

created countless opportunities for community members to enjoy a better quality of life, secure hope for the future and reach their full potential. OHA will continue his work of building a brighter future for generations to come.

On behalf of the residents of California's 9th Congressional District, Mr. Jon Gresley, I salute you. I congratulate you on your many achievements, and I wish you and your loved ones all the best in this next chapter of life.

HONORING THE SMITHSONIAN  
JAZZ MASTERWORKS ORCHESTRA:  
20 YEARS OF ENGAGEMENT,  
EDUCATION, AND EXCELLENCE

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. CONYERS. Madam Speaker, in 1990, the Congress recognized the importance of jazz in American culture when it authorized the establishment of the Smithsonian Jazz Masterworks Orchestra (SJMO).

As the Nation's jazz orchestra, the SJMO regularly performs the great works of jazz. Throughout its 20 years, the orchestra has distinguished itself as one of the crown jewels of the Smithsonian—which is itself, a pre-eminent national treasure.

The band has performed for audiences at the Smithsonian Institution, Kennedy Center, White House, U.S. Capitol, Harlem's famed Apollo Theater, the 1996 Olympic Games in Atlanta, and prestigious music festivals like Ravinia and the Monterey Jazz Festival. The ensemble has traveled prolifically and performed at many American schools and colleges, as well as in Canada, Europe, and the Middle East. On a 2008 State Department-sponsored tour of Egypt, the Orchestra won many new friends for the United States. After an outdoor performance at the Pyramids and Sphinx, the Cairo Daily News raved, "The backdrop was incredible, the band was superb."

Other critical reaction has been enthusiastic. Wrote The New York Times: "Culturally important. . . . spectacular musically. After being embalmed on recordings, the music suddenly came alive." Syndicated columnist David S. Broder wrote, "The impact of these live performances is everything the showmen, scholars, and politicians who brought this small miracle to pass imagined it might be. It is electrifying. . . ."

While the SJMO is not the only jazz orchestra in America, it is unique. As the only federally-chartered jazz orchestra, it enjoys a position of prestige and influence. As the only such ensemble with resident status at a museum, it's in a unique position to bring the jazz legacy to life.

The Smithsonian Jazz Masterworks Orchestra educates the public about the history and development of jazz as an art form and means of entertainment. It promotes a greater appreciation for jazz as a valuable American treasure by performing jazz masterworks, and presenting educational activities that engage the public with this great music.

Further contributing to its status, the orchestra is led by the internationally famous Maestro David Baker—the world's leading jazz educator, author of over 70 books and 400 arti-

cles, and recent recipient of the prestigious American Jazz Masters Award given by the National Endowment for the Arts.

Madam Speaker, the orchestra has special expertise in engaging and educating its audiences—young and old—about this vital part of American culture. I am pleased to recognize its service and accomplishments over the past 20 years.

IN HONOR OF LANCE CORPORAL  
JAMES M. FERRARA

**HON. JOHN H. ADLER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to congratulate Lance Corporal James M. Ferrara who received the Navy and Marine Corps Achievement Medal for meritorious duty on March 13, 2010. While on duty as patrolman at the Marine Corps Base in Quantico, Virginia, Lance Corporal Ferrara was dispatched to the base motor pool after he received reports of an injured person. Without hesitation, Lance Corporal Ferrara rushed off to the scene and quickly identified the victim who was suffering from a severe laceration with substantial loss of blood. Drawing upon his extensive emergency medical training, Lance Corporal Ferrara immediately delivered first aid, and probably saved the victim's life.

The men and women of our Armed Forces serve with an incomparable sense of duty. They are willing to sacrifice their lives to keep our country safe and free. In his service, Lance Corporal Ferrara exemplified the bravery and courage routinely displayed by those who serve in our military. The residents of New Jersey's Third District are grateful for the service of Lance Corporal Ferrara.

Madam Speaker, I ask my colleagues to join me in congratulating Lance Corporal Ferrara for his bravery and responsiveness under challenging circumstances.

IN HONOR OF LATINO COALITION  
AGAINST DOMESTIC AND SEXUAL  
VIOLENCE, INC.

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. CARSON of Indiana. Madam Speaker, today I rise to recognize the Latino Coalition Against Domestic and Sexual Violence, Inc. for their dedicated service to Latino communities in 92 counties across Indiana.

The Latino Coalition, founded as a nonprofit corporation in 2004, has worked to eliminate domestic and sexual violence by focusing on the contributing conditions affecting Latino communities and immigrant populations in Indiana. Today, the Latino Coalition is the only statewide coalition of its kind in the United States that addresses the causes of domestic violence and sexual assault in the Latino community. Due to the tireless efforts of the Latino Coalition, men and women throughout Indiana have been able to extricate themselves from violent relationships, protect their children and improve their self confidence. This organiza-

tion serves as a model for other groups seeking to reduce the incidence of domestic and sexual violence in the United States.

Today, I ask my colleagues to join me in honoring the Latino Coalition for its distinguished efforts in improving the quality of life for victims of domestic violence and their families in the Latino community. This organization serves as an example to community organizations everywhere.

FINDINGS OF THE CHAIRMAN OF  
THE COMMITTEE ON EDUCATION  
AND LABOR RELATING TO EFFICIENCY  
AND REFORM PURSUANT  
TO H. RES. 1493

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. GEORGE MILLER of California. Madam Speaker, in fulfillment of House Committee chair responsibilities per H. Res. 1493 (111th Congress), below are "findings that identify changes in law that help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs" the Committee on Education and Labor authorizes. The measures discussed below are pending before Congress. If enacted, the legislation would promote efficient government and allow the agencies and departments within the jurisdiction of the Committee to more effectively serve the public.

In addition to the pending measures discussed below, this Congress has already enacted changes in the law in the Committee's jurisdiction that will significantly reduce the deficit. Specifically, the Student Aid and Fiscal Responsibility Act, included with health insurance reform in last year's Health Care and Education Reconciliation Act of 2010 (H.R. 4872), will save billions of taxpayer dollars in needless subsidies to banks lending to students. The Committee shares jurisdiction over the health care reform law enacted earlier this year through H.R. 4872 and H.R. 3590, the Patient Protection and Affordable Care Act. Among other things, these reforms reduce the rate of increase in government health care expenditures, encourage prevention and wellness, and shift to new effective health care payment mechanisms. The Congressional Budget Office reports that they will reduce the deficit by \$143 billion over the next 10 years and by \$1.2 trillion in the following 10 years.

A. MINE SAFETY—ROBERT C. BYRD MINER SAFETY AND HEALTH ACT OF 2010 (H.R. 5663)

Recent mine disasters and subsequent investigations and reviews have highlighted that the Mine Safety and Health Administration (MSHA) does not have the authority it needs to efficiently enforce the Nation's mine safety laws.

Under current law, MSHA may only subpoena documents and witnesses as part of an investigation of a mine disaster if the material is to be used in a public hearing. This has hamstrung MSHA's efforts to efficiently receive relevant documents in a timely manner. The Byrd Act would grant MSHA authority to subpoena documents and testimony without regard to whether the material is for a public

hearing. This would allow MSHA to avoid needless litigation and more quickly receive pertinent information thereby allowing MSHA to investigate more efficiently. The gains in efficiency will not only be financial, but could ultimately lead to changes that would save lives.

Almost without exception, stakeholders agree that the Mine Act's pattern of violation tool is entirely ineffective as it now stands. This tool was intended to allow MSHA to compel mines to improve poor safety records and to incentivize mines to operate safely. Unfortunately, the tool has never been invoked in the more than 30 years since it was created. The Byrd Act would fundamentally alter the pattern-of-violation system, allowing MSHA to more efficiently compel and enforce reform on recalcitrant mines. At the same time, the new system would allow for a clear path for mines that have fallen into a pattern of poor safety to improve and be removed from this status. The Act would make clear to mines what they need to do to stay on the right side of the law. This will allow MSHA to more efficiently focus on the mines that need the most attention.

Over \$20 million in unpaid fines sits uncollected from mine operators. To enable MSHA to require compliance with final judgments, the Byrd Act would authorize MSHA to shut down mines that refuse to pay fines. To spur compliance, the Act would also allow MSHA to enter into payment plans with mines that are trying to meet their obligations.

Another major inefficiency in the enforcement of our Nation's mine safety laws is highlighted by, and caused by, a significant backlog in cases pending before the Federal Mine Safety and Health Review Commission (FMSHRC). The backlog has both been caused by an exacerbated several issues. The backlog has impeded settlements and led mine operators to challenge citations that might otherwise be settled or addressed outside of the administrative law system. This has caused MSHA, and mine operators, to expend unnecessary resources, while at the same time hampering some of MSHA's enforcement activities. The Byrd Act would eliminate certain incentives for mine operators to file contests of MSHA penalty assessments, regardless of the contests' merit, before FMSHRC. Among the incentives, the Act would impose prejudgment interest on contested mine safety penalties for which the government prevails. This would eliminate the ability for mine operators to secure the time value of money simply by filing an appeal and enjoying the benefits during the lengthy period of delay. The Act further requires FMSHRC to use the same penalty calculation method as does MSHA. Today mine operators can exploit the difference in penalty calculation methods, by filing appeals in an attempt to secure a lower penalty amount under the same set of facts. These measures would allow the Department of Labor Office of the Solicitor to more efficiently deploy its attorneys and allow MSHA inspectors to spend more time in mines and less preparing for and supporting adjudications. By allowing the Department and MSHA to more efficiently deploy its resources, mines and others who depend on the Department will be far better served.

B. H-2B GUEST WORKERS—THE H-2B PROGRAM REFORM ACT OF 2009 (H.R. 4831).

Tens of thousands of guest workers come to the United States each year under the H-2B guest worker program. At a time when our Nation is facing record unemployment, it is

critical that we strengthen the requirement that employers recruit U.S. workers before turning to guest workers. Employers should only be permitted to use H-2B workers when they have established that qualified U.S. workers are truly unavailable. The H-2B Program Reform Act of 2009 (H.R. 4831) tackles this problem by requiring employers to take sufficient steps to recruit U.S. workers. The bill would mandate that employers provide state workforce agencies information about the job opportunity and advertise the job opportunity in one or more publications in the local labor market. This would help to ensure that every effort possible is made to match able and willing American workers with available jobs before turning elsewhere. Therefore, the Act would help to reduce the number of unemployed U.S. workers, in turn leading to reduced unemployment insurance benefit payments and an increase in tax revenue.

C. WORKER MISCLASSIFICATION—EMPLOYEE MISCLASSIFICATION PREVENTION ACT (H.R. 5107)

The misclassification of employees as independent contractors is widespread and growing. In 2005, a BLS survey found that 10.3 million U.S. workers (7.4 percent of the workforce) had been classified, rightly or wrongly, as independent contractors. In 2000, a DOL study found that 10 to 30 percent of firms had misclassified employees as independent contractors. Misclassified workers lose all rights linked to employee status, such as workers' compensation, minimum wage and overtime protections, family and medical leave, and the right to organize and collectively bargain. Misclassification also cheats the taxpayers out of needed revenues because employers fail to pay billions of dollars in taxes to Federal and state governments each year. (For the tax year 1984, the IRS estimated a loss in revenues of \$1.6 billion (1984 dollars).) This practice also puts employers who comply with the law at a competitive disadvantage. The Employee Misclassification Prevention Act (H.R. 5107), tackles the issue of misclassification, requiring employers to maintain records that reflect the accurate status of each worker and increasing penalties on employers who misclassify their employees. These reforms would result in billions of dollars in unpaid taxes being recovered each year.

D. RETIREMENT SAVINGS—THE AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT (H.R. 4213)

The tax-preferred retirement accounts of American workers have all too often been subject to complex fee arrangements and conflicts of interest. The American Jobs and Closing Tax Loopholes Act (H.R. 4213) passed by the House would greatly improve the disclosure of such fees and conflicts. This will go a long way toward ensuring that the Federal Government gets the most out of this tax expenditure and that plan sponsors and workers are empowered to make efficient investment decisions. This will prevent unscrupulous actors in the financial industry from draining workers' retirement savings accounts improperly exploiting tax-preferred investments.

E. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The Advisory Committee on Student Financial Assistance (ACSFA) was established in 1986 with the goal of providing the Department of Education the benefit of members' knowledge and understanding of Federal, state, and institutional postsecondary student assistance programs. ACSFA was to provide

technical expertise regarding student financial needs analysis and application forms and to recommend processes to maintain low- and middle-income students' access to postsecondary education. Though ACSFA has provided valuable service over the past 20 years, ACSFA's mission now duplicates services provided by other entities including the Congressional Research Service, the Government Accountability Office, and private non-profit entities. To save the funds that would be wasted by this duplication and to further streamline the vital services other entities now perform, the Committee will explore deauthorizing ACSFA in coming legislative proposals.

RECOGNIZING DAVID NACH, A RECIPIENT OF THE JOHN J. ROSS MEMORIAL AWARD FOR EXCELLENCE IN LAW-RELATED EDUCATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to recognize and congratulate David Nach, one of the four recipients of the John J. Ross Memorial Award for Excellence in Law-Related Education.

Though he received his law degree from Arizona State University and was certified by the State Bar of Arizona, Mr. Nach forwent a career as a lawyer and instead became an educator. Currently a professor of criminal justice, advanced placement economics, and regular economics at Mountain Pointe High School, he truly prepares his students for the future.

For those in his economics class, he introduces bankruptcy lawyers and judges to tell students about the dangers and proper use of credit cards. He also employs the auction website, eBay, to show students an example of what he calls "a near-perfect market." In his course on criminal justice, guest speakers include judges, crime scene investigators, and prosecutors, and students are taken on a field trip to a juvenile detention center. In addition to teaching his classes, Mr. Nach heads up the Mountain Pointe Teen Court Program, a program in which teens conduct a trial and decide the consequences for the actions of real juvenile defendants.

As a former teacher, I recognize the importance of preparing our youth for their future in a competitive and complex global economy and world. This preparation begins with a first-rate and comprehensive education through inspiring and creative teachers like Mr. Nach, who go above and beyond to reach their students. I commend his efforts at Mountain Pointe High School and have no doubt that he will continue to inspire students throughout his career as an educator.

Madam Speaker, please join me in recognizing Mr. David Nach, a member of Arizona's Fifth Congressional District and one of the four recipients of the John J. Ross Memorial Award for Excellence in Law-Related Education.