

THE NATURE CONSERVANCY,  
Arlington, VA, July 16, 2012.

Speaker JOHN A. BOEHNER,  
U.S. Capitol,  
Washington, DC.  
Minority Leader NANCY PELOSI,  
U.S. Capitol,  
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: It has come to our attention that S. 2039, "A Bill to allow a State or local government to construct levees on certain properties otherwise designated as open space lands" is due to be brought up on the House floor tomorrow to be considered Under Suspension of the Rules.

We ask that you oppose this bill as it would set a bad federal policy precedent on a number of fronts. The bill would allow expenditure of federal funds to build a levee on lands where federal funds have been previously expended under the Hazard Mitigation Grant Program (HMGP). Funds under the HMGP have been used to buyout and remove properties that were subjected to high flood risk. The land is then returned to its natural state and acts more effectively to mitigate future floods. The land is permanently deed restricted to ensure that no future development can be built and subjected to flood risk and diminish the floodplain function of absorbing and dispersing flood waters.

If a levee was allowed to be built, federal taxpayers would be unnecessarily paying twice to reduce flood risk. In addition, a levee does not guarantee protection from future flood risk, especially if the flooding event is greater than a 100 year flood (which are occurring at greater frequency due to an increase in extreme precipitation events). In addition, any development occurring in the area would remain at risk to future flooding events.

While we understand that this legislation addresses a specific location, we are concerned about the precedent that this bill would establish for all other areas in the nation where buyouts have occurred under the HMGP program. Such buyouts typically have taken place in areas of repetitive loss under the National Flood Insurance program and thus represent high flood hazard areas. Voluntary buyout and removal of properties is the best way to ensure the future safety of residents and minimize federal expenditures from future flood damage. Allowing levees or other barriers such as sea walls to be built would be extremely costly, undermine the integrity of the natural flood protection provided by existing open space, and provide a false sense of security to the property owners behind such structures.

Thank you for your attention to this matter and again we ask that you oppose this bill.

Sincerely,

ROBERT BENDICK,  
Director, U.S. Government Relations.

Mr. BERG. I am prepared to close.

Mr. Speaker, again, Members of the assembly here: there are 1,400 people in Minot that aren't living in their homes—there are 1,400 families, not people. Every year creates an uneasiness on the people that live in this flat valley, in the Red River Valley. This is an important bill. It's critical for long-term planning and clearly will save not only the Federal Government money, but it will save the local government money. It also will save all the volunteer time that goes into building a levee, taking a levee down.

I do believe if you saw the area where this will go, you would agree that a

permanent levee system that ties into the landscaping would really be a positive impact on the wildlife and the habitat in those areas.

With that, I yield back the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I rise today to express some concerns regarding S. 2039, introduced by Sen. HOEVEN, and sent to this body after unanimous consent in the Senate. I am concerned that this language, though well intentioned, is vague and could potentially result in negative consequences downstream, should this language be signed into law.

I remain concerned that the language could be applied to rivers beyond the Souris and the Red, without explicit Congressional intent. There is potential, although small, for levee construction to take place up and down the stretch of Missouri River that runs through North Dakota, resulting in negative consequences throughout the Missouri River basin.

I am comforted by the fact that there seems to be a rigorous FEMA review and approval process for construction of these levees, and I trust that the author's intentions are to allow for construction of new levees along only the Souris River and the Red River at specified locations. I appreciate the steps taken by the gentleman from North Dakota, Mr. BERG, to address these concerns and to make very clear for future reference that Congressional intent is to show that this legislation is intended to apply only to locations along the Souris and Red Rivers.

Mr. Speaker, our nation has gone too long without improving our levee systems. I do applaud the efforts to allow municipalities to take into their own hands efforts to rehabilitate systems. At the same time, it is important that they meet all necessary guidelines and do not injure other states and communities along a river bank.

I look forward to continuing this important conversation with the gentlemen from North Dakota.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, S. 2039.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNAHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1800

#### NICKY "NICK" DANIEL BACON POST OFFICE

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3870) to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3870

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

#### SECTION 1. NICKY "NICK" DANIEL BACON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, shall be known and designated as the "Nicky 'Nick' Daniel Bacon Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Nicky 'Nick' Daniel Bacon Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. BUERKLE. Mr. Speaker, I yield myself such time as I may consume.

#### GENERAL LEAVE

Ms. BUERKLE. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUERKLE. Mr. Speaker, H.R. 3870, introduced by the gentleman from Arkansas (Mr. GRIFFIN), would designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky "Nick" Daniel Bacon Post Office. The bill is cosponsored by the entire Arkansas State delegation and was favorably reported by the Committee on Oversight and Government Reform on February 7.

Mr. Speaker, First Sergeant Nick Bacon was known for his heroism while he served in the Army during the Vietnam War. During his second tour in Vietnam in 1968, Bacon assumed command of his company when his platoon leader was wounded in open ground. He led his platoon to successfully defeat the enemy gun crew.

When another platoon moved to Sergeant Bacon's location, its leader was also wounded. Without hesitation, Sergeant Bacon took charge of the additional platoon and continued the fight.

He is a recipient of the United States military's highest decoration, the Medal of Honor, as well as numerous other distinctions.

Mr. Speaker, I am truly grateful for the brave and heroic service of first Sergeant Nick Bacon and for all of those who serve and defend our Nation every day.

I urge my colleagues to join me in strong support of this bill.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, as a member the House Committee on Oversight and Government Reform, I'm very pleased to join my

colleagues in consideration of H.R. 3870, to designate the facility of the U.S. Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky "Nick" Daniel Bacon Post Office.

Mr. Bacon served his tour of duty as my colleague from New York just indicated. During his first tour of duty in Vietnam, a helicopter he was riding in collided with another. All but First Sergeant Bacon and one other soldier perished. But despite that fact, Sergeant Bacon did not shrink from the call of duty and would go on to volunteer for a second tour.

His bravery and his courage are certainly something that was recognized by this country when he was awarded the Medal of Honor by then-President Richard in Nixon in 1969.

He is deserving of this recognition, and I urge passage of H.R. 3870.

I reserve the balance of my time.

Ms. BUEKLE. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Arkansas (Mr. GRIFFIN), the sponsor of this legislation.

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in support of my bill, H.R. 3870, to designate the U.S. Post Office located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky "Nick" Daniel Bacon Post Office.

Nick Bacon is one of Arkansas' finest sons, and he dedicated his life to serving our country. Mr. Bacon was born in Caraway, Arkansas, on November 25, 1945. In 1963, at the age of 17, he forged his mother's signature so he could enlist in the Army. He went on to serve two tours in Vietnam.

On August 26, 1968, while serving as a squad leader with the First Platoon, Company B, in an operation west of Tam Ky, Mr. Bacon and his unit came under fire. He destroyed an enemy position with hand grenades, but his platoon leader was wounded in open ground. Without hesitating, he assumed command and led the platoon in destroying still more enemy emplacements.

When the third platoon leader was wounded, Mr. Bacon took command of that platoon as well, leading both platoons against the remaining enemy positions. During evacuation of the wounded, he climbed up on the deck of a nearby tank, and from that vantage point, he directed fire into enemy positions, all while exposed to enemy fire himself.

He personally is credited with destroying an anti-tank weapon and moving the platoons forward so they could eliminate the enemy positions and rescue soldiers trapped at the front. For his actions on that day, Mr. Bacon received the Medal of Honor, which was presented to him by President Richard Nixon during a ceremony at the White House in 1969.

Mr. Bacon also earned multiple awards for his accomplishments, including the Distinguished Service

Cross, the Legion of Merit, two Bronze Stars, and a Purple Heart.

After retiring from active duty, he continued his service to America. He served as the director of the Arkansas Department of Veterans Affairs from 1993 until his retirement in 2005. During that time, Mr. Bacon was essential to the development of the Arkansas State Veterans Cemetery, and the Arkansas State Veterans Cemetery Beautification Foundation. He also helped establish the Arkansas Veterans' Coalition.

Additionally, in 2004, Mr. Bacon was appointed by then-Speaker of the House, Denny Hastert, to the Veterans' Disability Benefits Commission, an independent, 13-member panel responsible for studying the military system of compensating veterans for their injuries. The commission was charged with ensuring that the compensation system was equitable and fair.

Mr. Bacon passed away on July 17, 2010, after a long battle with cancer. He was the last living Medal of Honor recipient from the State of Arkansas, and he is survived by his wife, Tamara, and children and grandchildren.

Mr. Bacon spent his final years as a resident of Rose Bud, Arkansas, and we can honor his heroism, bravery, and service by installing a permanent marker of his contribution to Arkansas and America. His example is one all Americans and Arkansans can admire, and I urge my colleagues to join me in supporting this bill to honor his legacy.

Mr. CONNOLLY of Virginia. Mr. Speaker, I certainly echo the sentiments of our colleague from Arkansas and urge passage of H.R. 3870.

With no further speakers on this side, I yield back the balance of my time.

Ms. BUEKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 3870, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUEKLE) that the House suspend the rules and pass the bill, H.R. 3870.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CORPORAL KYLE SCHNEIDER POST OFFICE BUILDING

Ms. BUEKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5837) to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5837

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

#### SECTION 1. CORPORAL KYLE SCHNEIDER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, shall be known and designated as the "Corporal Kyle Schneider Post Office Building".

(b) REFERENCES.—Any reference in a law, map regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Kyle Schneider Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUEKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. BUEKLE. Mr. Speaker, I yield myself such time as I may consume.

#### GENERAL LEAVE

Ms. BUEKLE. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUEKLE. Mr. Speaker, my bill, H.R. 5837, would designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the Corporal Kyle Schneider Post Office Building. This bill is cosponsored by the entire New York delegation and was favorably reported by the Committee on Oversight and Government Reform on June 27.

Kyle R. Schneider was born on January 8, 1988, to Richard and Lorie Schneider. He was raised in the Baldwinsville, New York, area with his brother, Kevin. Kyle was a graduate of Baker High School in Baldwinsville, and attended Onondaga Community College for 1 year in the criminal justice program.

□ 1810

While at Baker High School, he played football, baseball, and ran track. Kyle loved the outdoors and was an avid hunter and fisherman.

In March of 2008, Kyle joined the United States Marine Corps and graduated from boot camp in June of 2008. He attended the School of Infantry in July and graduated in September. From September to October, he attended the Marine Corps Security Forces Training. In October of 2008 he was with the Guard Company Marine Barracks in Washington, D.C. In May 2010, he was transferred to Echo Company, 2nd Battalion, 8th Marine Regiment, II Marine Expeditionary Force. In January of 2011, Kyle was assigned to the 3rd Platoon and was deployed to Afghanistan in support of Operation Enduring Freedom.

In defense of our Nation, Kyle was killed in Helmand Province, Afghanistan, on June 30, 2011, by an improvised