

pathogens standard advocates the use of one particular device over another.

At the Subcommittee hearing, a consensus among all of the witnesses was that choosing and using a safer medical device is a complicated process for many reasons, not the least of which is that most health care settings, particularly hospitals, are enormously complex work environments. While no one type of intervention in the workplace will completely eliminate the risk of exposure, numerous studies have demonstrated that the use of safer medical devices, when they are part of an overall bloodborne pathogens risk-reduction program, can be extremely effective in reducing accidental sharps injuries.

Witnesses also stressed the importance of including health care workers in the selection and evaluation of newer devices. This is particularly so because there are many types of safer medical devices available on the market and using them may involve some adjustment in technique on the part of the health care worker. It is also important for facilities to have some type of surveillance system, such as a sharps injury log, in place to monitor the sharps injuries. This type of system is useful both for helping a facility track its high risk areas and for evaluating which types of devices are most effective.

While the revised OSHA Compliance Directive emphasizes "safer medical devices," the Bloodborne Pathogens Standard does not include safer medical devices in its examples of engineering controls. And so, this legislation would include that language in the Bloodborne Pathogens Standard.

The bill requires that the Bloodborne Pathogens Standard explicitly state that employers must document in their Exposure Control Plans the consideration and implementation of appropriate commercially available and effective engineering controls, such as safer medical devices. This legislation does not advocate the use of one particular device over another and it would not change the flexible-performance-oriented nature of the Bloodborne Pathogens Standard.

In addition, the bill would add two new sections to the Bloodborne Pathogens Standard. The first section adds a new part to the Standard's recordkeeping section, specifying that employers maintain a "sharps injury log" for the recording of percutaneous injuries from contaminated sharps. Through the use of this log, employers would be able to better monitor sharps injuries and by doing so, better evaluate high risk areas and the types of engineering controls and devices that are most effective in reducing or minimizing the risk of exposure. Employers may decide what information is useful and the information must be recorded in such a manner as to protect the confidentiality of the injured employee. The log would record the type of device used, an explanation of the incident and where it occurred. Employers who are exempt from maintaining OSHA 200 logs, such as employers with 10 or fewer employees, would likewise be exempt from maintaining a sharps injury log.

A second section would be added to the Bloodborne Pathogens Standard to specify that employers solicit input from frontline health care workers (non-managerial employees responsible for direct patient care) in the identification, evaluation and selection of effective engineering and work practice controls and to document that solicitation in the Exposure Control Plan.

Sixteen states have already passed some type of safe needle legislation over the past two years and many other states are considering similar legislation. These state actions result in coverage of state public health care facilities and state public employees both of which are not reached by federal OSHA, except in those states which are OSHA state plan states. I hope that our action on the federal level will encourage more states to take similar action—as it is well within their prerogatives to do—and adopt the same standards as those we are putting forward today for inclusion in the federal Bloodborne Pathogens Standard.

I also want to point out that many of the state bills that have passed and been signed into law during the past two years, beginning in California, have included a number of explicitly stated exceptions to the requirement for the use of safer medical devices. The lack of explicitly stated exceptions in this legislation may cause some concern for those upon first review. I emphasize there should be no cause for concern. The current Bloodborne Pathogens Standard, which we are revising through this legislation, does not contain explicitly stated exceptions. Therefore, all of the traditional defenses, including affirmative defenses available to an employer related to the use of engineering controls under the current Bloodborne Pathogens Standard, remain in effect even as to the use of safer medical devices. I would point out also that the requirement in this legislation for the consideration and implementation of safer medical devices is hinged upon the "appropriateness" and the "commercial availability" of such devices. Finally, while this may be stating the obvious, it is not the intent of this legislation, nor for that matter of the current Bloodborne Pathogens Standard, for employers to implement use of any engineering control, including a safer medical device, in any situation where it may jeopardize a patient's safety, an employee's safety or where it may be medically contraindicated.

Finally, I would like to commend the many groups who have worked so diligently on this issue over the past few years and worked so hard to reduce sharps injuries for health care workers. The broad consensus we have reached on this issue is due in no small part to the work of the American Nurses Association, the American Hospital Association, manufacturers and many others who represent health care workers. I especially want to thank Karen Daley, who testified at the hearing in June about her personal experience on behalf of the American Nurses Association.

More than 8 million health care workers in the United States work in hospitals and other health care settings. I urge my colleagues to support the Needlestick Safety and Prevention Act, which is designed to make their work places safer.

BLUE RIBBON SCHOOL WINNER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Black Mountain Middle School in Penasquitos and its leaders, Principal Miguel Carillo and Superintendent, Dr.

Bob Reeves. Black Mountain has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Black Mountain Middle School's superior work be included in the record:

Black Mountain Middle School, located in Rancho Penasquitos, a suburb of San Diego, California, is a vibrant, progressive school community that continually strives to reach the district's mission of all All Students Learning—Whatever It Takes. They have a 25-year tradition of excellence, high expectations, and strong support for student learning. Staff, parents, and students work together to create a dynamic learning environment which engages students in learning and achievement. A caring, committed staff provides the cornerstone while standards, varied learning opportunities, and enriched curriculum provide the foundation for our successful school. As a California Distinguished School and former Blue Ribbon School recipient, Black Mountain meets the needs of a diverse student population in a residential area in the north county of San Diego.

Black Mountain recognizes the challenges its students will face as they enter the 21st century. Therefore they provide them with a solid academic program that lays the foundation of basic skills through a standards-based curriculum. Their three-period basic education configuration provides the framework for the study of language arts and social studies.

Combined, these core academic areas provide students with a powerfully integrated approach to learning that develops and enhances critical thinking and problem solving. Math courses provides students with a structure of concrete facts and skills and then make connections of abstract ideas to the real world. Science lays the groundwork of scientific ideas and principles for the students through their exploration and examination of content and application. Electives provide students with opportunities to explore the world of the arts, foreign language, and technology. With Poway Unified providing the foundation, Black Mountain forges ahead to create a community of learners that continually strive to attain their site mission of developing lifelong, active learners.

THE HUMAN RIGHTS INVESTMENT
ACT—H.R. 5196

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing H.R. 5196, the Human Rights Investment Act of 2000. This measure will promote, protect and enhance human rights in United States foreign policy.

This legislation embodies a simple truth: if we really care about human rights, we need to invest in it.

Few issues—if any—receive as much rhetorical support in U.S. foreign policy as human rights. As a nation founded on a profound belief in freedom and individual rights, we focus a great deal of attention in supporting human rights advocates throughout the world.

But we have not matched our rhetoric with resources. We have not sufficiently invested in human rights.

Until recent congressional action forced an increase, the State Department Bureau of Democracy, Human Rights and Labor was by far the smallest “functional” bureau in the Department. It is still one of the very limited bureaus in the entire State Department.

Historically, the human rights bureau received about one-quarter of one percent of all State Department salaries and expenses. It still receives less than half of one percent.

We should put our money where our values are. One penny on the dollar is not too much to ask to support people risking their very lives for human rights.

Likewise, if it is not too much for the American people to ask that, if their tax dollars are paying for weapons sales and military training, then it is equally important that one penny out of every dollar be spent so that we know just what foreign governments are doing with U.S. weapons.

Letting the light shine on how governments are using taxpayer-funded military aid also requires an investment. But the good news is that it is relatively cheap—just one penny out of every dollar of U.S. military aid will do that work.

Accordingly, I urge my colleagues to support H.R. 5196. I submit the full text of H.R. 5196 be printed in the RECORD at this point.

H.R. 5196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Human Rights Investment Act of 2000”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Supporting human rights is in the national interests of the United States and is consistent with American values and beliefs.

(2) Defenders of human rights are changing our world in many ways, including protecting freedom and dignity, religious liberty, the rights of women and children, freedom of the press, the rights of workers, the environment, and the human rights of all persons.

(3) The United States must match its rhetoric on human rights with action and with sufficient resources to provide meaningful support for human rights and for the defenders of human rights.

(4) Congress passed and the President signed into law the International Arms Sales Code of Conduct Act of 1999 (Public Law 106–113; 113 Stat. 1501A–508), which directed the President to seek negotiations on a binding international agreement to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamental values of human liberty, peace, and international stability, and provided that such an international agreement should include a prohibition on arms sales to countries that engage in gross violations of internationally recognized human rights.

(5) The arms export end-use monitoring systems currently in place should be improved and provided with sufficient funds to accomplish their mission.

SEC. 3. SALARIES AND EXPENSES OF THE BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.

For fiscal year 2001 and each fiscal year thereafter, not less than 1 percent of the amounts made available to the Department of State under the heading “Diplomatic and Consular Programs” shall be made available only for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor, including funding of positions at United States missions abroad that are primarily dedicated to following human rights developments in foreign countries.

SEC. 4. HUMAN RIGHTS AND DEMOCRACY FUND.

(a) ESTABLISHMENT OF FUND.—There is established a Human Rights and Democracy Fund (hereinafter in this section referred to as the “Fund”) to be administered by the Assistant Secretary for Democracy, Human Rights and Labor.

(b) PURPOSES OF FUND.—The purposes of the Fund are—

- (1) to support defenders of human rights;
- (2) to assist the victims of human rights violations;
- (3) to respond to human rights emergencies;
- (4) to promote and encourage the growth of democracy, including the support for non-governmental organizations in other countries; and
- (5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

(c) FUNDING.—Of the amounts made available to carry out chapter 1 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980, and section 401 of the Foreign Assistance Act of 1969 for each of the fiscal years 2001 and 2002, \$32,000,000 for each such fiscal year shall be made available to the Fund for carrying out the purposes described in subsection (b).

SEC. 5. MONITORING OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS.

(a) WEAPONS MONITORING PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of State shall establish and implement a program to monitor United States military assistance and arms transfers.

(2) RESPONSIBILITY OF ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR.—The Assistant Secretary of State for Democracy, Human Rights and Labor shall have primary responsibility for advising the Secretary of State on the establishment and implementation of program described in paragraph (1).

(b) PURPOSES OF PROGRAM.—

(1) PRIMARY PURPOSES.—The primary purposes of the program described in subsection (a) are to ensure to the maximum extent feasible that United States military assistance and weapons manufactured in or sold from the United States are not used—

(A) to commit gross violations of human rights; or

(B) in violation of other United States laws applicable to United States military assistance and arms transfers that are also related to human rights and preventing human rights violations.

(2) OTHER PURPOSES.—The program described in subsection (a) may be used for the following additional purposes:

(A) To prevent violations of other United States laws applicable to United States military assistance and arms transfers.

(B) To prevent fraud and waste by ensuring that tax dollars are not diverted by foreign governments or others from activities in the United States national interest into areas for which the assistance was not and would not have been provided.

(c) ELEMENTS OF THE WEAPONS MONITORING PROGRAM.—The program described in subsection (a) shall ensure to the maximum feasible extent that the United States has the ability—

(1) to determine whether United States military assistance and arms transfers are used to commit gross violations of human rights;

(2) to detect other violations of United States law concerning United States military assistance and arms transfers, including the diversion of such assistance or the use of such assistance by security force or police units credibly implicated in gross human rights violations; and

(3) to determine whether individuals or units that have received United States military security, or police training or have participated or are scheduled to participate in joint exercises with United States forces have been credibly implicated in gross human rights violations.

(d) WEAPONS MONITORING FUND.—

(1) RESERVATION OF FUNDS.—Subject to paragraph (2), for each fiscal year after fiscal year 2000, one percent of the amounts appropriated for each fiscal year for United States military assistance is authorized to be used only to carry out the purposes of this section.

(2) EXCEPTION.—For any fiscal year, if the Secretary of State certifies in writing to the appropriate congressional committees that the United States can carry out the purposes of this section without the full reservation of funds [under paragraph (1)], the Secretary of State shall designate an amount which is not less than one half of one percent of the amounts appropriated for such fiscal year for United States military assistance, and such designated amount is authorized to be used to carry out the purposes of this section.

(3) ADDITIONAL FUNDS FOR PROGRAM.—Funds collected from charges under section 21(e) of the Arms Export Control Act (22 U.S.C. 2761(e)) [and other comparable provisions of law?] may be transferred to the Department of State and made available to carry out the purposes of this section.