

So we have all this evidence I mentioned yesterday which was part of it. I read yesterday from the Guardian, the British Guardian. The U.N. mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue, which we now know is over 1,000 people. The International Committee of the Red Cross said at least 800 people. It goes on and on, which I made a part of the RECORD yesterday.

In addition to that, we have a statement that was made on the BBC yesterday. Keep in mind, they have, in Duekoue—they murdered all those people. They have mass graves. People are charred and burned. I am going to quote right now, so hold your stomach.

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a U.N. soldier from Morocco is choking with rage and grief. I ask him if the dead are children. He nods and begins to sob quietly into his face mask.

So we know of this disaster that has taken place there, and we do nothing. We know about it. I just will say: America, wake up. The massacre could have been avoided if Ouattara had accepted the mediation effort from the African Union. President Gbagbo did accept, Ouattara did not. He rejected it, and I think we know why he rejected it—because he wants that power. He wants that job.

Anyway, where we are now—and I am going to try to get this all in—the United States should call for a ceasefire and for a new election. I have also been told, within the last day, that the U.N. helicopters, U.S. peace-keeping helicopters are firing upon Gbagbo's military camp.

Lastly, I have sent a letter to the Foreign Relations Committee Chairman JOHN KERRY. Let me applaud JOHN KERRY. He has agreed to hold a hearing to look at this. I cannot tell you how much I appreciate it because it takes courage to stand up against the United Nations and France and our State Department and admit that we have to look into this. So that is exactly what we are going to do.

But that was yesterday on the floor. What has happened? What happened last night? Last night, the job was finished. They went in, and they massacred I do not know how many people.

President Gbagbo had young children who were surrounding his palace and his residence. They are willing to sacrifice their lives to save their country from the French influence they are getting with Ouattara.

They were armed with baseball bats and 2 by 4s. I do not know, there are hundreds of them out there. Last night, Sarkozy had gone to Secretary General Moon and said: Use my forces to end this, and they did. We know what happened last night.

Maybe you do not know what happened last night. They went in with helicopters and with rockets, and they destroyed most of a major city,

Abidjan, the capital of Cote D'Ivoire. We have evidence. I hope people will take advantage of this, particularly those people—I know there are a lot of people out there who are opposed to any intervention we have. They do not truly care about Sub-Saharan Africa. No one cares about Sub-Saharan Africa.

I have stood on this floor time and time again, back when we were sending troops into Bosnia, and the excuse was ethnic cleansing. I said: For every 1 day in any town in any country in Sub-Saharan Africa, there are more people ethnically cleansed than in any day in Bosnia.

But nobody seemed to care. So we have hundreds of kids around there, and last night they were mowed down. If anyone questions this, you can access on my Internet, inhofe.senate.gov, and get the YouTube that shows graphically what they are doing. I do not know how many hundreds, how many thousands of people were brutally murdered last night by the French, supporting Ouattara. It is something we need to get involved in.

When I look at President Obiang, who is from Equatorial Guinea, he is the chairman of the African Union. He says he condemned the foreign intervention in the Ivory Coast. We stand by idly, and we don't do anything about it.

I renew my request to Secretary Clinton and to the State Department and to others who care about the loss of innocent life in sub-Saharan Africa, specifically in Abidjan and Cote d'Ivoire, to come forward and help us find justice. I hope President Gbagbo and his wife Simone are not dead today. They might be dying as we speak. They are raiding their residence, raiding the palace. It is a brutal mess. I don't think I have ever seen in the years I have been here, particularly coming from France, supported by Sarkozy, the raid on innocent lives in sub-Saharan Africa.

If no one else comes in, I will talk longer. I ask unanimous consent to speak until someone comes in to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I guess you might wonder why I am concerned. I have had an interest in sub-Saharan Africa for quite some time. After 9/11, finally the United States decided they would do something of concern in sub-Saharan Africa. So what we have had since that time is an interest in helping them to build African brigades, as the terrorists come down through the Horn of Africa and Djibouti and into the continent. We need to help the Africans build brigades so they can resist, not doing it for them, not doing it in place of the Africans, but to help them so they can defend themselves. That is exactly what we have been doing.

I have been honored to be the point man on the Armed Services Committee

to go over and work with these guys. These countries in Africa are our friends. They participate in programs such as the IMET program that allows us to train their officers in the United States, such as the Train and Equip Program that allows us to work with them and train these individuals. When we see an atrocity such as this take place, when we visualize the young kids out there being brutally murdered, we should do something about it.

I praise someone who philosophically I have not agreed with most of the time, Senator JOHN KERRY, Chairman of the Foreign Relations Committee. I am on his committee as well as Armed Services. He is sympathetic to what is going on and has agreed to having a hearing. There is a man named Meltheodore. He was the mayor, when I first met him, mayor of Abidjan in Cote d'Ivoire. He is currently a member of Parliament in Cote d'Ivoire. He is the head of an opposing political party to President Gbagbo. He was a candidate against President Gbagbo when he ran successfully for President. Here is a guy who would have every reason to be opposed to President Gbagbo. Yet he is willing to testify before Senator KERRY's committee that not only did they rig the election, but he showed the documentation on rigging the election, and we should be in a position where we could strongly recommend another election.

I have nothing against Alassane Ouattara except I do know that he has been an enemy of the Gbagbos since long before 2002, when he was opposed to him. This is, I guess, the final kill. But at what expense is this coming? It is coming at a high expense in terms of a number we can't quantify today. If colleagues don't believe it, look it up. They can get the YouTube site. They can watch what happened last night. They can get that off of my Web site, inhofe.senate.gov.

I see my friend Senator MANCHIN from West Virginia. Before yielding the floor, I wish to applaud him for his being courageous and standing up for doing something about the EPA taking over the regulation of greenhouse gases that would put coal and oil and gas out of our reach. I applaud Senator MANCHIN.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. I thank my good friend for his hard work. We are working in a bipartisan manner.

WEST VIRGINIA COAL MINERS

Mr. MANCHIN. Madam President, I rise to mark the tragic occasion of the worst U.S. mining disaster in 40 years. A year ago today, 29 brave and patriotic men went underground to mine the coal that powers our great Nation. They didn't come back. Our entire Nation grieved with their families for their tremendous loss. I rise to honor

their courage, sacrifice, and the extraordinary strength of their families.

I want to say a few words about the proud men and women today who go underground and go unrecognized and make sure that our great Nation can keep the lights on. When some people see a coal miner walk out from underground, they see someone who is tired, wearing dust-covered overalls, steel boots, carrying a hard hat and a dinner bucket, and they make a few flawed assumptions about the amount of education they may or may not have or that they had nowhere else to turn, that was the only job available. I wish everyone to know that those assumptions are dead wrong.

West Virginia coal miners are the backbone of this country, providing the power for the lights in this Chamber, the steel and the machinery that built our country, the greatest industrial power in the world, the military that keeps us safe and free, and the energy for homes and businesses all over the country. West Virginia miners understand geology, mathematics and physics, the way a seam runs through the Earth and how to safely extract its bounty to make our country stronger. Above all, West Virginia miners are the salt of the Earth—patriotic, God-fearing, family loving and family oriented, and proud of their hard work. In our State we have always done the heavy lifting. We are very proud of what we have contributed to this country time and again—in times of war, times of peace, in times of prosperity, and in times of need. At a time when our Nation's attention and misplaced pity will again focus on coal miners because of the first anniversary of the worst mining disaster in the last 40 years, we West Virginians want the world to know we are proud of our coal mining heritage and our future.

As West Virginia's former Governor, now U.S. Senator, I want to tell Americans not only about our sacrifice but also our dedication to our shared future. The miners of West Virginia and their families are the heart and soul of West Virginia and an inspiration for me and my family. We should all draw strength from the courage they have shown us.

Allow me to turn to the terrible day a year ago. In remembering the Upper Big Branch disaster, my thoughts turn first to the families of the 29 miners who went to work that day on April 5, 2010, and didn't come home. In the days following the violent explosion, which remains under investigation today, I spent all day and every day for 5 days waiting to find out with the families if their loved ones were alive or dead. Those families and I stayed together at midnight and dawn, through moments of hope and despair, on pins and needles in the early days and in shared grief when the full scope of the devastation hit us as the rescuers didn't find any more survivors. We prayed together before and after each briefing. We recited the Pledge of Allegiance.

We held each other and cried together. Restaurant owners donated food. Our own WVU coach Bob Huggins visited. And one young man, Nick Helms, whom I remember so well, whose father was killed in the Sago mining disaster in 2006, came down personally and offered his moral support from his firsthand experiences.

In those days the unbreakable bonds of family became clear. One family alone lost three good men. I first told Charles and Linda Davis, the parents of Timmy and the grandparents of Cory and Josh. I told Tommy—and Tommy was another brother who had worked in the mine and just came off the shift. Tommy was the father of Cory. I also told Patty—large families—and Patty is the daughter of Linda and Charles, and she was Josh's mother. So in the mine we had Timmy, the uncle, and we had Josh and Cory. All three men had been found, but they perished. The first question I got from Tommy after I told his parents was: Were they all together?

I said: Yes, they were.

Tommy replied: I knew my brother Timmy would be taking care of the boys.

That was not my State's first mining disaster or mine. When I was a young man, my only family went through the tragedy of the Farmington No. 9 explosion in 1968. Seventy-eight miners were killed that day. It left a searing impression on me. Of course, we didn't know right away how bad it would get. Everyone camped out at the company store. We were all waiting for any word before the authorities finally came and told us all that the decision had been made to seal the mine which essentially meant entombing all of them. In that disaster I lost my uncle, my next-door neighbor, some of my high school classmates. One of my strongest lessons that has stayed with me to this day is that waiting families should be systematically updated on the progress of the rescue operation. I know firsthand that a minute seems like an hour, an hour seems like a day, and a day seems like eternity. With consistent updates, waiting becomes a little more bearable.

During my term as Governor, in the three tragedies we went through—Sago and Aracoma in 2006, and last year at Upper Big Branch—we briefed the families every 2 hours. It was a cycle. We received a briefing from our authorities, then we briefed the families, then we told the media. It was a cycle we continued until the fate of all miners was known.

We have learned a lot in West Virginia. After disasters at Sago and Aracoma, we enacted more safety measures in my term as Governor than in the 30 years before. We have become a leader in safety, and what we are implementing is being used across all types of mining, all over the country and around the world. The bottom line is that in our State, we won't tolerate intimidation from any person or com-

pany that puts profits ahead of safety. I truly believe that the single most important element in any mining operation is the men and women who work there every day. Under my watch, we empowered those individual miners and their families to take more ownership and control over their own safety without fear of retribution, with a 24-hour anonymous hotline to report unsafe conditions. Since May of last year we have had 86 calls. We responded.

At the end of the day, though, the families, the people of West Virginia and all Americans need to know how this tragedy happened and what we must do to prevent anything this terrible from ever happening again. We are still waiting for the results of the Federal and State investigations as well as an independent report from my special appointed investigator J. Davitt McAteer, a West Virginia native and assistant secretary for the Mine Safety and Health Administration under President Bill Clinton. We will look at the results of their investigation to determine what happened, make certain it doesn't happen again, and determine whether anyone, through intimidation or otherwise, put profits ahead of safety and that the people responsible are held accountable.

In the meantime I am cosponsoring a piece of legislation with Senator JAY ROCKEFELLER, the Robert C. Byrd Mine and Workplace Safety and Health Act of 2011. It is designed to improve compliance with existing mine and occupational safety and health laws, empowering workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish the rights of the families of victims of workplace accidents. Last week I spoke again to Tommy Davis, the man who lost his brother, his nephew, and his son at the Upper Big Branch mine. When I asked him what he was doing these days, Tommy gave me a simple answer: JOE, I am back in the mines. Tommy is proud to be a miner. And while he and all of us have much to mourn today, we also have the chance to honor the memories of the 29 dedicated men who died a year ago and their colleagues who continue their work with respect and dignity.

Finally, Gayle and I and all West Virginians pray for continued strength and courage for the families who lost loved ones on this sad day a year ago. May God bless each one of them. May God bless the great State of West Virginia, and may God continue to bless the United States of America.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING
BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

COMPREHENSIVE 1099 TAXPAYER
PROTECTION AND REPAYMENT
OF EXCHANGE SUBSIDY OVER-
PAYMENTS ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

AMENDMENT NO. 284

Mr. MENENDEZ. Madam President, I rise to call up amendment No. 284, co-sponsored by Senators KERRY and ROCKEFELLER, which is at the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. KERRY, and Mr. ROCKEFELLER, proposes an amendment numbered 284.

Mr. MENENDEZ. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect small businesses from health insurance premium increases or losses of health insurance coverage)

On page 4, after line 3, insert the following:

(C) STUDY OF THE EFFECTS ON SMALL BUSINESSES OF INCREASES IN THE AMOUNTS OF HEALTH CARE CREDIT OVERPAYMENTS REQUIRED TO BE RECAPTURED.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine if the amendments made by this section—

(A) will result in an increase in health insurance premiums within the Exchanges created by the Patient Protection and Affordable Care Act for employees or owners of small businesses; or

(B) will result in an increase in the number of individuals who do not have health insurance coverage, a disproportionate share of which are employees and owners of small businesses.

(2) EFFECT OF INCREASES.—If the Secretary determines under paragraph (1) that there will be an increase described in subparagraph (A) or (B), or both, then, notwithstanding subsection (b), the amendments made by this section shall not apply to taxable years ending after the date of such determination and the Internal Revenue Code of 1986 shall be applied and administered to such taxable years as if such amendments had never been enacted.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes of debate equal-

ly divided and controlled between the two leaders or their designees.

The Senator from New Jersey. Mr. MENENDEZ. Thank you, Madam President. I understand Senator BAUCUS is on his way from a meeting, and in the interim I will start off and recognize myself.

I offer this amendment on behalf of middle-class families and on behalf of small businesses. I support repealing the 1099 reporting requirement and have, in fact, voted no less than six times on this floor to repeal 1099 in this body. However, I strongly believe we must do so in a manner that does not increase the burden on our small businesses and their employees, and that is exactly what I fear H.R. 4 does.

The broad bipartisan support for 1099 repeal comes from the fact that it provides relief to small businesses, but the only problem with this version of the repeal is that while it provides relief on the one hand, it may very well take it away with the other. It repeals the 1099 reporting requirements but, at the same time, I am concerned it increases the health care burden on the very same people to whom we are seeking to provide relief.

Some have argued we have already used this very same offset before. We have. Therefore, there is no reason to be concerned now.

The difference is, however, H.R. 4 is very different than what we did 4 months ago, and it risks driving up health insurance costs and cutting health insurance coverage for small businesses and middle-class families. It increases tax penalties—tax penalties. As we approach April 15, I know we are all very tax sensitive. It increases tax penalties on middle-class families, leaving some with a potential tax burden of \$10,000 or more.

How would most middle-class families deal with a tax bill of \$10,000 or more just because their income may have increased \$1 above the eligibility limit during the year for which they got a subsidy?

Some have also argued my amendment will block implementation of the 1099 repeal. That is just factually incorrect. It is an outright misstatement of the facts. My amendment simply directs the Secretary of Health and Human Services after—emphasize “after”—the 1099 repeal passes into law to study the offset in H.R. 4 and determine its effect on small businesses. If the study finds the offset increases health care costs or decreases coverage for small businesses, then current law on the repayment remains in effect. If the study says, no, it didn’t do any of those things, then there is no harm.

Let me be clear. We all want 1099 repeal. My amendment does not in any way affect the repeal of 1099. My colleagues can vote for this amendment and for H.R. 4 because this would repeal 1099. The only potential change my amendment makes would be to the risky offset in the underlying amendment, and only if the study finds that

it hurts small businesses after the repeal has taken place.

My colleagues on the other side of the aisle are trying to frame this debate as either for or against small business, but they are, in my mind, both helping and harming them at the same time under H.R. 4. With this amendment, we can have not only the ability to help small businesses and repeal the 1099 provision, but we can also ensure that small businesses and their employees will not get hurt at the end of the day.

For those who may consider opposing my amendment, think of this: On the one hand, if you do not believe this offset will hurt small businesses and their employees, there is no harm in voting for it because you are saying the study will not show an impact and the offset will remain in place.

However, if you believe my amendment would have a revenue score, you are assuming that the offset hurts small businesses and their employees. Either option would argue for supporting my amendment. Either it has no impact, in which case there should be no problem supporting it, or it provides protections for small businesses and their workers, in which case you should want to support it.

I realize what I am concerned about is the harmful effect of this offset provision won’t hit small businesses until 2015, and I know the voices for 1099 repeal are much louder than those against the payback tax. But I also know this is an issue that we will hear about when our constituents get those tax bills at that time, when this provision goes into effect and taxpayers get that first big \$10,000, or more, surprise on their tax bill.

Do you want to be on the record as having given them the tax bill or do you want to be on the record as trying to have saved them from it and saved rising costs for small businesses in their health insurance? I think you want to be on the side of this amendment and having saved them from it.

In closing, I ask, why in the world—especially during these fragile economic times—would we want to do anything that could raise the costs on small businesses? That is why my amendment is supported by entities such as the Main Street Alliance, a probusiness organization; Families USA; the American Cancer Society; Cancer Action Network; Health Care for America Now, to mention a few.

With my amendment, we can protect those who earn a living making our Nation’s small businesses run and repeal 1099 without delay. To me, that is the ultimate show of support for small business.

Madam President, I urge support of my amendment. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I am going to defer my remarks until after