

on its activities, and for other purposes.”

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 3332, the legislation just passed.

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

There was no objection.

POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2112) to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The Clerk read as follows:

S. 2112

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 “Postal Employees Safety Enhancement Act”.

SEC. 2. APPLICATION OF ACT.

(a) DEFINITION.—Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after “the United States” the following: “(not including the United States Postal Service)”.

(b) FEDERAL PROGRAMS.—

(1) OCCUPATIONAL SAFETY AND HEALTH.—Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after “each Federal Agency” the following: “(not including the United States Postal Service)”.

(2) OTHER SAFETY PROGRAMS.—Section 7902(a)(2) of title 5, United States Code, is amended by inserting after “Government of the United States” the following: “(not including the United States Postal Service)”.

SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT BASED ON OSHA COMPLIANCE.

Section 404(b)(2) of title 39, United States Code, is amended to read as follows:

“(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

“(A) shall consider—

“(i) the effect of such closing or consolidation on the community served by such post office;

“(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

“(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

“(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

“(v) such other factors as the Postal Service determines are necessary; and

“(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).”

SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION OF SERVICES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding after section 414 the following:

“§415. Prohibition on restriction or elimination of services

“The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

“415. Prohibition on restriction or elimination of services.”

SEC. 5. LIMITATIONS ON RAISE IN RATES.

Section 3622 of title 39, United States Code, is amended by adding at the end the following:

“(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. Speaker, speaking for the gentleman from Pennsylvania (Mr. GREENWOOD), S. 2112 passed the Senate by unanimous consent on July 31, 1998. The bill is nearly identical to H.R. 3725 which was introduced by the gentleman from Pennsylvania (Mr. GREENWOOD). H.R. 3725 was passed by the Committee on Education and the Workforce on June 10 by voice vote, passed by the Committee on Government Reform and Oversight on July 23 by voice vote. S. 2123 allows the Occupational Safety and Health Administration to issue citations and fines against the U.S. Postal Service for violations of OSHA standards and requirements in postal facilities and workplaces. Under the Occupational Safety and Health Act of 1970 the Postal Service monitors its own compliance with OSHA requirements, and while OSHA may conduct inspections of postal facilities OSHA may not issue citations or penalties.

As the U.S. Postal Service competes more and more directly with private companies, it is appropriate that it do so on a level playing field with regard to such issues as compliance with safety and health regulations. Furthermore, worker safety has been a significant concern at the U.S. Postal Service, concern that has often been blamed in the lack of OSHA enforceability. For both of these reasons we believe it time to bring the postal service under OSHA enforcement. We are pleased that the Senate has agreed and has already passed this bill. By passing the Senate bill today we can send the bill on to the President for his signature.

I want to particularly commend the gentleman from Pennsylvania (Mr. GREENWOOD) for his efforts in moving his bill through two committees of the House and also commend Senator ENZI for moving his bill through the Senate, and I urge support for this legislation.

The U.S. Postal Service has raised two issues with the language of S. 2112. I would note that the Postal Service has raised these concerns only in recent days, after S. 2112 was passed by the Senate and companion bills were passed by two committees of the House. Nonetheless I do want to address the Postal Service's concerns.

First, the Postal Service expresses concern that S. 2112 does not include a delay in the effective date of the legislation. The Postal Service has, since 1970, been subject to section 19 of the Occupational Safety and Health Act, which obligates the Postal Service to “establish and maintain an effective and comprehensive safety and health program which is consistent with [OSHA standards.] So for the most part, S. 2112 does not subject the Postal Service to new standards and requirements. It simply gives OSHA the authority to enforce those standards and requirements. However, there may be a few specific new requirements as a result of the enactment of S. 2112, particularly, with regard to recording injuries and illnesses. Similarly, some state OSHA programs, which under S. 2112 will have enforcement jurisdiction over Postal Service facilities in 21 states, may have requirements that deviate from the federal requirements which the Postal Service was required to meet under section 19.

Where there are these new requirements, I encourage the Postal Service to work with OSHA and the state programs on a reasonable period for coming into full compliance as quickly as possible. And I would expect that similarly OSHA and the state OSHA agencies would work with the Postal Service, to bring the Postal Service into full compliance as quickly as possible. Given the discretion that these enforcement agencies have, I do not believe that a legislated delay in effective date is necessary, particularly given the fact that for the most part the Postal Service has been long subject to most of OSHA's standards, and that where there are changes and new requirements, a reasonable time for coming full compliance can be worked out between OSHA or the states and the Postal Service.

Second, the Postal Service has raised concerns with the language used in section 5 of S. 2112. Section 5 amends section 3622 of title 39 of the U.S. Code to add the following provision: “Compliance with any provision of the Occupational Safety and Health Act of 1970 shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.” The Postal Service has claimed that this language could mean that the Postal Service would not be able to spend any funds generated from postal fees and rates to fund its safety and health programs and expenditures necessary to comply with OSHA standards, regulations, and the general duty clause.

This concern is unwarranted. First of all, the interpretation suggested by the Postal Service would be absurd: the purpose of S. 2112 is to improve safety and compliance with OSHA standards at Postal Service workplaces. The

interpretation of section 5 suggested by the Postal Service would have the opposite effect. Secondly, the interpretation of section 5 suggested by the Postal Service is not required by the legislative language itself, and is clearly contrary to the legislative history, particularly the statements of Senator ENZI, who sponsored and wrote this legislation. During debate in the Senate, Senator ENZI explained that this provision is intended to "prevent the Postal Rate Commission from raising the price of stamps to help the Postal Service pay for potential OSHA fines. Rather the Postal Service should offset the potential for the fines by improving workplace conditions." (emphasis added) Senator ENZI's statement makes very clear that Section 5 is referring only to any penalties or fines that may be assessed against the Postal Service for not complying with OSHA requirements.

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

Mr. Speaker, I rise in support of S. 2112, the Postal Employees Safety Enhancement Act on behalf of the ranking Democrats on the committee and subcommittee, the gentleman from Missouri (Mr. CLAY) and the gentleman from New York (Mr. OWENS). As my colleague from Pennsylvania did such a thorough job describing this, I will not take too much time and keep my comments brief.

Currently the Federal agencies including the postal service are subject to OSHA inspections and are required to comply with OSHA standards. I agree that all public employees should enjoy full protection of OSHA and believe that when a Federal agency fails to fulfill its lawful obligation to comply with OSHA standards it should be subject to sanctions. However the Department of Labor and many State agencies currently lack the authority to issue citations to the Postal Service making enforcement very difficult. S. 2112 merely makes the Postal Service liable to the same extent as private employers for failure to comply with OSHA standards.

With regards to my colleague's comments earlier, there was talk about Section 5 of the act, and our side agrees that this is not a detriment to the Postal Service. Section 5 merely prohibits the Postal Service from raising the price of stamps to pay for potential OSHA fines that the Postal Service should be avoiding in the first place through improved working conditions. As a matter of fact, my only objection to this legislation is that it does not provide full or does not extend full OSHA protections to all public employees. However extending the full protection of OSHA to thousands of postal workers throughout the country is a worthy accomplishment, and this is a good first step.

I urge the Members to support S. 2112.

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

Mr. MARTINEZ. I, too, 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 Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2112.

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

A motion to reconsider was laid on the table.

□ 1245

RECESS

The SPEAKER pro tempore (Mr. PETRI). The House is awaiting the arrival of the managers of several bills that are scheduled, and therefore, will recess until 1 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 1 p.m.

□ 1300

HURFF A. SAUNDERS FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2032) to designate the Federal building in Juneau, Alaska, as the "Hurff A. Saunders Federal Building," as amended.

The Clerk read as follows:

S. 2032

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

SECTION 1. DESIGNATION.

The Federal building located at 709 West 9th Street in Juneau, Alaska, shall be known and designated as the "Hurff A. Saunders Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Hurff A. Saunders Federal Building".

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentlewoman from the District of Columbia (Ms. NORTON) 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, Senate 2032, as amended, designates the Federal building located in Juneau, Alaska as the "Hurff A. Saunders Federal Building."

Hurff Saunders was a resident of Alaska who played an instrumental part in the House and State's history both as a territory and as a State. He originally came from South Dakota to Ketchikan, Alaska prior to World War II where he accepted a civilian position with the United States Coast Guard.

During the war, he played a critical role in the ability of the United States Navy and Coast Guard to navigate the North Pacific waters by correctly determining the latitude and longitude of various key aids to navigation that were misidentified on official charts at the time.

Following the war, Mr. Saunders returned to a civil engineering position with the Federal Government. In this position, he supervised several public works projects, completing the projects on schedule and within budget.

In 1966, just prior to his retirement, Mr. Saunders successfully completed his final federal construction project, the Juneau Federal Building, Post Office and United States Courthouse, which is the building we designate in his honor today.

This certainly is a fitting tribute to a dedicated public servant. I support the bill as amended and urge my colleagues to support it.

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

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

Mr. Speaker, S. 2032 is a bill to designate the Federal building in Juneau, Alaska as Hurff A. Saunders. Mr. Saunders was a lifelong Alaskan who helped write chapters of Alaskan history.

He was the civil engineer for the United States Coast Guard and in charge of constructing the Juneau Federal building, which was completed on budget and on schedule. Mr. Saunders later supervised the many public works projects for the territory and later for the State of Alaska. His work on correcting the navigational charts for the waters in southeast Alaska aided the Navy and the Coast Guard during World War II.

Mr. Saunders was widely respected and viewed as a dedicated public servant, a devoted father, and beloved husband who lived a full life and died peacefully at the age of 94.

Mr. Speaker, the city of Juneau and the Juneau Rotary Club both passed unanimous resolutions supporting this designation, also the American Society of Civil Engineers and the Society of Professional Engineers adopted resolutions urging this distinction be bestowed upon Mr. Saunders.

It is fitting, and in recognition of his outstanding contributions to Alaskan life, that the Federal building in Juneau, Alaska be designated the Hurff A. Saunders Building.

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

Mr. KIM. 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 California (Mr. KIM) that the House suspend the rules and pass the Senate bill, S. 2032, as amended.

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

The title was amended so as to read: "A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the 'Hurff A. Saunders Federal Building'."

A motion to reconsider was laid on the table.