

this important occasion, I would like to extend my best wishes to the citizens of Malakoff and offer my heartfelt prayers for continued prosperity and success over the next 150 years.

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PERSONAL EXPLANATION

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 28, 2005*

Ms. LEE. Mr. Speaker, on April 27, 2005, in order to attend to a family matter, I was unable to vote on rollcall no. 145. Had I been present, I would have voted "aye" on H. Res. 241, a resolution to reverse the harmful and inappropriate changes that were made to House ethics rules by H. Res. 5. I voted against H. Res. 5 which changed House ethics rules when it came to the Floor on January 4, 2005 and the overwhelming approval of H. Res. 241 only underscores that the changes in H. Res. 5 were overreaching by the majority party.

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PROTECTING AMERICA'S WORKERS  
ACT OF 2005

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 28, 2005*

Mr. OWENS. Mr. Speaker, April 28th is Worker Memorial Day, designated as a time to honor the thousands of American workers killed on the job every year by willful or negligent safety violations on the part of errant employers. The surviving family members of workers killed by corporate wrongdoing deserve much more than just our sympathy, however. They deserve immediate Congressional attention and action. Today, I am very pleased to join with Senator EDWARD M. KENNEDY in introducing legislation that promises such essential action by strengthening provisions of the Occupational Safety and Health (OSH) Act. The bill—"Protecting America's Workers Act"—would hold those who commit corporate manslaughter accountable at the same time that it reinforces critical health and safety protections for workers nationwide.

Even by conservative estimates, an American worker is killed on the job every 96 minutes. We read about these deaths in newspapers from the District of Columbia to Washington state. Only last month, for example, 15 workers were killed by a fiery explosion in a British Petroleum (BP) oil refinery in Texas City, Texas. Every year in New York City, construction workers are killed by free-falls from buildings and collapses of faulty scaffolds and concrete walls. Near Toledo, Ohio last year, 4 ironworkers died in the collapse of a massive bridge crane and 4 others were injured. And almost 6 months ago in Walnut Creek, California, a gas pipeline explosion killed 5 workers and badly injured 4 others.

In the words of a New York State Supreme Court Justice, these worker deaths were not simply "random accidents" but rather "tragic certainties." The workers died as the direct result of some employer's willful safety violations or serious negligence. All too often—and in the worker death cases listed above—employ-

ers responsible for these fatalities are repeat safety violators. In some cases, multiple workers in the same firm may die in identical circumstances over a period of years, without the responsible employer ever facing stiff criminal penalties or any prison sentence.

Under the current OSH Act, the maximum penalty any employer can receive for causing the death of a worker is 6 months in prison and a \$10,000 fine. Unlike surviving relatives of other crime victims, family members of workers killed on the job are left without any victims' services or assistance under current law. They even lack a voice in any Occupational Safety and Health Agency (OSHA) investigations of their loved ones' deaths as well as subsequent negotiations with culpable employers over any downgrading of initial citations and fines tied to the worker fatalities.

By stiffening criminal penalties for those found guilty of blatant safety violations that result in worker deaths, this bill will make other employers think twice about ignoring basic health and safety rules that risk workers' lives. It incorporates in its entirety the provisions of my bill, the "Workplace Wrongful Death Accountability Act," which makes it a felony offense to kill a worker and provides for a term of up to 10 years in prison. For a second offense, the maximum term for a culpable employer would be 20 years in prison. Likewise, maximum penalties for illicitly warning of an OSHA inspection or lying to OSHA would be set appropriately to serve a deterrent purpose. Under this bill, civil penalties are also set in accordance with the time-honored principle of deterrence.

The "Protecting America's Workers Act" would also extend OSHA coverage to millions of workers who currently lack the protection of workplace safety and health laws. Among others, these include public employees in a number of states and localities, certain transportation workers such as flight attendants, and a number of federal workers as well as those in public/private entities such as the Nuclear Regulatory Commission. Moreover, it provides stronger protections for any worker who reports the safety and health violations of an errant employer.

This bill requires OSHA to investigate any workplace incident that results in the death of a worker or the hospitalization of 2 or more employees. At the same time, it gives surviving family members of workers who are killed greater participation rights in OSHA's workplace investigation and "penalty negotiation" process with the respective employers responsible for these fatalities. Moreover, it prohibits OSHA from downgrading willful citations in worker fatalities to "unclassified" ones. Last but not least, the bill strengthens workplace prevention efforts by requiring employers to cover the costs of personal protective equipment for their employees.

Mr. Speaker, I want to commend the New York Committee on Safety and Health (NYCOSH), joined by like committees in the other 49 states, for launching a national campaign against corporate killing. This grassroots campaign will alert workers and the wider public about the importance of ensuring employers do not place profits above basic safety measures at the expense of workers' very health and lives.

As senior Democrat on the Subcommittee on Workforce Protections, I want to recognize a number of my colleagues, including Rep-

resentatives MILLER, ANDREWS, LYNCH, DELAURO, and MICHAUD who have joined me as original cosponsors of the "Protecting America's Workers Act." Representative MILLER's 30-year track record of support for workers, as well as his role as senior Democrat on the Education and Workforce Committee is well known. Representative ANDREWS, senior Democrat on the Employer-Employee Relations Subcommittee is also author of a separate bill to extend OSHA protections to those state and local government workers who lack coverage by workplace safety laws. His bill is included in its entirety as a provision in the comprehensive bill we are sponsoring today. As a co-chair of the Labor Caucus in the House, Representative LYNCH is dedicated to protecting workers across the country. Through her actions on the House Appropriations Committee, Representative DELAURO has demonstrated her commitment to ensuring worker health and safety. And, by serving as a co-chair of the House Labor Caucus, Representative MICHAUD has also shown his dedication to workers' well-being. I thank them all for their cosponsorship and urge other members of the House to join with us in endorsing this legislation, critical to the well-being of America's working families.

In closing, Mr. Speaker, the time for the "Protecting America's Workers Act" is now. Although we have made substantial progress in protecting health and safety in American workplaces since the OSH Act was first passed in 1970, that progress has stalled precipitously under the current Bush Administration and the Republican Congress. We must reverse this setback to workplace safety and enact this bill without delay.

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HONORING THE CONTRIBUTIONS  
OF THE NAVARRO INDEPENDENT  
SCHOOL DISTRICT TEACHERS OF  
THE YEAR

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 28, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the accomplishments of Regina Neely, Kate Russey, and Charles Sanford, the Navarro Independent School District Teachers of the Year.

Charles Sanford is the librarian at Navarro Elementary School. He holds both a Bachelors of Arts from Texas State University and a Master of Science from the University of North Texas. He has previously taught third grade reading at Navarro Elementary, and is committed to childhood literacy and to introducing all of his students to the joy of reading.

Kate Russey is the choir teacher and band director at Navarro Middle School. She graduated from Texas Lutheran University, and has been teaching at Navarro for three years. She is a critical part of Navarro's music program, and goes above and beyond her work at the middle school to serve as assistant band director for Navarro High School.

Regina Neely is an English teacher at Navarro High School. She holds a Bachelors of Art from Texas Lutheran University, and previously taught in the Seguin, Hayes, and San Marcos School Districts. She has been at Navarro for four years, and has been a tremendous resource for her 2 students, giving