

care and other benefits, they must comply with inflexible regulations such as these. Many small businesses that have unintentionally missed this deadline are simply not able to navigate the complex regulations in order to appeal the OSHA citation.

In January of this year, even the Department of Labor agreed that this deadline is too burdensome and decided it would allow the Occupational Safety and Health Review Commission to have discretion over the 15-day deadline for filing appeals. This was welcome news for small businesses. Now, all we need to do is codify this provision. We are certainly not advocating that every small business be given a pass on this deadline to respond to a citation, but let us be reasonable here and give them the benefit of the doubt by instilling just a little bit more flexibility into these regulations.

Let me also mention these three other bills, H.R. 740, H.R. 741 and H.R. 742, that we are debating this afternoon. Expanding the review board for appeals cases to OSHA from three to five commissioners would speed up the appeals process so small businesses will have their cases reviewed in a timely manner.

H.R. 741 will restore the original practice and congressional intent to ensure that the Occupational Safety and Health Review Commission, or the court, will be the party to interpret OSHA regulations, not OSHA itself. And finally, H.R. 742 will allow small businesses to recover the costly attorney fees incurred if they successfully challenge an OSHA citation. Each of these will help alleviate overbearing regulations that thwart the creativity and entrepreneurial spirit of small businesses.

In past years, each of these four bills has passed the House by good margins. Let us send these provisions once again to the other side of the Capitol and encourage them to act this year to help our small businesses. Jobs are at stake and a vital economy lies in the balance. We must keep our small businesses vital, healthy, and competitive.

Mr. OWENS. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I rise to oppose this bill which would give a pass to employers who do not meet workplace safety conditions. We could have taken this opportunity to help hardworking Americans feel a little safer in the workplace, or we could have made today's priority giving some relief to middle-class families who are struggling to keep up with record-breaking gas prices, tuition increases, and health care costs.

Instead, this administration has once again chosen in favor of the corporate sector and the special interests. Their reward in this bill comes at the expense of hardworking employees who depend on OSHA to keep an eye on their working conditions. But when former executives win appointments to

regulate the same industries in which they used to work, sound science and smart public policy usually tack a back seat to political favoritism and ideology. This bill creates a new loophole around the 15-day deadline for contesting OSHA citations. It is yet one more corporate handout that could have been better spent on job training, reversing the tide of outsourcing, or raising the minimum wage.

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Meanwhile, hard-working Americans are increasingly faced with workplace conditions in which critically important safeguards are watered down, emerging problems are ignored, and enforcement is scaled back.

If OSHA already has the authority to review missed deadlines on a case-by-case basis, why would we need a bill that changes this process in a one-sided way that could further disadvantage workers, encourage litigation, and undermine health and safety protections?

Madam Speaker, I believe the Senate got it right last year when it declined to consider this or any of the other three proposed rollbacks of OSHA's responsibility to hard-working Americans.

I encourage my colleagues to vote against all four of these bills.

Mr. BOEHNER. Madam Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE), a member of our committee.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the opportunity to talk on this bill. I want to commend the chairman for his work in this area and commend the gentleman from Georgia (Mr. NORWOOD), who has labored long and hard on these issues.

Let me make a few points initially before I talk about the merits of the bill. I think it is important for people to appreciate that no one, no one, is interested in trivializing the issue of safety in the workplace. We are interested in improving workplace safety and in holding businesses accountable when they are at fault, not just because. No one is interested in trivializing this issue.

No one is putting a price tag on life. That has been mentioned. No one is putting a price tag on life here, and no one is interested in giving employers a pass.

They also talked about a legal loophole. This is not a legal loophole. What this does is simply put faith in small business, and it shifts the burden of proof to the accuser, where it should be. There was some analogy drawn to a court of law. What this does is shift the burden of proof to the accuser, that is, OSHA, where it should be.

The bill will not weaken OSHA either. It will simply allow small business a fair opportunity for a fair hearing when it is cited, and that is it.

I rise in support of H.R. 739. The magnitude of this bill is huge: 99.7 percent of all businesses are small businesses, 99.7 percent. Seventy-five percent of all

new jobs come from small business, three out of every four jobs.

In talking about this before and in researching this, I went back and looked at the original OSHA Act. The original OSHA Act in 1970 said that it was to assure safe and healthful working conditions for working men and women by authorizing enforcement of the standards developed under the act. The mission today as described by OSHA on their Web site is to ensure the safety and health of America's workers by setting and enforcing standards. Do the Members notice the difference? We have shifted who is setting the standards from Congress to a nonelected body. I think this is a lot of power. A lot of power.

The OSHA budget is \$468 million, 1,100 inspectors out of 2,200 employees. A lot of power.

As has been mentioned, currently if a citation is given, the employer is given 15 days to respond. This is an arbitrary time frame. Nobody can argue that. There really is no rationale for those 15 days. Why not 5? Why not 35? Why not make it fair to small business? This is a simple commonsense amendment. Eleven words is all the amendment is, 11 words. It would add that "unless such failure results from mistake, inadvertence, surprise, or excusable neglect," 11 little words. A commonsense amendment, which I am sorry to say is oftentimes all too uncommon around here. It does not mean that any citation is null and void. It does not mean that at all. It simply means that small business has an opportunity to get its fair day in court.

So in closing, Madam Speaker, I want to commend once again the gentleman from Georgia (Mr. NORWOOD) for the hard work he has done and the gentleman from Ohio (Chairman BOEHNER) for bringing this issue to the floor.

I urge all of my colleagues to support H.R. 739 and do it for small business and for the employees and jobs in our Nation.

Mr. OWENS. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, I rise in opposition to H.R. 739. It is part of a package of bills that we have before us today that serve no purpose that I can see but to gut the occupational health legislation record before this Congress.

Current law requires that employers challenge a citation or notice of a failure to abate a hazard within a 15-day time period. There is a reason that this is a short time period. It is because these are serious matters. The short deadline was enacted to encourage expeditious handling of cases and to ensure that the workplace hazards are corrected in a timely manner. The commission already has the ability to review specific cases of missed deadlines in a manner that protects the

rights of employers. In fact, my colleagues defending this legislation said what about unintentional missed deadlines or deadlines that are missed innocently. The commission can deal with that. What we are concerned about are the ones that are missed disingenuously: oh, I forgot; oh, I did not quite get around to taking care of that.

It is clear that H.R. 739 is designed to ease the burden on employers at the expense of the health and safety of workers. This is the dramatic change in policy. My colleague from Georgia said the dramatic change in policy is somehow OSHA has gained regulatory authority. No, OSHA has always had regulatory authority for the last 35 years. The real change is this dramatic change in policy that would delay the employers' responsiveness to the health hazards and increase the time that workers have to work in unsafe conditions.

These measures would make it more difficult for employees to seek redress and would impede the enforcement of worksite safety and health provisions.

Again, this is one of a set of bills that would serve to gut OSHA. It puts aside, really, the seriousness of the matter here. We do not want OSHA to become just an annoyance or a minor delay or an inconvenience or just the cost of doing business. No, OSHA should have teeth.

There are hundreds of thousands, if not millions, of Americans, I do not know who they are, they do not know who they are, who today have their arms, their eyes, their health, even their lives because of OSHA; and they do not know who they are. But they can thank people like Senator Pete Williams from New Jersey and others, who 35 years ago realized that it is the appropriate role of the Federal Government to be involved.

I know there are those who think that it would be better if the Federal Government had never gotten involved in this. I suppose they would say, well, the employee could sit down with the employer and the employee could point out the unsafe working conditions and the employer will surely take care of it because no employer wants his employees harmed. It just does not work that way. It did not work that way for the century before OSHA was passed.

Let me repeat: there are hundreds of thousands of Americans who have their eyesight, who have their arms, who have their health, who have their lives because OSHA has teeth, because OSHA requires prompt remedy to unsafe conditions.

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

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

Madam Speaker, I would like to just say that when we say the Republican majority is trying to trivialize the role of OSHA and the role of safety in the workplace, there is good foundation for this. When this administration took power, the present administration in

the White House, one of the first acts that they perpetrated was the repeal of ergonomic standards at the urging of, of course, Republican Members of Congress. They repealed the ergonomic standards that had been in process with a lot of bipartisan development and support over a long period of years.

When the Secretary of Labor was Elizabeth Dole, great steps were made; and slowly we reached a point where we had ergonomic standards to pass. The current Bush Administration's first act was to repeal ergonomic standards, to toss them aside and to send a message that workers in the workplace are not that important, working families are really not important, working conditions in America are not important. The history of OSHA is that step by step they have saved thousands and thousands of lives.

One of the worst industries for safety before OSHA came into existence was the construction industry. The construction industry is still one of the most unsafe industries, but it has made tremendous strides in terms of saving lives as a result of being forced to follow certain kinds of standards by OSHA.

I think we need more light thrown on this subject, and for that reason we have prepared some information for each member of the committee by district, and they can get familiar with the problem in their district with this information that we have compiled.

For example, according to the Bureau of Labor Statistics in 2003, there were 200 worker deaths in the State of Illinois. But in the 13th Congressional District of Illinois, 69.5 percent of all the state's deaths took place. I think the Member of Congress from the 13th district ought to know that and take a look at what has happened in that district.

This packet that we want to prepare for each Member includes a chart detailing the statistics. The chart also lists the worker deaths according to the industry the person worked in and also the type of incident that was responsible for their death: was it a fall, contact with equipment, et cetera. The information is also broken down between government workers and those working in the private industry. This packet also includes a census report for each one of the districts showing how it relates to the surrounding areas, et cetera.

We will prepare this for each Member to just let them know how serious a matter this is in terms of their own immediate districts. We think working families in America should not be treated as if they lived in a Third World country, and a lot of Third World countries mores are being attempted by certain U.S. industries.

Particularly the construction industry, the construction industry looks for the most vulnerable people, immigrants. Illegal immigrants are employed in large numbers in the construction industry. And I come from a

city where 40 percent of all male blacks are unemployed, according to two studies, two studies that confirm that 40 percent of all male blacks are unemployed. Yet there is a tremendous amount of construction going on, and if we go around the construction sites, we will find that the workers doing the manual labor, unskilled labor, are immigrants; and in many cases there are tremendous accidents, and these people are shuffled off and frightened and intimidated to the point where they never even report it. They do not have any workman's compensation, let alone feel that they have the right to be protected under the OSHA laws.

A review of more than 2,500 OSHA construction site inspection records in New York State from the year 2003 found that nearly one third of all OSHA construction violations in the State were of scaffolding or fall protection requirement violations, more than any other standard. The organizations involved in the analysis also said the results of this study as well as a separate review reveal troubling data about the plight of immigrant workers in the construction industry.

Their analysis, titled "Lives in the Balance—Immigrants and Workers at Elevated Heights at Greatest Risk in Construction," was prepared by the New York State Trial Lawyers Association and issued by the New York Committee for Occupational Safety and Health and the Association of Community Organizations for Reform Now, called ACORN. Two other organizations Make the Road by Walking, and the New York Immigration Coalition, also sponsored the study.

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The study reviewed all construction site OSHA inspections conducted in the State during 2003. Now, personally, I know and I have related on this floor, the total accidents that have taken place since then in New York City. Five immigrant workers lost their lives in a trench that was being constructed without proper safeguards.

I want to repeat that there is a class problem developing in America. There is a class problem. Those in power are insensitive to the needs of those who are out there working on the front lines, whether it is in domestic service or in dangerous jobs like construction, trucking and a number of chemical plants. These are dangerous jobs, but they have to be done. Our industries cannot survive without people who work in those dangerous jobs. They deserve all the protection we can give them. Just as the soldiers on the front lines in Iraq, Afghanistan or anywhere else always deserve the best that we can give them. Every soldier is automatically a hero when he goes out to fight for his country, because for every one who goes out to fight, there are a few hundred thousand left behind who will never be called. We should recognize and honor those who go out to fight. Therefore, the best armor protection, the best bullet-proof vests, all of