

colleagues to review H.R. 1023 and I hope that the Judiciary Committee will soon hold hearings on this important matter of fair play, as I have now requested. We cannot undo the damage, but we can restore some faith and provide some relief to victims and their loved ones. That would be a good way to go forward.

REMARKS TO THE PRESIDENT OF
THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, I wish to address my remarks to the President of the United States today.

Mr. President, you have taken some truly courageous stands in foreign policy. Your finest hour, I think, came when you insisted that Haiti get its chance at democracy. You insisted that the military junta, which had overthrown the first freely elected President in Haiti's history, must leave. There was nothing to be gained politically. All the polls said not 3 percent of Americans thought we should get involved in Haiti, and there was great risk to American lives. But you did it because it was right.

And your courageous decision to recognize Vietnam, what a gutsy thing to do, the right thing to do. But you will be vilified to your dying day by those who want to prolong the agony of the division which the Vietnam war caused in America. Never mind that 25 years have passed. Never mind that the MIA's from World War II numbered more than all the dead in Vietnam, yet Germany and Japan were our closest allies 25 years after the Second World War. Never mind that very prominent, decorated heroes of that war confirm your decision is the right one.

"The War Is Over. Life Goes On." That is the title of a poignant column by William Broyles, Jr., in the New York Times on Sunday, July 16. Mr. Speaker, I will place the text of that column in the RECORD, which is about Vietnam, but also about Bosnia.

[From the New York Times, July 16, 1995]

"THE WAR IS OVER. LIFE GOES ON"

(By William Broyles, Jr.)

Representative Randy Cunningham burst into tears last week at a Congressional hearing on the recognition of Vietnam. Mr. Cunningham, a California Republican who had been shot down as a Navy pilot in Vietnam, was so overcome with emotion describing the deaths of his comrades that he could not go on. When he recovered, he charged that President Clinton was morally wrong to recognize the former enemy.

Any one of us who fought in Vietnam knows the emotions Randy Cunningham must have felt: the deep grief and anger, the sense of loss, the pride, the whole confusing mess. I have wept, been to the wall on the Capitol Mall, traced the names of the fallen, sought out my old comrades, worked with troubled vets, helped build memorials and led parades.

I feel for the families of the 2,000 or so Americans still unaccounted for. But Randy

Cunningham's tears leave me cold. The grief we veterans share should be above partisan politics. It is purer, more honorable and lasting. And it is personal. Tears and emotion in politics fuel partisan suspicions and revenge.

Public emotion has turned Vietnam into a haunting specter that has often sapped our military will. Bosnia is our greatest failure of collective security since Munich because we are afraid of repeating the mistakes of Vietnam. But Nazi aggression had little to do with the post-colonial war in Vietnam, which in turn has little to do with Bosnia. The Balkan tragedy does, however, have a lot to do with Munich. Because our memories are so faint and our emotions so vivid, we persist in applying the lessons of the wrong wars. We must put Vietnam behind us.

The Vietnam veterans who support recognition have impeccable credentials: Senator John McCain, Republican of Arizona, was a P.O.W.; Senator John Kerry, Democrat of Massachusetts, won the Navy Cross; Senator Bob Kerrey, Democrat of Nebraska, won the Medal of Honor and left part of a leg in Vietnam. Does their support for recognition mean they are betraying their comrades who are still missing?

That is the hardest question, because the deep, uncompromising rule of the soldier is not to leave your comrades on the battlefield. But the fighting has been over for 20 years. Our battlefields are rice paddies now, tilled by men and women not even born when the guns fell silent. There were more M.I.A.'s in World War II than the total number of Americans killed in Vietnam. Thousands remain unaccounted for after the Korean War. We should continue to try to account for everyone. But the time has come to do so in cooperation with our old enemies.

The reason why is in the mirror. Look at us. Our hair is gray, what little there is. Some of us are grandfathers now. Many of us went to war 30 years ago. Thirty years! That's the time between the start of World War I and the end of World War II. In those earlier 30 years, more than 100 million people died. Millions perished in death camps. Millions more died and were never found. Tens of millions were homeless. The maps of Europe and Asia were redrawn. Whole countries disappeared.

In comparison, Vietnam is a footnote. Yet we can't get beyond it—supposedly because we lost. But our countryside wasn't ripped with bombs, our forests defoliated, our cities pulverized, our people herded into camps. We had casualties, but we did not have millions of refugees and more than a million dead. We weren't thrown into the sea as the British were at Dunkirk.

I never felt defeated. I just felt wasted. I would have fought in World War II. I would fight today in Bosnia. But where I fought was in Vietnam.

And by now the only true response by a soldier should be this: tough. As we said in Vietnam, it don't mean nothing. Which meant, it means everything, but what can you do? In war people die. Sometimes the best people die. We want there to be a reason. Sometimes there is, sometimes there isn't. War is messy and unfair. That's why it needs a clear purpose. There was no clear purpose in Vietnam. There is one in Bosnia.

Ten years ago, I visited the site of the base where I had been a Marine lieutenant, just west of Da Nang. I went with a man named Hien, who had been a company commander in the Vietcong. We had fought each other up and down the rice paddies, mountains and in the jungles. Almost all his comrades were dead or missing.

It was hard not to respect our enemies. They had been bombed by B-52's, bombarded with shells hurled by battleships, incinerated by napalm and white phosphorous, drenched

in defoliants. They had no R & R and no Medivacs. They lived in tunnels and caves, never going home and getting no letters for as many as 10 years.

Hien and I met a woman whose husband had been killed where I had fought. She never found his body. Most likely we bulldozed him into a mass grave. That's what we did. We incinerated them, buried them alive, pushed them from helicopters. And they did their best to kill us. That's what happens in a war. What should happen after a war is what the woman said after we had talked long enough to realize her husband had been killed by my platoon, possibly by me. "That was long ago," she told me. "The war is over. Life goes on."

The Vietnamese have hundreds of thousands of M.I.A.'s. Soldiers trying to find the bodies of their lost comrades is a constant theme in Vietnamese novels and films. Their families grieve no less than ours. They know better than anyone the pain we feel. We should all search together for the answers that would help families on both sides finally end this.

I loved the men I fought beside. I feel pride in their courage and unselfishness. But the time has come to say to all my buddies who are missing, as we say to those names on the wall, rest in peace. You did your best. We miss you terribly.

We fought to make Vietnam free and independent. Today it is independent. And if we engage its leaders diplomatically with the same will we showed against the Soviet Union, it will become more free. To recognize Vietnam is not to dishonor the memory of our fallen or missing comrades. It is to recognize the truth. The war is over.

Mr. Speaker, why is it so hard to do the right thing in Bosnia? Granted, you inherited the disastrous American position and policy in Bosnia's version of the Holocaust from George Bush after 20 months of inaction by the European Community, the United Nations, NATO and the United States about the most vicious war in Europe in 50 years. Granted that the pattern of the United Nations issuing resolutions, which it turned out it had no intention of enforcing and which has led to the total and abject humiliation and discredit of the United Nations, had already been set. Granted that the moral and strategic error of the arms embargo placed on only one side in the conflict, placed on the elected government of Bosnia, a sovereign nation, a member of the United Nations, had already been made.

You had a reasonable, credible proposal: Lift and strike. Remember lift and strike? It would be a vast improvement today over the unconscionable cowardice of the Western democracies toward Bosnia. However the United Nations, the European Community, and the United States twist and squirm, the fact remains that Slobodan Milosevic, the last Communist dictator in Europe, has orchestrated the destruction of the most evenly multireligious, multiethnic, multicultural state in Europe, using the most vicious and unspeakable tactics since the Holocaust.

The Serbs have shown that no tactic is beneath them. Ethnic cleansing, concentration camps, destruction of hundreds of mosques and Roman Catholic

churches, starvation of populations of Srebrenica, Zepa, Gorazde, and Sarajevo, deliberate bombardment of funeral processions, children in playgrounds, women waiting in water lines, mass deliberate use of rape, slaughter of whole families and whole villages, from the youngest baby to the aged.

Why is it so hard to do the right thing in Bosnia? Is there no end to the cowardice of the West, no end to the stupidity of an arms embargo on only one side in a conflict? Is there no end to the stupidity of never enforcing resolutions for safe havens, for no-fly-zones, for heavy weapon exclusion zones, and no end to the cowardice of backing down again and again and again, sending the clear signal to Milosevic and the Serb rebels that they may continue the slaughter and the rape and the starvation and the ethnic cleansing without fear of reprisal?

Why is it acceptable for United Nations commanders to drink with Serbian war criminals? Why is it acceptable for the Serbs to drag the elected vice president of Bosnia from a United Nations vehicle and execute him on the spot? Why is it acceptable to overrun Srebrenica and other safe havens, drive out thousands of women and children with nothing but what they can carry, raping the women as they flee and bombarding the columns of refugees as they flee? Why is it acceptable for the Serbs to detain all the male Bosnians between the age of 16 and 65? Will they ever be seen again? Not many of them very likely. Why will you accept this utter barbarity, this humiliation of the United Nations and of our closest allies, and ultimately the shame that inaction brings on all of the civilized world?

Will we really accept and do nothing as Zepa, and then Gorazde, and then Biha, and finally Sarajevo are destroyed and all the people of those cities are ethnically cleansed?

Mr. President, Americans have always done the right thing when confronted with such evil. Mr. President, do the right thing in Bosnia. You will find it is not so hard.

OSHA REFORM—MYTH AND REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BALLENGER] is recognized for 4 minutes.

Mr. BALLENGER. Mr. Speaker, I want to respond to the campaign of distortions already begun by opponents of OSHA reform.

Since we introduced H.R. 1834, which now has over 100 cosponsors, opponents of reforming OSHA have been saying that our legislation will result in more workers being killed and seriously injured. Such rhetoric pretends that all that stands between workers and serious injury or death is the strong arm of OSHA. Simply put, that's a false picture of what OSHA does.

Most of us know that OSHA is not the primary reason that most employers are concerned with employee safety. There is overwhelming evidence that—even if we ignore the humanitarian concerns that motivate most people—workers compensation and other medical and human resource costs related to employee injuries are far more compelling reasons for employers to provide safe workplaces. OSHA's role is, at best, a helpful complement and sometimes necessary backup to these factors. But more often OSHA has become simply a revenue collector for the Federal Government, finding nitpicking violations of the thousands of pages of OSHA requirements, without regard to whether any workers are actually being harmed by unnecessary risks. That's why our OSHA reform bill is necessary.

The distortions being made are not only of OSHA's role, but of the provisions of H.R. 1834. I hope that the following responses to three of the distortions are helpful to my colleagues in understanding what H.R. 1834 really provides.

Myth No. 1: H.R. 1834 means turning our back on the tragedy at Hamlet.

Fact: No one from North Carolina, as I am, will ever forget the tragedy at Hamlet. The deaths of 26 workers at a chicken processing plant in Hamlet, NC in September 1991 were caused by the fact that workers could not get out of the plant when a fire broke out because of locked fire doors and unmarked fire exits. Several laws prohibiting such locked doors were broken, and the owner of the plant eventually went to jail. H.R. 1834 does not change the laws or reduce the criminal penalties under which the owner of the plant went to jail.

The question of Hamlet, however, was why did no one report the locked doors, especially those Government meat inspectors who regularly visited the plant? Under H.R. 1834, OSHA would be directed to establish programs with other Federal agencies such as USDA and with State and local government inspection agencies, to check facilities specifically for fire code violations, and to report those, if necessary, to OSHA. Had that simple step been in place, the deaths of most if not all of the Imperial Food Products workers would have been avoided.

Myth No. 2: H.R. 1834 would prohibit OSHA from enforcing the law for serious safety and health hazards.

Fact: H.R. 1834 provides that if an employee is injured, killed, or placed in imminent danger due to a violation of an OSHA requirement, a citation and penalty should be issued immediately by OSHA, just as under current law. In other cases, not involving such serious hazards, the employer would have a period of time, set by OSHA, to correct any alleged violations before a citation and penalty would be assessed. But in no case would the employer have the option not to come into compliance—

OSHA would still enforce the law, both for serious and nonserious hazards.

Why establish this right to fix nonserious violations? First, it is fairer to employers, most of whom cannot possibly know or consistently follow all of the details of OSHA regulations and interpretations of those regulations. Yet OSHA routinely fines employers thousands of dollars when they are found to be in noncompliance, even when there is no apparent threat to workers' safety. Second, allowing employers the right to fix nonserious violations will help OSHA focus its enforcement resources more effectively. Most often employers will simply make the correction and no citation will be issued. Today, OSHA automatically issues a citation, which the inspector must carefully document in case the citation is challenged. The emphasis, both in inspectors' time and attention, becomes documenting violations, rather than improving safety and health.

In fact, the Clinton administration is now claiming that they want to give employers the same right to fix OSHA violations, but their proposal is weighed down with more regulatory conditions and left to inspector discretion. Legislation is necessary because OSHA has too often focused on collecting penalties rather than on safety and health.

Myth No. 3: H.R. 1834 strips away every working American's right to secure an OSHA inspection for serious safety and health hazards and exposes workers to serious retaliation if they contacted the agency.

Fact: H.R. 1834 provides that employees should first seek to correct health and safety problems with their employers before filing complaints against the employer with the Federal Government. The bill does not take away any employee's right to complain to OSHA.

H.R. 1834 also recognizes that employees who do bring items to the employer's attention, and, if necessary, complain to OSHA about the employer, should be protected by law against retaliation for doing so. The bill enhances the antidiscrimination provisions under the Occupational Safety and Health Act in several ways, most importantly by giving employees who believe they have been retaliated against because they filed a safety or health complaint, a private right of action with make whole remedies if in fact retaliation did take place.

Finally, let me mention some of the statistics which opponents of OSHA reform are using. First, the claim is made, in support of leaving OSHA the way it is, that since OSHA was created the workplace fatality rate has dropped by more than 50 percent. Thankfully, the workplace fatality rate has dropped since 1970, but it has also decreased steadily since the mid-1940's, and the rate of decrease has not really changed since OSHA's creation. The decrease in the fatality rate, while something we are grateful for, does not really argue for OSHA's continuation.

Second, Secretary Reich has begun repeating a figure of "55,000 work-related deaths per year." In fact, the Bureau of Labor Statistics reports that in 1993 there were 6,271 work-related fatalities. We spend lots of money on