

climate folies, but I and many others are not ready to send our jobs overseas and our economy into the tank because the UN says we should. And if this treaty is so great, then how come China, India, and Mexico are not willing to commit to emissions reductions? On a day when I hope to be green, I am blue.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION COM-
PLIANCE ASSISTANCE AUTHO-
RIZATION ACT OF 1998

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2864) to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements, as amended.

The Clerk read as follows:

H.R. 2864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1998".

SEC. 2. COMPLIANCE ASSISTANCE PROGRAM.

Section 21 of the Occupational Safety and Health Act of 1970 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary shall establish and support cooperative agreements with the States under which employers subject to this Act may consult with State personnel with respect to—

"(A) the application of occupational safety and health requirements under this Act or under State plans approved under section 18; and

"(B) voluntary efforts that employers may undertake to establish and maintain safe and healthful employment and places of employment.

Such agreements may provide, as a condition of receiving funds under such agreements, for contributions by States towards meeting the costs of such agreements.

"(2) Pursuant to such agreements the State shall provide on-site consultation at the employer's worksite to employers who request such assistance. The State may also provide other education and training programs for employers and employees in the State. The State shall ensure that on-site consultations conducted pursuant to such agreements include provision for the participation by employees.

"(3) Activities under this subsection shall be conducted independently of any enforcement activity. If an employer fails to take immediate action to eliminate employee exposure to an imminent danger identified in a consultation or fails to correct a serious hazard so identified within a reasonable time, a report shall be made to the appropriate enforcement authority for such action as is appropriate.

"(4) The Secretary shall, by regulation after notice and opportunity for comment, establish rules under which an employer—

"(A) which requests and undergoes an on-site consultative visit provided under this subsection,

"(B) which corrects the hazards that have been identified during the visit within the time frames established by the State and agrees to request a subsequent consultative visit if major changes in working conditions or work processes occur which introduce new hazards in the workplace, and

"(C) which is implementing procedures for regularly identifying and preventing hazards regulated under this Act and maintains appropriate involvement of, and training for, management and non-management employees in achieving safe and healthful working conditions,

may be exempt from an inspection (except an inspection requested under section 8(f) or an inspection to determine the cause of a workplace accident which resulted in the death of one or more employees or hospitalization for 3 or more employees) for a period of one year from the closing of the consultative visit.

"(5) A State shall provide worksite consultations under paragraph (2) at the request of an employer. Priority in scheduling such consultations shall be assigned to requests from small businesses which are in higher hazard industries or have the most hazardous conditions at issue in the request."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER). Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2864 will amend the Occupational Safety and Health Act to provide specific statutory authorization and direction for consultation programs operated by States with the assistance of Federal funding and direction.

These programs have in fact been operating for over 20 years. In 1975, OSHA began entering into contracts with the States to provide enforcement consultations for small businesses. The authority which OSHA used for these contracts is the general contracting authority in section 7C(1) of the Occupational Safety and Health Act.

In recent years the small business community, State consultation programs and the Clinton administration have all supported amending the Occupational Safety and Health Act to add a specific authorization and direction for the on-site consultation programs. So I am pleased to be able to bring this bill to the House, with bipartisan support in our committee. And with the support of the Clinton administration.

I want to particularly thank the ranking member of the Subcommittee

on Workforce Protections, Mr. OWENS, and the ranking member of the full committee, Mr. CLAY, for their willingness to work with us on this bill as well as the following bill. And also I want to thank Secretary of Labor Alexis Herman and Assistant Secretary for Occupational Safety and Health, Charles Jeffress, for their support of these bills.

Mr. Speaker, the consultation program allows employers, particularly small employers, with the opportunity to receive expert advice and compliance with OSHA standards and improving safety and health in their workplaces, without the adversarial temper and approach often associated with OSHA enforcement inspections.

I believe this program truly does implement the approach to safety and health which many of us have long supported: an OSHA program that offers assistance, rather than merely the threat of enforcement, to employers.

I have often said that it seems wrong to me that employers who want to improve their workplaces are afraid to call OSHA and ask for assistance. The consultation program is one program that allows and encourages employers to call OSHA and to get that assistance.

My own company in North Carolina has used the North Carolina OSHA consultation program; and, in fact, it was our experience with that North Carolina program that triggered my introduction of H.R. 2864. Under this program, an employer invites the OSHA consultation service into the workplace, and the consultant works with the employer in identifying any violations of OSHA standards and hazards.

If the employer fixes those items within a reasonable time, then there is no enforcement action connected to it. Under H.R. 2864, an employer who meets certain listed criteria may also be exempt from some inspections for 1 year.

I believe the program fills a real need. Unfortunately, it has not been well enough known, nor has it received enough funding, to fulfill that need. So I hope that recognizing the program in this statute is the first step in making it more widely known and increasing in its availability.

This bill along with the following bill are small but I think significant steps in bringing about change to the way in which OSHA carries out the role of protecting and promoting worker safety and health.

Again, I want to express my appreciation to the gentleman from New York (Mr. OWENS) for working out the legislation. Even though we were basically following the current program, there were still a few issues that we had to resolve, and I appreciate his willingness to do so.

It is my hope that with the bipartisan effort and support for these bills that the Senate will move quickly and cleanly as well. There are a lot of other issues related to OSHA that we need to plan and deal with, but I hope that