

were killed when a 900,000-gallon chemical waste tank exploded at a plant east of Houston. Furthermore, three of the five costliest reactive accidents occurred in Texas or Louisiana with combined property damages in excess of \$210 million.

Dangerous conditions exist that threaten the lives of people who simply want to make a living. The policy that is proposed in H.R. 2731 ignores the need to hold employers to a commitment to achieve and maintain a safe and healthy workplace.

Mr. Speaker, again, I oppose this bill and urge my colleagues to support our workers.

Mr. BACA. Mr. Speaker, I rise in opposition of all four of the OSHA bills under consideration today. Republicans are trying to say that our country's laws are the cause for the offshoring of American jobs. This is not only untrue, but it's shameful to accuse the few protections that exist for our nation's workers as the cause for their jobs being shipped overseas.

While the Republican Chairman of the Ways and Means Committee is busy writing an FSC/ETI tax cut bill that will give tax breaks to companies that move to China or India, his Republican colleagues try to confuse people on the reasons why jobs are leaving main street and being sent to mainland China. The face is that we are losing jobs because of the failed policies of this administration. The compassionate conservatism of this administration has cost us 3 million jobs. Please end the compassion!

President Bush's top economic advisor has even proudly said that sending American jobs overseas is a good thing. Well, I for one will not let them confuse the issue. We cannot let Republicans say that the way to ease the competitive disadvantage to third world countries like China or Brazil is to adopt their labor standards. That type of thinking would take boys and girls out of the classroom and into the coal mine.

These four anti-worker safety bills would substantially weaken worker health and safety laws and hurt our workers. H.R. 2728 weakens enforcement of workplace health and safety regulations by dragging out the date for imposing penalties. It also drags out the date by which corrective action must be taken to mitigate the health or safety hazard.

H.R. 2729 weakens worker protections by expanding the membership of the commission and flooding it with partisan appointees that agree with the President's anti-worker agenda. This commission has had three members since it was established in 1970. There is no reason to expand it or to allow a minority of the commission to make decisions. Both these changes make no sense whatsoever.

H.R. 2730 would undermine the OSHA enforcement functions by encouraging challenges to Labor Department rules and interpretations.

H.R. 2731 would put the health and safety of thousands of workers at risk by encouraging lawbreakers to fight any worker safety violations in court. OSHA settles or wins the vast majority of its enforcement cases; there is no reason to assume employers need to be protected from an overzealous agency. The bill is one-sided. If OSHA wins, the employer does not have to pay OSHA's expenses. The real loser under this legislation is the taxpayer and American workers.

As you can see, all four bills are anti-worker laws. The only way they can justify them is to

trump up charges that it is these worker protection laws that are costing us jobs. This is false and worse yet, it is a lie.

Mr. Speaker, I urge my colleagues to oppose all four of the anti-OSHA bills.

Mr. HOLT. Mr. Speaker, I rise in opposition to H.R. 2731, Occupational Safety and Health Small Employer Access to Justice Act. This bill changes current law to permit the awarding of attorney's fees and expenses to a small employer who prevails in an administrative or judicial proceeding against the Occupational Safety and Health Administration (OSHA), regardless of whether the position of OSHA was "substantially justified."

This bill treats OSHA differently than all other federal agencies. The bill holds OSHA to higher standard with regard to the payment of the opposing party's attorney's fees than any other agency.

Like most Federal agencies, OSHA is subject to the Equal Access to Justice Act (EAJA). Under EAJA, if the government's position is not "substantially justified," the government must pay the prevailing party's fees and costs. According to information provided to then-Chairman Goodling in 1999, from FY 1981 through FY 1998, there were 68 applications for fees under EAJA by employers involving OSHA complaints. 41 of those applications were denied and 27 were granted.

In FY 1999, there were 12 applications filed, of which 2 had been denied, 3 had been granted, and 7 were still pending at the time the information was provided. There is no evidence that OSHA has engaged in reckless prosecutions or that it should be singled out for a higher standard than all other Federal agencies.

The likely consequences of this change is that OSHA would be less likely to issue complaints against those employers, more safety and health violations will go uncorrected, and, consequentially, more workers may be injured or killed.

This bill places employers' convenience over the safety and health of workers. There is no private right of action under the OSH Act—if OSHA fails to enforce the law, workers have no other recourse. In effect, H.R. 2731 places a higher priority on compensating employers for legal fees than on protecting the safety and health of workers.

Mr. Speaker, today we should be talking about how to protect our workers not endanger them. 15 workers were fatally injured and more than 12,800 workers were injured or made ill each day during 2002. These statistics do not include deaths from occupational diseases, which claim the lives of an estimated 50,000 to 60,000 workers each year. This bill will cause the number of worker deaths to go up, not down.

We should be discussing giving OSHA the proper funding to do its job. Between FY 1999 and FY 2003, the number of employees who work in workplaces inspected by federal OSHA inspections decreased by nearly 12%. The average number of hours spent per inspection also decreased between FY 1999 and FY 2003, from 22 to 18.8 hours per safety inspection and from 40 to 34.7 hours per health inspection. Adjusting for inflation, the FY 2005 proposed OSHA budget represents a \$6.5 million cut over FY 2004 appropriations.

The FY 2005 OSHA budget proposed increasing programs for voluntary compliance and employer assistance while cutting training

and outreach programs for workers and freezing standard-setting and enforcement programs. At OSHA, the president proposes to cut worker safety training programs by 65 percent and to shift these funds to employer assistance programs. These are the problems we should be addressing today, rather than debating H.R. 2731. I ask my colleagues to oppose this bill.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to express my support for the legislation introduced today by my colleague from Georgia.

I think that all 4 of Mr. NORWOOD's bills on the floor today will improve workplace safety, level the playing field for small businesses, and ensure that employees and employers are treated fairly.

H.R. 2731 encourages OSHA to really look at the merits of a case before it brings unnecessary enforcement actions to court against small businesses.

Current law does allow small business owners to recover attorney's fees if they successfully challenge a citation

But in the real world of OSHA, this simply does not work for small businesses. In the last 23 years, small business employers have been able to recover costs from OSHA only 37 times!

Last year alone, only one employer was awarded attorney's fees, despite more than 80,000 citations issued by OSHA.

H.R. 2731 limits its scope to small businesses with 100 employees or less and less than \$7 million in net worth, thereby assuring targeted and meaningful relief to those businesses that are least able to cope with these hefty and ongoing litigation costs. This reform is necessary for the vitality of America's small businesses and the job security of America's workers.

Again, I applaud my colleague from Georgia for introducing this much needed legislation and I look forward to seeing it pass today.

Mr. NORWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). All time for debate has expired.

Pursuant to House Resolution 645, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NORWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

#### GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2432 and to include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2004

The SPEAKER pro tempore. Pursuant to House Resolution 645 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2432.

□ 1705

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes, with Mr. ADERHOLT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

There can be little question that sometime in the last decade, the United States entered a new and very different phase of its economic history. In this new phase of global competitiveness, this Nation is being challenged to step up once again and set new standards for innovation and efficiency. At the outset, it should be said that this country welcomes this challenge and we are confident that we have the tools necessary to succeed in this new economy that was largely created at our insistence.

The Paperwork and Regulatory Improvements Act of 2004 is designed to give Congress the tools it needs to respond to the challenge of a global open economy. This bill was originally sponsored by the gentleman from California (Mr. OSE) and is the result of 4 years of ongoing and consistent oversight by his Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs under the leadership of the gentleman from California. Oftentimes this work has been done with little fanfare, but his consistent hard work has borne great fruit. So before I say anything about the bill, I want to commend the gentleman from California for his commitment and dedication to great legislative oversight.

There is no doubt that the Nation's regulatory regime can achieve a great deal of good in the areas of environmental protection and worker health and safety. Beyond that, government has a legitimate need to know a great

deal about the corporate and, to a degree, even the personal financial activity of the Nation. Consequently, there will always be paperwork and regulatory demands.

However, when we look at the vast system of paperwork and regulatory demands that exist today, we see that this system is biased in favor of the good we hope to achieve and against the cost of achieving that good to society. Every rule or reporting requirement has a cost, but Congress is severely hampered in its efforts to understand these costs.

We in the Congress have grown comfortable throwing around huge statistics listing millions of hours to describe the paperwork burden government places on the Nation. But we seem to forget that these hours are spent one by one. It is as if we cannot see the forest for the regulatory trees. We may be numb to the burden we have created, but individuals and businesses are not.

When an American businesswoman spends several hours filling out a tax form, that is time she is not spending on her family or her clients. When a business has to hire an environmental specialist to complete an overly complicated, required report, that revenue is not spent in research and development or expansion of the business and hiring more people. These millions of hours are not just hours taken out of the business day; they are hours taken out of people's lives, and the loss of these hours should be taken seriously.

In the decades before the open global economy, Congress could lay these new burdens, one over the other, on the American worker with little concern about what the overall effect would be. But those days are gone. As the world has gradually opened its markets, this country has asked our workers to compete head to head on a global basis with highly skilled and motivated workers from all around the world.

This is a good thing. This competition will require our corporate community to be as efficient and as competitive as ever. But global competition requires our government to be more efficient as well. If we are going to ask the workers of this Nation to compete globally, then we must free them to be as competitive as possible.

Congress has an obligation to do the hard work to understand the costs of regulation as realistically as possible. This bill will give us some of the tools we need to make better decisions on the paperwork and regulatory burdens we place on our workers and businesses.

The bill requires the Office of Management and Budget, OMB, to submit a report to Congress identifying specific actions that the Internal Revenue Service can take to reduce the tax paperwork burden on small businesses. It assists Congress in its review of agency rules by establishing a permanent analytical function in the General Accounting Office to review proposed and

final rules for consistency with congressional intent and to ensure the accuracy and completeness of agency accompanying analyses.

Lastly, the bill requires a study to determine the feasibility of regulatory budgeting as a better way to manage regulatory burdens on the public.

The gentleman from California, the subcommittee chairman, has put in many years working on this important issue.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. OSE) and ask unanimous consent that he be permitted to manage that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BROWN of Ohio. Mr. Chairman, I yield my time to the gentleman from Massachusetts (Mr. TIERNEY) and ask unanimous consent that he be permitted to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TIERNEY. Mr. Chairman, I yield myself such time as I may consume.

I rise to address H.R. 2432, the Paperwork and Regulatory Improvements Act of 2004. We are talking about this bill today because House Republicans are concerned that they are being criticized for the millions of jobs that have been lost under this administration.

House Republicans have decided that instead of taking action to create jobs, they would make a plan to talk about taking action to create jobs. Each week they have a different theme. This week they are talking about cutting red tape. The bill we are considering, however, does nothing to cut red tape.

As we will hear later from the gentleman from California (Mr. WAXMAN), this bill does nothing to reduce the hours that Americans spend filling out paperwork. In fact, the hours Americans must spend filling out paperwork has increased dramatically under the Bush administration.

This bill will also do nothing to improve the regulations issued by the Bush administration. In fact, some provisions of the bill will actually make the regulatory process worse.

I have a letter that I would like to enter into the RECORD to appear after my statement, Mr. Chairman, from the League of Conservation Voters opposing this bill. This letter states, "At best, this bill would result in a waste of money at a time when Federal resources are shrinking; at worst, it would contribute to a loss of vital protections for millions of Americans."

The League of Conservation Voters also expresses in their letter support for an amendment the gentleman from California (Mr. WAXMAN) and I are offering that would establish an independent commission of distinguished experts to investigate the politicization of science in the regulatory process. The League of Conservation Voters thinks this is such an