

the attention of the Government to the fact that certain provisions of the Penal Code are not compatible with ILO Conventions . . . noting that . . . sentences of imprisonment can be imposed as a punishment . . . for participation in a strike."

(5) Restrictions on Union Leadership. Guatemala maintains a number of restrictions with respect to union leadership including: (1) restricting leadership positions to Guatemalan nationals; and (2) requiring that union leaders be currently employed in the occupation represented by the union. These restrictions violate Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: "Both the Constitution and the Labour Code prohibit foreign nationals from holding office in a trade union. . . . The Labour Code requires officials to be workers in the enterprise. . . . These restrictions have given rise to observations by the CEACR."

HONDURAS

(1) Burdensome Requirements for Union Recognition. Honduran law requires more than 30 workers to form a trade union. This numerical requirement acts as a bar to the establishment of unions in small firms, and violates ILO Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO] has noted that various provisions in the labor law restrict freedom of association, including . . . the requirement of more than 30 workers to constitute a trade union. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "[T]he requirement to have more than 30 workers to constitute a trade union . . . has prompted the CEACR to comment that this number is 'not conducive to the formation of trade unions in small, and medium size enterprises.'"

(2) Limitations on the Number of Unions. Honduran law prohibits the formation of more than one trade union in a single enterprise. This restriction violates ILO Convention 87 on the right of workers to join or establish organizations of their own choosing, and fosters the creation of monopoly unions.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO] has noted that various provisions in the labor law restrict freedom of association, including the prohibition of more than 1 trade union in a single enterprise. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "Such a provision, in the view of the CEACR, is contrary to Article 2 of Convention No. 87, since the law should not institutionalize a de facto monopoly. . . ."

(3) Restrictions on Union Leadership. Honduras requires that union leaders be Honduran nationals, and be employed in the occupation that the union represents. These restrictions violate ILO Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The [ILO] has noted that various provisions in the labor law restrict freedom of association, including . . . the prohibition on foreign nationals holding union office, the requirement that union officials must be employed in the economic activity of the business the union represents. . . ."

This deficiency was confirmed in the October 2003 ILO Report: "The Labour Code prohibits foreign nationals from holding trade union offices and requires officials to be engaged in the activity, profession or trade characteristic of the trade union. . . . The CEACR has objected to these provisions, which it deems incompatible with Article 3 of Convention No. 87. . . ."

(4) Inadequate Protection Against Anti-Union Discrimination. The ILO CEACR has faulted Honduras for a number of years for not providing adequate sanctions for anti-union discrimination. For example, under the law, only a very small fine equivalent to approximately US\$12-\$600 can be assessed against employers for interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): "The penalties envisaged . . . against persons impairing the right to freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around \$12) had been deemed inadequate by one worker's confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination."

(5) Few Protections Against Employer Interference in Union Activities. Honduras prohibits employers or employees with ties to management from joining a union; it does not, however, prohibit employers from interfering in union activities through financial or other means. The failure to preclude employer involvement violates ILO Convention 98 on the right to organize and bargain collectively.

This deficiency was confirmed in a 2004 Report of the ILO CEACR: "[T]he Convention provides for broader protection for workers' . . . organizations against any acts of interference . . . in particular, acts which are designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations. In this respect, the Committee once again hopes that [labor law reform will include provisions] designed to . . . afford full and adequate protection against any acts of interference, as well as sufficiently effective and dissuasive sanctions against such acts."

(6) Restrictions on Federations. Honduras prohibits federations from calling strikes. The CEACR has criticized this prohibition, which contravenes the right to organize.

This deficiency was confirmed in the October 2003 ILO Report: "Federations and confederations do not have a recognized right to strike . . . which has prompted the CEACR to recall that such provisions are contrary to Articles 3, 5 and 6 of Convention No. 87 . . ."

(7) Onerous Strike Requirements. Honduras requires that two-thirds of union members must support a strike for it to be legal. This requirement violates ILO Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: "[T]he CEACR has recalled that restrictions on the right to strike should not be such as to make it impossible to call a strike in practice, and that a simple majority of voters calculated on the basis of the workers present at the assembly should be sufficient to be able to call a strike."

NICARAGUA

(1) Inadequate Protection Against Anti-Union Discrimination. Nicaragua's laws permit employers to fire employees who are attempting to organize a union as long as they provide double the normal severance pay. This allowance violates ILO Convention 98.

This deficiency was confirmed in the October 2003 ILO Report: The Annex to the Report states that the Labor Code provides that "if the employer does not carry out reinstatement, he/she shall pay double the

compensation according to the length of service."

(2) Use of Solidarity Associations to Bypass Unions. Nicaragua allows employers to create "solidarity associations" but does not specify how those associations relate to unions. The failure to include protections against employers using solidarity associations to interfere with union activities violates ILO Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "The Labor Code recognizes cooperatives into which many transportation and agricultural workers are organized. Representatives of most organized labor groups criticized these cooperatives and assert that they do not permit strikes, have inadequate grievance procedures, are meant to displace genuine, independent trade unions and are dominated by employers."

(3) Procedural Impediments to Calling a Strike. Nicaragua maintains a number of restrictive procedural requirements for calling strikes. (According to the 2002 U.S. State Department Human Rights Report, the Nicaraguan Labor Ministry asserts that it would take approximately 6 months for a union to go through the entire process to be permitted to have a legal strike.) Since all legal protections may be withdrawn in the case of an illegal strike, the practical outcome is that workers who strike often lose their jobs, thus undermining the right to strike protected by Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: "Observers contend that the [process for calling a strike] is inappropriately lengthy and so complex that there have been few legal strikes since the 1996 Labor Code came into effect . . ."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. LARSEN of Washington (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. LINDA T. SANCHEZ of California (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. SESSIONS (at the request of Mr. DELAY) for the week of June 13 on account of taking his sons to scout camp.

Mr. TOWNS (at the request of Ms. PELOSI) for today.

Ms. WATERS (at the request of Ms. PELOSI) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 20.

Mr. BURTON of Indiana, for 5 minutes, today, June 14, 15, 16 and 17.

Mr. NORWOOD, for 5 minutes, June 16. (The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 14, 2005, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2293. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 02-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2294. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials provided to the Base Closure and Realignment Commission; to the Committee on Armed Services.

2295. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 05-27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2296. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Determination Related to Serbia Under 563(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Div. D, P.L. 108-447); to the Committee on International Relations.

2297. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Australia (Transmittal No. RSAT-02-05); to the Committee on International Relations.

2298. A letter from the Secretary, Department of Education, transmitting the thirty-second Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2004 through March 31, 2005 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2299. A letter from the Secretary, Department of the Interior, transmitting the semi-

annual report on the activities of the Office of Inspector General covering the six month period of September 30, 2004 through April 1, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2300. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2301. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2302. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2303. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report to the Congress of the Inspector General and the Chairman's Semiannual Report on Final Actions Resulting from Audit Reports for the period of October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2304. A letter from the Acting Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2004 to March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2305. A letter from the Acting Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2004 to March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2306. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2004 through March 31, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2307. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2308. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Nanticoke River, Sharptown, MD [CGD05-05-052] (RIN: 1625-AA08) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2309. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Maryland Swim for Life, Chester River, Chestertown, MD [CGD05-05-051] (RIN: 1625-AA08) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2310. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Columbus, NE. [Docket No. FAA-2005-20752; Airspace Docket No. 05-ACE-15] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2311. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Nome, AK [Docket No. FAA-2005-20449; Airspace Docket No. 05-AAL-06] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2312. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airways 208 [Docket No. FAA-2003-19053; Airspace Docket No. 04-ANM-10] (RIN: 2120-AA66) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2313. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airways and Jet Routes in the Vicinity of Savannah, GA [Docket No. FAA 2002-13362; Airspace Docket No. 02-ASO-7] (RIN: 2120-AA66) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2314. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Surface Area Airspace; and Modification of Class D Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2002-14348; Airspace Docket No. 03-ACE-5] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2315. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Surface Area Airspace; and Modification of Class D Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2002-14348; Airspace Docket No. 03-ACE-5] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2316. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Montgomery, AL; Correction [Docket No. FAA-2003-15409; Airspace Docket No. 03-ASO-8] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2317. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cedar Rapids, IA [Docket No. FAA-2003-15074; Airspace Docket No. 03-ACE-42] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2318. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Windsor Locks, Bradley International Airport, CT [Docket No. FAA-2003-14868; Airspace Docket No. 2003-ANE-103] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2319. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Valentine, NE [Docket No. FAA-2003-15075; Airspace Docket No. 03-ACE-43] received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2320. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kaiser, MO [Docket No. FAA-2003-15076; Airspace Docket