels as though it is being heard. Some may want to view the Postal Service solely as a business, but it is still a public institution and it must remain responsive and accountable to the people.

The Congress must take action to reinforce the point, empowering an independent regulator to watch over the Postal Service to guard against overly optimistic savings projections and insufficient attention to community needs in the closure process.

I previously urged the Postmaster General to place a moratorium on postal closures until a practical and realistic plan for managing and responding to public concerns is provided to the American public. Subsequently, the Postal Service announced that it would delay any closings or consolidations until May 15, 2012. I recently wrote to the Postmaster General to ask that he extend the May 15 moratorium until the Congress has completed action on postal reform legislation.

In the coming weeks, the House is expected to consider such legislation. While I am opposed to the Committee reported bill in its current form, especially with regard to its eliminating six-day delivery and potentially expediting the closure process, I am hopeful that the House will consider and pass legislation that will help ensure that our small, rural postal facilities are not made to bear the brunt of the Postal Service's nationwide budgetary challenges. I urge the House leadership to act expeditiously.

SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 19, 2012

Mr. MCGOVERN. Mr. Speaker, I first learned of the case of Sergei Magnitsky two years ago at a hearing of the Tom Lantos Human Rights Commission. At that hearing, a witness described the brutal torture and vicious mistreatment by Russian authorities of Mr. Magnitsky, a courageous man of integrity who paid the ultimate price for speaking out publicly about massive corruption in Russia. Today, the Russian government has still held no one accountable for this outrageous crime.

The facts of the Magnitsky case are simply shocking. Mr. Magnitsky, a bright young tax

lawyer, uncovered evidence of a criminal conspiracy involving public officials who stole \$230 million from the Russian treasury. In August 2008, Mr. Magnitsky testified about this tax fraud scheme before Russian authorities and implicated high-level officials in the conspiracy.

This honesty and courage led Mr. Magnitsky to be arrested and, perversely, charged with the crimes he had helped to expose. He was kept in pretrial detention in inhuman conditions for almost a year, and was tortured by officials who pressured him to retract his damning testimony. He refused to do so, but his health badly broke down as a result of his abuse. As he developed serious medical problems, including pancreatitis and gallstones, Russian authorities refused to provide him with medical care. Eventually, he fell into critical condition, and when that happened, rather than treating him, prison guards chained him to a bed and beat him for one hour and eighteen minutes, resulting in his death.

The response of Russian authorities to these crimes has been as outrageous as the crimes themselves. After Mr. Magnitsky died, the Russian government said he had never complained about his health in prison, even though he had made more than 20 official requests for medical attention. Russian authorities have still not held anyone accountable for his arrest, abuse, and death. As if to spit on his grave, they even absurdly opened a new, groundless criminal case against him this year, marking the first posthumous prosecution in Russian history.

Since Russian authorities have not provided justice to Mr. Magnitsky and his family, the United States should do what it can to hold individuals accountable for these heinous crimes. The bill I am introducing today, the Sergei Magnitsky Rule of Law Accountability Act of 2012, would provide a measure of justice for this courageous man by imposing a visa ban and asset freeze on the people who participated in or covered up his detention, abuse, and death, as well as on those individuals who benefited financially from his mistreatment or participated in the criminal conspiracy that he uncovered.

Mr. Speaker, this legislation is about much more than the Magnitsky case. In recognition of the many other severe human rights abuses that take place each year, the bill also imposes a visa ban and asset freeze on other individuals who have committed internationally recognized gross violations of human rights against people seeking to expose illegal activity by Russian officials or to exercise fundamental rights and freedoms.

In this way, the bill would hold accountable those individuals who have perpetrated grave abuses against other whistleblowers or government critics, such as Anna Politkovskaya, Natalia Estemirova, and others whose names are less well-known in the United States.

I am deeply grateful to the bipartisan group of members of Congress that supports this legislation and has helped to shape it. These members include Representatives FRANK WOLF, SANDER LEVIN, ILEANA ROS-LEHTINEN, ALCEE HASTINGS, ED ROYCE, JIM McDERMOTT, DAN BURTON, GERRY CONNOLLY, CHRIS SMITH, EDOLPHUS TOWNS, PETER ROSKAM, MICHAEL MICHAUD, JOSEPH PITTS and CHARLES RANGEL.

I am also deeply grateful to my colleagues in the Senate for their leadership on this issue. Senator BEN CARDIN has introduced similar