

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.

A TRIBUTE TO THE FIRST UNITED  
METHODIST CHURCH OF TEMPLE  
CITY

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. SCHIFF. Madam Speaker, I rise today to congratulate the First United Methodist Church of Temple City upon its centennial anniversary.

The church was established in 1908, when about 30 people gathered to worship in an old wooden schoolhouse in the Santa Anita area of the San Gabriel Valley. In 1910, Rev. John Leonard Collins was appointed the new minister of the rapidly growing church, called the Mountain View Methodist Episcopal Church. As the church continued to grow, a new building was completed in 1911, with 14 different denominations worshipping in the facility.

The church was moved to its current location in the Town of Temple, today Temple City, in June of 1925, and, with these new roots, the church continued to prosper under the new name, Temple Community Church, Methodist Episcopal. Much differed from the schoolhouse, the newly dedicated church boasted Ionic columns and was a fine example of modern church architecture. In 1950, the new Sunday school building was completed, with the members performing much of the construction. At that time, the membership had grown to over 600 members and more space was needed, so in 1957, a new sanctuary was completed. In 1964, the mortgage was paid off and the church name was changed—this time to Temple City First Methodist Church. The original, white columned church was demolished in 1964 to make room for a new building housing a fellowship hall and church offices. In 1972, the church's name was changed to its present name, the First United Methodist Church of Temple City.

Since its inception, the First United Methodist Church has been an inclusive and accepting church. In 1987, when the church was asked to share their facilities with a Korean United Methodist Church congregation, it gladly did so—and again when the church offered to share their facilities with a Chinese/English language church in the community.

Under the leadership of Reverend David Palmer, First United Methodist Church of Temple City offers a variety of programs and ministries such as adult Sunday school, church choir ministry, stress management support groups, and the Crafty Ladies, a fellowship group that makes handcrafted items for those in need. The church has an impressive health ministry program, a cooperative effort between Methodist Hospital and local churches, which provides health services to congregants. This ministry includes a parish nurse, who provides education, information, health counseling, referrals, and training of volunteers. In addition, the church created a fitness program called Shape Up 2010 that includes walking, biking and low impact aerobics.

I am proud to recognize the First United Methodist Church of Temple City for its 100 years of service to the people of the San Gabriel Valley, and I ask all Members to join me in congratulating the congregation upon this significant milestone.

HONORING DR. MARY MCINERNEY

### HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. McMAHON. Madam Speaker, I rise today to recognize the career, service, and achievement of Dr. Mary McInerney, Principal of the Richard Hungerford School in Staten Island, NY.

Born and raised in New York City by Irish immigrant parents, Dr. McInerney began her education in the parochial school system in the Bronx. After earning several degrees in psychology and history and education, she received her Doctorate from Columbia University in 1994, with her studies focusing on technology and the disabled.

Mary's teaching career was as long as it was exemplary: she served as a teacher with the Preschool-Early Intervention Program at the Kennedy Child Center before beginning her career with the New York City Department of Special Education, first starting as a teacher of a Track IV class, she became Coordinator of P.L. 89–313, then Data Manager and then Assistant Principal of the Manhattan Occupational Training Center. Ultimately she was designated the Principal of the Richard H. Hungerford School, formerly the Richmond Occupational Training Center. In addition to her roles as teacher, administrator, and supervisor within the school system, Mary has also served as Adjunct Professor and as part-time Administrative Assistant to the Associate Dean of Academic Affairs at Adelphi University. At Columbia University, she served as Assistant Instructor and Guest Lecturer, and at the College of Staten Island she served as a member of the adjunct faculty.

Having published and presented extensively on subjects ranging from computer technology for the disabled to Inclusion and the Learning Disabled Child, and having received an impressive array of academic honors and community service awards (including Principal of the Year from the Association of Orthodox Jewish Teachers and Irishwoman of the Year from the New York City Board of Education Emerald Society), Mary is perhaps best known for her successful leadership at the Hungerford School. With the support of her staff, parents, and community, the school has attained a remarkable level of excellence with an enviable track record for independent problem-solving and participatory management. In 1998, the school was recognized by the United States Department of Education as having an exemplary program in teacher and staff development, thereby becoming the first New York City school to earn the prestigious Blue Ribbon Award.

Our community and our Nation are enriched and ennobled by individuals whose character, perseverance, and public contribution perpetually nourish the present and empower the future for us all. Dr. Mary McInerney is such an individual, and I call on all Members of the House to join me in recognizing her many enduring accomplishments.

HONORING HAROLD H. HOPKINSON,  
JR.

### HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. MAFFEI. Madam Speaker, I rise today to acknowledge and honor the service of Harold H. Hopkinson Jr. to Central New York. He dedicated his life to public service and to the betterment of his community.

Harold H. Hopkinson Jr., graduated from the University of Maine in 1950 with a BS in Mechanical Engineering. Upon completing his education, Harold began a 35 year career working with Carrier Corporation in Syracuse, New York. He is a licensed professional engineer in the State of New York and was a member of the American Society of Heating, Refrigerating and Air Conditioning Engineers for over 35 years.

Harold began his career in public service in 1957, when he was elected Village Trustee for the Village of Manlius. Prior to holding this position, he served a few years on the Village of Manlius Planning Board. In 1977, he was appointed Deputy Mayor of the Village of Manlius.

During his illustrious career in public service, Harold has had an active roll in obtaining sanitary sewers for the Village, the planning of Mill Run Park, establishing the Manlius Fish Hatchery, organizing the Manlius Senior Centre, and starting the Parks and Recreation Advisory Board. Additionally, he also served as a member of the Manlius Library Board, the Manlius Historical Society and a founder of the New York State Designer Blacksmith Organization.

Overall, at the completion of his term, Harold will have served 52 years as a Trustee for the Village of Manlius and 32 years as Deputy Mayor. This is indicative of Harold's life long dedication to his community.

Madam Speaker, I invite the House of Representatives to join me in recognizing the outstanding life contributions of Harold H. Hopkinson Jr. to Central New York.

RECOGNIZING THE GUJARAT,  
INDIA DELEGATION AND THE AL-  
LIANCE FOR U.S.-INDIA BUSI-  
NESS (AUSIB) FOR PROMOTING  
U.S.-INDIA TRADE

### HON. ENI F.H. FALEOMAVEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 14, 2010*

Mr. FALEOMAVEGA. Madam Speaker, I rise today to welcome the Gujarat, India delegation to Washington, D.C. Gujarat is one of the most prominent States on the western coast of India and has contributed significantly to India's growth story with consistent double digit GDP growth for almost a decade.

Since 2003, the Vibrant Gujarat Global Investors Summit has attracted investment agreements worth more than USD 370 billion. The State is now gearing up for the 5th Vibrant Gujarat Summit scheduled to be held on January 12–13, 2011 in Gandhinagar, Gujarat.

As prelude to the Summit, the Gujarat delegation will be visiting New York to highlight