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

BLS to collect these numbers—and they are the most accurate numbers available. The Secretary's use of a figure nearly 10 times what his Department reports hardly seems justified.

I believe that OSHA can be made both more effective and more fair—more effective in redefining OSHA's role, and more fair to the employers of this country who provide the jobs on which the economy depends. I urge my colleagues to study the issues, to resist the rhetoric of those who want to keep OSHA as it is, and to help us pass meaningful OSHA reform in H.R. 1834.

30TH ANNIVERSARY OF MEDICARE

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

Mr. PALLONE. Mr. Speaker, 30 years ago this month, Congress enacted what has become one of the two most successful and popular Government programs ever conceived—the Medicare Program. The other, of course, is Social Security.

Given the indisputable success of Medicare, you would think that even its most bitter critics from 30 years ago would have to admit that the program has been instrumental in improving the lives of millions of American senior citizens.

But the Republican leadership in Congress is not interested in learning from their party's past mistakes. Although they haven't seen fit to reveal the details of their plan to the American people, it has become all too clear that the Republicans want to rewrite the history of Medicare by gutting the program and charging seniors more for coverage.

In effect, the Republican leadership wants to take us back to the years before Medicare was enacted in 1965—a period when millions of American senior citizens faced either the poor house or premature death if they contracted a serious illness.

It is a simple fact that before 1965, millions of middle class senior citizens who found themselves seriously ill faced bankruptcy in order to pay for care. Those who were already poor faced even greater indignity and often went without any health care at all.

According to the National Council of Senior Citizens, prior to 1965 and the enactment of Medicare, only 50 percent of Americans over the age of 65 had health insurance.

Yet then, as now, the Republican Party in Congress again and again expresses a sort of gut reaction against Medicare.

Thirty years ago, one Minnesota Congressman absurdly stated that Medicare ''puts the Nation dangerously close to socialized medicine.''

One of his colleagues from Colorado went so far as to say: ''By passage of this bill [Medicare], we shall make a shambles out of Social Security.'' Of course, he didn't mention that he probably would have opposed the creation of Social Security too.

The comments we are hearing from the leadership on the other side today demonstrate clearly that the Republicans in this Congress are indeed the direct ideological descendants of the party that fought tooth and nail to prevent Social Security and Medicare from ever becoming reality.

Just a week ago, one of the Republican leaders stated ''I deeply resent the fact that when I'm 65 I must enroll in Medicare.''

He went on to demean the program—and the millions of seniors who have earned their Medicare benefits—by saying that Medicare ''teaches the lessons of dependence,'' and that it is ''a program that has no place in a free society.''

Mr. Speaker, when the new leadership in Congress claims to have won a mandate in last fall's elections, do they actually believe that their supposed mandate includes the dismantling of the Medicare Program?

A mandate comes from the people, Mr. Speaker. And if the leadership of the Republican Party in Congress were interested in pursuing a true mandate—if they truly had the interests of the people at heart—there would be no discussion of pulling the rug out from under senior citizens by gutting Medicare.

The vast majority of Americans—seniors and nonseniors alike—oppose the Republicans' views on Medicare. Rather than acting on a mandate, what the Republican leadership is doing, in effect, is attempting to rewrite the conclusion of the Medicare debate of 1965.

What is the real agenda here, Mr. Speaker? It sounds suspiciously like this generation of Republicans, under the cloak of concern of Medicare's solvency, is simply trotting out the same tired arguments that failed 30 years ago. And we need to expose this for what it is—an effort to destroy Medicare, which in the Republican view, is somehow un-American.

ADMINISTRATION'S REVIEW OF FEDERAL PREFERENCE PROGRAMS

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

Mr. CANADY of Florida. Mr. Speaker, tomorrow morning the President will give a major speech announcing the results of the administration's 5-month long review of programs that grant preferences on the basis of race and gender.

Of course, the administration and the media call it a review of affirmative action, but that is not really what the review is about. As originally designed, affirmative action was about nondiscrimination—it required parties to take affirmative action to ensure that no person would be treated with regard to race.

Over the past 25 years, however, this mandate of nondiscrimination has been turned on its head and converted into a requirement to grant preferences on the basis of race and gender. There are now a multitude of Federal programs that grant such preferential treatment. And it is to the future of these preference programs, and not to affirmative action, that the President will be speaking.

With regard to those programs, the issues really are quite simple, and they reduce to this: Should the Government divide its citizens into groups based on race and gender? And should some citizens qualify for special Government benefits based solely upon their membership in a racial or gender group? And if so, how can this regime of preferences be reconciled with the Constitution's fundamental guarantees of individual rights and equal opportunity to all regardless of race or gender?

To put the issue in more concrete terms, is it wise public policy for the Federal Government to award contracts to minority- or women-owned firms when other qualified firms have submitted lower bids? And is it a good idea for Federal agencies and officers to make employment decisions every day with an eye toward meeting numerical hiring and promotion objectives based on race and gender? And is it just to require Federal contractors to grant preferences—to hire by the numbers—in order to keep their Federal contracts?

These are the issues the President should address. I must confess, I can't imagine why it would take 5 months to answer these questions. Either you are in favor or preferences or you are not. Either you think it's acceptable to base hiring and contracting decisions upon race and gender or you do not. These are straightforward questions of principle, and they really do not require extended deliberation.

I am concerned, however, that even after the administration's 5-month review, we will be disappointed tomorrow to learn that the President still has not come to grips with these fundamental issues. Rather than tell us where he really stands, I am concerned—and newspaper reports previewing the speech seem to indicate—that the administration has decided to treat this important issue in a legalistic and bureaucratic manner.

So instead of learning how the President understands the nondiscrimination principle, we are likely to hear how the administration interprets the Supreme Court's recent decision in Adarand versus Pena. And rather than coming to terms with the glaring conflict between racial and gender preferences and the American commitment to individual rights, President Clinton will simply suggest that there are some administrative imperfections in the existing preference programs that need to be fixed.

And we will no doubt here the mandatory disavowal of ''quotas,'' with the confident assertion that because ''quotas are illegal, we don't have to