

types. More than ever, firefighters need the training and equipment to deal not only with fires but also with hazardous materials, nuclear, radioactive and explosive devices, and other potential threats.

The demands on firefighters have increased in other ways as well. As the *New York Times* reported last year, firefighters are responding more and more to medical emergencies—15.8 million in 2008, a 213 percent increase from 1980. Right here in Washington, DC, at Fire Engine Company 10—known as the “House of Pain” for its grueling schedule—80 percent of the calls are for medical emergencies. Our Nation’s firefighters—like other first responders are the first to arrive and the last to leave whenever trouble hits. They deserve all the support we can give them.

Regrettably, they do not always get it. Firefighters often lack the equipment and vehicles they need to do their jobs safely and effectively. The U.S. Fire Administration reported in 2006 that 60 percent of fire departments did not have enough breathing apparatuses to equip all firefighters on a shift, 65 percent did not have enough portable radios, and 49 percent of all fire engines were at least 15 years old.

We can and should do more so that these brave men and women have what they need to protect their communities and themselves as they perform a very dangerous job. Our bill takes much-needed steps to ensure that they do.

To start with, because career, volunteer, and combination fire departments all suffer from shortages in equipment, vehicles, and training, our bill requires that each type receives at least 25 percent of the available AFG grant funding. The remaining funds will be allocated based on factors such as risk and the needs of individual communities and the country as a whole. This creates an appropriate balance, ensuring that funds are directed at departments facing the most significant risks while guaranteeing that no department is left out.

We have also taken a number of steps in our bill to help fire departments recover from the recession. Faced with economic difficulties, local governments have reduced spending on vital services, including fire departments. Among other things, these cuts have prevented many departments from replacing old equipment and forced them to lay off needed firefighters. To help departments rebuild, we have lowered the matching requirements for AFG and SAFER. Departments are still required to match some of their grant awards with funds of their own—ensuring they have some skin in the game—but the reduced amount will make it easier for them to accept awards.

We have also created an economic hardship waiver for both grant programs that will allow FEMA to waive certain requirements, such as requiring that grantees provide matching funds, for departments in communities that have been especially hard hit by tough economic times.

Our bill contains a number of other important provisions. It raises the maximum grant amounts available under AFG. As common sense would suggest, large communities often require a substantial amount of equipment, and they will now be able to apply for funding in amounts more in line with what they need.

We also would provide funding for national fire safety organizations and institutions of higher education that wish to create joint programs establishing fire safety research centers. There is a great need for research devoted to fire safety and prevention and improved technology. The work these centers do will help us reduce fire casualties among firefighters and civilians and make communities safer.

As important as it is to help our firefighters, we must also demand accountability when we spend taxpayer dollars. For this reason, we require that FEMA create performance management systems for these programs, complete with quantifiable metrics that will allow us to see how well they perform. Going forward, this will allow us to see what works in these programs and what does not so that we can make needed improvements when required.

We have also included provisions to prevent earmarks from being attached to these programs. AFG and SAFER have never been earmarked—an impressive accomplishment—and we want to keep it that way. The funding for these programs needs to go to firefighters, not pet projects.

Finally, this legislation authorizes \$950 million each for these vital programs. This is actually less than what was authorized in the past. We believe that supporting our nation’s firefighters and emergency medical service responders ought to be a priority, but we recognize that these tough fiscal times require some belt-tightening. Authorizing funding for AFG and SAFER at these amounts sends the message that Congress can direct funding where it is needed while also showing discipline.

These programs address a vital national need. Our legislation ensures that fire departments get the support they need to protect their communities while also protecting taxpayer dollars. I urge my colleagues to join me in supporting the reauthorization of these important programs.

IMPORTANCE OF FUNDING NICS

Mr. LEVIN. Mr. President, April 16 marked the 3-year anniversary of the deadliest shooting rampage in our Nation’s history, a tragedy that took the lives of 32 Virginia Tech students and faculty members and wounded 17 more. In the aftermath of the shooting, investigations uncovered that the gunman, Seung-Hui Cho, was able to purchase two guns in violation of Federal law. Due to his history of mental illness, Mr. Cho was legally prohibited from purchasing these firearms. However,

the transaction was not blocked because the State of Virginia had not provided his mental health records to the National Instant Criminal Background Check System, NICS. The Virginia Tech tragedy serves as a somber illustration of the importance of the NICS database containing accurate criminal history and mental health records of prohibited individuals.

The Virginia Tech shooting prompted the passage of the NICS Improvement Amendments Act of 2007, Public Law 110-180, which authorized funds to assist States and State courts in the automation of mental health and criminal records and in the transmittal of these records to the Federal NICS database. Unfortunately, due to budget constraints, some States still have not fully digitized their criminal history records, nor do they have the funds necessary to process the transfer of State records into NICS. According to the group Mayors Against Illegal Guns, the NICS database contains less than 20 percent of the mental health records it should. In addition, according to the Brady Campaign, NICS is missing 25 percent of the necessary felony conviction data from States. These gaps in needed records weaken the ability of current Federal law to stop firearms from getting into the hands of dangerous or potentially dangerous individuals.

It is essential that States and State courts have the resources needed to ensure that the Federal background check system contains comprehensive and up-to-date records. To that end, I recently joined seven of my colleagues in urging the Senate Appropriations Committee to include \$325 million in the fiscal year 2011 Commerce, Justice, Science, and Related Agencies appropriations bill to fully implement the NICS Improvement Amendments Act. NICS is a powerful tool in the prevention of gun violence that deserves full congressional support.

WORKER’S MEMORIAL DAY 2010

Mr. HARKIN. Mr. President, each year, we set aside April 28 as Workers Memorial Day, a time to remember and honor those who have been killed or injured or have contracted a serious illness in the workplace. Since the passage of the Coal Mine Health and Safety Act and Occupational Safety and Health Act four decades ago, countless lives have been saved and the number of workplace accidents has been dramatically reduced.

Yet too many workers still remain in harm’s way. In 2008, over 5,200 people were killed at work in the United States and roughly 50,000 workers died from occupational diseases. Millions more were injured on the job. This means that, on an average day, 151 workers lose their lives, 14 from injuries and 137 from job-related diseases. These are workers from all walks of life—firefighters, police officers, coal miners and farmers, men and women

who are working to put food on the table to support their families and loved ones. These deaths are tragedies that can and should be prevented.

Our entire Nation mourned when we learned of the terrible tragedy that killed 29 miners in Montcoal, WV. But it is important to remember that mines aren't our only dangerous workplaces. Our Nation suffered another great loss when we learned of the 11 missing oil rig workers off the coast of Louisiana, and we still mourn the lives of those workers who died in explosions in Washington State and Connecticut earlier this year. All of these incidents could have been prevented. These terrible tragedies illustrate the dangers hardworking Americans face on the job every day, and why we need to redouble our efforts to make every workplace a safe workplace.

Every April 28, for the past 9 years, Mary Davis and her family have observed Workers Memorial Day in honor of her husband Jeff Davis, a boiler-maker who was killed in a sulfuric acid tank farm explosion at a refinery in Delaware. His body was never recovered, most likely because it was dissolved in acid. The disaster also injured eight other workers and caused major environmental impact in the surrounding area. Motiva, the company that owned the refinery, pleaded guilty to discharging pollutants into the Delaware River and negligently releasing sulfuric acid into the air, both in violation of the Clean Air Act, resulting in a \$10 million fine. For the same accident, OSHA initially cited three serious and two willful violations against Motiva for Jeff Davis' death. The Agency proposed a penalty of \$175,000 that Motiva later was able to reduce through settlement for a total of only \$132,000.

I recently spoke with Holly Shaw, a school teacher living in Pennsylvania. Her husband Scott drowned after falling into the Schuylkill River while working on two barges, helping to dredge the river. The barges had no life jackets for workers to wear, and no life preservers in the event of an accident. The two barges were connected by a series of old tires that workers had to navigate to move from barge to barge. OSHA found Armco, the company that employed Scott, had committed four serious violations and was fined \$4,950. Holly later found out that Armco was given the opportunity to plead down the fine and ended up only paying \$4,000 for Scott's death. It is truly shocking that the company faced such minor consequences for its appallingly inadequate safety practices.

Unfortunately, stories like Jeff Davis's and Scott Shaw's are all too common. Although a willful or repeat violation of OSHA carries a maximum penalty of \$70,000 and willful violations a minimum of \$5,000, most penalties are far smaller. In both cases, current penalties weren't sufficient to force recalcitrant employers to take workplace safety more seriously even when

a worker is killed. To date, OSHA has cited Motiva for nearly two dozen other violations since Jeff Davis' death. In 2009, workers went on strike against the same company that leased its barge to Armco, protesting unsafe workplace practices, after a deckhand was crushed to death between two barges. As Holly said to me, "another family suffers because of the same negligence."

This has to change. We need to increase penalties for irresponsible employers who ignore the law, and give our federal agencies the enforcement tools they need to keep workers away from imminent danger. This week we held a hearing in the HELP Committee to explore these challenging issues. And, in the weeks ahead, I intend to work with my colleagues on both sides of the aisle on legislation to make our mines and all our dangerous workplaces safer.

Workplace safety is an issue that is very personal to me. My father was a coal miner, and I saw firsthand the devastating effects of the lung problems created by his work in the mines. We still have a long way to go to ensure that our sons and daughters, moms and dads, brothers and sisters all come home safe from a hard day's work, and we should not rest until workplace tragedies are a chapter in the history books, and we no longer have any need to observe a day of mourning for American workers killed on the job.

TRIBUTE TO FATHER RAY DOHERTY

Mr. LEAHY. Mr. President, on May 4, the Saint Michael's College community will celebrate the 80th birthday of a fellow Michaelman and longtime friend of many, Reverend Raymond Doherty. Father Ray, as he is known to many, graduated from Saint Michael's College in 1951, and began what has become a lifetime of service to the Saint Michael's community. A devoted member of the Society of Saint Edmund, whose members founded Saint Michael's over 100 years ago, Father Ray embodies the deep commitment to social justice that has become the hallmark of a Saint Michael's College education. It is among the many reasons I am proud to join Saint Michael's alumni everywhere in celebrating this milestone.

For the past seven decades, Father Ray has advised, counseled, and supported countless Saint Michael's students, faculty, alumni, and Vermonter. His contributions have not gone unnoticed. In 2005, a fellow classmate established the Reverend Raymond Doherty SSE '51 Scholarship to honor Father Ray's significant contributions as a college administrator, friend, and religious leader. Saint Michael's students continue to learn and grow from Father Ray's contributions to the Saint Michael's community. Countless students, and in many cases generations of families, are lucky to know him.

As a student at Saint Michael's in the late 1940s and early 1950s, Father Ray graced the George "Doc" Jacobs baseball program as a starting and relief pitcher for the college. Later in his career, Father Ray would serve as a key member of the college's 1987 and 1996 athletic tasks forces. Last year, the Saint Michael's community honored that legacy by inducting him in to the Saint Michael's College Athletic Hall of Fame.

Saint Michael's widely recognized reputation for encouraging its students and alumni to foster peace and justice has been bolstered by Father Ray's commitment to community service and helping those in need. His frequent involvement in Saint Michael's signature service organization, the Mobilization of Volunteer efforts, MOVE, has been an example to all.

Two years ago, in 2008, Father Ray and the Edmundite community celebrated the 50th anniversary of his ordination. As Father Ray marks another milestone this year, I join with countless of fellow Michaelmen in wishing him the happiest of birthdays. We all look forward to his continued support of the Saint Michael's mission.

ADDITIONAL STATEMENTS

REMEMBERING ERNEST BRAUN

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of a remarkable man, Ernest Braun of Marin County, CA. Ernest was a passionate photographer and avid environmentalist who loved sharing the gifts of photography and nature with his family and community. He passed away on March 23, 2010.

Ernest Braun was born on September 13, 1921, in St. Louis, MO, to Maurice and Hazel Braun. At their home in San Diego, the Braun family celebrated the out of doors during Ernest's early years. Maurice Braun, an impressionist painter inspired by California's landscape, shared his deep appreciation of nature with his children. While still very young, Ernest was given his first camera as a Christmas gift, and his world would never be the same. The camera became Ernest's tool for sharing his perspective of the world with those around him.

During World War II, Ernest served in the U.S. Army as a combat photographer, capturing images of the atrocities of war in Europe. Ernest's photos of concentration camps and numerous battles brought the conflict home to American shores. He served his country greatly with his portrayals of the human cost of war. Following the end of the war, he lived briefly in New York before he and his new wife, Sally Long, settled in San Anselmo, CA. Inspired by the beautiful vistas of Marin County, in the 1960s Ernest discovered his true love: nature photography. He believed strongly in the importance of