

least have an opportunity to have this vote sometime in the future. If they are not going to have the recess appointment, this disappears. But I hope we would have that opportunity at the present time. I do not think that is an unreasonable request, if it is the desire of the administration to move ahead with this nominee with a recess appointment, that at least we come back to where we are now and would have some opportunity to express ourselves. We would be giving that up if we just vitiate the whole thing. He could say we are going to go ahead and he is going to appoint him as a recess appointment during the July break or sometime in the August break. That is the dilemma that we are in.

Mr. REID. I have spoken to the majority leader. I hate to be speaking for him here, but he is not here. The majority leader said he has not spoken to anybody about a recess appointment. He doesn't know if they have any intention of doing that. He doesn't know. But he doesn't want to be constrained, so it would be my suggestion we just go ahead at 3:30, then, because doing anything other than that I think puts the majority leader in a real bind. I am willing to put him in a bind but not for anything that is my cause.

I suggest we withdraw the unanimous consent request and go ahead with a vote at 3:30, if people are demanding there be some conditions on taking away the vote. The unanimous consent request, as I understand it, is that the vote would be vitiated and the leader would reset that vote at any time he chose fit. Certainly the distinguished Senators from West Virginia and Massachusetts can talk to the majority leader, if they want to do that, following the vote being vitiated.

But unless there is an agreement on this unanimous consent request, basically that the vote scheduled for 3:30 today be vitiated and we go to the conference report on the emergency supplemental—if that is not the agreement, then I assume we would go to the vote at 3:30 and go to the supplemental at some later time.

Mr. WARNER. Mr. President, it seems to me that we could have the certainty, then, if the vote is to be held, that we could go immediately following the vote to the supplemental.

Mr. REID. That was discussed. I am not ready to do that.

Mr. WARNER. Then I think for the moment that we are confronted with the parliamentary situation whereby there is objection.

Mr. REID. I ask the Chair, what time is the vote set for?

The PRESIDING OFFICER. The vote is set for 2:30, with an hour of debate.

Mr. REID. The reason that is very awkward is because we have Secretary Rumsfeld and Secretary Rice coming here, and to have a knock-down, drag-out debate on this at this time doesn't seem to be very good for the body because it is reported that the President is on the way back from Iraq. I think

we should go ahead with that schedule, which was to vitiate this vote, but we got wound up somehow in recess appointments the majority leader and I have never talked about. As I said to the floor and to the distinguished Senator from Massachusetts, he has not spoken to anybody about a recess appointment.

I ask the Senator from Massachusetts and the Senator from West Virginia: Do we go ahead with the schedule as we have it laid out, that at 2:30 p.m. we start the vote on Stickler, and those who want to be here for the debate on Stickler could do that, and those who want to go to the Rice-Rumsfeld hearing can do that?

Mr. KENNEDY. That is satisfactory.

Mr. REID. There is no unanimous consent request that we come here at 2:30 to start the debate on Stickler, and there will be a vote at 3:30.

The PRESIDING OFFICER. Does the Senator from Virginia withdraw his unanimous consent request?

Mr. WARNER. No. Leave the unanimous consent request there. I understand there is objection.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:30 p.m.

Thereupon, the Senate, at 1:03 p.m., recessed until 2:32 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that the scheduled recess today be extended until 3:30 p.m.; further that the cloture vote on the nomination of Richard Stickler be vitiated and that at 3:30 p.m. the Senate proceed to the immediate consideration of the conference report to accompany H.R. 4939, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I thought we talked with the leader about a process and a procedure, of which the leader was agreeable, that we would have a chance—if there is going to be a recess appointment—that we would have an opportunity to go ahead and have a cloture vote prior to that time.

Mr. FRIST. Mr. President, the discussion among the Democratic leadership and Republican leadership was, indeed, that we vitiate the vote today and that at a time that is mutually agreed upon this vote will come back to this body.

Mr. KENNEDY. To this body prior to the recess appointment?

Mr. FRIST. Prior. That is the understanding. And the discussion was—I have had absolutely no conversations with the administration about a recess appointment—

Mr. KENNEDY. Right.

Mr. FRIST. But if there were to be such a recess appointment, that then this vote could come back, would come back at that time.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I thank the leader. We are going to have a very important Thursday signing of the Mine Safety Act. It is a reflection of the good work of our chairman, Senator ENZI, and many others on our Human Resources Committee. It is very good legislation, passed by the House of Representatives, and to be signed by the President. It is going to be enormously important. We look forward to that and hopefully to its effective enforcement.

I thank the leader.

The PRESIDING OFFICER. If there is no objection, without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise today to voice my support for the nomination of Richard M. Stickler to be the Assistant Secretary of Labor for Mine Safety and Health. Mr. Stickler's nomination was referred to the Committee on Health, Education, Labor, and Pensions. On March 8 of this year, the committee reported the nomination favorably out of the committee.

The Senate acted just 2 weeks ago on mine safety legislation which the House passed on Wednesday. It is anticipated that the President will sign this into law expeditiously. It is extremely important for the Mine Safety and Health Administration to have permanent leadership to implement this important mine safety law; therefore, I urge my colleagues to vote in favor of Mr. Stickler's nomination today.

Despite decades of improving safety in our Nation's mines, this year we witnessed a series of tragic accidents in the coal mines of West Virginia and Kentucky. Those tragedies, in part, led to a thorough review of our mine safety laws. The Senate Health, Education, Labor, and Pensions Committee, which I am privileged to chair, and the Subcommittee on Employment and Workplace Safety, chaired by Senator JOHN-ny ISAKSON, conducted extensive hearings and roundtables on the issues related to mine safety. We conducted an exhaustive review of the current Mine Safety and Health Act and met, at length, with representatives from the mining industry, labor, the professional safety community and State and Federal regulators, all in an effort to determine how we could act in a responsible and constructive way to improve workplace safety for our Nation's miners. The result of these collective efforts was the Mine Improvement and New Emergency Response Act. The MINER Act is the first comprehensive

reform of U.S. mine safety laws in a generation. Following its introduction, the MINER Act was unanimously reported out of the HELP Committee and, almost immediately thereafter, was passed in this body by unanimous consent on May 24. The House passed this bill on Wednesday night. It is expected that the President will sign the bill into law very soon.

What has marked the MINER Act from the outset has been its bipartisan nature. The bill was drafted and moved through Congress as the direct result of continual efforts, on both sides, to reach across the aisle and reconcile differences. The passage of the MINER Act has shown that ensuring the safety of miners is not a partisan issue.

While amending the Mine Safety Act is an important step in meeting our responsibility to ensure miner safety, it is not the only step. We must not only give the Mine Safety and Health Administration the statutory tools it needs to get the job done; we must give it the permanent leadership it needs as well. This, too, should be an action in which partisanship should play no part. The Mine Safety and Health Administration has been without a permanent, Senate-confirmed, Assistant Secretary for Mine Safety and Health since November of 2004. This is too long under any circumstance but particularly in the wake of the recent coal mining tragedies, and on the eve of implementing the many changes that will result from enactment of the MINER Act.

We have the opportunity today to address this issue and to provide MSHA with the permanent leadership it needs by voting to confirm Richard M. Stickler, the President's nominee to head MSHA. Mr. Stickler is an experienced nominee whose leadership is needed during this critically important period. He is one of a very few individuals who has experience in mining at all levels from a miner to management to State regulator.

Born and raised in West Virginia the son and grandson of underground coal miners, Mr. Stickler has spent his entire 37-seven year career in the mining industry. He began his career as an underground miner and worked his way up to foreman, assistant superintendent, superintendent and manager. The bulk of this experience was not behind a desk but was underground, actually working in a mining environment. Because of this practical, day-to-day experience, he will be better able to understand and respond to the needs of today's underground coal miners and to provide seasoned leadership at MSHA.

While working as a miner, Mr. Stickler also attended Fairmont State College and earned a degree in engineering. In addition to his engineering background, he is certified as a mine safety professional by the International Society of Mine Safety Professionals.

Mr. Stickler also served as captain of a mine rescue team. As we have all

seen over the course of the last several months, mine rescue teams are a critically important component of mine safety. The heroic miners who volunteer for this service endanger their own lives and donate significant amounts of time to ensure they are prepared to help their fellow miners. The MINER Act, which passed the Senate unanimously 2 weeks ago, mandates some changes to the mine rescue team system. Namely, we require mine rescue team members to have a higher level of training and experience and to be available more quickly when needed. I believe there could be no one better to implement these changes than a former mine rescue team captain.

In 1997, Richard Stickler left employment in the private sector to become director of the Pennsylvania Bureau of Deep Mine Safety, where he served for 6 years. He held that position at the time of the Quecreek mine accident in the summer of 2002. The accident drew national attention as nine miners were trapped underground for several days before being successfully rescued.

The Mine Safety and Health Administration is facing its most significant challenge in decades. It needs an experienced leader at its helm to implement the MINER Act and to continue the vital task of ensuring the safety and well-being of our Nation's miners. I urge my colleagues to support the nomination of Richard Stickler and vote in favor of his nomination.

I ask unanimous consent to have printed in the RECORD additional materials regarding the nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARGUMENTS AND THE FACTS ABOUT RICHARD STICKLER

Argument: Stickler Opposed the MINER Act.

Fact: Mr. Stickler has NEVER stated that he opposes the MINER Act. In fact he SUPPORTS the MINER Act and has stated that he would expeditiously implement its provisions.

Fact: When he testified before the HELP Committee the bill had not even been introduced yet. No Senator who made this allegation this morning has ever asked Mr. Stickler if he opposed the MINER Act. If they had bothered to do so, as I have, they would have learned that he supports the bill, as does President Bush who nominated him.

Argument: Stickler does not believe any changes to the Mine Safety and Health Act are necessary.

Fact: In the committee testimony he is on record as supporting an additional penalty provision for Flagrant Violators of mine regulations with a new, higher monetary penalty of up to \$220,000. This is included in the MINER Act.

Fact: The record shows that he also stated support for storing additional supplies of breathable air in mine exit ways to assist miners in escaping in the event of a fire or explosion. This change would also be required by the MINER Act. It is a safety precaution that Mr. Stickler instituted in the mines he managed many years ago, even though it was not required by any law or regulation.

Fact: His record testimony also reveals unqualified support for the use of any and all technology that would make miners safer.

Fact: Mr. Stickler supports the changes made by the MINER Act.

Argument: Stickler was a mining company executive.

Fact: Richard Stickler grew up in West Virginia as the son and grandson of underground coal miners. He is only the third presidential nominee to head MSHA to have worked as a rank and file miner.

Fact: Richard Stickler worked his way through college to become an engineer. He continued working his way up the ladder to mine manager. He never worked at corporate headquarters.

Fact: Richard Stickler left employment in the private sector to become Director of the Pennsylvania Bureau of Deep Mine Safety, where he served for six years. He has been retired since 2003 and has no current ties to industry.

Argument: Mines managed by Stickler had injury rates double the national average.

Fact: Richard Stickler was a hands-on manager committed to safety. All of the mines he managed for Beth Energy Corporation had lower injury rates when he left than when he began managing the mine.

Fact: Data from both MSHA and the Pennsylvania Bureau of Deep Mine Safety (PA BDMS) show that injury rates declined steadily during Richard Stickler's tenure as Director of the PA BDMS from 1997-2003. During the last 3 years of his service (2001-2003), the injury rate for underground coal mines was below the national average.

Argument: A grand jury determined that the PA BDMS should have noticed problems with mine maps earlier.

Fact: The grand jury found no evidence of reckless conduct and made no finding with regard to negligence by the PA BDMS. The faulty mine map that was found to have caused the accident at Quecreek carried the certification of a qualified engineer as required. Likewise, the report of the Office of Inspector General made no negative findings with respect to PA BDMS or Richard Stickler.

Fact: Investigations into tragic mine accidents like Quecreek always provide an opportunity for viewing an accident with 20/20 hindsight. Improvements in mine map records were a direct result of the Quecreek experience.

Argument: Stickler believes existing mine laws are sufficient.

Fact: Richard Stickler testified that the Mine Act provided sufficient tools for enforcement, but that tough enforcement measures allowed under the Act should be used more often against mine operators who only comply with standards when MSHA inspectors are on site or against operators who appear to view MSHA penalties as just a cost of doing business.

Fact: Richard Stickler also testified that he supported increased minimum and maximum penalties, unwarrantable failure orders, and would not hesitate to invoke "pattern" provision for recalcitrant operators having repeat serious violations.

Argument: Stickler does not have the expertise or vision to head MSHA.

Fact: The President nominated a highly qualified candidate for this important position. Richard Stickler has nearly 40 years experience in mining. He worked underground. He was an eye witness to the awful tragedy of the Farmington Mine accident that gave rise to the 1969 mine safety laws. He served as captain of a mine rescue team. He was a mine superintendent and manager. He is a trained engineer. He served as the chief enforcement officer for the Commonwealth of Pennsylvania.

Fact: Richard Stickler has a clear agenda for moving MSHA forward.

(1) Learn the lessons from Sago, Aracoma, and Darby. Follow through on the investigations and internal reviews.

(2) Review the regulatory agenda. Determine whether items previously dropped should be reinstated or if new items should be added.

(3) Use all the tools in the Mine Safety and Health Act, including warrantable failure orders and pattern of violations orders where appropriate.

(4) Examine the penalty structure. Penalties must be effective incentives for compliance.

(5) Analyze accident and violations data. Focus technology development, training, and enforcement on areas of most frequent accidents.

(6) Establish goals and performance measures.

STATEMENT OF RICHARD STICKLER, NOMINEE FOR ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH

I fully support the recently passed MINER Act and will do my best to expeditiously implement it if I am confirmed to be MSHA Administrator. I have never stated that I did not support this legislation.

I would like to clarify what I stated during my confirmation hearing. I testified that I support tough enforcement and that I would make use of the enforcement tools that already exist in the statute. I testified that I believe penalties must be meaningful deterrents to violating MSHA safety standards, and appreciate that the MINER Act raises both minimum and maximum penalties.

Mr. KENNEDY. Mr. President, I rise to oppose the nomination of Richard Stickler to be the head of the Mine Safety and Health Administration. I urge my colleagues to join me in voting no on cloture on this nomination.

There is a safety crisis in our Nation's mines. In less than 6 months, 33 workers have been killed in our coal mines—11 more than lost their lives in all of last year. Since Richard Stickler was nominated to lead MSHA last September, 53 miners have been killed in mining accidents.

As a recent front page article in the Wall Street Journal said, there has been "an alarming upswing in coal-mining accidents, at a time when the coal industry is in the midst of a boom." Coal profits are skyrocketing, but miners are paying the price with their lives.

This was brought home to me all too painfully when I traveled with other members of the HELP Committee to West Virginia this winter. We met with the families of the 12 miners killed at Sago Mine, and we promised to fix this broken system.

As these grieving families can tell you, their government has let coal miners down. And if we confirm Richard Stickler to head the Mine Safety and Health Administration, we will be letting them down again.

Our Nation's miners and their families deserve a strong and visionary leader to lead the Mine Safety and Health Administration during this time of turmoil in the mine industry. As his record clearly demonstrates, Mr. Stickler is not the man for this critical job. He has shown over and over again that safety is his last priority.

He spent the overwhelming part of his career as a coal industry executive,

focused on profits and production, not on worker safety. In some mines that he managed, injury rates actually went up—sometimes far above the national average.

For example, when he was Senior Manager at the Eagle's Nest Mine in Van, WV, the injury rate was almost three times the national average. While he ran the Marianna Mine from 1983 to 1987, the injury rate climbed dramatically during his tenure.

In the 8 years leading up to his appointment to lead the Pennsylvania Bureau of Deep Mine Safety, mines he managed had a total of nearly 3,000 safety violations. One hundred of the violations were so serious, they resulted in MSHA closing part of the mine.

During Mr. Stickler's tenure as the head of the Pennsylvania Bureau of Deep Mine Safety, he continued to favor mining companies over miner safety. He granted waivers and bent the rules for coal mining companies over and over again. He created huge loopholes in rules designed to prevent mine fires on conveyor belts and to guarantee that miners could reach safe places to protect themselves from runaway railcars.

Things got so bad in Pennsylvania during his tenure that one mine inspector called Stickler's special favors for the coal industry, "a detriment to safety . . . that would, without a doubt, make the coal industry less safe for two-thirds of its workers."

He was also in charge when the terrible accident at Quecreek occurred, trapping nine men underground in a flooded mine shaft for more than 3 days. We all sent our prayers and support to the miners' families as we watched the rescue operation hour by hour on television. America was horrified that this could happen. A grand jury inquiring into that accident confirmed our suspicions when it found that the system of regulating underground coal mines in Pennsylvania, which included Mr. Stickler's job of protecting miner safety, was "inadequate, antiquated, and in need of significant changes."

That accident was a clarion call for the need to dramatically improve mine safety. The lessons of Quecreek mean that Mr. Stickler, more than anyone, should have known of the need to overhaul our mine safety, and particularly emergency rescue laws.

In addition to the Quecreek experience, when Mr. Stickler testified before our committee earlier this year, the coal mine tragedies in West Virginia had just gripped the Nation. Sixteen men had already died in our Nation's coal mines in just 4 weeks. They had lost their lives doing their jobs. Their families were left only with their memories. We owed it to those families to stand with them and demand immediate action to prevent more deaths.

Yet when we asked Mr. Stickler whether mine safety laws needed reform, he told us that he "thinks the laws are generally adequate."

Time and again, his response to the most pressing questions on mine safety was that he needed to think about it. We asked him about how to speed the adoption and encourage the development of new mine safety technology. We asked him whether he thought mine rescue teams should be readily available, as required by current law. We asked him whether rescue chambers should be required in every coal mine. We asked him whether he would ban the use of conveyor belts to ventilate mines. We asked him whether he would implement MSHA's rule decreasing diesel fumes in mines.

Did he agree with our call to action? Did he promise to take concrete steps to save the lives of coal miners in danger? Not at all. Over and over again in the hearing, in the midst of the tragedy, he responded only that he needed to "study," "analyze," "review," or "reevaluate" the situation.

This heartless performance showed how out of step he is with this Congress and with mining families in America. Congress has enacted sweeping mine safety legislation that is now on its way to the President's desk. Four States—including West Virginia, Illinois, Pennsylvania, and Kentucky—have also passed or are considering strong new mine safety laws. Yet the person the President wants to lead our mine safety agency is content with the status quo. It is no wonder that Mr. Stickler's nomination is opposed by the United Mineworkers of America, the Steelworkers and Petrochemical Atomic Workers, the Boilermakers, the International Brotherhood of Electrical Workers, and the AFL-CIO.

The Charleston West Virginia Gazette also opposes this nomination, and urges President Bush to "find a qualified MSHA nominee to send before the U.S. Senate."

Most importantly, Mr. Stickler's nomination is opposed by the people who have the most to lose with a weak mine safety leader—the families of coal miners themselves. I have received letters from women in West Virginia, Kentucky, and Alabama, who lost their husbands and fathers in mining accidents this year—pleading with this Congress to oppose this nomination.

I think Peggy Ware from West Virginia summarizes their thoughts best: "I know it is too late for my father and the other miners that have lost their lives this year but we can make it safe for all our current miners. Our miners deserve better leadership than someone who will not be aggressive and someone that doesn't appear to recognize there is a problem with our mining industry. This has been one of the deadliest years in mining history. So once again I ask you to please oppose Mr. Stickler's nomination." I will ask that these letters be printed in the RECORD.

Our Nation's miners and their families have had enough of the status quo. They deserve someone who is going to fundamentally change course in miner safety, not cover for the industry. They

deserve someone who will make the United States once again a leader in mine safety, instead of a place where miners have to rely on safety equipment that is 30 years old. They deserve more than more of the same cuts to mine safety enforcement, and withdrawal of safety regulations, instead of pioneering new safety standards. Congress decided it is time for a change by passing the MINER Act, the most significant improvement to mine safety law in a generation, and President Bush is expected to sign it into law this week. We saw unprecedented cooperation between industry and labor, Republicans and Democrats on this legislation because the mandate for action was clear. We had to act to stop the tragic trend that started with the New Year and the disaster at Sago.

The act imposes broad new requirements to protect miners in the event of an emergency, and ensures that communications, oxygen, and rescue teams are in place to help miners survive.

This new law will usher in a new era in mine emergency response. MSHA will be responsible for reviewing mines' emergency response plans. It will issue regulations to raise the standard for seals on abandoned sections of mines to prevent the next Sago or Darby disaster, and it must make critical decisions about the use of conveyor belts to ventilate mines and refuge chambers.

These choices will determine the state of mine safety for another generation. They will determine whether coal miners will live or die the next time there is an accident. How can we entrust these critical reforms in the MINER Act to an agency head like Richard Stickler who thinks they are unnecessary?

We owe it to the miners who have died this year and to those who go into those same mines every day to demand a leader for MSHA who find solutions, not someone who can't even recognize the problem.

For the sake of the miners and their families, I am voting no on cloture on this nomination, and I urge my colleagues to do the same.

I ask unanimous consent that the aforementioned letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 11, 2006.

DEAR SENATOR KENNEDY AND SENATOR ROCKEFELLER: First, we would like to express our gratitude to you for your steadfast commitment to the Mine Act. We hope that passing the Mine Act will aid in preventing future deaths of miners and save other families from the grief that we have endured because of the Sago Disaster. We would like to see additional requirements set forth to protect the health and safety of our nation's miners and we will continue to serve as advocates for miners.

We are profoundly disheartened by President Bush's nomination of Richard Stickler for Assistant Secretary of Labor for Mine Health and Safety. Mr. Stickler is a longtime coal executive and because of his connections with the coal industry, we are con-

cerned that his primary objectives may be solely on compliance and production, not on miners' health and safety. Richard Stickler worked 30 years in numerous management positions for the coal industry. He was a mining company executive at a subsidiary of Massey Energy in West Virginia, one of the nation's biggest coal companies. This is not the type of person we want to head MSHA.

The Clinton administration was working on a rulemaking proposal to require additional oxygen, a rule that could have saved the lives of our Sago Miners and many other miners who have perished due to an insufficient supply of oxygen in America's underground coal mines. This proposal was dropped after President George W. Bush took office. MSHA has also admitted to knowing since at least 1998, that the previously required one-hour air supply was inadequate to allow escape by miners in more than a third of the nation's underground coal mines.

At his nomination hearing, Mr. Stickler declined to endorse new mine safety rules, such as those passed in January 2006 by the West Virginia legislature. He failed to recognize the inadequacies within MSHA and the coal industry. This lack of awareness and concern on behalf of Richard Stickler is appalling, especially following one of the deadliest seasons of coal mining in recent history. He offered no insights about what he would do if he were to become head of MSHA. It is our opinion that Mr. Stickler displays no signs of leadership or competence in the ability to head MSHA.

President Bush's nomination of Richard Stickler is characteristic of his pattern in appointing coal industry insiders to serve as senior executives to MSHA. Under this administration, regulations have been mitigated in favor of industry, fines have been reduced for mine safety violations, and MSHA's requirements have not been updated to keep pace with the advancement of mine safety technologies. We conclude that the nomination of Richard Stickler would best be described by a quote taken from UMWA President, Cecil Roberts, "just another fox guarding the henhouse".

MSHA is an agency that was developed to protect miners' health and safety and not to promote the interests of coal companies. Our nation's miners deserve an agency staffed with executives who would aggressively advocate miners' health and safety. We oppose the nomination of Richard Stickler as Assistant Secretary of Labor for Mine Health and Safety. We assert that Mr. Stickler is not the right person for the job and urge you to oppose his nomination. Please do not allow the government to fail our nation's coal miners as it failed our fallen miners at Sago.

Thank you,

DEBBIE HAMNER,
SARA BAILEY.

JUNE 11, 2006.

DEAR SENATOR BYRD AND SENATOR ROCKEFELLER: I first would like to thank you for all the leadership and efforts you have put forth helping to get the Miner Act together and passed. I admire you for being so concerned about our miners' safety. These changes needed made due to the recent tragic deaths of all our miners. I am the daughter of Fred G. Ware, Jr. He was one of the miners killed at the Sago Accident. I have been following closely to make sure changes are being made.

However, I am writing this letter to express my concern of President Bush's nominee for Assistant Secretary of MSHA: Richard Stickler. I know that he has background in mine management. My concern is that he will yet be another one worried about "compliance" but not aggressive enough to en-

force the Mine Act. During his nomination hearing, Mr. Stickler didn't even seem to recognize that there are any problems at MSHA or within the industry.

Mr. Stickler seems to have a lack of awareness of the current conditions of the coal industry. This lack of awareness bothers me due to the fact we have had so many deadly mining accidents since January 2, 2006. My father was taken away from me in one of these deadly accidents. Mr. Stickler offered no insights about what he would do if he were to become the head of MSHA. This is not the kind of leader we need for MSHA. We need a leader that will assure the health and safety of our miners by being aggressive and enforcing the Mine Act.

Thirty years ago when the Mine Act was passed, Congress said that miners' health and safety are supposed to be the top priorities, and MSHA being responsible with pursuing that mission. Mr. Stickler said nothing at his confirmation hearing that suggests he would serve as an aggressive advocate for miners' health and safety. Our miners deserve nothing less. I believe that Mr. Stickler is not the right person for the job and thus urge you to oppose his nomination.

I urge you to do this for all the miners' health and safety. I know it is too late for my father and the other miners that have lost their lives this year but we can make it safe for all our current miners. Our miners deserve better leadership than someone who will not be aggressive and someone that doesn't appear to recognize there is a problem with our mining industry. This has been one of the deadliest years in mining history. So, once again, I ask you to please oppose Mr. Stickler's nomination.

May God bless you all and your families.
God bless our miners!!!!!!

Sincerely,

PEGGY WARE COHEN.

JUNE 10, 2006.

DEAR SENATORS: As you probably remember, our husbands were two of the 13 coal miners who were killed in the Jim Walters Mine No. 5 on September 23, 2001. Since then we have spoken out in favor of improving the health and safety of coal miners. To that end, we thank you for your vote in favor of the MINER Act. We hope it will prevent more needless deaths in the coal mine industry and will save other coal mining families from the grief we have suffered. Of course, there is still a lot to do to further miners' safety and health; we continue to serve as advocates for coal miners.

Today we write to you to voice our serious reservations about President Bush's nominee for Assistant Secretary of MSHA, Richard Stickler. Mr. Stickler has a background in mine management. From all that he has indicated so far in connection with the confirmation process, he will be much more inclined to continue Mr. Lauriski's focus on "compliance" at the expense of Mine Act enforcement. In fact, when he had his hearing, which followed the terrible tragedies in West Virginia in January 2006, Mr. Stickler didn't even recognize that there's any problem at MSHA or within the industry. He had no absolutely no new ideas about what should be done to make MSHA any better. In short, he showed no leadership at all.

When Congress passed the Mine Act, it stated unequivocally that miners' health and safety are supposed to be the top priorities. MSHA's job should be to protect miners. Unfortunately, Mr. Stickler has said nothing to suggest he would serve as an aggressive advocate for miners' health and safety. However, miners deserve nothing less. We believe that Mr. Stickler is not the right person for

the job and thus urge you to oppose his nomination.

Thank you,
 FRED A. SORAH,
 Debord, KY.
 WANDA BLEVINS,
 Tuscaloosa, AL.

JUNE 10, 2006.

DEAR SENATOR KENNEDY AND SENATOR ROCKEFELLER: First, thank you for your leadership and persistence in bringing the MINER Act to reality. We hope it will prevent more needless deaths in the coal mine industry and will save other coal mining families from the grief we have suffered. Of course, there is still a lot to do to further miners' safety and health. We will continue to serve as advocates for miners, as we have already traveled to speak on the subject.

Our most immediate concern today is President Bush's nominee for Assistant Secretary of MSHA: Richard Stickler. Mr. Stickler comes out of a background in mine management. At first I thought this would be a good idea, but I fear he will be yet another "fox" charged with minding the henhouse. He will be more likely to pursue "compliance" rather than aggressive enforcement of the Mine Act, though enforcement is what's needed now more than ever. We need someone to stand up for the mining community, not go along with what ever seems to please the companies.

At his nomination hearing, Mr. Stickler failed to even recognize that there's any problem at MSHA or within the industry. How will he be able to fix and improve something he thinks has no problems. This lack of awareness was startling because his hearing was held on the heels of the deadliest season of coal mining in recent history. He offered no insights about what he would do if he were to become the head of MSHA, and he showed no signs of leadership.

When it passed the Mine Act nearly 30 years ago, Congress said that miners' health and safety are supposed to be the top priorities, and MSHA is charged with pursuing that mission. Mr. Stickler said nothing at his confirmation hearing that suggests he would serve as an aggressive advocate for miners' health and safety. However, miners deserve nothing less. We believe that Mr. Stickler is not the right person for the job and thus urge you to oppose his nomination. Please help us get someone to stand up for us and many other miners and their families.

Thank you very much for your time and I hope you consider my suggestion.

Sincerely,

AMBER DAWN HELMS.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 2:34 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. COLEMAN).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of June 8, 2006.)

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LAUTENBERG are printed in today's RECORD under "Morning Business.")

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

(The remarks of Mr. NELSON of Florida are printed in the RECORD under "Morning Business.")

Mr. COCHRAN. Mr. President, after a great deal of hard work by both bodies, I am pleased that the Senate now has under its consideration the conference report to accompany H.R. 4939, the fiscal year 2006 emergency supplemental appropriations bill.

Overall, this bill which was requested by the President has two major points of focus. First, it provides needed funding to replenish the spending accounts of the Department of Defense, the Department of State, and other agencies and departments of the Government engaged in the global war on terror through the remainder of this fiscal year. Second, this supplemental includes critical funding for continued efforts to address the damage caused by the hurricanes in the Gulf of Mexico in 2005.

The bill was adopted by the Senate on May 4, and we began discussions with our colleagues from the other body shortly thereafter. A bipartisan majority of the conferees reconciled the differences between the two bills and reached agreement on the conference report on June 8. The House approved the conference report this morning by a rollcall vote of 351 to 67.

The conference agreement provides a total of \$94.519 billion. Of this amount, over \$70 billion is provided to carry out the global war on terror and to cover the expenses of ongoing operations and reconstruction efforts in Iraq and Afghanistan.

Title II of the conference agreement provides \$19.338 billion for hurricane-related damage and recovery costs. Title III provides \$500 million for agriculture disaster assistance to hurricane affected areas. Title IV includes \$2.3 billion for influenza pandemic preparation and response activities. Title V provides \$1.9 billion for various border security initiatives. Title VI includes \$27.6 million for the Architect of the Capitol to address health and safety concerns in the utility tunnels in the Capitol complex. Finally, title VII includes general provisions and technical corrections.

This conference agreement is the result of hard work and true compromise between the House and Senate. This bill provides critically needed funding to our troops in the field and it helps continue the recovery process on the gulf coast. The overall funding level meets the amount requested by the administration, and I hope this agreement will receive bipartisan support in the Senate.

All members have had the opportunity to review the conference agreement, and I am happy to respond to any questions Senators may have about its contents. I do hope we will not indulge in needless delay and proceed with some dispatch in the consideration and approval of this agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business with respect to a tribute to Senator BYRD and then make another statement with respect to the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REED are printed in today's RECORD under "Morning Business.")

Mr. REED. Mr. President, as indicated previously, I would like to make a short statement pertaining to the supplemental appropriations conference report before us.

It is interesting, my colleague from Florida spoke about the lessons of Hurricane Katrina. One of those lessons is we have to be prepared. In Rhode Island, we worked with Chairman COCHRAN, Ranking Member BYRD, and also with Senator HARRY REID to incorporate within the supplemental appropriations bill an appropriation to help prepare our hurricane barrier in Providence, RI. I thank the chairman, Senator BYRD, and Senator REID for this effort.

Unfortunately, this provision did not survive the conference committee, and we are not able today to tell the people of Rhode Island that we are giving