

hear these fundamental principles resonate as clearly as we hear them resonate today.”

I am optimistic about that future. How could I not be with these daughters?

This portrait (assuming, of course, it is actually hung) may gather dust well into the next century. As school field trips will endure, I am confident that so too will the duty of new law clerks to conduct students on tours.

To the question: “Who is that in the painting?” I trust that current and future clerks will always know the answer is: “A Vermonter.”

#### ROBERT C. BYRD MINE AND WORKPLACE SAFETY ACT

Mr. HARKIN. Mr. President, I rise to express my strong support for the Robert C. Byrd Mine and Workplace Safety Act. This bill establishes vital new workplace safety measures and it deserves consideration here on the Senate floor.

In 2009, there were 4,340 workplace fatalities. In my home State of Iowa, 78 people were killed on the job. This year, we have already witnessed the horrific mine catastrophe that killed 29 people in West Virginia, the fire at the Tesoro oil refinery in Washington State that killed 7 workers, and the BP Deepwater Horizon platform explosion that killed 11 people and was an environmental catastrophe for the Gulf of Mexico.

As the son of a coal miner, I feel these losses very deeply, on a very personal level. My heart goes out to the family and coworkers of every worker who is killed or injured on the job. Too many of these tragedies are preventable, and we should not rest until the day that no hardworking American has to sacrifice his or her life for a paycheck.

History teaches us that stronger laws protecting worker safety make a big difference, but our current laws are not doing the job. That is why I strongly support the Robert C. Byrd Mine and Workplace Safety Act, which would make long overdue improvements to our workplace safety laws and save the lives of many thousands of hardworking Americans.

For months, we have been negotiating with Republicans trying to agree to a bipartisan bill that improves workplace safety. I think it is fair to say there have been setbacks in our discussions recently, but we want and intend to keep working with our Republican colleagues to craft a bipartisan bill—in this Congress or early in the next—that we can get to the President's desk.

This has been a long and difficult process as we try to reconcile policy differences between Democrats and Republicans on these important issues. Nevertheless, we will keep working to bridge those differences because it is critical that we find a way to agree on legislation that is consistent with certain core principles:

Every American deserves to go to work without fearing for his or her life;

Responsible businesses that put safety first shouldn't have to compete with businesses that prioritize a quick buck over the safety of their employees;

Employers who put workers' lives at risk should face serious consequences that will force them to change their ways;

Companies shouldn't be able to hide behind high priced lawyers and convoluted corporate forms to avoid being held accountable for their actions;

Critical agencies charged with protecting workers' lives should have all the tools they need to get the job done; and

Whistleblowers are the first line of defense in safe workplaces, and deserve strong protection from discrimination and retaliation.

While there may be many ways to achieve these goals, the Robert C. Byrd Mine and Workplace Safety Act clearly reflects these core principles, and its passage would be a major step forward for workplace safety. That is why I am proud to be a cosponsor of the bill, and that is why I would ask my Republican colleagues to give us an opportunity to debate this legislation on the floor.

This legislation makes common sense reforms to the Occupational Safety and Health Act, which has not been significantly updated since it was passed 40 years ago. For example, whistleblower protection under the act is toothless and unfairly tilted against workers who risk their career to protect the public welfare. This bill makes essential changes to ensure that workers are protected, including lengthening OSHA's 30-day statute of limitation for whistleblowers, providing for reinstatement while the legal process unfolds for cases with an initial finding of merit, and giving the worker the right to file their own claim in court if the government does not investigate the claim in a timely manner.

The bill also strengthens criminal and civil penalties that, at present, are too weak to protect workers. Under current law, an employer may be charged—at most—with a misdemeanor when a willful violation of OSHA leads to a worker's death. Under the Robert C. Byrd Mine and Workplace Safety Act, felony charges are available for an employer's repeated and willful violations of OSHA that result in a worker's death or serious injury. The bill also updates OSHA civil penalties, which have been unchanged since 1990, and sets a minimum penalty of \$50,000 for a worker's death caused by a willful violation.

In addition to toughening sanctions for employers who needlessly expose their employees to risk, the bill makes sure that the government is responsive to the worker when investigating the charges. It guarantees victims the right to meet with the person investigating the claim, to be notified of and receive copies of reports or citations issued in the investigation, and to be notified of and have the right to appear at proceedings related to their case.

Victims of retaliation should not suffer the double indignity of being ignored by government officials charged with protecting them.

The bill also makes critical changes in our mine safety laws. We still don't know exactly what caused the tragic death of 29 miners at Upper Big Branch, but we do know that the mine had an appalling safety record, and that the tragedy might have been prevented had the Mine Safety Health Administration, MSHA, had effective tools to target such a chronically unsafe mine.

We have provisions in our laws that are supposed to target repeat offenders—called the “pattern of violations” process—but this system is broken and badly needs to be revamped.

As bad as Upper Big Branch's record was, the law has been interpreted to allow it to continue operating without “pattern of violation” treatment as long as its operators can reduce their violations by more than one third in response to a written warning. With a record as spotty as Upper Big Branch's, a partial reduction in its numerous citations is hardly a sign of a safe mine, and it should not be a “get out of jail free” card to escape the intent of the law.

Operators are also finding creative ways to ensure that the system cannot work as Congress intended. Some chronic violators have avoided being placed on “pattern of violation” status and avoided paying legitimate penalties by contesting nearly every citation that is assessed against them. Because MSHA uses only final orders to establish a pattern of violations and there is a substantial backlog of cases the Federal Mine Safety and Health Review Commission, repeat offenders are able to evade pattern of violations status by contesting large numbers of violations. At the Upper Big Branch coal mine, for example, Massey contested 97 percent of its “significant and substantial” violations in 2007. These appeals can take up to three years to resolve, virtually guaranteeing that mines are never placed on pattern status.

MSHA needs to be able to respond to safety concerns in real time, not 3 years later. This legislation changes the pattern of violation system so that MSHA will be able to address unsafe conditions as they occur, and gives MSHA the enforcement tools it needs to put dangerous mines back on track.

Let me respond to recent suggestions that Democrats have been playing political theatre with important safety and health legislation. We want to pass bipartisan legislation based on a shared commitment to workplace safety. I am thoroughly committed to that process, and I hope it continues. But we will not support weak or ineffective reforms in the name of bipartisanship.

Workplace accidents—whether in a mine, an oil refinery, or wherever—are preventable. All we are asking for is an opportunity to debate, amend, and vote

on a bill that will make real progress in improving the safety of our most dangerous workplaces. If we are not allowed that opportunity today, I plan to keep pressing forward on this issue until we get that chance. It is far too important, and too many lives are at stake, to give up now.

#### ADDITIONAL STATEMENTS

##### HAWAII BLUE RIBBON SCHOOLS

• Mr. AKAKA. Mr. President, today I congratulate three Hawaii schools for being recognized as Blue Ribbon Schools for 2010 by the U.S. Department of Education. These schools, Ewa Beach Elementary School, Momilani Elementary School, and Royal School, serve as models of success and accomplishment.

The Blue Ribbon Schools Program honors public and private elementary, middle, and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement, especially among disadvantaged and minority students.

The program is part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices.

I wish to extend my aloha to the principals: Sherry Lee Kobayashi of Ewa Beach, Doreen Higa of Momilani, and Ann Sugibayashi of Royal. As a former principal, I know firsthand the dedication that goes into leading schools and staffs, and I commend them for their hard work on behalf of their students and communities. I also commend the students, families, teachers, and staff of all three schools for their contributions towards this recognition.

I am proud of all that our keiki, the children, can accomplish when they are given access to quality education. My sincere mahalo, thanks, again, to Ewa Beach Elementary School, Momilani Elementary School, and Royal School for their efforts to give our students the best education possible. I offer my congratulations to all 2010 Blue Ribbon Schools nationwide and my sincere wishes for success in their futures.●

##### BROOMFIELD COMPOSITE SQUADRON

• Mr. BENNET. Mr. President, I congratulate the Broomfield Composite Squadron for being named the 2010 Civil Air Patrol Squadron of Distinction. This honor speaks to the dedication and hard work of each cadet and senior member, as well as the squadron's leadership in providing outstanding programs and recruitment.

The Broomfield Composite Squadron was selected as the squadron with the best performance from all 50 States, the District of Columbia, and Puerto Rico for its excellence in cadet pro-

grams, rapid increase in membership, and high percentage of cadet progression through the program.

Communities across Colorado and the country have come to depend on the Civil Air Patrol in times of emergency for search and rescue expertise, but CAP's development and education of young leaders is equally important. The Broomfield Composite Squadron's success in this area, and its recognition as the best in the country, means that Colorado is especially lucky to have so many young people willing to serve their community, learn about aerospace technology, and prepare for their futures.

All of Colorado is proud and grateful for the Broomfield Composite Squadron's commitment to serving as a model for CAP squadrons across the country.●

##### TRIBUTE TO TERRY ALLEN PERL

• Mr. CARDIN. Mr. President, I would like my colleagues to join me today in honoring the work of Terry Allen Perl, who has served the Chimes Family of Services for 40 years.

The Chimes Family of Services is an international agency delivering a wide variety of support to more than 17,000 people. Chimes offers an extensive range of services from educational services to residential support and psychiatric services. It serves people of all ages and varying levels of ability, providing assistance to people with developmental disabilities, mental illness, and other specialized needs. It offers an important support network to people with disabilities and their families as they work to achieve their goals, aspirations, and dreams.

Terry Allen Perl started his career with Chimes, Inc. in January of 1971. He was the first director of a community-based residential facility in the State of Maryland for people with intellectual disabilities. His vision and leadership over the intervening years have led to the extraordinary success of the organization as he has helped to expand its educational, habilitation, employment, vocational, residential, and support services.

Under Mr. Perl's leadership, Chimes has moved from being a provider of services to one of the largest contractors employing people with disabilities. Chimes provides janitorial and facility services for the U.S. Government and for the State of Maryland.

Under Mr. Perl's guidance, Chimes has expanded from serving 200 people in the Baltimore area to more than 17,000 people from North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, the District of Columbia, and the State of Israel.

Mr. Pearl has received numerous awards and honors in recognition of his innovative and pioneering programs. He has been a leader and member of numerous professional organizations including: ANCOR, American Network of Community Options and Resources,

CARF, Commission on Accreditation of Rehabilitation Facilities, AAMR, American Association on Mental Retardation, Maryland Works, Baltimore City Mayor's Commission on Disabilities, Developmental Disabilities Council, Baltimore County Workforce Investment Council, and the Baltimore County Commission on Disabilities. He is a frequent lecturer, consultant, and advisor to numerous provider agencies, advocacy groups, associations, and government entities. During his tenure as president and chief executive officer, Chimes has become nationally and internationally recognized as a provider of services and jobs for those with disabilities.

I hope my colleagues will join me in thanking Terry Allen Perl for his 40 years of dedicated service to the Chimes Family of Services organization and for his outstanding contributions to improving the lives of people with disabilities and their families and communities in Maryland, throughout our Nation, and in Israel.●

##### BALTIMORE JOB OPPORTUNITIES TASK FORCE

• Mr. CARDIN. Mr. President, I encourage my colleagues to join me in paying special tribute to the Job Opportunities Task Force, JOTF, an independent advocacy and monitoring organization in Baltimore, MD, that is celebrating 10 years of service.

JOTF was begun in 1996 by a handful of people who were concerned about job opportunities for low-skilled job seekers in the Baltimore area. They called themselves the Job Opportunities Task Force, and they hoped they could help unemployed and underemployed men and women. They had a short-term goal, which was to come up with ideas and recommendations that would break down barriers to better employment and to bring private and public partners together to implement these changes.

In 1997, the Abell Foundation gave JOTF a grant to prepare a report on the job gap that would present detailed information about what types of jobs were available in the Baltimore region, where they were located, what they paid, what levels of education and skills were required, and where the potential workers were. The report, entitled "Baltimore Area Jobs and Low Skill Job Seekers," was published in 1999 and revealed many gaps between the workforce and the jobs that were available—far too many impediments to be solved with a few meetings.

Since its incorporation in 2000, JOTF has become a leading voice on workforce issues in Maryland, supporting a range of State policy initiatives and budget decisions, including increased investment in adult education and job training in communities and in prisons. JOTF has lobbied to expand the earned income tax credit, reduce barriers to (re)employment for ex-offenders, and reform unemployment insurance.