

SAFETY AND HEALTH ADVANCEMENT ACT OF 1997

• Mr. BURNS. Mr. President, as an original cosponsor of S. 765 I want to stress the importance of this measure and urge my colleagues to support its passage.

Mr. President, the Safety and Health Advancement Act is based on one simple premise: The Occupational Safety and Health Administration [OSHA] can be more effective at ensuring safe working environments by working with businesses than by waiting for violations to occur and then issuing fines. The purpose of this bill is to refocus OSHA's mission from enforcement to consultation, without putting a straightjacket on its ability to enforce when required.

S. 765 takes a number of important steps to help small business comply with OSHA standards. First, it establishes a third-party review process whereby a licensed auditor may consult with businesses and certify that the are in compliance with applicable OSHA standards. If certified, the business will be exempt for 2 years from any civil penalty prescribed by the OSH Act.

Second, S. 765 broadens the technical assistance program run by the States and OSHA. Under this program, the Montana Safety Bureau, with assistance from OSHA, consults with businesses and helps them meet OSHA standards. If in compliance, the business is exempt from general inspections for 2 years. This is a good program, but it is not widely used and it is underfunded, especially in Montana. S. 765 expands and makes permanent this assistance program.

Third, this bill writes into law OSHA's Voluntary Protection Program and requires the Secretary of Labor to encourage small businesses to use the program. If a business applies under the program and is certified as safe, it is exempt from inspections and certain paperwork requirements. Only 300 employers are currently in this program, but I know of plenty of small businesses that would qualify.

Finally, this bill requires OSHA to submit all proposed standards to the National Academy of Sciences for review and comments, and bars OSHA from using quotas for inspections, citations, or penalties.

Mr. President, I will soon be chairing a Small Business Committee field hearing in Montana to hear from small businesses how Federal and State regulations adversely affect them. The loudest complaints I will hear will be about OSHA and its heavy-handed enforcement policies. As a former small businessman, I know that working with small businesses to help them comply with OSHA standards will have better results than enforcement alone. By encouraging compliance, workplaces will be safer and workers will be better off.●

IN MEMORY OF ANDREW TEN

• Mrs. BOXER. Mr. President, I rise today in memory of a remarkable young boy, and in tribute to his devoted family. Andrew Ten was just 12 years old when he passed away this week from complications resulting from a chronic neurologic, pulmonary, and gastrointestinal condition that left him physically handicapped for most of his short life. His life-threatening diseases required constant home medical and nursing care, 24 hours a day, 365 days a year.

Andrew came to my attention through his father, Rabbi Harold Ten, whose devotion to and love for his son was equaled only by his perseverance and tenacity in fighting the injustices of the health insurance system millions of Americans must endure every day. I will not delve into the details of young Andrew's case, but suffice it to say that he and his family were the victims of a system that encourages capriciously unilateral decisionmaking by the medical-industrial complex that fails to account for the real-life, human tragedies that families confront every day.

It was another example of how the understandable drive to hold down health care costs and maximize the profits often forces insurance carriers to make decisions that make no sense on a human level. It was an example of serious flaws and omissions in the laws protecting the consumer from health care system abuses, something we must not forget.

It was also an example of how one person can wage a battle against the inertia that often results in injustice. If it were not for the intervention of my office, after I had been contacted by Rabbi Ten, young Andrew would not have received the critical medical care he needed. But, it should not have come to that. The law should have been enough to protect Andrew and his family.

That is a fight for another day. Today, I want to offer my condolences to Rabbi Ten and his family on their loss. My heart goes out to them, who have fought so hard to prolong the life of their son and brother. I know that they will show the same courage and faith as they mourn his death.●

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1128a-1928d, as amended, appoints the Senator from Utah [Mr. HATCH] as a member of the Senate Delegation to the North Atlantic Assembly during the First Session of the 105th Congress, to be held in Luxembourg, May 28-June 1, 1997.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Delaware [Mr. BIDEN] as

vice chairman of the Senate Delegation to the North Atlantic Assembly during the 105th Congress.

ORDERS FOR FRIDAY, MAY 23, 1997

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, May 23.

I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, at 9:30 a.m. tomorrow morning, the Senate will begin consideration of the resolution and begin a lengthy series of rollcall votes. And I cannot stress lengthy series of rollcall votes sufficiently. There will be a number of votes in order to complete action on the resolution. Senators should be prepared to remain on the Senate floor during that period to enable us to expedite this process to allow us to finish our business at a reasonable hour tomorrow. In addition, during Friday's session, the Senate will consider the CWC implementation bill, nominations that may be available on the Executive Calendar, and any other items that may be cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, at 9:20 p.m., the Senate adjourned until Friday, May 23, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 22, 1997:

SOCIAL SECURITY ADMINISTRATION

KENNETH S. APPEL, OF MARYLAND, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

DEPARTMENT OF STATE

STANLEY O. ROTH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE WINSTON LORD.

MARC GROSSMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JOHN CHRISTIAN KORNBLUM.

JOHN CHRISTIAN KORNBLUM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY. DAVID J. SCHEFFER, OF VIRGINIA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.