

EXTENSIONS OF REMARKS

INTRODUCTION OF OSHA REFORM BILLS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. BALLENGER. Mr. Speaker, today I am introducing five bills, each targeted specifically to a needed reform of the Occupational Safety and Health Act.

Over the past several years, we have made progress in redirecting and refocusing OSHA, from an agency that was too often focused on enforcement "for enforcement's sake" to one that has begun to recognize the importance and effectiveness of cooperative efforts and consultation programs, and of encouraging the voluntary efforts of employers and employees.

When we began this effort, the Clinton administration claimed that any change in OSHA's focus on enforcement would lead directly to increased injuries and deaths. In fact, just the opposite has occurred. The Department of Labor has reported in recent months that both workplace fatalities and workplace injury rates have again declined and are at the lowest levels since those records have been maintained. Those record low levels have been achieved even though we are the midst of a tight job market, a time in which, historically, injury rates increased.

My goal is to continue to push for changes that will further reduce injuries and fatalities by encouraging voluntary action and cooperative approaches. Where regulation and enforcement is imposed, it should be fair and the benefits should justify the costs. Unfortunately, there are still far too many instances in which OSHA's enforcement and regulation is neither.

The five bills that I am introducing cover the following areas. I welcome my colleagues' support for these bills.

Audit Protection: Safety and health audits are an important aspect of a company's efforts to ensure that their workplaces are safe. Most employers, particularly in hazardous industries, do some type of safety and health audit. Those with good lawyers then either destroy the records or disclose it only to their lawyers, neither of which is the most effective way to improve safety and health. The reason companies do so is that OSHA inspectors routinely use the audit to penalize the employer. OSHA's enforcement policy is counterproductive to employee health and safety. I believe we should encourage employers to conduct audits, not discourage them. My bill provides limited protection for audits, and at the same time, encourages employers to conduct audits and to fix the hazards found during those audits.

Whistleblower Protection: The OSH Act provides important legal protection for employees who raise concerns about safety or health hazards. However, the current process for handling those complaints is neither effective nor fair. Complainants sometimes wait years for the Department of Labor to decide whether

to seek relief in court. I am proposing that the OSH Act be amended to provide an administrative private right of action so that the complainant is assured opportunity for an administrative hearing and timely decision. Encouraging safety and health audits and assuring timely adjudication of whistleblower complaints by employees are important steps that Congress must take to support and encourage voluntary safety and health efforts by employers and employees.

Safety Meetings: As a result of a December 1998 decision by the National Labor Relations Board, employee safety committee are illegal, except: (1) where a union is involved and the safety committee is negotiated with the union, or (2) the safety committee has no real responsibility for safety and health. For years we have argued over what employee involvement the law allows or does not allow. At least now, in the area of safety, it is clear that, for most workplaces, current law permits very little employee involvement. It is time to fix the law. My bill addresses only safety committees; it does not open up the National Labor Relations Act. It would allow employees to participate, through safety committees, in evaluating safety conditions and safety rules and policies—responsibilities that are now prohibited in the majority of workplaces.

Rulemaking Reform: In my view, a relatively simple reform would make OSHA standards-setting more fair and lead to more practical regulation. When OSHA proposes a standard, it should clearly indicate which industries will be regulated, and its risk assessments and cost analysis regarding the standard should relate specifically to those industries. Neither of these steps is new. OSHA has identified specific industries in some rulemakings, and the courts have frequently required OSHA to reconsider standards because it failed to conduct "industry specific" analyses. Putting these changes in statute will ensure that both are consistently part of the rulemaking procedure, thereby providing greater fairness in future OSHA rulemakings.

SBREFA Implementation: The 1996 Small Business Regulatory Enforcement Act (SBREFA) required all federal regulatory agencies to establish policies to provide for reduction and waiver of penalties for non-serious violations by small employers. OSHA has maintained that its existing penalty policy was an adequate response. However, the existing policy allows a maximum 35 percent reduction for most small businesses, and conditions even that reduction on meeting additional, non-regulatory requirements. My legislation will direct OSHA to adopt a specific waiver of penalties policy for non-serious violations, if those violations are corrected within a time-frame set by OSHA.

NANCY JALONEN, 1999 BRAVO! RECIPIENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. LANTOS. Mr. Speaker, I rise today to recognize Ms. Nancy Jalonen of San Mateo, CA, the recipient of the 1999 Bravo! Award. The Bravo! Award is given each year by the Hillbarn Theatre League in honor of substantial contributions to the cultural life of the Peninsula area. Ms. Jalonen will receive this honor on tomorrow evening at a ceremony held in her honor at the Crowne Plaza Hotel in Foster City.

Nancy Jalonen has been absolutely vital to the arts community on the Peninsula for many years now. During her tenure as executive director from 1978 to 1984, she revolutionized the San Mateo Arts Council. She developed the Music in the Schools program, attracting professional musicians to local schools to give lectures and demonstrations, and she created the SWAP program, where artists "swap" teaching for studio space. When Ms. Jalonen left the Arts Council in 1984, it had been judged one of the top three councils in California for 2 years running.

Since then, Ms. Jalonen has led the committee to renovate the San Mateo High School Auditorium and transform it into the San Mateo Performing Arts Center. She is on the Board of Directors of Ragazzi and Theatre-Works and is also a member of the committee to found City Arts of San Mateo, an organization geared to promote visual, literary, and performing arts in San Mateo.

In 1996, Ms. Jalonen produced and hosted 21 television programs on the oral history of San Mateo County. This was not her first foray into the world of television. For 20 years at KCSM-TV, she produced and hosted over 150 television programs featuring performing and visual arts organizations throughout San Mateo County. She currently presents a monthly radio program on local theater for the Lighthouse for the Blind.

Mr. Speaker, Nancy Johnson's work has been a remarkable and an important contribution to the cultural life of the Peninsula, and her efforts have enriched the lives of all of us in the Bay Area. I would like to ask my colleagues to join me and the Hillbarn Theatre League in lauding Ms. Nancy Lee Jalonen for her well-deserved honor.

HONORING MARY BIANCHINI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to call to the attention of our colleagues one of the most remarkable residents of my Congressional District and, in fact, of our nation.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mary Bianchini is turning 92 years young this month, and her friends, family, and numerous admirers are coming together not only to honor her but also to initiate a scholarship fund in her name. Mary has devoted so many years of service to others—as a nurse, as a media personality, and as a linchpin in numerous charitable concerns—that it is only appropriate that we return some of our love to her which she has showered upon us all these many years.

A cover story in the January-February 1987 issue of "Geriatric Nursing" recounted how Mary emigrated to the United States from Italy with her family at a young age. In 1929, she married the man her parents has chosen for her but before long that union found a firm foundation in love. In fact, Mary remained married to the same man until his untimely death in the late 1950s, nearly thirty years after their nuptials.

Mary had planned to become a sterling housewife and mother, but as happened with all too many Americans at that time, the Great Depression threw a monkey wrench into her plans. Forced to find employment in a shoe factory, Mary had to seek new employment when that establishment burned down and she applied to become a telephone operator at the Rockland State Hospital. Mary was told there were no vacancies, but would be hired if she would help out in patient care. From that experience on, Mary was hooked on helping others.

Mary demonstrated a natural skill at caring for the ill. She became a licensed practical nurse in 1938, and soon earned a reputation statewide for her compassion and skill, as well as her common sense.

Mary served as an officer in the New York State Practical Nurses Association from 1948 until 1962. In these positions, her reputation as a feisty defender of the underdog was assured.

In the 1960's, Mary began a completely new career as host of her own radio, and cable television, programs. Soon, the movers and shakers in all aspects of society were seeking to be interviewed by this remarkable woman, not quite five feet high. Her insight broadcast interviews continued until well in the 1980s.

Mary Bianchini was the American Heart Association "Queen of Hearts" in 1985, was cited by Governor Mario Cuomo for service to our state, and was a strong supporter of my Congressional Citizens Advisory Committee on Drugs.

Perhaps Mary's greatest pride in her own family. Her son Dr. Valentino Bianchini is a respected member of the medical profession who has raised his own family following Mary's guidelines to life. She is also proud of her large, loving family.

Mr. Speaker, I invite my colleagues to join with us in saluting this wonderful woman on the occasion of her 92nd birthday, with wishes for many many more, as well as our profoundest hopes that we will be able to join her in celebrating many birthdays to come.

TRIBUTE TO MERVIN G. MORRIS

HON. ANNA G. ESCHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Mervin G. Morris, an extraordinary man

and my constituent of Atherton, California, who will be presented the Leading Citizens Award by the Boys & Girls Club of the Peninsula on Wednesday, April 21, 1999.

As a third generation Californian, Mervin Morris was raised in the farming town of Delano, California. He joined the family business after serving four years in the United States Army during World War II. In 1949, he founded Mervyns Department Store in San Lorenzo, California. From that original store in San Lorenzo, he built a department store chain that currently employs over 70,000 people worldwide.

Mervin Morris has provided over a decade of service to the Boys & Girls Club. His vision resulted in the development of a new clubhouse to serve the youth in East Palo Alto which is slated to open next spring. The clubhouse in Redwood City is named in his honor, and he has been instrumental in garnering volunteer and donor support for a fully renovated facility in the Belle Haven neighborhood in Menlo Park.

Mervin Morris' volunteer activities do not stop at the Boys & Girls Club. He currently serves as a Trustee of the Palo Alto Medical Foundation and is a member of the Board of Directors of the Eisenhower Medical Center. His involvement in countless other community organizations include the California Academy of Sciences, the Jewish Community Federation, Jewish Home for the Aged, the Palm Springs Desert Museum, the Peninsula Oral School for the Deaf, Scott Street Senior Housing, and the Stanford Athletic Department. Mr. Morris also continues his service to our military as a civilian advisor to the Commanding General of the Army and Air Force Exchange Services.

Mervin Morris and his wife of almost fifty years, Roslyn, who is also being honored by the Boys & Girls Club, have four loving children and twelve beautiful grandchildren.

Mr. Speaker, Mervin Morris is a man of outstanding character and I salute him for his remarkable contributions to our country and our community. We consider him a great blessing amongst us and I ask my colleagues to join me in honoring him as he receives the honor of being named a Leading Citizen by the Boys & Girls Club of the Peninsula. No one deserves this more.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I rise in opposition to H. Con. Res. 68 because it is a magician's trick. It tricks the American people into believing that the Republican budget plan is good for retirees; good for baby boomers and the solvency of Social Security; and good for our working families. Mr. Speaker, their plan is smoke-and-mirrors. Their plan is full of short-term, feel-good, pretax day "fuzzy-wuzzies." However, I submit that we need to be making investments toward America's fu-

ture, not siphoning off the surplus. I am opposed to such trickery.

Mr. Speaker, their plan uses irresponsible tax cuts for the next 10 years as opposed to investing in our economic future. Their plan ignores the challenges that working families and/or the struggling poor face in consequential areas such as job training, education, health care, and affordable housing.

Mr. Speaker, this conference report sets nondefense discretionary spending for FY 2000 at \$43.7 billion less than provided for in 1999. Where do our priorities lie? This budget sounds like a dream, a nightmare for those who are most vulnerable—\$2.5 billion less in budget authority for community and regional development; \$800 million less for health programs; \$4.1 billion less in low-income programs; and finally \$13.7 billion more in budget authority for defense spending in FY 2000.

This budget does not reflect the needs of my district where the median income is \$25,250. This budget cuts the heart out of senior citizens with the \$9 billion Medicare cuts and puts health care at risk for millions with the \$1.2 billion cut in Medicaid.

Mr. Speaker, only as this process moves into appropriation reality will the American people understand the basic unfairness, the cold-heartedness which lie at the base of these numbers presented here today.

I end with a quote by the great Franklin Delano Roosevelt to remind my colleagues of achieving a great society in a true democracy.

True individual freedom cannot exist without economic security and independence. People who are hungry and out of a job are the stuff of which dictatorships are made.

TRIBUTE TO JIM SCHUETTE

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 15, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I'd like to briefly provide some comments about a great friend of the people of northeastern Wisconsin, and a personal friend of mine—Jim Schuette.

This month marks the end of Jim's term as Outagamie County Executive, a position he has held for the last three years.

But Jim's history of serving the people goes back a full 45 years—and we're truly fortunate he decided to dedicate his life to public service.

As a young man, Jim joined the U.S. Marine Corps and later went on to serve for 19 years with the U.S. Army Reserves.

For most of his working life, Jim delivered letters for the U.S. postal service—and was always a smiling face folks could count on.

For the 12 years before he became county executive, he served on the Outagamie County Board, where he earned a reputation for approaching problems with his trademark common sense.

I couldn't dream of letting this occasion go by without telling Jim how much his time and hard work have meant to me and to the people of northeastern Wisconsin.

So, on behalf of myself and the countless other people whose lives have been made brighter by Jim's efforts, I want to say "thanks!"