

over this country—is, you have people in senior centers and in other institutions who take meals—a good, quality, nutritious hot meal—to seniors, sometimes living at the end of a dirt road in Vermont or in Utah or in New Hampshire. These are people who cannot leave their homes, especially in the wintertime. These are people who, in some cases, would not survive if they did not have that Meals on Wheels Program.

I wish to take this opportunity to thank the many volunteers from senior centers and other institutions who get in their cars and trucks to take these hot meals to seniors all over this country through the Meals on Wheels Program.

What we are finding in my State of Vermont—and what we are finding around the country—is, many senior centers simply do not have the resources now to accommodate the growing number of seniors who need the Meals on Wheels Program.

Let me further say to any of my friends who say: Senator SANDERS, this is a good idea. It is going to cost money. Yes, it will. Increased funding for Meals on Wheels and congregate meals will cost additional revenue. But at the end of the day, the Federal Government will save money. We have had hearings on this issue. We have had physicians come forward, and they say one of the reasons seniors end up in the hospital, seniors end up in the emergency room, is because they are malnourished. Sometimes, literally, because of poor nourishment, they fall, break their hips, at great expense to Medicaid or Medicare. So not only is it the right and moral thing to do to keep seniors in this country from going hungry; in the long run, we save money by keeping them healthy.

Furthermore, in this bill, we are going to do something I think is long overdue. There has been a lot of discussion in the Senate and in the House about Social Security. Some of my friends—often Republicans, sometimes Democrats—think we should cut Social Security, we should try to move toward a balanced budget by cutting funding for some of the most vulnerable people in this country. I strongly oppose that.

One of the arguments brought forth to cut Social Security is: The COLA—the Consumer Price Index for the Elderly; how we determine what the COLA is—it is too generous. It is inadequate. When I tell that to senior citizens in Vermont, do you know what they do? They laugh. They literally laugh when I tell them there are people in Washington, DC, who believe the formulation as to how we determine COLAs is too generous, and they say: Bernie, we have not gotten a COLA for the last 2 years, so how is this too generous? They are, of course, right.

The way we, in my view, formulate the COLA right now is inadequate, not because it is too generous but quite the contrary. The truth is, seniors' pur-

chasing needs are different than the general population. Everybody knows that. Seniors spend a higher percentage of their income on prescription drugs. They spend it on health care. In cold-weather States such as mine and New Hampshire, they spend it on keeping warm. Senior citizens are not out there, by and large, buying flat-screen TVs or laptop computers or iPhones or iPads. Their money is going into health care.

What has been happening in recent years is, while the cost of some products—electronics in general—has been going down, the cost of prescription drugs and health care has been going up. So when you tell seniors their COLA is too generous, they tell you that makes no sense at all because they are spending more and more on health care, prescription drugs, staying warm in the wintertime.

So what we have done in this bill is requested that the Bureau of Labor Statistics improve the Consumer Price Index for the Elderly, or CPI-E, by including more of the items seniors spend money on, such as prescription drugs and other health care costs. We must have a more accurate measure for COLAs for seniors, and I believe this is the path to a fair COLA.

I look forward to working with all the Members of the Senate to make sure we do right by our parents and our grandparents, that we make sure seniors in this country can live out their remaining years in security and dignity by reauthorizing a strong and fair Older Americans Act in the coming months.

I especially want to applaud Senators KOHL, MIKULSKI, CASEY, and FRANKEN for introducing other thoughtful, innovative, and important Older Americans Act amendments.

We are at a critical moment in American history. In the midst of all the other challenges we face, let us not turn our backs on those who sacrificed, who fought the wars, who built the economies that made this country great. Let us support a strengthened and improved Older Americans Act.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 354—HONORING THE LIFE OF DISSIDENT AND DEMOCRACY ACTIVIST WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO REGIME FOR THE DEATH OF WILMAN VILLAR MENDOZA

Mr. MENENDEZ (for himself, Mr. RUBIO and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 354

Whereas, on Thursday, January 19, 2012, 31-year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime;

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights;

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime;

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, "Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.";

Whereas Amnesty International stated, "The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.";

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the "Black Spring" crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike;

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011; and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest his incarceration for participating in a peaceful protest and to highlight the plight of the Cuban people;

(2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4,000 detentions and arrests of activists in 2011;

(3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba;

(4) extends condolences to Maritza Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;

(5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;

(6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council;

(7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and

(8) calls on the governments of all democratic countries to insist on the release of all political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales

and members of the Ladies in White (Damas de Blanco).

# SENATE RESOLUTION 355—HONORING THE MEMORY OF SPECIAL AGENT JARED FRANCOM OF THE OGDEN, UTAH POLICE DEPARTMENT

Mr. HATCH (for himself and Mr. LEE) submitted the following resolution; which was considered and agreed to:

S. RES. 355

Whereas, on January 4, 2012, Special Agent Jared Francom of the Ogden, Utah Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded in a shooting while serving a search warrant on a residence in Ogden;

Whereas Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan of the Ogden Police Department were also wounded in the shooting;

Whereas Sergeant Nate Hutchinson of the Weber County Sheriff's Office was also wounded in the shooting;

Whereas Officer Jason Vanderwarf of the Roy Police Department was also wounded in the shooting;

Whereas the officers on the Weber-Morgan Narcotics Task Force acted quickly and bravely to subdue the shooting suspect, preventing further injury and loss of life;

Whereas Officer Kasey Burrell remains in the hospital recovering from serious injuries sustained in the shooting;

Whereas Special Agent Francom served with the Ogden Police Department for 8 years;

Whereas Special Agent Francom served the Ogden community with honor and distinction;

Whereas the people of Utah have come together to mourn and honor Special Agent Francom, with an estimated 4,000 people attending the funeral of Special Agent Francom on January 11, 2012, in Ogden; and

Whereas the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the sacrifice of Special Agent Jared Francom;

(2) extends the deepest condolences of the Senate to the family and friends of Special Agent Francom;

(3) expresses the wishes of the Senate for a full and speedy recovery of all the officers wounded in the shooting in Ogden, Utah; and

(4) recognizes the remarkable courage and honor that the men and women in law enforcement display and the risks those men and women take to keep their communities safe.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1469. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands.

## TEXT OF AMENDMENTS

**SA 1469.** Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. LEVEES.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “covered hazard mitigation land” means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in North Dakota; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices, would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the federal government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local,

or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

## NOTICES OF HEARINGS

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, February 2, 2012 at 10 a.m. in SD-430 to conduct a hearing entitled “Innovations in College Affordability.”

For further information regarding this meeting, please contact the committee on (202) 224-5501.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 16, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's budget for fiscal year 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Jennifer Nekuda Malik at 202-224-5479 or Abigail Campbell at 202-224-1219.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 28, 2012, at 10:00 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's fiscal year 2013 proposed budget for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to [Jake\\_McCook@energy.senate.gov](mailto:Jake_McCook@energy.senate.gov).