

award and ask my colleagues to join me in thanking him for his work, past, present and future, on behalf of the people of North Carolina.

INTRODUCTION OF THE JOHN L. BURTON TRIAL ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, today, along with the majority of California's House delegation, I am introducing legislation to name a trail in a northern California redwood grove after former State Senate President John Burton.

With this legislation, we are honoring our former colleague in the House for his pivotal role in the landmark 1999 state-Federal agreement to protect the ancient redwoods of the Headwaters Forest Reserve.

In addition to being a great ally for those who have needed a helping hand, John Burton has been a powerful advocate for environmental values throughout his time in public service. His work to protect this important redwood forest was just one of the many highlights of his inspiring career.

Among other accomplishments, he was instrumental in forcing a debate over the appropriate use of the Headwaters. That debate eventually led to a 1999 negotiated agreement through which the Federal and State governments were able to protect a total of 7,400 acres.

That agreement was not only a victory for these threatened old-growth trees and all the fish and wildlife living in this ecosystem. It was a victory for all of us: generations in the future, Americans will be able to visit this amazing natural landscape.

Under this bill, all future maps of the Reserve will include the "John L. Burton Trail" designation, ensuring that visitors to the ancient redwoods are aware of Burton's leadership to help save the grove from destruction.

I look forward to the speedy passage of this non-controversial legislation to properly recognize John Burton for just one of his many contributions to the state of California and our country.

HONORING FIRST PLACE WINNERS OF EXPLORAVISION AWARDS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize two very bright young men from the Eleventh Congressional District of Ohio, Alec Lai and Atreya Rajagopalan. These two students from Hawken Middle School in Lyndhurst, Ohio received first place honors in the Exploravision Awards.

Exploravision is a competition for students of all interest, skill, and ability levels in grades K-12. The purpose of the competition is to encourage students to combine their imaginations with the tools of science to create and explore a vision of a future technology.

Alec and Atreya's project was titled "Visible-Light Photocatalysis," this technology is intended to be used to clean and detoxify water and air, to create self-cleaning walls, and to prevent bacteria contamination and spreading. Their project was selected as a regional winner and then given the first place award for the middle level (grades 7-9) at the national competition.

I am very proud to say that such creative young men from my district have been honored so greatly. They are part of the next generation of great minds that keeps our country leading in the field of new and profound ideas.

INTRODUCTION OF THE YOUTH WORKER PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. LANTOS. Mr. Speaker, while many of us think that exploitive child labor is no longer a problem in the United States; the sad fact is that some of the most exploitative forms of child labor continue to occur in our country. In farm fields and in fast-food restaurants all over this country, employers are breaking the law by hiring under-age children and making them work in hazardous conditions.

In fact, the Child Labor Coalition (CLC), a consortium of over 30 non-profits and non government organizations (NGO's) has a new report that shows how the Administration has failed to meet its obligations to eliminate the worst forms of child labor in our country. This extraordinary report, which I urge all of my colleagues to read, is titled Protecting Working Children in the United States—Is the Government's Indifference to the Safety and Health of Working Children Violating an International Treaty? I request the executive summary of this report and the recommendations made by the CLC be placed in the CONGRESSIONAL RECORD.

The CLC's report details four specific developments that have occurred in the five years since the United States ratified the International Labor Organization Convention 182 Concerning the Prohibition and Immediate Action for Elimination of the Worst Forms of Child Labor (a/k/a ILO Convention 182), which raise serious concerns as to whether or not the United States remains compliant with its ILO 182 obligations.

Mr. Speaker, I am sure you agree with me that the United States must remain committed to enforcing its international obligations. That is why I am pleased to announce that along with 25 of our colleagues, today I am introducing the Youth Worker Protection Act (YWPA), legislation that would erase any doubt whether the United States is in compliance with its ILO 182 obligations.

Among the worst forms of child labor that the signers of the ILO 182 agreed to prohibit and eliminate included work which, by its nature and the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. The United States regulates these types of practices through regulations known as Hazardous Orders (HOs) that are issued by the Secretary of Labor. These regulations are amended from time to time as new information becomes available or when revisions are recommended.

Despite numerous changes in our nation's economy, these HOs have not been substantially changed or revised for over thirty-years. Even more troubling is that because of the law creates a difference for the rules governing Agriculture and non-agriculture employment, the HO's contain numerous anomalies, including the fact that a 16-year-old worker can use a power driven circular saw if they're working on the farm—but not if they're working in the shop.

Mr. Speaker, I can only assume that the Department of Labor recognized that it had not substantially revised the Hazardous Orders, and that this recognition was the impetus behind the Department's commissioning of the National Institute for Occupational Safety and Health (NIOSH) to engage a detailed analysis of the HOs. After a comprehensive view of injury data and scientific literature NIOSH's recommended revising existing HOs as well as the creation of some new orders.

The NIOSH report was completed more than three years ago and unfortunately the Department of Labor has taken zero action on NIOSH's recommendations, including such common-sense proposals such as revising the rules on children whose employment involves construction work, using chainsaws, or operating dangerous motorized vehicles.

Given the gravity of the fact that more than 200,000 youth are injured in the workplace every year, and a young person is killed while working in this county once every five days, this inaction is inexcusable and inappropriate. The Youth Worker Protection Act would implement the NIOSH recommendations into Law ensuring that our nation's children are prevented from working in hazardous jobs and keeping America compliant with ILO 182.

Mr. Speaker, in addition to ensuring that the United States is in compliance with its international obligations to end the worst forms of child labor, the YWPA also takes crucial steps to modernize America's child labor laws to reflect the changed nature of America's economy since our child labor laws were enacted nearly 70 years ago.

In some ways kids today are working just as long as their "Mill Children" predecessors, especially when one considers the hours a student is in school. Mr. Speaker, the average time a student is in class is about 7 hours a day, or 35 hours a week. This does not include additional time for extracurricular activities or homework. Going to school is almost a full-time job itself. Therefore, in addition to devoting a minimum of 35 hours a week to their schoolwork, many high-school students are also working 30 to 40 hours a week for some of America's largest corporations, often working well past midnight while simultaneously trying to balance school requirements. When one combines the hours some of today's teens are at school with their hours at work, the 70-hour workweek is still in place.

Mr. Speaker, research clearly indicates that working more than 20 hours a week in addition to a normal school schedule has a negative effect on student's academic progress. Additional studies show that children who work long hours also tend to use more alcohol and drugs, which is why the YWPA creates common-sense limits on the hours that students can work during the school year.

Mr. Speaker, my legislation will reduce the problem of children working long hours when school is in session, and it strengthens existing limitations on the number of hours children

under 18 years of age can work on school days. The bill would eliminate all youth labor before school, and after-school work would be limited to 15 or 20 hours per week, depending on the age of the child. Additionally, it will require better record keeping and reporting of child labor violations.

Mr. Speaker, the issues of children working early in the morning or late into the evening is a problem facing our country. Students continuously tell me that working long hours, late into the night negatively affects their school performance, that they are too tired for class, and that the long hours on the job take away from important extra-curricular activities and take away time from their family.

Mr. Speaker, for the past 60 years our nation's agribusinesses have enjoyed special exemptions under the FLSA. Many of these exemptions were based on the historical prominence of the family farm in the American economy. Current labor laws allow children—even those less than 10 years of age—to be employed in agriculture. Child farm laborers can work unlimited hours before and after school, and they are not even eligible for overtime pay. At the age of 14, or even earlier, children working in agriculture are using knives and machetes, operating dangerous machinery, and are exposed to dangerous toxic pesticides. In no other industry are children so exploited as they are in agriculture. Despite all these dangers, there are no protections for children working on farms and in the fields.

Mr. Speaker, most of today's farms are not owned by families, but by large corporate entities, and deserve to be treated like any other company employing children. Although I am pleased to report the YWPA keeps the existing family farm exemption, I am delighted that it amends the FLSA to treat companies such as Archer-Daniels-Midland and Dole just like McDonalds and Wal-Mart, because obtaining parity in the regulations and restrictions of jobs in agriculture and the rest of the economy is long overdue.

My colleagues and I introduced the Youth Worker Protection Act because the exploitation of child labor is a national problem that continues to jeopardize the health, education and lives of many of our nation's children and teenagers. This legislation seeks to eliminate the all-too-common exploitation of children working long hours late into the night while school is in session, and working under hazardous and dangerous conditions.

Mr. Speaker, I adamantly want to make it clear, as supporters of child labor reform, we do not oppose young people working. We wholeheartedly believe that children need to be taught the value of hard work and to learn the valuable lessons of responsibility and enjoy all the rewards of working. It is not our aim to discourage employers from hiring young people. Rather, our goal is to ensure that the job opportunities available to young people are meaningful, safe and healthy.

What we oppose are the senseless deaths and needless injuries of our teenagers. We oppose the negative effects on academic achievement that result when children work excessive hours while school is in session. An education, not after-school employment, is the key to a successful future.

PROTECTING WORKING CHILDREN IN THE UNITED STATES: IS THE GOVERNMENT'S DIFFERENCE TO THE SAFETY AND HEALTH OF WORKING CHILDREN VIOLATING AN INTERNATIONAL TREATY?

EXECUTIVE SUMMARY

In 1999, the United States ratified an international treaty known as International Labor Organization Convention 182, which requires the U.S. to "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency." The U.S. claimed that it was already in compliance with the treaty at the time of ratification. This report shows that U.S. compliance with the treaty is in serious doubt as a result of disturbing developments since 1999.

First, the U.S. Department of Labor (DOL), which enforces the federal child labor laws, has done almost nothing to update its outmoded "Hazardous Order" regulations, which are designed to forbid employers from permitting children to do particularly hazardous jobs. This failure is particularly shocking in view of the fact that more than three years have gone by since the National Institute for Occupational Safety and Health (NIOSH) in May 2002 published a detailed study, commissioned by DOL, which pointed out numerous safety hazards to young workers that require many improvements in the Hazardous Order regulations.

Second, a DOL report from November 2004 discloses that during the last four years, the time spent by DOL investigators in enforcing the child labor laws has decreased by 21.6 percent. The equivalent of only 34 full-time investigators are available to enforce the law, even though there are an estimated 3.2 million workers under age 18. This amounts to one investigator per 95,000 working children. Moreover, even though the maximum fine that can be imposed for a child labor violation is \$11,000, the average fine actually imposed by DOL last year was only \$717.78. This is the lowest seven percent of the entire range of fines, from \$1.00 up to \$11,000, that DOL has the authority to assess.

Third, Congress's watchdog agency, the Government Accountability Office (GAO), issued a report in September 2002 that was highly critical of DOL's child labor enforcement priorities. DOL has done little to heed this report, and what it has done shows that DOL's enforcement activities continue to suffer from serious flaws.

Fourth, in March 2000, the GAO issued a report urging the U.S. Environmental Protection Agency (EPA) to improve its pesticide regulations in order to ensure the safety of farmworkers and their children. The GAO noted, among other deficiencies, that the EPA's Worker Protection Standard for farmworkers has reentry intervals, or REIs (which establish the minimum amount of time that workers must be kept out of a field after pesticides have been applied), that are based on the effect of pesticides on a 154-pound adult male, and hence do not adequately protect children. EPA has made no changes to remedy this deficiency, or other deficiencies, in the Worker Protection Standard that would better protect children from toxic pesticides.

These failings are deeply troubling in themselves, and they also raise the question of whether the U.S. government is in compliance with the 1999 international child labor treaty.

The last few pages of this report set forth specific recommendations for action that should be taken by DOL and EPA, as well as by the U.S. Congress, to remedy these failings. Only by taking these actions can the United States live up to its obligations under International Labor Organization Con-

vention 182, and thereby provide adequate protection against the safety and health hazards facing America's working children.

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7. RECOMMENDATIONS

The Child Labor Coalition (CLC), representing a constituency of more than 40 nongovernmental organizations concerned about protecting the health and safety of working minors, believes the U.S. government should address the questions related to U.S. compliance with ILO Convention 182. In light of the safety and health hazards to working children outlined in this report, the CLC makes the following recommendations to the U.S. Department of Labor, the U.S. Environmental Protection Agency, and the Congress:

To the U.S. Department of Labor:

1. NIOSH Report. DOL should prioritize the many NIOSH recommendations for strengthening Hazardous Orders, in order to protect children from the most dangerous jobs. DOL should revise first those HOs that would have the greatest likelihood in reducing the greatest number of occupational deaths and serious injuries and illnesses, and then address the other HOs. DOL should issue proposed regulations making these changes and invite comment from interested parties. All of this should be done within 12 months. DOL has already had more than three years to work on this important project, and further delay is not justifiable. Prompt action is now essential to protect working children from deaths and injuries.

2. Enforcement. DOL should take three steps immediately. First, it should greatly increase the number of hours devoted to child labor enforcement. Doubling the 58,043 hours spent in fiscal year 2004 would still not reach the 143,000 hours spent in fiscal year 1990 in child labor enforcement, but doubling the hours should be accomplished within two years. There are more children working now than in 1990, and in any event until there is a private right of action, thus enabling children to bring their own lawsuits, enforcement activity by DOL is all the more important. Second, DOL should target enforcement more effectively. The key is to find employers who are most likely to have violated the law. Making use of state workers' compensation data on deaths and injuries to children is one very helpful way to do this. DOL needs to use this approach and other means to find child labor violations. Third, DOL must cease immediately the practice it used in the Wal-Mart case and a few other cases in which it gives employers advance notice of investigations and thereby enables the employers to cover up evidence of violations.

3. Civil Money Penalties. DOL needs to revise on a top priority basis its regulations on determining the level of a child labor civil money penalty. These penalty regulations need to (a) use more objective criteria, (b) indicate how each criterion is to be weighted, and (c) provide for higher penalties. Penalties set by DOL are too often lowered by judges, often drastically, because of the subjective factors in the present regulations and inadequate regulatory guidance on how to weight the various factors. And for a law in which the maximum penalty is \$11,000, the median penalty assessed of \$717.78 in 2004 is far too low.

To the U.S. Environmental Protection Agency:

1. Pesticides. Within no more than 12 months, EPA needs to make every reasonable effort to devise reentry intervals (REIs) for children, so that young workers are not allowed to reenter a field after pesticides have been used on it until it is safe for children, with their developing organs and greater sensitivity to toxic chemicals, to be there.

This is the main revision needed to EPA's Worker Protection Standard, but there are others, as well, spelled out in the report by the Government Accountability Office (GAO).

To Congress:

1. Amend the FLSA to provide children in agriculture the same protections as children in other industries. Three key amendments are needed to achieve this result. First, the minimum age for hazardous work in agriculture must be raised from 16 to 18, so that all children in all employments will be protected equally. Second, the normal minimum age for non-hazardous work in agriculture must be raised from 14 to 16, in order to equalize the rules for all working children. Third, the restrictions on hours that children can work must be strengthened in agriculture, so that children in agriculture enjoy the same hours of work protections as all other children.

2. Amend the FLSA to provide a private right of action for child labor violations. Under existing federal law, if any child is employed in violation of the child labor requirements, only DOL can bring a lawsuit, and the penalty that is finally determined must be paid to the United States Treasury. In order to provide a greater incentive on the part of employers to comply with the law, lawsuits should also be permitted by children who are employed in violation of the law. The maximum employer liability for each violation should remain at the level for a penalty assessed by DOL (currently \$11,000), but the money in a private action should be paid by the employer to the child (or, in the case of a death, to the parents or guardians of the child). The inability of DOL to enforce the law adequately requires that others have a role in enforcement. FLSA minimum wage and overtime lawsuits are permitted both by DOL and by individual employees, and the FLSA should be amended to allow the same approach in child labor cases.

IN RECOGNITION OF JUDGE
GARRY MALPHRUS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. WILSON of South Carolina. Mr. Speaker, I am honored to congratulate Judge Garry Malphrus, his family and friends, on his appointment to the Federal Immigration Court.

I am very grateful to represent the Malphrus family in Congress and one of the great honors of serving in Congress was having the opportunity on June 3rd to join in a swearing-in ceremony to recognize the achievements of a constituent. As a former attorney who has practiced immigration law, I know the importance of this judgeship.

Garry was born and raised in Jasper County, South Carolina, a son of the Lowcountry, which is in the district that I represent. Garry's impressive career track includes his graduation from Thomas Heyward Academy of Ridgeland and his further education at the University of South Carolina for his undergraduate and law degrees. Garry was a law clerk to Federal Judges Chauncey Patterson and Dennis Shedd. I particularly appreciate the importance of clerkships because Judge Dennis Shedd was a clerk in our office. Garry

also worked on the Senate Judiciary Committee for South Carolina's former Senior Senator Strom Thurmond and was an attorney for the current Bush Administration. I know he will do well with that list of former employers.

Not only do I want to congratulate Garry, but I also want to congratulate the people who helped make this possible, his family; Judy and Donnie Malphrus, his brother Barry and sister Kim and his grandmother Lorene Langford.

Garry has been instrumental in furthering the cause of justice for many years through his work on the judiciary committee and political campaigns.

Garry has been involved for campaigns, including mine, for as long as I can remember. He and his brother Barry actually recruited my chief of staff, Eric Dell, involving him in politics for the first time in 1986 as a volunteer in the gubernatorial race of Congressman Carroll Campbell in his successful election. I always enjoyed seeing Garry and Barry at state conventions; it was encouraging to see their bravery and enthusiasm to be dedicated activists in a county where they were a persistent political minority.

In the seventeen years I served in the South Carolina Senate, I had the opportunity to vote on dozens of candidates for judgeships and appoint numerous magistrates. In every election, I looked for judicial temperament of a person who would respectfully give every participant a respectful day in court, no matter who they were or what they looked like. I am confident Garry possesses this unique quality.

Again, I want to congratulate Garry, his family, and friends on his appointment as a federal immigration judge and wish him success and Godspeed.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. JONES of Ohio. On House rollcall vote No. 239, H.J. Res. 27 a bill "Withdrawing approval of the United States from the Agreement establishing the World Trade Organization." I voted "yea" on this vote, and intended to vote "no." I am asking that the record show that I am supportive of the United States membership in the World Trade Organization.

LET'S KEEP FAMILIES TOGETHER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mr. FILNER. Mr. Speaker. I rise today because legal immigrants and their families need our help.

As Congress continues to debate ways to address illegal immigration, we must remember the many hard-working legal immigrants that contribute so much to our nation's economy and culture. In Congress' zeal to crack down on illegal immigration, it has unfairly punished many of these legal immigrants.

That's why I invite all my colleagues to join my fight to reverse certain unfair provisions of so-called "immigration reforms" instituted by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This law has allowed stable, long-term families headed by legal immigrants to be torn apart because of minor crimes committed years ago—crimes for which the offenders have already served their sentences.

A basic legislative attempt to fix this law was passed by the House of Representatives in the 106th Congress, but it was never taken up by the Senate. So I have re-introduced my "Keeping Families Together" Act (H.R. 2865). This bill would reinstate judicial review to the immigration process, restore the definition of aggravated felony that existed prior to 1996, end the practice of automatically detaining productive members of our society for minor crimes they committed years ago and for which they have already served their sentence, and allow legal immigrants previously deported to appeal that decision.

Please join me in supporting this critical legislation to restore justice to our immigration processes and keep families together.

INTRODUCING A BILL TO CLEAR
TITLE TO TWO PARCELS OF
LAND LOCATED ALONG THE RIO
GRANDE IN ALBUQUERQUE, NEW
MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to introduce the Albuquerque Biological Park Title Clarification Act. This legislation would assist the City of Grande.

The Albuquerque Biological Park is a distinctive environmental museum comprising four facilities: Albuquerque Aquarium, Rio Grande Botanic Garden, Rio Grande Zoo and Tingley Beach Aquatic Park. In 1997, as part of an effort to improve these facilities, the City purchased two properties from the Middle Rio Grande Conservancy District (MRGCD) for \$3,875,000.

The City had been leasing the first property, Tingley Beach, from MRGCD since 1931. The City had been leasing the second property, San Gabriel Park, from the MRGCD since 1931. Both properties had been used as public parks.

In 2000, the U.S. Bureau of Reclamation interrupted the City's plans when it asserted that it had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project in 1953. This called into question the validity of the City's title to the properties. The City cannot move forward with its plans to improve the properties until the titles are cleared.

The legislation is narrowly drafted to affect only the two properties at issue and leaves the main dispute concerning title to project works for the courts to decide. This important legislation will allow the City to move forward with a project that will provide residents and visitors with exciting new recreational opportunities.