

Foundation. Unfortunately, because both agency's programs have the same name, some have mistakenly thought of these programs as equivalent, even though they are in name only, and duplicative, even though they most definitely are not. I am working on legislation to change the name of the NSF program to help avoid future confusion. Among other differences, the NSF program is designed to provide rigorous, scientifically based research on what works in STEM teacher professional development whereas ED's program is designed to implement these ideas on the State level. A wide array of teachers, scientists and education researchers agree that there is much research needed in the areas addressed by the NSF Math and Science Partnership program, yet the President's budget has called for eliminating new research in the NSF program.

Since there has been significant confusion about different STEM programs, I am pleased that the ACC will focus on coordination and strengthening the Federal STEM endeavor. There is a plethora of STEM education programs across many different Federal agencies. The goal of the GO-STEM resolution—to better coordinate Federal STEM education efforts—is needed and is very admirable. However, I do not want to put the cart before the horse, and prefer that Congress carefully consider whatever recommendations the ACC puts forth before adopting them.

Additionally, the GO-STEM resolution calls for "consistent standards of evaluation." While this is a laudable goal, apples cannot be compared to oranges. In particular, I am concerned that new programs could receive failing grades since they have not had time to demonstrate results. Will the new SMART grants, a tremendous tool for bolstering the STEM education pipeline, receive a "results not demonstrated" designation as other new programs do in PART reviews? Furthermore, we should expect very different outcomes from programs that focus on student learning compared to programs that focus on graduate-level research in the physical sciences. The tools used to define "effective" are extremely critical. I am uncertain what evaluative methodology the ACC will adopt to define "effective," and, therefore, am very reluctant to give premature support to the ACC's recommendations.

I urge that Members pay very close attention to the ACC's recommendations. But please, think critically about the evaluative methodology the ACC uses in developing its recommendations, and recognize and build upon the existing expertise of agencies such as the National Science Foundation. Also, think very hard about how our actions will affect our economic competitiveness and national security before considering eliminating any STEM-related programs.

Mr. PRICE of Georgia. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. PRICE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 421, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the con-

current resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2006

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2803) to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

The Clerk read as follows:

S. 2803

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mine Improvement and New Emergency Response Act of 2006" or the "MINER Act".

##### SEC. 2. EMERGENCY RESPONSE.

Section 316 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 876) is amended—

(1) in the section heading by adding at the end the following: "AND EMERGENCY RESPONSE PLANS";

(2) by striking "Telephone" and inserting "(a) IN GENERAL.—Telephone"; and

(3) by adding at the end the following:

"(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

"(1) IN GENERAL.—Each underground coal mine operator shall carry out on a continuing basis a program to improve accident preparedness and response at each mine.

"(2) RESPONSE AND PREPAREDNESS PLAN.—

"(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, each underground coal mine operator shall develop and adopt a written accident response plan that complies with this subsection with respect to each mine of the operator, and periodically update such plans to reflect changes in operations in the mine, advances in technology, or other relevant considerations. Each such operator shall make the accident response plan available to the miners and the miners' representatives.

"(B) PLAN REQUIREMENTS.—An accident response plan under subparagraph (A) shall—

"(i) provide for the evacuation of all individuals endangered by an emergency; and

"(ii) provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

"(C) PLAN APPROVAL.—The accident response plan under subparagraph (A) shall be subject to review and approval by the Secretary. In determining whether to approve a particular plan the Secretary shall take into consideration all comments submitted by miners or their representatives. Approved plans shall—

"(i) afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;

"(ii) reflect the most recent credible scientific research;

"(iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and

"(iv) reflect the improvements in mine safety gained from experience under this Act and other worker safety and health laws.

"(D) PLAN REVIEW.—The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6

months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners or miners' representatives and intervening advancements in science and technology that could be implemented to enhance miners' ability to evacuate or otherwise survive in an emergency.

"(E) PLAN CONTENT-GENERAL REQUIREMENTS.—To be approved under subparagraph (C), an accident response plan shall include the following:

"(i) POST-ACCIDENT COMMUNICATIONS.—The plan shall provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication.

"(ii) POST-ACCIDENT TRACKING.—Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.

"(iii) POST-ACCIDENT BREATHABLE AIR.—The plan shall provide for—

"(I) emergency supplies of breathable air for individuals trapped underground sufficient to maintain such individuals for a sustained period of time;

"(II) in addition to the 2 hours of breathable air per miner required by law under the emergency temporary standard as of the day before the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, caches of self-rescuers providing in the aggregate not less than 2 hours per miner to be kept in escapeways from the deepest work area to the surface at a distance of no further than an average miner could walk in 30 minutes;

"(III) a maintenance schedule for checking the reliability of self rescuers, retiring older self-rescuers first, and introducing new self-rescuer technology, such as units with interchangeable air or oxygen cylinders not requiring doffing to replenish airflow and units with supplies of greater than 60 minutes, as they are approved by the Administration and become available on the market; and

"(IV) training for each miner in proper procedures for donning self-rescuers, switching from one unit to another, and ensuring a proper fit.

"(iv) POST-ACCIDENT LIFELINES.—The plan shall provide for the use of flame-resistant directional lifelines or equivalent systems in escapeways to enable evacuation. The flame-resistance requirement of this clause shall apply upon the replacement of existing lifelines, or, in the case of lifelines in working sections, upon the earlier of the replacement of such lifelines or 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

"(v) TRAINING.—The plan shall provide a training program for emergency procedures described in the plan which will not diminish the requirements for mandatory health and safety training currently required under section 115.

"(vi) LOCAL COORDINATION.—The plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local rescue personnel with surface functions that may be required in the course of mine rescue work.

"(F) PLAN CONTENT-SPECIFIC REQUIREMENTS.—

"(i) IN GENERAL.—In addition to the content requirements contained in subparagraph (E), and subject to the considerations contained in subparagraph (C), the Secretary

may make additional plan requirements with respect to any of the content matters.

“(ii) POST ACCIDENT COMMUNICATIONS.—Not later than 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, a plan shall, to be approved, provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted. Where such plan sets forth the reasons such provisions can not be adopted, the plan shall also set forth the operator’s alternative means of compliance. Such alternative shall approximate, as closely as possible, the degree of functional utility and safety protection provided by the wireless two-way medium and tracking system referred to in this subpart.

“(G) PLAN DISPUTE RESOLUTION.—

“(i) IN GENERAL.—Any dispute between the Secretary and an operator with respect to the content of the operator’s plan or any refusal by the Secretary to approve such a plan shall be resolved on an expedited basis.

“(ii) DISPUTES.—In the event of a dispute or refusal described in clause (i), the Secretary shall issue a citation which shall be immediately referred to a Commission Administrative Law Judge. The Secretary and the operator shall submit all relevant material regarding the dispute to the Administrative Law Judge within 15 days of the date of the referral. The Administrative Law Judge shall render his or her decision with respect to the plan content dispute within 15 days of the receipt of the submission.

“(iii) FURTHER APPEALS.—A party adversely affected by a decision under clause (ii) may pursue all further available appeal rights with respect to the citation involved, except that inclusion of the disputed provision in the plan will not be limited by such appeal unless such relief is requested by the operator and permitted by the Administrative Law Judge.

“(H) MAINTAINING PROTECTIONS FOR MINERS.—Notwithstanding any other provision of this Act, nothing in this section, and no response and preparedness plan developed under this section, shall be approved if it reduces the protection afforded miners by an existing mandatory health or safety standard.”

### SEC. 3. INCIDENT COMMAND AND CONTROL.

Title I of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811 et seq.) is amended by adding at the end the following:

#### “SEC. 116. LIMITATION ON CERTAIN LIABILITY FOR RESCUE OPERATIONS.

“(a) IN GENERAL.—No person shall bring an action against any covered individual or his or her regular employer for property damage or an injury (or death) sustained as a result of carrying out activities relating to mine accident rescue or recovery operations. This subsection shall not apply where the action that is alleged to result in the property damages or injury (or death) was the result of gross negligence, reckless conduct, or illegal conduct or, where the regular employer (as such term is used in this Act) is the operator of the mine at which the rescue activity takes place. Nothing in this section shall be construed to preempt State workers’ compensation laws.

“(b) COVERED INDIVIDUAL.—For purposes of subsection (a), the term ‘covered individual’ means an individual—

“(1) who is a member of a mine rescue team or who is otherwise a volunteer with respect to a mine accident; and

“(2) who is carrying out activities relating to mine accident rescue or recovery operations.

“(c) REGULAR EMPLOYER.—For purposes of subsection (a), the term ‘regular employer’ means the entity that is the covered employee’s legal or statutory employer pursuant to applicable State law.”

### SEC. 4. MINE RESCUE TEAMS.

Section 115(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)) is amended—

(1) by inserting “(1)” after the subsection designation; and

(2) by adding at the end the following:

“(2)(A) The Secretary shall issue regulations with regard to mine rescue teams which shall be finalized and in effect not later than 18 months after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

“(B) Such regulations shall provide for the following:

“(i) That such regulations shall not be construed to waive operator training requirements applicable to existing mine rescue teams.

“(ii) That the Mine Safety and Health Administration shall establish, and update every 5 years thereafter, criteria to certify the qualifications of mine rescue teams.

“(iii)(I) That the operator of each underground coal mine with more than 36 employees—

“(aa) have an employee knowledgeable in mine emergency response who is employed at the mine on each shift at each underground mine; and

“(bb) make available two certified mine rescue teams whose members—

“(AA) are familiar with the operations of such coal mine;

“(BB) participate at least annually in two local mine rescue contests;

“(CC) participate at least annually in mine rescue training at the underground coal mine covered by the mine rescue team; and

“(DD) are available at the mine within one hour ground travel time from the mine rescue station.

“(II)(aa) For the purpose of complying with subclause (I), an operator shall employ one team that is either an individual mine site mine rescue team or a composite team as provided for in item (bb)(BB).

“(bb) The following options may be used by an operator to comply with the requirements of item (aa):

“(AA) An individual mine-site mine rescue team.

“(BB) A multi-employer composite team that is made up of team members who are knowledgeable about the operations and ventilation of the covered mines and who train on a semi-annual basis at the covered underground coal mine—

“(aaa) which provides coverage for multiple operators that have team members which include at least two active employees from each of the covered mines;

“(bbb) which provides coverage for multiple mines owned by the same operator which members include at least two active employees from each mine; or

“(ccc) which is a State-sponsored mine rescue team comprised of at least two active employees from each of the covered mines.

“(CC) A commercial mine rescue team provided by contract through a third-party vendor or mine rescue team provided by another coal company, if such team—

“(aaa) trains on a quarterly basis at covered underground coal mines;

“(bbb) is knowledgeable about the operations and ventilation of the covered mines; and

“(ccc) is comprised of individuals with a minimum of 3 years underground coal mine

experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.

“(DD) A State-sponsored team made up of State employees.

“(iv) That the operator of each underground coal mine with 36 or less employees shall—

“(I) have an employee on each shift who is knowledgeable in mine emergency responses; and

“(II) make available two certified mine rescue teams whose members—

“(aa) are familiar with the operations of such coal mine;

“(bb) participate at least annually in two local mine rescue contests;

“(cc) participate at least semi-annually in mine rescue training at the underground coal mine covered by the mine rescue team;

“(dd) are available at the mine within one hour ground travel time from the mine rescue station;

“(ee) are knowledgeable about the operations and ventilation of the covered mines; and

“(ff) are comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.”

### SEC. 5. PROMPT INCIDENT NOTIFICATION.

(a) IN GENERAL.—Section 103(j) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 813(j)) is amended by inserting after the first sentence the following: “For purposes of the preceding sentence, the notification required shall be provided by the operator within 15 minutes of the time at which the operator realizes that the death of an individual at the mine, or an injury or entrapment of an individual at the mine which has a reasonable potential to cause death, has occurred.”

(b) PENALTY.—Section 110(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(a)) is amended—

(1) by striking “The operator” and inserting “(1) The operator”; and

(2) by adding at the end the following:

“(2) The operator of a coal or other mine who fails to provide timely notification to the Secretary as required under section 103(j) (relating to the 15 minute requirement) shall be assessed a civil penalty by the Secretary of not less than \$5,000 and not more than \$60,000.”

### SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

(a) GRANTS.—Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end the following:

“(h) OFFICE OF MINE SAFETY AND HEALTH.—

“(1) IN GENERAL.—There shall be permanently established within the Institute an Office of Mine Safety and Health which shall be administered by an Associate Director to be appointed by the Director.

“(2) PURPOSE.—The purpose of the Office is to enhance the development of new mine safety technology and technological applications and to expedite the commercial availability and implementation of such technology in mining environments.

“(3) FUNCTIONS.—In addition to all purposes and authorities provided for under this section, the Office of Mine Safety and Health shall be responsible for research, development, and testing of new technologies and equipment designed to enhance mine safety and health. To carry out such functions the Director of the Institute, acting through the Office, shall have the authority to—

“(A) award competitive grants to institutions and private entities to encourage the development and manufacture of mine safety equipment;

“(B) award contracts to educational institutions or private laboratories for the performance of product testing or related work with respect to new mine technology and equipment; and

“(C) establish an interagency working group as provided for in paragraph (5).

“(4) GRANT AUTHORITY.—To be eligible to receive a grant under the authority provided for under paragraph (3)(A), an entity or institution shall—

“(A) submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

“(B) include in the application under subparagraph (A), a description of the mine safety equipment to be developed and manufactured under the grant and a description of the reasons that such equipment would otherwise not be developed or manufactured, including reasons relating to the limited potential commercial market for such equipment.

“(5) INTERAGENCY WORKING GROUP.—

“(A) ESTABLISHMENT.—The Director of the Institute, in carrying out paragraph (3)(D) shall establish an interagency working group to share technology and technological research and developments that could be utilized to enhance mine safety and accident response.

“(B) MEMBERSHIP.—The working group under subparagraph (A) shall be chaired by the Associate Director of the Office who shall appoint the members of the working group, which may include representatives of other Federal agencies or departments as determined appropriate by the Associate Director.

“(C) DUTIES.—The working group under subparagraph (A) shall conduct an evaluation of research conducted by, and the technological developments of, agencies and departments who are represented on the working group that may have applicability to mine safety and accident response and make recommendations to the Director for the further development and eventual implementation of such technology.

“(6) ANNUAL REPORT.—Not later than 1 year after the establishment of the Office under this subsection, and annually thereafter, the Director of the Institute shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that, with respect to the year involved, describes the new mine safety technologies and equipment that have been studied, tested, and certified for use, and with respect to those instances of technologies and equipment that have been considered but not yet certified for use, the reasons therefore.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to enable the Institute and the Office of Mine Safety and Health to carry out this subsection.”.

#### SEC. 7. REQUIREMENT CONCERNING FAMILY LIAISONS.

The Secretary of Labor shall establish a policy that—

(1) requires the temporary assignment of an individual Department of Labor official to be a liaison between the Department and the families of victims of mine tragedies involving multiple deaths;

(2) requires the Mine Safety and Health Administration to be as responsive as possible to requests from the families of mine accident victims for information relating to mine accidents; and

(3) requires that in such accidents, that the Mine Safety and Health Administration shall serve as the primary communicator with the

operator, miners' families, the press and the public.

#### SEC. 8. PENALTIES.

(a) IN GENERAL.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after the subsection designation; and

(B) by adding at the end the following:

“(2) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 and section 107, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under paragraph (1) or section 105(c), shall, upon conviction, be punished by a fine of not more than \$250,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than \$500,000, or by imprisonment for not more than five years, or both.

“(3)(A) The minimum penalty for any citation or order issued under section 104(d)(1) shall be \$2,000.

“(B) The minimum penalty for any order issued under section 104(d)(2) shall be \$4,000.

“(4) Nothing in this subsection shall be construed to prevent an operator from obtaining a review, in accordance with section 106, of an order imposing a penalty described in this subsection. If a court, in making such review, sustains the order, the court shall apply at least the minimum penalties required under this subsection.”; and

(2) by adding at the end of subsection (b) the following: “Violations under this section that are deemed to be flagrant may be assessed a civil penalty of not more than \$220,000. For purposes of the preceding sentence, the term ‘flagrant’ with respect to a violation means a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory health or safety standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.”.

(b) REGULATIONS.—Not later than December 30, 2006, the Secretary of Labor shall promulgate final regulations with respect to penalties.

#### SEC. 9. FINE COLLECTIONS.

Section 108(a)(1)(A) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 818(a)(1)(A)) is amended by inserting before the comma, the following: “, or fails or refuses to comply with any order or decision, including a civil penalty assessment order, that is issued under this Act”.

#### SEC. 10. SEALING OF ABANDONED AREAS.

Not later than 18 months after the issuance by the Mine Safety and Health Administration of a final report on the Sago Mine accident or the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, whichever occurs earlier, the Secretary of Labor shall finalize mandatory health and safety standards relating to the sealing of abandoned areas in underground coal mines. Such health and safety standards shall provide for an increase in the 20 psi standard currently set forth in section 75.335(a)(2) of title 30, Code of Federal Regulations.

#### SEC. 11. TECHNICAL STUDY PANEL.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.) is amended by adding at the end the following:

##### “SEC. 514. TECHNICAL STUDY PANEL.

“(a) ESTABLISHMENT.—There is established a Technical Study Panel (referred to in this

section as the ‘Panel’) which shall provide independent scientific and engineering review and recommendations with respect to the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

“(b) MEMBERSHIP.—The Panel shall be composed of—

“(1) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

“(2) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health; and

“(3) two individuals, one to be appointed jointly by the majority leaders of the Senate and House of Representatives and one to be appointed jointly by the minority leader of the Senate and House of Representatives, each to be appointed prior to the sine die adjournment of the second session of the 109th Congress.

“(c) QUALIFICATIONS.—Four of the six individuals appointed to the Panel under subsection (b) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

“(d) REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date on which all members of the Panel are appointed under subsection (b), the Panel shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

“(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

“(e) COMPENSATION.—Members appointed to the panel, while carrying out the duties of the Panel shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) of the Public Health Service Act.”.

#### SEC. 12. SCHOLARSHIPS.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.), as amended by section 11, is further amended by adding at the end the following:

##### “SEC. 515. SCHOLARSHIPS.

“(a) ESTABLISHMENT.—The Secretary of Education (referred to in this section as the ‘Secretary’), in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish a program to provide scholarships to eligible individuals to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.

“(b) **FUNDAMENTAL SKILLS SCHOLARSHIPS.**—“(1) **IN GENERAL.**—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in 2-year associate’s degree programs at community colleges or other colleges and universities that focus on providing the fundamental skills and training that is of immediate use to a beginning coal miner.

“(2) **SKILLS.**—The skills described in paragraph (1) shall include basic math, basic health and safety, business principles, management and supervisory skills, skills related to electric circuitry, skills related to heavy equipment operations, and skills related to communications.

“(3) **ELIGIBILITY.**—To be eligible to receive a scholarship under this subsection an individual shall—

“(A) have a high school diploma or a GED;

“(B) have at least 2 years experience in full-time employment in mining or mining-related activities;

“(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

“(D) demonstrate an interest in working in the field of mining and performing an internship with the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health Office of Mine Safety.

“(c) **MINE SAFETY INSPECTOR SCHOLARSHIPS.**—

“(1) **IN GENERAL.**—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor’s degree programs at accredited colleges or universities that provide the skills needed to become mine safety inspectors.

“(2) **SKILLS.**—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

“(3) **ELIGIBILITY.**—To be eligible to receive a scholarship under this subsection an individual shall—

“(A) have a high school diploma or a GED;

“(B) have at least 5 years experience in full-time employment in mining or mining-related activities;

“(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

“(D) agree to be employed for a period of at least 5 years at the Mine Safety and Health Administration or, to repay, on a pro-rated basis, the funds received under this program, plus interest, at a rate established by the Secretary upon the issuance of the scholarship.

“(d) **ADVANCED RESEARCH SCHOLARSHIPS.**—

“(1) **IN GENERAL.**—Under the program under subsection (a), the Secretary may award scholarships to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor’s degree, masters degree, and Ph.D. degree programs at accredited colleges or universities that provide the skills needed to augment and advance research in mine safety and to broaden, improve, and expand the universe of candidates for mine safety inspector and other regulatory positions in the Mine Safety and Health Administration.

“(2) **SKILLS.**—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engi-

neering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

“(3) **ELIGIBILITY.**—To be eligible to receive a scholarship under this subsection an individual shall—

“(A) have a bachelor’s degree or equivalent from an accredited 4-year institution;

“(B) have at least 5 years experience in full-time employment in underground mining or mining-related activities; and

“(C) submit to the Secretary an application at such time, in such manner, and containing such information.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.”

#### **SEC. 13. RESEARCH CONCERNING REFUGE ALTERNATIVES.**

(a) **IN GENERAL.**—The National Institute of Occupational Safety and Health shall provide for the conduct of research, including field tests, concerning the utility, practicality, survivability, and cost of various refuge alternatives in an underground coal mine environment, including commercially-available portable refuge chambers.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the results of the research conducted under subsection (a), including any field tests.

(2) **RESPONSE BY SECRETARY.**—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

#### **SEC. 14. BROOKWOOD-SAGO MINE SAFETY GRANTS.**

(a) **IN GENERAL.**—The Secretary of Labor shall establish a program to award competitive grants for education and training, to be known as Brookwood-Sago Mine Safety Grants, to carry out the purposes of this section.

(b) **PURPOSES.**—It is the purpose of this section, to provide for the funding of education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines.

(c) **ELIGIBILITY.**—To be eligible to receive a grant under this section, an entity shall—

(1) be a public or private nonprofit entity; and

(2) submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require.

(d) **USE OF FUNDS.**—Amounts received under a grant under this section shall be used to establish and implement education and training programs, or to develop training materials for employers and miners, concerning safety and health topics in mines, as determined appropriate by the Mine Safety and Health Administration.

(e) **AWARDING OF GRANTS.**—

(1) **ANNUAL BASIS.**—Grants under this section shall be awarded on an annual basis.

(2) **SPECIAL EMPHASIS.**—In awarding grants under this section, the Secretary of Labor shall give special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, or hazards identified by such Administration.

(3) **PRIORITY.**—In awarding grants under this section, the Secretary of Labor shall give priority to the funding of pilot and demonstration projects that the Secretary determines will provide opportunities for broad applicability for mine safety.

(f) **EVALUATION.**—The Secretary of Labor shall use not less than 1 percent of the funds made available to carry out this section in a fiscal year to conduct evaluations of the projects funded under grants under this section.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each fiscal year, such sums as may be necessary to carry out this section.

The **SPEAKER pro tempore.** Pursuant to the rule, the gentleman from California (Mr. **McKEON**) and the gentleman from California (Mr. **GEORGE MILLER**) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### **GENERAL LEAVE**

Mr. **McKEON.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2803.

The **SPEAKER pro tempore.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **McKEON.** Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2803, the Mine Improvement and New Emergency Response Act, or the **MINER Act**. Though the number of mining fatalities and injuries reached record lows in 2005, this year’s tragedies at the Sago mine in West Virginia and the others that have followed have served to bring the issue of mine health and safety into much sharper focus.

Today, after unnecessarily waiting for 2 weeks, the House is finally poised to act. My colleagues, let us not squander this unique opportunity to send comprehensive mine safety reforms to President Bush for his signature.

Throughout 2006, the Education and the Workforce Committee has held a series of oversight hearings and briefings during which we heard from Federal mine safety officials, mine workers, representatives from the mining industry and Members of the House. These oversight proceedings pointed toward a very clear need for better communications technology, modernized safety practices within U.S. mines and strengthening the enforcement of current mine safety laws.

□ 1345

Each of these needs is addressed comprehensively by the **MINER Act**, which was passed last month by the Senate without a single voice in opposition.

In addition to universal bipartisan support in the Senate, this legislation

enjoys strong support in its current form from the United Mine Workers of America, the National Mining Association, and a bipartisan group of House Members from key mining States, including Kentucky and West Virginia.

In short, this is an issue that has cut across party lines, enjoys rare support from both labor and industry, and deserves overwhelming support from the House when we vote on the measure.

Mr. Speaker, I am proud of the way our committee, and Workforce Protections Subcommittee Chairman NORWOOD, in particular, has deliberately and thoughtfully considered ways to enhance the safety of America's miners. Because of our panel's thorough series of hearings and briefings, we are poised to take an important step today toward modernizing mine safety law for the first time in a generation.

I would like to thank my colleagues on both sides of the aisle, in particular, Mr. NORWOOD, Mrs. CAPITO and Mr. ROGERS, as well as the entire West Virginia and Kentucky delegations for assisting our committee in this effort.

Our Nation's miners and their families will be better off for it. I ask my colleagues to join me in the ever-growing chorus of supporters in backing the MINER Act.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, as Members are aware, I have spoken out forcefully on the need for rapid Federal action to address mine safety. I have urged this Congress to legislate, to push us toward a new era in which the technology that has helped revitalize the productivity of the mining industry would also be used to save the lives and limbs of our miners.

Unfortunately, the bill sent from the Senate fails to make the reforms that go to the very heart of what happened in the Sago mine disaster. It fails in three significant ways. It does not guarantee that miners trapped underground will have enough air to survive an accident like Sago. It does not give miners prompt access to wireless communications and electronic tracking devices so they can communicate with their rescuers instead of having to bang on pipes and bang on rocks like miners did hundreds of years ago.

It does not guarantee that the emergency oxygen units like the ones that Randal McCloy, the only Sago survivor, told us in some cases were defective, and would be tested at random by the Federal Government to ensure that they work properly.

In other words, if another Sago mine disaster were to happen, this bill does not ensure that we would not have the same tragic deaths, because it does not address what killed the miners in the Sago mine disaster.

I want to remind Members that 11 of the 12 miners that died at Sago did not die from the initial explosion. They died because they did not have commu-

nication tools to lead them to safety; they died because they did not have an oxygen supply to last the 40 hours that they were trapped.

I cannot, in good conscience, support a bill if passed that would not prevent another Sago, when we understand the tragedy that took place there.

When it comes to the safety of miners, and thousands of miners and families across the Nation, the House can do better than take-it-or-leave-it legislation that fails to provide that margin of safety that these families are entitled to.

In the last 10 days, there have been two significant developments that demonstrate that we can and we must do better than the Senate bill. Last week, the Industry Labor Mine Technology Panel appointed by Governor Manchin of West Virginia composed of equal numbers of industry and miner representatives, concluded that there were significant enhancements to miner safety that could be achieved through wide application of existing technologies and techniques.

Then this industry labor report makes two recommendations that go to the heart of the matter: that emergency shelters and chambers shall provide a minimum of 48 hours of breathable air and in no later than 15 months mine operators will have to submit a communications and tracking plan for approval.

That is all that the amendments that I have offered suggest that we do, i.e., what is now accepted in the mining industry in the State of West Virginia. Now, someone explain this to me: the coal mine industry in West Virginia agrees with the West Virginia miners that there should be a guaranteed 48 hours of breathable air in a crisis, but the Congress of the United States refuses to provide that same promise to miners across the country.

The coal mining industry in West Virginia agrees that miners should have prompt access to wireless communications and electronic tracking devices, but the Congress of the United States refuses to provide that same promise to miners across this Nation.

And here is another development. A few weeks ago, the Illinois legislature sent far-reaching mine safety legislation to the Governor's desk. It passed 111-0. It passed the Senate 57-1.

The IL bill has two critical reforms, emergency mine chambers with 48 hours of air and rapid installation of wireless communications by the end of the year. The State of Illinois can promise no more Sago tragedies.

The coal mining industry in West Virginia can make that promise, but the U.S. House is being asked to ignore all of that evidence, all of those improvements, and rubber stamp a Senate bill with no opportunity to improve it.

That is wrong, and we should not stand for it. I have spent a great deal of time over the last few months listening to what those Sago families have to tell us. I have listened to their very

specific and very reasonable recommendations.

I listened to Mrs. Debbie Hamner, who lost her husband, Junior, in the Sago tragedy. As many of you know, only one of the twelve miners who died in that tragedy was killed by the explosion. The rest died of carbon monoxide poisoning. Junior Hamner was one of those who died in that manner. And Mrs. Hamner asked why were they not equipped with enough oxygen. Why did we not require air supplies to be stored in the mine sections that they were working?

Why do Canadian miners have greater protections than the miners of West Virginia or miners elsewhere in the United States? That is what she wanted to know. And Debbie said, sadly the bill before us today does not even mandate a minimum air supply for miners trapped underground, let alone require a refuge stocked with air, food and water, so that miners would not have to do what they did in Sago when they were trapped, which was to construct a barrier and bang on rocks and hope for the very best.

Amber Helms, whose father, Terry, died at Sago, pointed out to us that the miners were still alive after the Sago explosion. The men tried to walk out. The mine foreman tried to walk toward them. But although they ended up only a few hundred yards apart, the foreman did not know where they were and was not able to tell them where they could find good air or a safe way that they could walk out.

It is ridiculous, Amber told us, that I can get a computer and I can make a full Web page in an hour, but they cannot find my dad, and they cannot track him. It turns out that Amber was right, that devices are available in the market right now to track the location of these miners. These devices are available, and they should be used and they should be used soon.

Last month, the sole survivor of the Sago mine accident, Mr. Randal McCloy, wrote a letter to the families of those who did not survive that mining disaster. Mr. McCloy stated that a number of the self-contained rescue units that were issued for their protection failed to operate.

The final amendment that I chose to offer to this legislation would make sure that we would have random inspections of those devices so those miners could have reliability if another tragedy should hit.

We understand that the needs are here, and that is why I am telling you that this legislation is not complete. We should not be taking it on a take-it-or-leave-it basis. The House should have the opportunity to debate. Apparently we are not too busy today for we were going to do this at 6 o'clock and now we are doing this at 2 o'clock. We could have had an hours debate. We could have offered some amendments, voted them up or down, and we then could have moved on about our way.

But we have chosen instead to close out these concerns of these miners and these families. We have chosen to close out what we have now learned about the technology. We have chosen to close out the agreements that the mining industry and the miners have reached in some States but not in all States, and we have chosen, worst of all, not to mitigate and protect and provide a margin of safety to those miners, should we have a repeat of the Sago mine disaster.

We know Sago happened. We know why the miners were killed, and we know what we can do to prevent it. It is within our grasp. It is inexpensive and it is readily available. But in the Senate bill it is not required for another 3 years.

In the Senate bill, we do not specify a minimum of 48 hours of oxygen, as West Virginia has started to specify and as the State of Illinois has specified. So this is not about being way out on the cutting edge and trying to destroy a bill or kill a bill or any of the rest of that. This is about spending time with these families and seeing that grief and having to try and answer the questions that they ask, no longer on behalf of their husbands, their brothers, their uncles, no longer on their own behalf, but on behalf of the other mining families in their communities, and the other mining families in other States that are not addressing this situation.

Mr. Speaker, I would hope that my colleagues would vote against the suspension of the rules under this act, and that we would be able to take this legislation up, offer these amendments, win, lose or draw. At least then we could have said that we made the last best effort to provide immediate security, immediate remedy to the failures that led to the loss of life in these mine disasters.

It is well documented, the problems and the impacts and the fatalities that were created by those shortcomings. The Senate bill simply does not address those.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I understand Mr. MILLER's comments. I agree with much of what he says. It would be nice to have some of the issues that he has talked about. Also, Chairman NORWOOD, the subcommittee chairman, had other things that he wanted to put in the bill to make it better.

But as my former chairman, now our majority leader, Mr. BOEHNER, has said many times, we have to guard against making the perfect the enemy of the good. And we have been given a unique opportunity by a bill passed by the Senate unanimously to move forward to help mine worker safety at this time.

And rather than continue to talk this matter to death, and to continue to delay bringing safety to these miners,

we should take this opportunity and pass this bill today.

I would like to introduce into the RECORD the letter from the United Mine Workers of America. "The United States Senate unanimously passed legislation that is aimed at improving miner safety and offering miners a fighting chance of survival in the event of a mine emergency. Senate bill 2803," which we are talking about, "the MINER Act, was a bipartisan bill that every Member of the Senate, Republican and Democrat alike, recognized would begin to offer better protection to miners. Indeed, this bill represents the first overhaul of the Nation's mining laws since the adoption of the 1977 Federal Mine and Safety Act," and he encourages all Members to vote for this bill today.

I would like to say that I have asked Chairman NORWOOD to continue to work to improve and bring other improvements to the floor, but I encourage all of our Members to support this bill today, to get it to the President's desk, to do what we can immediately to help protect miner safety.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, let me begin by commending the gentleman from California for his over three decades of work in this body on behalf of our coal miners and our working men and women of this country. I salute his dedication and his career that he has built in helping improve those conditions.

Mr. Speaker, myself, speaking on behalf of myself, I will take a back seat, however, to no Member of this body in regard to standing up for our coal miners, standing up for their fair health and safety conditions, and standing up for pneumoconiosis benefits, over my entire career here as well.

This has been a dark, mournful year for our Nation's coal miners. Thirty-three deaths, 33 lives lost by decent hardworking men who have placed their trust in a mine safety system that failed them. Today the clouds begin to part. The mine tragedies of this year resulted from many years of growing complacency and diminishing compliance.

They happened because our Nation's mine safety system has been veering in the wrong direction for far too long. Indeed, several years ago I issued a siren's call when I offered an amendment on this floor to the labor appropriations bill to block the Mine Safety Health Administration from issuing regulations that would have allowed a four-fold increase of respirable dust in our underground coal mines.

□ 1400

We must recall that Congress armed MSHA with a sharp regulatory axe. But

instead of using that weapon, in recent years MSHA has opted for the warm and fuzzy gimmick called partnership. What should have been sharp, steep and painful fines for safety violations have been reduced repeatedly to little more than love taps.

As new safety technologies have become commonplace in the mines of foreign competitors, MSHA failed to prod American mines that have plodded along with old devices. It did not punish and deter habitual violators. It did not update and maintain safety rules. It did not fulfill its statutory mandate or its responsibility to the miners it has been charged with protecting.

The pending measure will begin, begin, I stress, to change all that. This bill is not a cure-all. It is not a perfect bill. The only perfect bill around this body anymore is naming a post office after somebody. It is misleading and dangerous to suggest that any bill can be a cure-all, but it is a step in the right direction, a step that must not be delayed. To delay this legislation, no matter how noble the intentions, is to gamble recklessly with the lives of our Nation's coal miners.

Indeed, I would say to the gentleman from California, good decent GEORGE, that there are provisions missing from the pending legislation that were in our West Virginia bipartisan congressional bill. There are also provisions in the gentleman from California's and my bill that are not in this legislation. But as I said, this bill at hand is a beginning. The death toll in my congressional district, the death toll in the State of West Virginia, the death toll across our Nation's coal fields must halt, no more delay in acting.

The MINER Act pending before us, the Senate-passed bill, does include a number of improvements over the current law. That is what we are talking about, taking a step in the right direction. The pending bill is supported by the United Mine Workers of America, by the National Mining Association, by the Governor of the State of West Virginia, and might I add by the daughter of a miner quoted by the gentleman from California, Amber Helms, who said, "We support The MINER Act recently passed by the United States Senate because we believe it is better than what we have in our law right now. But if it can be improved upon without delay that is where we stand. If this bill as written right now is the best we can do today, then we urge the United States Congress to pass it immediately."

This bill is the best we can do today. It must be acted upon before further deaths occur in our coal mines.

The bill does call for immediate action to incorporate workable communication devices. The bill that we are talking about today does make immediate requirements for more oxygen, enough to evacuate miners in the event of an emergency and enough to maintain miners for a sustainable period of time if they are trapped underground.



The act does not designate a 48-hour supply, as the gentleman from California would do, because how does one honestly determine that 48 hours of oxygen is sufficient as opposed to 49 hours or 72 hours?

Indeed, the act requires each coal operator, in consultation with the miners and their representatives, to look at the individual mines, and as the gentleman from California knows, mines are different, and determine, subject to approval in a biennial review by the Secretary of Labor, what is an adequate amount of oxygen.

This bill addresses the seals. It requires the Secretary of Labor to develop promulgations and rules to strengthen the seals that have been the cause of recent disasters. This bill is a workable piece of legislation. It cannot be amended; otherwise we go to a conference committee. Who knows when it will then be passed, and it must be acted upon today. I urge passage.

Mr. MCKEON. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS), the subcommittee chairman on the Appropriations Committee.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today in strong support of the MINER Act.

Mr. Speaker, I am the proud representative of 21 coal producing counties and 15,000 Kentucky miners stretching along the Appalachian coal seam in eastern Kentucky. These are good paying jobs in challenging economic areas, generational jobs passed down through families and neighbors for years, requiring training, education and, most importantly, hard work. Anyone who has been in these mines a mile underground, as some of us have, knows that underground mining also comes with a great amount of risk.

My constituents have and are willing to take those risks in order to provide for their families. By also to provide the Nation the coal that we need to keep our homes warm and economic engines running. These risks and the dangers of coal mining have been brought directly into the living room televisions of many Americans over last 6 months. In my district it has been much closer to home. The Holmes Mills tragedy in Harlan County, Kentucky, underscores the need for comprehensive mine safety legislation that provides critically needed protections for miners and strengthens the Federal Government's ability to enforce safety regulations now.

We have not had comprehensive mine safety reform in the country for decades. Technology has changed, communication equipment has changed, our laws have not changed. With that said and with our thoughts and prayers still with the families touched by these accidents, Mr. Speaker, I rise today with my coal State colleagues in support of this MINER Act.

First, I want to thank Chairman NORWOOD and Chairman MCKEON for working together with the majority

leader to move mine safety legislation now, not later, not next year, not next month, not after some conference committee where the Senate sits on it for 6 months but now, and I thank them for that. We should not delay one more day putting into place requirements to further protect these brave miners going even as we speak into the dark of these mines.

This bill honors the brave men, 11 in Kentucky and in my district this year who have died in mine-related accidents. They are not forgotten. Mining has always been a dangerous occupation and make no mistake, this legislation will not make mining injury free, but it does go a long way toward that end. With this legislation we reaffirm our commitment to seeing miners have the proper training, rescue equipment, communications devices and plans in place should an accident occur.

I have met with industry leaders, met with the miners, and everyone agrees there is room for measured and achievable improvement. This bill strikes a reasonable compromise and seeks to put the best available technology in the hands of our mining men and women while encouraging development of new technologies.

The Senate wisely moved this legislation quickly and unopposed, and I hope we do the same here. I am particularly pleased the bill includes some of these provisions. One, it requires the use of wireless two-way communications and tracking systems within 3 years. It requires each mine's emergency response plan to continuously be reviewed, updated and recertified by MSHA every 6 months. It also gives MSHA the power to request an injunction, that is to say, shut down a mine in cases where the mine has refused to pay a final order or MSHA penalty.

It would require rescue teams to be close to mines and granted immunity. It would require each miner to have a minimum of 2 hours' supply of air and require storage of additional breathing devices along the escape routes from the mine.

These measures, Mr. Speaker, go straight to the trouble we have seen and should give comfort to our mining families. This legislation, Mr. Speaker, honors Kentucky's 17,000 hardworking coal miners, but all the others in the country as well who bravely go into the heart of the Earth to put bread on the table and to bring light into the lives of all Americans.

Our hats go off to these miners, and I urge that we pass this bill in their honor and in their memory.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I thank the gentlemen from California, each, for yielding and for their work on this important legislation and a lifetime of work for safety for workers.

Mr. Speaker, I rise in support of S. 2803, The Mine Improvement and New Emergency Response Act of 2006. The need for improvements in coal mine health and safety has been tragically reaffirmed by the mine disasters in my home State earlier this year. On January 2, 2006, an explosion in the Sago mine in Upshur County, West Virginia, followed on January 19 by a second disaster in the Aracoma Alma mine in Logan County, took the lives of our Nation's finest, our coal miners, forever changing the lives of their loved ones and shocking the State and the Nation into once again revisiting the adequacy of our coal mine health and safety laws.

The entire West Virginia delegation is in support of this bill. In the Senate it passed unanimously with the backing of West Virginia's esteemed delegation, Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER. Here in the House, Mr. RAHALL, Mrs. CAPITO and I recently introduced the House companion to that bill, H.R. 5432.

I urge passage of S. 2803 today so that the important work to improve mine safety can begin immediately. New approaches to safety challenges are clearly needed, particularly in light of advances in technology, and we cannot afford to waste another minute.

Among other things, the MINER Act that we consider here requires that miners have emergency air breathable for a sustained period of time and that caches providing at least 2 hours of breathable air per miner be placed at 30-minute intervals from the working area to the surface. It also requires that a redundant means of communicating with the surface be provided in each mine as well as a post-accident tracking system.

I should note that the United Mine Workers of America and the American Federation of Labor and Congress of Industrial Organizations both, Mr. Speaker, support this legislation. While not perfect, this is the first best effort to quickly bring significant enhancements to safety in our Nation's coal mines.

Mr. MCKEON. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 9½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 6 minutes remaining.

Mr. MCKEON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOLDEN).

MR. HOLDEN. I thank the chairman and the ranking member for yielding me the time.

I rise in support of this bill, but I agree with the ranking member that this bill is not perfect. One of the ways that this bill could have been improved

is if we would have addressed the way MSHA deals with anthracite coal mining versus bituminous coal mining, two very different forms of coal, hard coal versus soft coal, irregular veins versus consistent veins. They are mined differently and they should be regulated differently.

The Commonwealth of Pennsylvania recognizes that. They have two separate laws. They have two separate divisions that deal with regulation and enforcement of the safety laws. In northeastern Pennsylvania and the anthracite fields that I represent, along with Mr. KANJORSKI and Mr. SHERWOOD, there is a division in western Pennsylvania in the bituminous field; there is another one with two separate laws. MSHA has consistently said that one-size-fits-all is what they will do in regulation.

Mr. Speaker, that does not work. The Inspector General from the Department of Labor issued a report on March 31 of this year that I would like to read in the RECORD: "MSHA has not fully addressed the possibility that current regulations do not adequately reflect operating methods and conditions unique to anthracite coal mining. We recommend," meaning the Inspector General, "that MSHA evaluate whether the existing petitions for the modification process efficiently address the applicability of existing regulations to varying mining techniques or whether any existing regulations require revisions for anthracite mining methods."

Mr. Speaker, I rise in support of this legislation today, but I ask the chairman and ranking member to work with me as we try to convince MSHA that there is an Inspector General's report, there is a precedent in the Commonwealth of Pennsylvania realizing the difference in anthracite mining and bituminous mining. And we can protect our miners and we can do it in a fair way.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Mr. Speaker, I thank the ranking member for all his work on this issue.

Mining coal is indeed a way of life in Kentucky. Our fellow citizens who work in our coal mines have been and are still very much at risk. To date there have been 33 miners killed in the United States this year alone, most recently at the Darby mine in eastern Kentucky which took the lives of five miners.

□ 1415

As public servants, it is our job to protect the people that we represent. While the bill before us today does not include all of the protections many of us would like, it is certainly a start. This bill will save lives.

I support this bill, but I also urge my colleagues to see this bill as only a beginning to the reforms that need to be passed to make sure that our miners

have the very safest workplace possible.

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

Mr. Speaker, listening to the gentleman from Pennsylvania reminded me, my grandfather and my great-grandfather came over from Ireland. They settled in Pennsylvania, and some of his brothers died from black lung disease, and my great-grandfather came out to Utah and was able to survive that.

You know, I think it is great that we are able to work today on a bipartisan basis to get this bill done. It's unfortunate that it takes tragedies such as we have seen to draw us together. I remember after 9/11 how we all gathered on the steps out here, and we really were united as Americans.

I understand there is some opposition to this bill, but mostly, I think we are working together to try to move correctly further safety to the miners.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to thank my colleagues who spoke to this issue. All of them have worked very hard on behalf of mine safety, not just in the aftermath of these most recent tragedies but throughout their entire congressional careers. We share that in common.

This is not an adversarial relationship. This is a difference of opinion, and I think it is an important difference of opinion.

I think that when we went back and we went over these tragedies and saw what it was that killed these miners, we saw that we also had the capabilities to address the causes and to address them now, and not wait 3 years to do some of this.

We also understood that the quantities of oxygen required for trapped miners would be a minimum of 48 hours. It was after some 20 hours that Junior Hamner at Sago wrote a note (that was found from him) that said, I am in no pain now, but I don't know how long the air will last.

If we pass this legislation without these amendments, we do not know how long the air will last. There is no minimum standard in this bill and it should be made explicit on behalf of the miners. Other miners told us that the air-pack units were not working adequately. We need random spot checks to make sure that there is reliability in the air-packs.

We heard the stories of the trapped Sago miners struggling to communicate as they would have 100 years ago in the mines, by banging on pipes and banging rocks together. The fact of the matter is it is now within our grasp to address these problems and address them now.

Under this legislation, as it is currently written, if a Sago-type mine accident were to happen again, a month

from now or 6 months from now, we do not provide the remedies that are necessary to save lives. Given what we learned from the Sago mine accident, I would hope that the Congress would do that.

This is not about speed. It's about getting it right. I have been here 30 years, and so very often I have been told if this amendment passes, that is the end of the process, and later that night, we pass the bill with the amendment. We all understand what the attempt here is, and I understand the desire of my colleagues who are so deeply impacted by these tragedies to get this legislation on the books. I would hope that my colleagues would pause for a moment because maybe when I first spoke of them, there was some controversy about these amendments. But the judgment that I have brought to this bill and the determination that I have brought to this bill, has now been ratified by the coal commission in West Virginia and by the State legislature in Illinois.

These are key components for the survivability of these kinds of accidents since the Sago miners were not killed by the initial explosion, rockfall or other incident that took place. And that's why I am so compelled to stand here. It's not easy.

I have gotten more interesting phone calls from the Senate from Members who are interested in the bill than I probably have in the last 5 years. These are men I have worked with my entire career: Senator ROBERT C. BYRD, Senator JOHN D. ROCKEFELLER, Senator KENNEDY. They are friends. They are heroes of mine. But we have a disagreement here. It is fundamental. I believe it is important, and I would hope that we would be able to do this.

I would urge my colleagues to vote against this suspension of the rules so we would have a chance to address this in limited open debate, with up-or-down votes. I am not here to delay the bill at all, and I would hope that that would be the outcome of this debate.

Again, I think all of us, whether people agree with me or disagree with me, all of us share the desire to increase the margins of safety for those individuals who go into the mines and for their families who remain on the surface.

We have talked a great deal about energy. This is a key component of energy. We need these people to continue to go into the mines, and all of us desire to increase those margins of safety for them.

Mr. Speaker, I yield back the balance of my time.

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

A bird in the hand is worth two in the bush. I propose that we take this bill and we pass it today. We continue to work to improve miner safety. We do not wait another 30 years plus to have this issue addressed.

I would like to place into the RECORD the letter from the National Mining



Association supporting rapid action on this bill and others.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EDUCATION AND THE  
WORKFORCE,

Washington, DC, June 6, 2006.

Hon. JAMES SENSENBRENNER, JR.  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your recent letter regarding the consideration of S. 2803, the Mine Improvement and New Emergency Response Act of 2006. I agree that my committee shares jurisdiction over the provisions of the bill related to limited liability for rescue operation, penalties, and fine collection with the Committee on the Judiciary.

I appreciate your willingness to forgo consideration of S. 2803 by your committee. I agree that waiving consideration of S. 2803 in no way diminishes or alters the jurisdictional interest of the Committee on the Judiciary. I will include your letter and this response in the Congressional Record during the bill's consideration on the House floor.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, June 7, 2006.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, Committee on Education and the  
Workforce, Washington, DC.

DEAR CHAIRMAN MCKEON: In recognition of the desire to expedite consideration of S. 2803, the Mine Improvement and New Emergency Response Act of 2006, the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in S. 2803 that implicate the Rule X jurisdiction of the Committee on the Judiciary. Specifically, the bill contains provisions relating to limitation on rescue operation liability, penalties, and fine collection that fall within the jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by forgoing consideration of S. 2803, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of S. 2803 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, JR.  
Chairman.

UNITED MINE WORKERS OF AMERICA,  
Fairfax VA, June 5, 2006.

DEAR REPRESENTATIVE: The tragic events that have unfolded in the coalfield communities since January 2, 2006 have captured the attention of the entire nation. As you are no doubt aware, thirty-three coal miners have lost their lives while attempting to fulfill the energy needs of the country. This is far too high a price for workers in any industry to pay for merely going to work and supporting their families. The United Mine Workers of America urges you to support the bipartisan MINER Act, to improve coal miners' safety.

What makes these recent mining deaths so disturbing is that many could have been prevented. The United Mine Workers of America is convinced that had additional safety precautions been required by the Mine Safety

and Health Administration, many of those miners who perished may well have survived the initial fire or explosion. For example, had additional oxygen been available, if directional lifelines were provided, had emergency evacuation training been more comprehensive, and if state of the art communications had been in place, the chances of these miners surviving would have been greatly increased.

In assessing what went wrong in each of these events we must not stop after determining the underlying reasons for these tragedies. Rather, we must take a proactive approach and begin to implement laws that will better protect miners and prevent more families from living with the horror so many have recently confronted.

The United States Senate unanimously passed legislation that is aimed at improving miners' safety and offering miners a fighting chance of survival in the event of a mine emergency. Senate Bill 2803—the MINER Act—was a bi-partisan bill that every member of the Senate—Republican and Democrat alike—recognized would begin to offer better protection to miners. Indeed, this Bill represents the first overhaul of the Nation's mining laws since the adoption of the 1977 Federal Mine Safety and Health Act.

The coal mining deaths of 2006 have reminded the nation how dangerous this occupation can be if left unchecked. The time for legislation to address miners' safety is long overdue. The Senate has acted, and it is my heartfelt belief that SB 2803 will improve miners' protections in the coal industry. Therefore, I urge you to cast your vote in favor of the MINER Act when it comes to the floor of the House to protect the Nation's miners and their families. It constitutes an essential first step in addressing the many hazards coal miners still face today.

Sincerely,

CECIL E. ROBERTS,  
International President.

NATIONAL MINING ASSOCIATION,  
Washington, DC, June 6, 2006.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, House Committee on Education and  
the Workforce, Washington, DC.

Hon. CHARLIE NORWOOD,  
Chairman, Subcommittee on Workforce Protec-  
tions, House Committee on Education and  
the Workforce, Washington, DC.

DEAR CHAIRMEN MCKEON AND NORWOOD: The National Mining Association (NMA) commends you and the House leadership for moving S. 2308, the "Mine Improvement and New Emergency Response (MINER) Act," to the floor for swift consideration.

The MINER Act contains many of NMA's legislative principles regarding improvements needed in the area of communications and tracking, mine rescue and breathable air supplies. We appreciated the opportunity to share these principles with you and the members of the committee during the extensive hearing process conducted earlier this year.

NMA is pleased to join the United Mine Workers of America in calling for passage of the MINER Act. Our alliance in support of this legislation should be viewed as a testament to its importance for America's underground coal miners. We are also pleased this legislation has received broad bipartisan Congressional support and strongly believe it will lead to safer mines. America's underground coal miners deserve no less.

Again, thank you for making mine safety legislation a priority. We stand ready to assist you in soliciting support from your colleagues for the MINER Act.

Sincerely yours,

KRAIG R. NAASZ,  
President & CEO

Mr. Speaker, I yield the remainder of our time to the gentlewoman from West Virginia (Mrs. CAPITO), who has been a strong leader on pushing to get this bill to the floor.

Mrs. CAPITO. Mr. Speaker, I would like to thank the gentleman from California for yielding and start by thanking my colleagues in the West Virginia delegation for their efforts on this legislation. Our delegation has truly stood as one on behalf of the safety of our State's miners. We stood together in the Senate hall, all five of us together, and pledged to make a difference through legislation.

I would like to thank the leadership, and I would like to thank Chairman MCKEON and Chairman NORWOOD for their quick action on bringing this matter to the floor. I would like to thank my fellow Members from other coal States who have suffered such tragedies.

I would like to make something clear. The MINER Act is not a controversial piece of legislation. It is slightly unfortunate that there has been some confusion around the issue that's important to the people of West Virginia and other mining States. As we have heard from the other Members, this is a great opportunity, a good chance, a good first step and one we must seize.

This bill has unique support across the mining community and across geographic and political lines. The UNWA, the National Mining Association, the AFL-CIO, and the West Virginia Coal Association and others support passage of this, and the Senate has unanimously passed this legislation.

As we have heard, the legislation would require every underground coal mine in the country to have its own emergency response such as tracking devices and flame resistant post-accident lifelines. The bill immediately requires a redundant means of communication with the surface, using the best system that is technologically feasible.

This legislation takes a major step in making sure miners have a reliable supply of oxygen underground. The bill makes sure that miners have a 2-hour supply of oxygen throughout the mines, spaced at distances the average miner can walk in 30 minutes.

A crucial provision also requires a maintenance and replacement schedule for the emergency breathing devices. Statements from survivors of recent mine accidents have questioned whether emergency breathing equipment was functioning properly, and this bill helps address that.

To make sure that precious time is not lost in assembling mine rescue teams, this bill makes sure that every mine has at least two mine rescue teams that can reach the site within an hour.

For those who violate safety regulations, this legislation increases the maximum civil and criminal penalties and allows MSHA to issue an injunction in order to close mines that fail to pay fines.

No one has said that the MINER Act is the final step in making miners safer. In fact, this is only the beginning of a renewed dialogue to make sure that we are doing everything we can to make sure our miners are safe.

I would like to remind my colleagues we have a choice, support the most significant revision to mine safety laws since 1977 or oppose the bill and cast a vote that will take us nowhere.

Mr. Speaker, the Sago mine is in my district. I waited with the families and the Upshur County community on that cold day in January as rescuers worked to save the Sago miners. I saw firsthand the pain suffered by the families when only one survivor was found. I looked into the eyes of the wives, the sisters, the brothers, the mothers, the fathers as they learned that their loved ones were never coming back.

The Sago men and women are my constituents and my friends. They are the backbone of the great State of West Virginia and our Nation. For all of us, we cannot let this opportunity pass.

I ask that my colleagues join me to help these real men and women who have hopes and dreams, have a great faith in us, that we will help them to make sure that we pull together so that no one will suffer the tragedy and the heartache that they suffered that day in Sago and other days across this country.

I ask my colleagues to join me, to join me in making the right choice to improve mine safety by voting for the MINER Act.

Mr. MURPHY. Mr. Speaker, I rise in strong support of this landmark mine safety legislation, S. 2803. Mine safety has been on all our minds this year, as Americans mourned the heartbreaking disasters at the Aracoma Alma and Sago mines in West Virginia in January. Thus, throughout the process of crafting this bill, all parties have wanted the end product to strongly improve safety for miners.

In my district in southwestern Pennsylvania, the mining industry has been a central part of the way of life for a century and a half. My great-grandfather was a coal miner, who worked in Pennsylvania mines when carts were pulled by mules and mines were lit by candles. Mining was very dangerous work then. The mining industry has certainly made remarkable strides ever since.

Today is another great step forward for miners in Pennsylvania and across the Nation; therefore, I am pleased to support S. 2803. On March 16, as mine safety legislation was being crafted, I was pleased to testify on the subject of mine safety before the Education and Workforce Subcommittee on Workforce Protections. On that day, I expressed many concerns about current mine conditions. For instance, I cited my concern about whether miners are sufficiently employing technology to communicate with one another, especially when accidents occur. S. 2803 requires that

all mines provide immediate notification of accidents and regularly update their emergency response plans. At the hearing, I also raised my discomfort with the use of "belt air," which can be unhealthy to breathe and even flammable. Accordingly, the bill before us prohibits the use of conveyor belts to ventilate work areas.

While recent tragedies have dominated the mining industry news of late, I hope we recount the success stories of the mining industry alongside some of the failures. For instance, CONSOL Energy, based in my district, sent their own rescue teams to the Sago mine in January. The CONSOL rescue teams arrived first at the scene, and they have worked tirelessly on many other occasions to help miners throughout Pennsylvania and West Virginia, regardless of who owns the mine. They are a success story I am pleased to highlight, of which we should all be proud.

The coal industry has helped fuel this Nation for 150 years, and coal can be used to heat our homes, power our economy, and protect our Nation for at least another 150 years if we continue to use it. We all grieved the tragic accidents in West Virginia in January. This bill will help prevent such accidents in the future.

Mr. OWENS. Mr. Speaker, 33 underground coal miners have already been killed on the job so far this year, starting with the Sago mine disaster right after New Year's day. We do these fallen mineworkers as well as their surviving family members and friends a serious disservice by limiting debate on this bill to 40 minutes and barring any strengthening amendments. These hard-working men, their families and wider communities of friends and neighbors deserve far better treatment on the floor of the U.S. House. Unless we take legislative action that would prevent future mine disasters like those that occurred at Sago, Aracoma Alma, Darby and elsewhere this year, we are hoping rhetoric will mask our failure to deliver significant protections to hard-working mineworkers Nation-wide.

At the Sago mine disaster, a methane gas explosion killed one mineworker and trapped 12 others. It took 40 hours for rescuers to reach those trapped underground and by the time they did, 11 miners had died of carbon monoxide poisoning. The sole survivor at Sago, Randal McCloy, has since reported that at least four of the air-packs designed to provide an hour's worth of breathable air to the miners malfunctioned. Moreover, the Sago miners lacked one-way text messaging and tracking devices—devices that are currently used in mines throughout Australia, Chile, China and South Africa. Those devices would have saved lives at Sago.

To make certain that the Sago tragedy is never repeated in this country, I support wholeheartedly three simple amendments to this bill as proposed by Representative MILLER. They would equire:

At least 48 hours of emergency air for each mineworker;

Finalized plans within 15 months for adding lifesaving communications and tracking equipment; and

Federal MSHA regularly conducted random field tests of airpicks, self contained self rescuers, to ensure they are in working order.

In closing, Mr. Speaker, I wish to close with the question posed by the AFL-CIO about these three amendments in their letter to Con-

gress on mine safety: "Frankly, we do not understand why anybody would oppose such common sense measures."

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the Senate bill, S. 2803.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

#### SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENTREPRENEURSHIP WEEK

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 699) supporting the goals and ideals of National Entrepreneurship Week and encouraging the implementation of entrepreneurship education programs in elementary and secondary schools and institutions of higher education through the United States.

The Clerk read as follows:

H. RES. 699

Whereas according to the Department of Labor, most of the new jobs created throughout the United States in the past decade have come from the creative efforts of entrepreneurs and small businesses, which have been expanding and advancing technology and fueling the recent growth in the economy;

Whereas entrepreneurs have been the source of economic innovation throughout the history of the Nation, and the entire society has been improved because of the new ways of doing things that have been brought about by people who market their ideas;

Whereas economically independent entrepreneurs are engaged citizens who work to improve the economic environment in their local communities, providing better opportunities for businesses to operate and a better environment for the human resources they need to advance their business dreams;

Whereas 70 percent of high school students want to become entrepreneurs, and entrepreneurial skills will assist students in the future regardless of whether they work in a business owned by others or run their own business;

Whereas the high interest of students in becoming entrepreneurs and the critical role entrepreneurs have played in advancing the national economy make it vital for the Nation's schools to provide students with training in the skills which will enable them to become the entrepreneurs of the future;

Whereas the Partnership For 21st Century Skills identified financial, economic, business literacy, and entrepreneurship skills as the types of skills students must have in order to enhance workplace productivity and career options;