

these bills do not become entangled in other issues.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my appreciation to the gentleman from North Carolina (Mr. BALLENGER), Chairman of the Subcommittee on Workforce Protections, for his willingness to work with me on this legislation. I believe the bill before us will further the safety and health of workers, and I am pleased to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), Chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from North Carolina for yielding me this time.

Mr. Speaker, I want to express my support for the two bills amending the Occupation Safety and Health Act that are on the suspension calendar today.

I want to particularly commend the gentleman from North Carolina (Mr. BALLENGER), the Chairman of the Subcommittee on Workforce Protection, for his work on these bills and for his leadership on matters related to OSHA.

Also, I want to commend the gentleman from North Carolina along with the gentleman from New York, the ranking member of the Subcommittee on Workforce Protection, for being able to bring not one but two bills dealing with OSHA to the floor with bipartisan support.

I would note that both bills are supported by the Clinton administration as well as by the National Federation of Business, the Chamber of Congress and the Coalition on Occupational Safety and Health and other organizations. That is a rather remarkable convergence of support, particularly for bills amending the Occupational Safety and Health Act.

Mr. Speaker, these two bills are small but important steps in bringing about change to the way OSHA carries out its role in protecting worker safety and health. They help move OSHA towards a more cooperative, less confrontational approach.

H.R. 2864 requires OSHA to provide work-site consultations to employers, particularly small employers, who request the consultation. These consultations will be provided through State agencies or public colleges or universities.

H.R. 2864 in effect codifies the consultation program from OSHA that began in the 1970s and which has provided thousands of small businesses with expert advice and assistance in providing a safer workplace for their employees and compliance with OSHA standards.

I know that in my own State, the consultation program has been ex-

tremely effective in reaching out to small businesses and working with them to improve safety and health. The biggest problem with the program has been lack of resources; and we hope that, by specifically recognizing consultation services in the statute, that we will bring additional recognition and resources to the program.

□ 1430

H.R. 2877 prohibits OSHA from using enforcement measures such as number of citations issued or penalties assessed to evaluate OSHA inspectors. It addresses the reality as well as the perception that OSHA inspectors often care less about worker safety than meeting quotas for citations and penalties. The former director of OSHA has acknowledged that past policy of the agency was in fact to use numbers of citations issued and penalties assessed as performance measures. As a matter of official policy, OSHA says it no longer uses these as performance measures. H.R. 2877 makes this policy permanent and also reflects our intention that OSHA's primary focus is not issuing citations and levying fines, but rather promoting safety and health for all American workers.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. I cannot tell my colleagues how pleased I am that this legislation, in fact both bills that come to the floor today are here. I want to commend and thank my former colleagues on the Committee on Education for this legislation, especially the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS). As far back as I remember when I had the pleasure and honor and distinction of serving on this committee back in the 103rd Congress, we wrangled with the whole idea of OSHA reform. We did not quite get the whole OSHA reform package together, but I am very pleased that the committee now has moved this bill and the bill to come after this that really make common sense bipartisan changes to the OSHA Act. This committee and the House really do themselves proud when they act in a common sense, bipartisan fashion to correct these issues.

Mr. Speaker, H.R. 2864 is good legislation, it follows the old adage that an ounce of prevention is worth a pound of cure. This bill will authorize OSHA's compliance assistance program, which has been in operation since the mid-1970s and for 23 years it has been working well. I think we should not only be authorizing this program, but expanding it because this program would help companies avoid problems with OSHA and at the same time make the workplace safer for workers.

An employer can ask a State consultant to review their work site for OSHA

violations as long as the employer agrees to correct any hazards. Even better, a company that participates in the compliance assistance program then can be exempted from regular OSHA inspections for a year if they implement hazard prevention procedures and provide for safety training for management and for employees. I wish that more companies had the ability to take advantage of this.

One such plant in my district was recently visited in a random OSHA inspection. I do not know if this bill would have helped them or not and I do not know if the person who visited from OSHA was on a quota, but what ended up happening is a lot of picayune things were found, the company was fined \$10,000, called Rijnstaal USA, and they are owned by a foreign entity. Now the foreign entity is taking a look at perhaps moving this plant out of Arnold, Pennsylvania to Southeast Asia because they think that OSHA has been picking on them, that they have not had an opportunity to go in and correct some of these small problems. In a case like that, who would win? Certainly the Federal Government would not win, we would get less tax dollars, less of our people would be working and paying dollars. Jobs and opportunities are lost to the community. Taxpayers lose. The employees of this company would lose. The only people that would gain would be whatever region of Southeast Asia would get this company.

We must take a more common sense approach, and these two bills today really begin to do that. My colleagues on the committee are to be lauded for their efforts. Mr. Speaker, I think this bill is a fine example of both labor-management cooperation and bipartisan legislating. I urge my colleagues to support it.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 2864, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AMENDING OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2877) to amend the Occupational Safety and Health Act of 1970, as amended.

The Clerk read as follows:

H.R. 2877

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

**SECTION 1. INSPECTIONS.**

Section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657) is amended by adding at the end the following:

“(h) The Secretary shall not use the results of enforcement activities, such as the number of citations issued or penalties assessed, to evaluate employees directly involved in enforcement activities under this Act or to impose quotas or goals with regard to the results of such activities.”.

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. 2877 amends the Occupational Safety and Health Act to prohibit the use of enforcement measures, such as numbers of citations and penalties, for evaluating OSHA compliance officers.

Mr. Speaker, few other Federal agencies have had the negative reputation among employers, hardly ever anybody with the reputation of OSHA. There are certainly those who would say that this attitude simply reflects the employer's lack of concern for the health and safety of their employees. As a businessman, I do not believe that myself. Instead, I think the problem has been with OSHA. I would note my agreement with the statement made by Vice President GORE that he made to hundreds of small business owners and representatives in 1995 at the White House Conference on Small Business, where he said,

I know that OSHA has been the subject of more small business complaints than any other agency. And I know that it is not because you don't care about keeping your workers safe. It is because the rules are too rigid and the inspections are often adversarial.

I would add one more reason to those stated by the Vice President: OSHA's longtime practice of evaluating its overall performance and the performance of its compliance personnel, the only people from OSHA that most employers and employees ever actually deal with, primarily on the basis of their enforcement numbers. Employers are justifiably outraged and resentful of an agency when its inspectors are primarily interested in finding violations so that they look good to their superiors.

A couple of years ago the deputy administrator of OSHA who had spent his career with the agency made the observation that

OSHA for the past 25 years has basically done business the same way. Congress gave us the money and we gave them the inspections. We finally realized that the number of inspections doesn't change the behavior of anyone and listened to employers who complained that the violations OSHA cited didn't relate to illness and injuries.

I might add that that realization by OSHA came about the same time that we in Congress began trying to refocus

OSHA away from enforcement as its primary purpose and goal. Today we take a small step toward correcting history and the practice of OSHA. H.R. 2877 amends the Occupational Safety and Health Act to prohibit the use of enforcement measures, such as number of citations or amount of penalties, to evaluate OSHA personnel. It also prohibits the use of such enforcement measures as goals or quotas. More broadly, this bill is intended to direct OSHA's focus towards promoting safety rather than viewing its goal and purpose as penalizing employers.

I want to express again my appreciation to the gentleman from New York (Mr. OWENS), the ranking member of the subcommittee, and the gentleman from Missouri (Mr. CLAY), the ranking member of the full committee, as well as the gentleman from Pennsylvania (Mr. GOODLING), the chairman, for their support of this bill, and also to the Secretary of Labor and the Assistant Secretary for Occupational Safety and Health, who have also expressed support for this bill.

As I noted earlier, the problem of evaluating OSHA personnel by the number of citations issued has not been confined to either Republican or Democrat administrations. It did, however, become particularly obvious when the Clinton administration in its first 2 years set agencywide goals of increased citations and penalties. Inspectors openly spoke to employees about having to issue citations in order to meet their quotas. I think few actions have undercut the agency's credibility as a safety and health agency more than that. To its credit the Clinton administration has taken steps to reverse this course. The previous and current administrators of OSHA have taken steps to remove the most blatant uses of citations and penalties to evaluate employees. Officially citations and penalties are no longer used as a performance measure. This was one of the steps taken as part of OSHA's reinvention by the Clinton administration. I certainly think it is a step in the right direction and one that I strongly supported. Nonetheless, we continue to hear complaints both from employers and from compliance personnel.

Just recently, for example, compliance officers in one region were given benchmarks by which their performance was judged. Those benchmarks included such things as numbers of citations per inspection and percentage of serious versus nonserious violations. This legislation is needed for several reasons: first, to make sure that the current official policy of the agency is continued; second, to make clear to everyone throughout OSHA that the use of enforcement measures to evaluate compliance personnel is not permitted; third, to assure not only OSHA personnel but also employers and employees that OSHA's primary purpose is not citing and fining employers but in promoting safer jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to thank the gentleman from North Carolina (Mr. BALLENGER), the chairman of the Subcommittee on Workforce Protections, for his willingness to work with me on this legislation. I fully concur in the gentleman's view that OSHA should not adopt work performance measures that can serve to bias the inspection process. The Clinton administration also strongly shares this view.

I do want to take this time to congratulate the administration and the workers at OSHA. There are few agencies that have such life and death responsibilities as OSHA. We must remember that last year more than 6,000 workers died on the job and nearly 60,000 were injured on the job. The work at OSHA remains very important and will go on. I think we should understand the difficulties that the OSHA inspectors face in respect to the inconvenience of employers versus the protection of the health and safety of employees. I therefore support H.R. 2877 and urge its adoption.

Mr. ROEMER. Mr. Speaker, I would like to voice my support today for H.R. 2877 and H.R. 2864. Both of these are encouraging examples of meaningful bipartisan reform that are enabling the agency to move from an adversarial relationship with employers to a cooperative one.

The common sense changes in H.R. 2877 assure that inspectors do not have to ever exaggerate the number or severity of violations they might find in work site inspections. It does so without compromising the safety of workers and without losing managerial control of the agency.

H.R. 2864 works to partner state consultation programs with businesses who seek advice on OSHA compliance. It is a great example of how OSHA can proactively cooperate with employers to correct problems without unnecessary fines before they cause injury or cost a life. It also focuses on small businesses in hazardous industries that may not be able to afford full-time safety managers or expensive consultants.

In the spirit of these effective and bipartisan measures, I plan on introducing a bill that helps solve a problem that some employers are having maintaining their Material Safety Data Sheets as mandated by OSHA. By allowing electronic access to these records, standardizing the format, and setting a comprehensible reading level, I hope to increase worker safety while lowering costs and headaches for small businessmen.

Again, these are excellent bills, and I wish to offer my utmost support. I encourage my colleagues to do the same.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 2877. "Safety First," is a catchphrase known to many of us. Although, often disregarded, the virtue and benefits of this policy are universally recognized, accepted and appreciated. The concept of safety has attracted so huge a following that eventually it was decided that everyone should follow and live by its precepts. Later, we even came up with legal definitions. However, as most well-meaning folks have done before, we may have gone overboard by selectively imposing

this concept and designating some a few unfortunate entities to suffer the consequences for everyone. A scheme was even devised so that we can collect money from those who deviated from our mandates. This brings us to question whether safety is really the first priority.

H.R. 2877 prohibits the Labor Department and the Occupational Safety and Health Administration (OSHA) from using results of enforcement activity, such as numbers of citations issued and penalties assessed, to evaluate employees directly involved in OSHA enforcement activities. In addition, this bill would prohibit OSHA from imposing quotas or goals for citations or penalties on its inspectors.

Coming from the island of Guam, I am no stranger to complaints of unfair treatment by Federal officials. OSHA issues have generated their fair share of attention on the island. Contractors of Guam feel that they are being singled out by OSHA inspectors. Figures show that 85% to 90% of the Administration's inspection resources for our region was spent on Guam although we had the lowest fatality rates and some of the lowest injury rates of Region IX.

Consistency in OSHA's definitions also come to question. OSHA has stated that increased inspection activity in our area is due to the presence of high hazard industries. However, nowhere else are labor camps listed as high hazard industries. Innovative programs and approaches such as Voluntary Programs and "Quick Fix" Programs have not been made available to Guam. It has also been brought to my attention that as of May 1997, OSHA Enforcement officers have been stripped of all authority except to conduct selected inspections.

H.R. 2877's provisions would not solve all of the world's problems. However, if OSHA's inspectors do not have to worry about quotas, we can greatly reduce unfair citations and fines. Safety first; fines only if necessary; and quotas . . . quotas are not at all necessary. I urge my colleagues to support H.R. 2877.

Mr. OWENS. Mr. Speaker, I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 2877, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2864 and on H.R. 2877.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### AUTHORIZING USE OF CAPITOL GROUNDS FOR BREAST CANCER SURVIVORS EVENT

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) authorizing the use of the Capitol Grounds for a breast cancer survivors event sponsored by the National Race for the Cure, as amended.

The Clerk read as follows:

H. CON. RES. 238

*Resolved by the House of Representatives (the Senate concurring).*

#### SECTION 1. AUTHORIZATION OF BREAST CANCER SURVIVORS EVENT ON CAPITOL GROUNDS.

The National Race for the Cure (referred to in this resolution as the "Race") may sponsor a public event on the Capitol Grounds on April 1, 1998, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

#### SEC. 2. CONDITIONS.

(a) IN GENERAL.—The event to be carried out under this resolution shall be—

(1) free of admission charge to the public; and

(2) arranged not to interfere with the needs of Congress and under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) RESPONSIBILITY.—The Race shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

#### SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Race may erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, commemorative pink ribbon, and other related structures and equipment as may be required for the event to be carried out under this resolution.

#### SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements that may be required to carry out the event under this resolution.

#### SEC. 5. APPLICABILITY OF PROHIBITIONS.

Nothing in this resolution may be construed to waive the applicability of the prohibitions established by section 4 of the Act of July 31, 1946 (Chapter 707; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 238, as amended, authorizes the use of the Capitol Grounds by the National Race for the Cure to host an event on the morning of Wednesday, April 1, 1998. This event is a tribute to breast cancer survivors and will be free of charge and open to the public. Furthermore, it will not interfere with the needs of Congress.

This Survivors Day event is intended to raise the awareness of breast cancer and emphasize the importance of education and early detection on a na-

tional level. The sponsor will assume full responsibility for all expenses and liabilities relating to the event.

□ 1445

In addition, all of the arrangements will be overseen by the Architect of the Capitol and the Capitol Police Board.

The sponsor intends to erect a stage and a 50- to 75-foot pink ribbon, the commemorative symbol of breast cancer awareness, and sound amplification equipment.

In addition, in order to satisfy the concerns regarding fund-raising activities, the amendment clarifies that this event will not involve any fund-raising activities, as this is a prohibited use of the Capitol grounds pursuant to title 40, section 193 of the United States Code.

Mr. Speaker, breast cancer strikes 1 out of 8 American women and is the leading cause of death for women between the ages of 35 and 54. Early detection is known to provide the best chances of survival from this disease. This event will lend support to all survivors of breast cancer and demonstrate our commitment to the complete eradication of the disease.

In conclusion, I wish to congratulate the gentleman from New York (Mr. SOLOMON), the Chairman of the Committee on Rules who sponsored this resolution, and the gentleman from Texas (Mr. BENTSEN), whose wife Tamra is a private organizer of this event.

I support this resolution and urge my colleagues to support it.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time. They are waiting upstairs for a quorum, and I have to get back up there.

Mr. Speaker, on behalf of Senator CONNIE MACK, the gentleman from Texas (Mr. BENTSEN) and myself, I introduced House Concurrent Resolution 238. I want to say what an honor and privilege it has been to work with the distinguished Senator from Florida, CONNIE MACK, and his wife Priscilla on this very, very important initiative.

I want to thank the Chairman of the Subcommittee on Public Buildings and Economic Development, the gentleman from California (Mr. KIM), and of course the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), my good friend, as well for the opportunity to speak on this issue here this morning.

Mr. Speaker, this is a humble resolution. It simply authorizes the use of the Capitol grounds for an event on April 1st which will honor breast cancer survivors sponsored by the nationally recognized Race for the Cure.

Mr. Speaker, the statistics are staggering. Breast cancer strikes 1 in 8 women, as my good friend, the gentleman from California (Mr. KIM) has said, and is the leading cause of death