



## The Ehlers e-Newsletter

For the Week of July 11, 2005

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### *News from Congressman Ehlers ...*

**HEAR CONGRESSMAN INTERVIEWED ON XM RADIO** – Congressman Vernon J. Ehlers was featured on the weekly political affairs show, “XM Nation with Scott Walterman,” which is heard nationally on the XM Radio satellite radio service. During the 30-minute show, the congressman discussed a variety of issues, including his efforts to improve math and science education in the United States, clean up the Great Lakes and address challenges facing the manufacturing industry.

*You can hear the full recording of this show by visiting our website:*

<http://www.house.gov/ehlers/XM%20Nation-Rep%20Vern%20Ehlers-web.mp3>

**EHLERS RESPONDS TO PRESIDENT’S ADDRESS ON IRAQ** – On June 28, President George W. Bush addressed the nation in a nationally broadcast speech from Fort Bragg, N.C., on the first anniversary of the transfer of sovereignty to the interim Iraqi authorities. In his speech, the president acknowledged that the work of bringing peace and stability to Iraq is “difficult and dangerous,” but said that “we have more work to do” in Iraq and the continuing war against terrorism.

*To read Congressman Ehlers’ response, please visit our website:*

[http://www.house.gov/apps/list/press/mi03\\_ehlers/062805BushonIraq.html](http://www.house.gov/apps/list/press/mi03_ehlers/062805BushonIraq.html)

### **THIS WEEK IN THE U.S. HOUSE OF REPRESENTATIVES MONDAY, JULY 11, 2005**

*On Monday, the House will meet at 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.*

#### **Suspensions (3 bills):**

*(Bills on suspension are generally considered non-controversial and have reduced debate time, but require a two-thirds majority vote to be passed.)*

- 1) **H.Con.Res. 168 - Condemning the Democratic People’s Republic of Korea (North Korea) for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights:** Resolves that Congress condemns the Government of the Democratic People's Republic of Korea for the abduction and continued captivity of citizens of the Republic of Korea (South Korea) and Japan as acts of terrorism and gross violations of human rights. It calls upon the North Korean government

- to immediately cease and desist from carrying out abductions, release all victims of kidnapping and prisoners-of-war still alive in North Korea, and provide a full and verifiable accounting of all other cases.
- 2) **H.Res. 333 - Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan:** Resolves that the House supports the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan. It encourages the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan. Finally, it urges all churches, synagogues, mosques, and other religious institutions in the United States to consider the issue of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.
  - 3) **H.Res. 343 - Commending the State of Kuwait for granting women certain important political rights:** Resolves that the House commends the government and Parliament of the state of Kuwait for providing female citizens of Kuwait the right to vote and hold public office. It urges the full participation of Kuwaiti women in the political life of their country and encourages the government of Kuwait to continue taking positive steps to achieve full modernization of its political system and lasting democratic reform.

## **TUESDAY, JULY 12, 2005**

*On Tuesday, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business.*

### **Suspensions (2 bills):**

- 1) **H.R. 804 - To exclude from consideration as income certain payments under the national flood insurance program:** Amends the National Flood Insurance Act of 1968 to declare that assistance provided under a program for flood mitigation activities with respect to a property shall not be considered income or a resource of the owner (or any lessee or user) of the property when determining eligibility for or benefit levels under any income assistance or resource-tested program that is funded in whole or in part by a federal agency or by appropriated Federal funds.
- 2) **H.R. 68 - NASA and JPL 50th Anniversary Commemorative Coin Act**

**H.R. 739 - Occupational Safety and Health Small Business Day in Court Act of 2005:** Gives the Occupational Safety and Health Review Commission (OSHRC) additional flexibility to make exceptions to the 15-day deadline for employers to file responses to OSHA citations when a small business misses the deadline by mistake or for good reason. Under current legal interpretation, employers who fail to meet this 15-day deadline may lose their right to a day in court, regardless of whether there were intervening circumstances that inadvertently caused an employer to miss the deadline.

**H.R. 740 - Occupational Safety and Health Review Commission Efficiency Act of 2005:** Increases the membership of OSHRC from three to five members to ensure cases are reviewed in a timely fashion. Because a quorum of two (of the three) commissioners is needed for decision-making, OSHRC has in the past been unable to act. The appointment process is sometimes controversial, leading to vacancies, and sometimes

Commissioners must recuse themselves from consideration of cases. This creates a situation where even if there is one seat open, there is no working quorum. Increasing membership to five Commissioners will help ensure that cases are reviewed in a more timely fashion.

**H.R. 741 - Occupational Safety and Health Independent Review of OSHA Citations Act of 2005:** Restores independent review of OSHA citations by clarifying that OSHRC is an independent judicial entity given deference by courts that review OSHA issues. Congress passed the OSHA law only after being assured that judicial review would be conducted by “an autonomous, independent commission which, without regard to the Secretary, can find for or against him on the basis of individual complaints.” The bill restores the original system of checks and balances intended by Congress when it enacted the OSHA law and ensures that OSHRC (“the Court”), and not OSHA (“the prosecutor”), would be the party who interprets the law and provides an independent review of OSHA citations.

**H.R. 742 - Occupational Safety and Health Small Employer Access to Justice Act of 2005:** Levels the playing field for small businesses and encourages OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small businesses. Under current law, the Equal Access to Justice Act (EAJA) allows small business owners to recover attorneys’ fees if the owner successfully challenges a citation. However, if OSHA can establish that its enforcement action was “substantially justified” or the result of “special circumstances,” small businesses can be refused attorneys’ fees even if OSHA loses the case in court. Historically, the law’s “substantially justified” and “special circumstances” standards have made it easy for OSHA to prevent recovery under this broad standard, so attempts by small business owners to recover costs often exacerbate the financial harm caused by OSHA’s dubious enforcement actions.

#### **WEDNESDAY, JULY 13, 2005 AND THE BALANCE OF THE WEEK**

*On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.*

#### **Suspensions (7 bills):**

- 1) **H.R. 2385 - To make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program**
- 2) **H.R. 2113 - John F. Whiteside Joliet Post Office Building Designation Act (Joliet, Illinois)**
- 3) **H.R. 2183 - Vincent Palladino Post Office Designation Act (Staten Island, New York)**
- 4) **H.R. 2630 - J.M. Dietrich Northeast Annex Designation Act (Springfield, Illinois)**
- 5) **H.R. 1220 – Veterans’ Compensation Cost-of-Living Adjustment Act of 2005:** Provides a cost-of-living adjustment to the rates of disability compensation for veterans with service-connected disabilities and to the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans effective December 1, 2005. The percentage amount would be equal to the increase for benefits provided under the Social Security Act, which is

calculated based upon changes in the Consumer Price Index. The bill codifies the 2005 dollar amounts for disability compensation and dependency and indemnity compensation.

- 6) **H.R. 3100 - East Asia Security Act of 2005:** Requires an annual report by the President on European companies who transfer arms technology to China and on European governments whose policies condone those sales. The bill would also establish additional U.S. Government oversight requirements for such companies and governments. The bill would also give the President new authority to help deter future European arms transfers by establishing measures or restrictions the President could draw on in limiting the access of culpable persons to United States weapons technology.
- 7) **H.Con.Res. 191 - Commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War**

**H.R. 2864 - Water Resources Development Act of 2005:** Authorizes and provides for specified water resources development and conservation projects. The bill authorizes the Secretary of the Army to carry out specified projects for navigation, environmental restoration, ecosystem restoration, hurricane and storm damage reduction, and flood damage reduction. It directs the Secretary to conduct studies and carry out specified projects for emergency streambank protection, navigation, improvement of the quality of the environment, aquatic ecosystem restoration, and shoreline protection.

*\* Possible Motions to go to Conference*

*\* Possible Motions to Instruct Conferees*

### **Historical Tidbits**

#### **On July 11 ...**

**1798** - The U.S. Marine Corps was formally re-established by "An Act for Establishing a Marine Corps" passed by the U.S. Congress. The act also created the U.S. Marine Band. The Marines were first commissioned by the Continental Congress on November 10, 1775.

**1804** - The United States' first secretary of the treasury, Alexander Hamilton, was killed by Vice President Aaron Burr in a duel.

**1979** - The abandoned U.S. space station *Skylab* returned to Earth. It burned up in the atmosphere and showered debris over the Indian Ocean and Australia.

#### **On July 12 ...**

**1862** - The U.S. Congress authorized the Medal of Honor.

**1933** - A minimum wage of 40 cents an hour was established in the U.S.

**1954** - U.S. President Dwight D. Eisenhower proposed a highway modernization program, with costs to be shared by federal and state governments.

#### **On July 13 ...**

**1787** - The U.S. Congress, under the Articles of Confederation, enacted the Northwest Ordinance, which established the rules for governing the Northwest Territory, for admitting new states to the Union and limiting the expansion of slavery.

**2000** - The United States and Vietnam signed a major trade agreement. The pact still needed to be approved by the U.S. Congress.

**On July 14 ...**

**1798** - The U.S. Congress passed the Sedition Act. The act made it a federal crime to write, publish, or utter false or malicious statements about the U.S. government.

**On July 15 ...**

**1971** - U.S. President Nixon announced he would visit the People's Republic of China to seek a "normalization of relations."

*(Information from <http://www.on-this-day.com>)*