NOES—180

Abercrombie	Hill (IN)	Neal
Ackerman	Hilliard	Oberstar
Allen	Hinchey	Obey
Andrews	Hinojosa	Olver
Baca	Hoeffel	Ortiz
Baird	Holden	Owens
Baldacci	Holt	Pallone
Baldwin	Hooley	Pascrell
Barrett (WI)	Hoyer	Pastor
Becerra	Inslee	Payne
Bentsen	Jackson (IL)	Pelosi
Berman	Jackson-Lee (TX)	Peterson (MN)
Berry	Jefferson	Phelps
Blumenauer	John	Pickett
Bonior	Johnson, E. B.	Pomeroy
Borski	Jones (OH)	Price (NC)
Boswell	Kanjorski	Reyes
Boyd	Kaptur	Rivers
Brady (PA)	Kennedy	Rodriguez
Brown (FL)	Kildee	Roemer
Brown (OH)	Kilpatrick	Rothman
Capps	Kind (WI)	Roybal-Allard
Capuano	Kleczka	Rush
Cardin	Kucinich	Sabo
Carson	LaFalce	Sanchez
Clayton	Lampson	Sanders
Clyburn	Lantos	Sawyer
Condit	Larson	Schakowsky
Conyers	Lee	Scott
Costello	Levin	Serrano
Coyne	Lewis (GA)	Sherman
Crowley	Lipinski	Shows
Cummings	Lowey	Sisisky
Davis (IL)	Luther	Slaughter
DeFazio	Maloney (CT)	Snyder
DeGette	Maloney (NY)	Spratt
Delahunt	Mascara	Stabenow
DeLauro	Matsui	Stenholm
Deutsch	McCarthy (MO)	Strickland
Dingell	McCarthy (NY)	Stupak
Dixon	McDermott	Taylor (MS)
Doggett	McGovern	Thompson (CA)
Doyle	McKinney	Thompson (MS)
Edwards	McNulty	Thurman
Engel	Meehan	Tierney
Etheridge	Meek (FL)	Towns
Evans	Meeks (NY)	Turner
Farr	Menendez	Udall (CO)
Fattah	Millender-McDonald	Udall (NM)
Filner	Miller, George	Velazquez
Ford	Minge	Visclosky
Frank (MA)	Mink	Waters
Frost	Moakley	Watt (NC)
Gejdenson	Mollohan	Waxman
Gephardt	Moore	Weiner
Gonzalez	Moran (VA)	Wexler
Green (TX)	Murtha	Weygand
Gutierrez	Nadler	Woolsey
Hall (OH)	Napolitano	Wu
Hall (TX)		Wynn
Hastings (FL)		

NOT VOTING—12

Clay	Houghton	Smith (MI)
Danner	Istook	Stark
Green (WI)	Klink	Vento
Greenwood	Markey	Watkins

1730

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 249, had I been present, I would have voted ''aye.''

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

1735

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 further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Illinois (Mr. JACKSON) had been disposed of and the bill was open for amendment from page 2, line 3 to page 3, line 4.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding to me. Mr. Chairman, I rise to ask the gentleman from Illinois (Chairman PORTER) if he would yield to me for the purpose of engaging in a brief colloquy.

Mr. PORTER. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, on April 12, 2000, I testified in the subcommittee chaired by the gentleman from Illinois (Mr. PORTER) with a group representing the bipartisan Congressional Women's Caucus about a problem that affects women slightly more than men but has become a major national health problem across the entire population for children and for men and women of every age group and background.

Alarming increases in overweight and obesity increasingly have become a major American health problem. More than 50 percent of Americans are overweight or obese.

Surgeon General David Satcher says that overweight and obesity are major contributors to many preventable diseases and causes of death, including cardiovascular diseases, stroke, high blood pressure, high cholesterol, Type II diabetes, arthritis, gallbladder disease, asthma, and some cancers, including breast, endometrial, prostate, and colon cancers. The incidence of overweight and obesity is the worst in our history.

Obesity trends are particularly serious among the youngest Americans. Almost 25 percent of young people ages 6 to 17 are overweight, and the percentage who are seriously overweight has doubled in the last 30 years. The responsibility of lifestyle for this troubling trend, especially fast food and lack of exercise, is very clear.

I want to thank the gentleman from Illinois (Chairman PORTER) for including $125 million in this Labor, HHS appropriations bill that will allow the Centers for Disease Control to begin a more aggressive national effort against overweight and obesity.

I want to especially thank the gentleman from Illinois (Chairman PORTER) for his support of the bill I introduced, the Lifelong Improvements in Food and Exercise Act, building on the work his subcommittee has already done in making grants to the CDC. I am also pleased that the CDC supports my bill.

As the gentleman knows, Mr. Chairman, the LIFE bill authorizes the CDC to address overweight, obesity, and sedentary lifestyles in three ways: by training health professionals to recognize the signs of obesity and to recommend prevention activities and several other ways.

Would the gentleman from Illinois (Chairman PORTER) agree that some of the $125 million in this Labor HHS bill be spent on the activities specified in the LIFE legislation?

Mr. PORTER. Mr. Chairman, I am pleased to support the LIFE bill, and I believe that the goals of the national campaign to change children's health behaviors will address the initiatives in the LIFE legislation.

Ms. NORTON. Mr. Chairman, if the gentleman will further yield, toward that end, will the gentleman join me in requesting the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), ranking member of the authorizing committee of jurisdiction, the House Committee on Commerce, to support inclusion of the LIFE bill in the conference agreement on this bill?

Mr. PORTER. Mr. Chairman, I would be happy to do so.

Ms. NORTON. Mr. Chairman, I want to thank the gentleman from Illinois (Chairman PORTER) for his support and for the leadership on this vital health issue he has shown throughout his career here in the House.

The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT NO. 6 OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BASS:

Page 2, line 13, after the dollar amount, insert the following: ''(reduced by $42,000,000)''.

Page 2, line 14, after the dollar amount, insert the following: ''(reduced by $42,000,000)''.

Page 20, line 11, after the first dollar amount, insert the following: ''(reduced by $134,000,000)''.

Page 22, line 7, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 24, line 7, after the first dollar amount, insert the following: ''(reduced by $130,000,000)''.

Page 31, line 23, after the dollar amount, insert the following: ''(reduced by $75,000,000)''.

Page 51, line 21, after each dollar amount, insert the following: ''(reduced by $78,000,000)''.

Page 52, line 12, after each dollar amount, insert the following: ''(reduced by $480,000,000)''.

Page 52, line 18, after the dollar amount, insert the following: ''(reduced by $450,000,000)''.

Page 53, line 5, after the dollar amount, insert the following: ''(reduced by $30,000,000)''.

Page 53, line 17, after the first dollar amount, insert the following: ''(increased by $1,011,000,000)''.

Page 53, line 17, after the second dollar amount, insert the following: ''(increased by $1,001,000,000)''.

Page 53, line 20, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 55, line 2, after the dollar amount, insert the following: ''(reduced by $3,000,000)''.

Page 55, line 10, after the first dollar amount, insert the following: ''(reduced by $22,000,000)''.

Page 55, line 11, after the dollar amount, insert the following: ''(reduced by $22,000,000)''.

Page 58, line 3, after the dollar amount, insert the following: ''(reduced by $7,000,000)''.

Mr. BASS. Mr. Chairman, I would like to start by thanking the gentleman from Illinois (Mr. PORTER), chairman of the subcommittee, for his attention and his patience and, frankly, his extraordinary wisdom concerning the issues that all of us are concerned about here, most notably with this amendment, the issue of special education IDEA funding.

Now, this is the first of two amendments I plan to offer during the course of debate on this appropriation. Now, the bill before my colleagues, as we have previously discussed, raises special ed funding by $500 million from $5 billion to $5.5 billion a year. This amendment that I offer here now will increase that funding further by $1 billion for a total increase of $1.5 billion in the next fiscal year.

Now, at a subsequent time later on this evening, I intend to offer another amendment that will increase special education funding by an additional $200 million. It is my understanding that the gentleman from Wisconsin, (Mr. RYAN) plans to offer another amendment that will further increase this program by an additional $300 million, bringing the total funding for special education up to $2 billion, which is the amount that we agreed to try to attain in the resolution that we passed a couple of weeks ago.

The net effect of this amendment will be to bring the total funding for special education up to $6.9 billion. This amendment increases funding for this critical program to $6.5 billion, which would be a 16.5 percent total of the total cost of the program.

Now, I am not going to spend more than 30 seconds reviewing the need for this important program. All of us in this body share the need to adequately address the issues of IDEA and education for those who are less fortunate than all of us here in this body this evening.

As one who has been committed to attaining as much funding for this program as possible, I would like to see full funding of special education, the full amount, $15 billion a year. But I also understand the limitations under which we operate in this body, and I want to support this appropriation; but I want to support it with the maximum amount of funding that I can possibly find for this important program.

Now, there are 14 other programs that my amendment targets for reallocation in order to increase funding for special education. Not one of these programs, not one of these programs that I ever targeted for reductions would be reduced below the spending level for the fiscal year we are in today.

1745

Some of them would still have significant increases.

I want to see us reach our goal of full funding of special education. I am proud of the fact that since I have been in Congress we have increased special education funding from about $2.3 billion, and, hopefully, after this amendment passes, up to $6.5 billion, or 16.5 percent of the total amount we need to provide in this body.

I just want to urge my colleagues to join me in passing this amendment, understanding that these funds will free up money on the local level for other programs, for property tax relief, for classroom construction, for hiring of teachers. It is a good amendment, its time has come, and I urge the Congress to adopt it.

Mr. PORTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know how strongly the gentleman from New Hampshire feels about the importance of the IDEA program, and I share those feelings. But in order to increase IDEA State grants by over $1 billion dollars, it would cut Job Corps $42 million, health professions $69 million, Ryan White $65 million, abstinence education $10 million, CDC by $130 million, SAMSHA by $60 million, mental health by $15 million, Impact Aid by $78 million, the Teacher Empowerment Act by $450 million, charter schools by $30 million, Indian education by $30 million, Gallaudet University by $3 million, vocational ed by $22 million, and Howard University by $7 million.

Now, Mr. Chairman, the reason these programs are funded above the budget request or above last year's level in the bill is that these programs are doing a good job of meeting the needs of people. We have increased funding for IDEA at a very, very fast rate. It has been a high priority for us. We have added $2.7 billion of new funding to IDEA during our tenure; and we have brought the additional per pupil percentage costs to serve disabled children up to 13 percent. It was at 9 percent in 1995. Other Federal funding brings it to 18 percent. We have put this particular account, IDEA, at a very, very high priority.

We have added a $500 million to the bill already. We would like to, and hope that in some time in the course of the process of considering this bill in conference with the Senate and in negotiation with the White House, we can add more. At this time, I think that the cuts that would be made in very important programs would be very severe and would not serve the interests of the persons served by those programs at all well. These are needed monies in every case.

For that reason, while I respect the gentleman's concern about IDEA, I believe that this amendment should not be adopted.

Mr. BASS. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from New Hampshire.

Mr. BASS. I respect the gentleman's concern about this, and I would only point out that we have time and time again in this body said that special education is, if not our very highest priority, it is certainly at the very top of the list. And I would only point out that at least five of these programs that the gentleman mentioned still have increases in them, and not one of them, not one of them is cut from the level of spending from last year.

I agree with the gentleman, it is not an easy job to propose an amendment like this, but I think special education is important enough to me that it deserves to be funded at a $2 billion increase.

Mr. GOODLING. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

As the leader of trying to get the Congress to put its money where its mouth has been for 20 years in the minority, and now 6 years in the majority, I have to rise to oppose this very effort for several reasons.

First of all, this takes money from the Teacher Empowerment Act. The whole purpose of the Teacher Empowerment Act is to get quality teachers in the classroom so that, as a matter of fact, we do not keep increasing the number of young people who get placed into a special needs class.

Charter schools. They are working, and they are working to make sure that we do not increase the number of children who end up in a special needs program.

Job Corps. Last chance for these young people. And let me tell my colleagues, if we do not succeed on that last chance, the cost of taking care of those people will even be far greater than the cost of meeting special needs.

Impact Aid. We take it from them one place and give it back to them in another. So I think this is positively the wrong way to go if we really want to reduce the number of special needs children.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I very much respect the gentleman from New Hampshire, and I respect his concern for special education. I have a special interest in special education which I have to confess. I have a nephew who is a Down syndrome child, and I know many other good friends who have children in need of the same kind of services. But

there is a way to do something and a way not to do something.

This chart shows, as the gentleman indicated, that just 36 days ago this House promised that it was going to spend $7 billion on special education. This bill contains $5.5 billion for special education. We were trying to offer an amendment to add $1.5 billion to special education, not by cutting all of the programs that the gentleman from Illinois has just listed but by changing this equation.

We wanted the majority party to take 20 percent of the tax cuts which they are voting through this place this year, eliminate 20 percent of those tax cuts so that we could fully fund not only education for the handicapped but so that we could fully fund other education and health and worker training programs. We could have funded all of those amendments by simply scaling back the size of the tax cut by 20 percent. And before anybody has a heart attack, 73 percent of the benefits from those tax cuts are scheduled to go to the richest 1 percent of people in the country. The other 99 out of 100 are only scheduled to get 27 percent.

Now, that is a better way to finance this amendment than the way that the gentleman is proposing. A couple of hours ago, when the gentleman from Kansas (Mr. TIAHRT) was on the floor, he presented the House with a chart and he was bragging about how much the majority party has increased funding for the Job Corps. And I stood up and I said, hooray, Allah be praised, hallelujah, everything else I could think of, welcome to the club, because I remember fighting on this floor in 1981 when Ronald Reagan was trying to zero out the Job Corps. So I welcomed the gentleman and I welcomed the conversion of the majority party to support for Job Corps. This amendment, 3 hours later, would cut Job Corps by $42 million.

Job Corps has only a 50 percent success rate, but we are starting out in Job Corps with kids who have been losers 100 percent of the time. So a 50 percent rate of saving kids who otherwise are on a short route to nowhere is a whole lot better batting average than Babe Ruth ever had.

But this would cut Job Corps. It would cut nurses training. It would cut community health funding. That is where poor people go to get their health care because they often cannot go to a normal middle-class hospital and get that health care without begging. It would cut that back. It would cut back the abstinence aid that the gentleman from Oklahoma is so interested in. It would cut back public health funding in the Center for Disease Control. It would cut back funding to fight drug abuse. It would cut back Impact Aid. It would make a $450 million cut in the class size block grant.

The majority has asked us on this side of the aisle why we do not block grant this money instead of requiring that money be spent to reduce class sizes? And we have said because we have seen what happens when we block grant money. First, we block grant it, and then after it is put in one block, then it is cut; and you can escape the political attention that comes from having to cut the programs individually because they are all in one lump.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. So we have evidence right here in this amendment, Mr. Chairman, to verify our fears. We do not even yet have the block grant put into law and already this amendment is trying to cut it by $450 million.

Then it cuts Indian education. It even cuts $3 million out of Gallaudet, the school for the blind. And there are some other cuts.

So, Mr. Chairman, I would point out that even the people who are the beneficiaries of this amendment are asking that it not be passed. The Council for Exceptional Children, that is the group that lobbies for funding for special education is saying, ''Do we want the money? Yes. But do we want it at the expense of cutting these other educational programs? No, we do not.'' PTA is saying the same thing. Our local school administrators are saying the same thing.

I do not blame the gentleman for offering this amendment, because he has a legitimate heartfelt concern. But what this amendment demonstrates is what we have been trying to say all year on this side of the aisle. It demonstrates there is simply not enough funding in this bill for education of all kinds and for health care and for job training. Sooner or later the majority will recognize that. Sooner or later it is going to have to change this equation so that we get a better deal for middle-class taxpayers; and, at the same time, sooner or later we will put back not only the money for special education but the additional money we need for Pell Grants, for Title I, and the list goes on and on.

It, unfortunately, is going to take longer than it ought. But, meanwhile, we should not complicate it by passing this amendment. So I regretfully urge its rejection.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to talk a little bit about broken promises. It was not Republicans in 1975 that said to the American people that we will move this legislation and within a few years we will give 40 percent of excess costs. We were not in the majority.

During that entire time, while that majority was here, we never got anywhere near the 40 percent. We never got above 6 percent. At least in the last 5 years we have gotten up to 13 percent.

So do not tell me about broken promises. They were made from the other side of the aisle and they were made back in 1975, and nothing was done when they had a 2-to-1 majority in this Congress of the United States.

1800

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I sympathize with the gentleman that is offering the amendment. I was chairman of the Subcommittee on Authorization when this bill came through for the first time on IDEA. If my colleagues have ever had a tangle where they put parent groups and school groups together, it is like putting a Persian and a Siamese cat together. It is a very difficult and it is a very complicated bill.

I rise in opposition to the amendment of the gentleman. And I was the IDEA man of the year that year for pushing the bill through. And then later we had a colleague take over that position when I came to Appropriations.

But if the gentlemen on both sides really want to help, and I think they do legitimately, Alan Bersin is the superintendent of San Diego City Schools. He was the appointee of President Clinton on the border. He did a pretty good job, and now he is a superintendent. His number one problem is IDEA in the schools.

Why? Not so much the funding, but we are losing good teachers that want to help special-needs children. They are being forced into the courts by liberal trial lawyers that form cottage organizations and go to these parent groups and demand super Cadillac systems when they may only qualify for a small portion.

We have a school in San Diego where it costs $200,000 a year for one child in special education. And the schools cannot afford that. Quite often, as we increase the money, the trial lawyers come in and steal that money.

I agree with the gentleman, special education does need more money. I would like to work with the gentleman on that. But some of these programs, for example Impact Aid, do my colleagues know how negatively that affects military families and Native American families? It really impacts them negatively. And so, I would say to the gentleman, I agree with the gentleman from Wisconsin (Mr. OBEY) that these are programs some of us feel are very, very important, Impact Aid, Galludet University. Republicans and Democrats play in a basketball game there every year just to raise a little bit of money.

Howard University. I went out and visited the president. When we talk about minority education, look and see the job they are doing. Over half of the new teachers hired in the last couple of

years were not qualified. And this funds the Teacher Empowerment Act, makes sure that those teachers are qualified.

We have test scores that are slightly rising. But yet, when a student goes to the university, they have to take remedial education. Why? Because in many cases in our inner cities those teachers are not qualified; and unless we bring up the quality of those teachers, then our students are always going to fall behind, and they are going to be left behind.

So it is with great reluctance I oppose the gentleman. I know it is in good faith. A large part of me wants to support him. But, overall, I have to oppose him.

Mr. BALDACCI. Mr. Chairman, I am a strong supporter of the Individuals with Disabilities Education Act. I strongly agree that every child deserves the opportunity to benefit from a public education and is able to reach his or her fullest potential.

In addition, I recognize the tremendous cost of this endeavor. If our schools are truly to serve all students, the federal government must increase IDEA funding.

During my years in Congress, I have worked tirelessly to support increases in special education funding. I continue to support increasing funding for special education, and would like to see us funding it at $7 billion this year.

But there is a right way, and a wrong way to go about this.

The right way is to increase overall funding for education so that, in this time of extraordinary budget surpluses, we are meeting the needs of all students.

The wrong way is what is proposed in this amendment—robbing Peter to pay Paul. This amendment takes money from other equally worthy programs in order to pay for IDEA. Simply shifting money around doesn't solve the problem.

The Labor HHS Education bill is woefully underfunded. Why? Not because our nation cannot afford to invest in education. But because our Republican colleagues want to give large tax breaks to their wealthy friends.

The result is that good programs are pitted against one another, forced to compete for artificially scarce resources. This is no way to govern.

I am committed to moving ahead with fully funding the Federal government's promised 40% of IDEA expenses. But I will not do so at the expense of other equally worthy programs. As the Labor HHS Education bill goes to conference, I will be urging my colleagues in the House to accept the far more generous funding levels of the Senate bill, and to direct some of those additional resources toward special education.

So I urge my colleagues to increase funding for IDEA, but to do it the right way. Therefore, I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2001 through June 30, 2002; and of which $100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $406,550,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $43,452,000, together with not to exceed $3,054,338,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2001, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2003; and of which $43,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2001 is projected by the Department of Labor to exceed 2,396,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2002, $435,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2001, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $100,944,000, including $6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than one year, to administer welfare-to-work grants, together with not to exceed $45,056,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $98,934,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2001, for such Corporation: *Provided*, That not to exceed $11,148,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-

administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $337,030,000, together with $1,740,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $56,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 2000, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2001: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration, $30,510,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, medical bill review, and periodic roll management, in support of Federal Employees' Compensation Act administration, $19,971,000; (2) for conversion to a paperless office, $7,005,000; (3) for communications redesign, $750,000; (4) for information technology maintenance and support, $2,784,000; and (5) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,028,000,000, of which $975,343,000 shall be available until September 30, 2002, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $30,393,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $21,590,000 for transfer to Departmental Management, Salaries and Expenses, $318,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: *Provided,* That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $381,620,000, including not to exceed $83,771,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided,* That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $233,000,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; and, in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local

agencies and their employees for services rendered, $372,743,000, together with not to exceed $67,257,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $7,241,000 for the President's Committee on Employment of People With Disabilities, and including the management or operation of Departmental bilateral and multilateral foreign technical assistance, $244,579,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

AMENDMENT NO. 9 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. OBEY:

Page 16, line 24, after the dollar amount, insert the following: ''(increased by $97,000,000)''.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, just 2 weeks ago, the Congress passed the China trade legislation. There were a lot of reasons why a lot of Members voted against that bill.

One of the reasons is that a lot of us are concerned about the prospect of putting American workers in a position where they are going to be directly undercut by practices such as slave labor and child labor.

The administration, the White House, tried to make at least a nominal effort to try to prevent those problems from becoming any worse than they are by raising funding for efforts to combat the incidence of child labor and weak labor standards.

This committee chose not to agree with that funding. This amendment simply would restore for the international labor standards portion of the bill the amount of money requested by the administration that was not included in the bill.

Let me explain in a little more detail what it does. It would add $730 million to reduce the incidence of child labor. It would add $17 million to enforce core labor standards. And it would add $10 million for responding to the HIV/AIDS crisis in sub-Sahara Africa by supporting workplace education and prevention programs.

I would simply point out, Mr. Chairman, that, according to the International Labor Organization, there are 250 million children between the ages of 5 and 14 who are working in developed nations with approximately half of them working full-time but not going to school.

The President wants to expand the successful efforts of the ILO and the Department of Labor and USAID to develop education infrastructure and build data and monitoring systems to take kids out of factories and put them in schools.

Mr. Chairman, these programs are working. In Bangladesh they have helped 9,000 kids get out of garment sweatshops and into classrooms. In Pakistan they have got 7,000 kids into school learning to read and write instead of sitting in a factory stitching soccer balls. In Guatemala they are getting kids out of quarries where they crush rocks by hand all day instead of sitting in a classroom where they could have a book in their hand instead of a rock.

175 countries have signed the ILO Convention that calls for eliminating the worst forms of child labor. This budget is supposed to fund the technical assistance to help them make that pledge a reality.

Now, we will be told we do not need this money because this program had a large increase last year. I would suggest that for years all countries, including ours, have ignored the tools that we could use to improve this situation. And so finally last year, for the first time, we began to provide a pittance for some of these programs.

These programs are in the interest of every child in the third world. They are in the interest of every working American who has a right to a level playing field. I think this amendment ought to be adopted.

Now, we will be told, ''Oh, you have not provided a corresponding cut in the bill.'' That is because under the rule under which this bill is being considered, the only other programs we could cut are other education or other health or other job training programs. We cannot get into other portions of the Federal budget, as the gentleman knows.

And so, again, all we are suggesting is that all of these major 11 amendments that we would like to offer could be financed by scaling back the size of the intended tax cut by 20 percent. I think that would do a whole lot more for children. It would certainly do a whole lot more for our consciences. I believe that the amendment ought to be adopted.

Mr. PORTER. Mr. Chairman, I continue to reserve a point of order.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as late as 1997, this Bureau was funded at $9.5 million. That is 3 years ago. In the fiscal year 2000 appropriation, it received funding of $70 million. This is an over–600 percent increase in just 3 years.

The administration wants to add an additional $97 million, which would be an additional 140 percent increase from last year. At $167 million, funding for this Bureau would be more than that requested for the Wage an Hour Division, which oversees labor standards in the United States, including child labor.

We recognize that this country needs to be an international leader in labor issues, such as child labor and international labor standards, which is why we have agreed to such large increases in this Bureau over the last 3 years.

I generally support the concept of the amendment of the gentleman from Wisconsin (Mr. OBEY) and would have funded this at the requested level if I could under our allocation. I will work with the gentleman to achieve the funding level in conference if we have sufficient allocation at that time. However, I regret that at the appropriate time I will have to press the point of order.

1815

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

One of the great things about the experiment that we live in this great democracy is as we provide more protection for those who have the least in society, we actually improve the living standard of every American. When we look to these developing nations, one of the economic systems that is in play is as more and more children work, and not in family farms as I did and so many others did growing up, not in a family loom or a small family business but often in the worst kind of conditions, chemicals endangering their future development and growth, hazardous materials that may bring their lives to an early end. Beyond even those dangers to these children that are put before some of the greatest dangers that are out there in the industrial world, it also deprives their families, their fathers and mothers of a living wage. Because a society that has dozens and dozens and hundreds and thousands of small children working means there is a surplus of labor. And so at the end of the day not only are

the children deprived of an education, deprived of an opportunity to grow up not protected from these hazardous chemicals but the child's parents then earn not enough to survive.

This small program here would help us to do what we need to do globally. If we do not want to see the kinds of crises develop across Asia and Africa as we have seen so often before, we have to lift these societies. A majority of the people in this Congress voted to give China PNTR without dealing with the environment, without dealing with labor issues. We were precluded from bringing those issues to the debate.

Here is an opportunity to take a small step to provide some basic protection for children. We all come to the floor with speeches, we are pro family, we are for children. How about these children? How about making sure we have the resources to give their parents an even break, to give our workers an even break, and to give these children a chance to grow up and live a healthy life? If they are working when they are 5 and 6 years old in these factories, they are not going to get an education; and these societies are not going to move forward. It is bad for us, it is bad for them, it dooms them.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. I find it ironic to consider how this bill has been handled today. We started out to deal with this bill this morning to try to provide Federal funding for education and health and job training programs.

And then this bill was knocked off the floor for 2 hours while the majority party brought to the floor the rule that will allow them to consider their tax bill tomorrow. Their tax bill tomorrow will effectively eliminate the estate tax. In some cases that may be justified. But the way they brought it to the floor means that there will be some people who strike it rich, make huge amounts of money and are never taxed once on any of that money, while working people are taxed on every dollar they earn in the workplace every day.

The eventual revenue lost to the treasury will be about $50 billion a year that will go into the pockets of Mr. Money Bags in this society. That is enough to provide health coverage for every single American who does not have it. But when you raise that possibility, they say, ''Oh, no, socialized medicine.'' And so forget it, we will not try that.

''At least,'' we say, ''what about the poorest wretches on this planet?'' Will you give them something other than a few conscience pennies, the way John D. Rockefeller used to give kids dimes? Will you do something real that improves their lives and protects the working standards and the living standards of American wage earners at the same time? The choice is whether you believe in putting the money here or whether you believe in putting it in places it will help those kids.

Mr. GEJDENSON. Reclaiming my time, I think the gentleman makes an important point. The difference between providing a break for family farmers and small businesses which I think the Democrats believe in, although Mr. Gates was dealt a blow yesterday by the courts, I think economically he is okay and we do not need to give him a tax shelter at some point when he leaves it to his children. They will be fine as well. We ought to make sure we have the resources to provide the health care and education of this country and to also take a few small steps to bring others in this planet up just a little bit. I thank the gentleman for his efforts here and in so many other places.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is very, very important and I think legitimate debate to see the differences between two opinions and to do that in a legitimate way without casting aspersions. First of all, I do not want Hoss and Little Joe to have to sell the Ponderosa. I saw a movie. It was about a lady that emigrated, that had a child out of wedlock, she worked in a sweatshop back in the teens. She sold jelly, she sold everything she could for 5 years and finally saved some pennies and finally when she was able to bake cakes and things, she bought a little shack and started a store. The bottom line was she ended up with one of the largest department stores in New York. A true story. That is the American dream. I do not want that gentlewoman to have to give back 55 percent of everything she owns. I support that gentlewoman and the work and the taxes that she paid.

Mr. Speaker, I want to tell the gentleman the differences of opinion. For 30 years, the Democrats had control of this House. Did we have a balanced budget? No. Did we have tax increases? Yes. In 1993 when my colleagues on the other side of the aisle controlled the House, the White House and the Senate, they wanted what they called was tax breaks for the middle class. But yet they gave us the highest tax increase in history. They increased the tax on Social Security. They increased the tax on the middle class. And they increased again the tax on Social Security.

They increased the gas tax. And did it go into the transportation fund? No. It went into the general fund so that they could spend more money on socialized programs. And then they took every dime out of the Social Security trust fund and spent that. In doing so they drove this country into debt.

Now, the Republicans, when we took the majority, we balanced the budget. Many of my colleagues on the other side opposed that because it took the ability to spend money away. We had welfare reform. Many of my colleagues on the other side opposed that, because it took their ability to rain money down, but yet I think when you talk about the American dream, I look at the children that now see their parents coming home with a paycheck instead of a welfare check. Is there reason to look at the help that welfare people need? Yes. But 20 years, average, on welfare is wrong. Yet they wanted to keep dumping money into those programs time after time like in this bill.

Education, when they had control for 30 years, take a look at what we started with. Schools, construction, falling down. We are last in math and science of all the industrialized nations. We have got less than 48 cents out of the Federal dollar to the classroom. Programs like title I spent trillions of dollars in education but was there any accountability? No, just more money, more money.

And we had more and more programs. Was this mean spirited? No. You had somebody that wanted a new program, but what happened was they spread it out so much that none of the programs, Head Start, IDEA, any of them got the funding they needed because everybody wanted a new program. But yet to get that, they had to keep taxing to pay for these new programs.

Any tax cut we offer, they are going to fight. The mantra, and I think some of their constituencies actually believe it is only tax breaks for the rich. They say it over and over and over again. But the bottom line is they will not support any tax relief because it takes the power away from government, which they truly and legitimately believe does a better job. We disagree with that. I think that is a legitimate fact.

We saved and locked up Social Security into a lockbox. That also prevented them from spending more money in bills like this, because we operate under a balanced budget and do not increase taxes like the President's budget did every time. We do not raid the Social Security trust fund, but we operate within the rules that the gentleman from Illinois (Mr. PORTER) has to operate under and classify these different programs. My colleagues want to keep spending above those amounts. That is a difference, ladies and gentlemen.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

I find it interesting when we are talking about a program to try and provide technical assistance to some of the poorest nations and some of the poorest people on Earth that the gentleman would come down and make a case for giving 2 percent of the richest people maybe on the face of the Earth a tax cut worth almost $400 billion. But that is why we do not have the money to deal with this program, because they have already made their decisions.

It is not the gentleman from Illinois' (Mr. PORTER) problem. His problem is the money that the leadership gave him because they took most of the money for their tax cuts, tax cuts that have been rejected by the American public time and again because the American public understands there is an agenda that has to be dealt with by this Congress and by this Nation of securing Social Security, securing Medicare and paying down the debt, taking care of the education of our children. But they refuse to do that. So this appropriation bill comes to the floor with inadequate resources.

Let us talk a little bit about the gentleman's amendment. This is an effort to continue to provide technical assistance to the ILO against child labor. These are efforts that have been successful. The gentleman talked about the effort in the soccer ball where before young children were given soccer balls to sew because theoretically they had flexible small hands and they could sew those soccer balls. They did it until such time as their hands were crippled. Then they were released from those jobs. They could not really go to work, and they had never been to school.

Led by the Secretary of Labor, Senator HARKIN, myself, and others, we brought the manufacturers of soccer balls together along with the ILO, along with various countries and those manufacturing processes were brought in-house. They were brought in-house and adults were given those jobs and children were sent to school and schools were built so that children could participate in an education and their parents could earn enough money.

Now when American children play soccer in this country, they know that the soccer balls are not made by the misery of child labor in foreign countries. That model can be replicated and is being replicated time and again, but it needs assistance to do that. That was part of the debate about globalization that we went through last week, about whether or not American workers are going to have to compete against these kinds of unfair labor practices and whether or not it is just enough for America to say send us anything as long as you can keep the costs down and you do it through human misery.

That is not what the American people want. They have said time and again they want child labor reduced, they do not want to buy articles of clothing, sporting goods, and other commodities that are made with child labor. This is an effort. The administration made the request, and the request could not be met. Not because this committee did not want to do it, because the priorities were set earlier in the year with the $1 trillion tax cut.

What we are going to see time and again is appropriations bills come to this floor, the priorities of this Nation are not being met because of that tax cut. The interruption that took place earlier today to report the rule for the repeal of the estate tax is just part of that package. They could not pass the whole package, so now they are going to separate it into pieces. But that is going to address 2 percent of the wealthiest people in this country.

It is going to cost us almost $400 billion over 10 years, and it is very hard to do justice if you do not have the money to try to help people who are far less fortunate than we are so that they can have a good life for their families, their children can go to school, and they can start to aspire to the same kind of dreams that we want for our children.

I thank the gentleman for offering the amendment.

1830

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a sub-allocation of budget totals for fiscal year 2001 on June 7, 2000, House report 106–656. This amendment would provide new budget authority in excess of the subcommittee's sub-allocation made under section 302(b) and is not permitted under section 302(f) of the act. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order against his amendment?

Mr. OBEY. Yes, I do, Mr. Chairman. I would simply say that given the fact that the rule under which this bill is being considered guarantees that at all costs that tax breaks for the wealthiest 1 percent of people in this society will come before the needs of everybody else, I reluctantly agree that because of that rule, the gentleman is technically correct, and the amendment, while correct and just, is not in order under the Rules of the House.

The CHAIRMAN. The Chair is authoritatively guided by the estimate of the Committee on the Budget, pursuant to section 312(a) of the Budget Act, that an amendment providing a net increase in new discretionary budget authority greater than $1 million would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Wisconsin (Mr. OBEY), on its face, proposes to increase the level of new discretionary budget authority in the bill by greater than $1 million. As such, the amendment would violate section 302(f) of the Budget Act.

The point of order is sustained, and the amendment is not in order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $184,341,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2001. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $16,936,000, of which $7,300,000 shall be available for obligation for the period July 1, 2001, through June 30, 2002.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $48,095,000, together with not to exceed $3,830,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 19, strike lines 15 through 19 (section 103).

Mr. TRAFICANT. Mr. Chairman, section 103 reads, ''None of the funds made available in this act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed temporary or final standard on ergonomic protection.''

The Traficant-Weldon amendment would simply strike the provision, and it would prevent OSHA from going forward with its proposed rule, requiring employers to come up with basic programs to prevent repetitive motion injuries.

Last August the House passed H.R. 987, the Workplace Preservation Act, to have OSHA wait until another study is complete to implement the standards. For the record, I voted against the bill. Now, this bill overrides the wait provision and tells OSHA that it cannot set those standards.

We have many American workers, and I know what the complaints are, that some of these workers are taking advantage in the workplace of some of these musculoskeletal problems where, through repetitive work in industry, they develop these musculoskeletal problems and muscular problems that prevent them from working.

By striking the language, very simply, we would affect, in my opinion, 650,000 workers in the positive. We have an opportunity to pass a very straightforward amendment. Some employers have had experience with these programs in meat packing, foot wear facilities that have seen significant reductions in these disorders, and I think today we should guarantee that other industries and employers see the same reduction in injuries and see fewer missed days of work.

It does not seem like a tough job being a cashier, or nurses in nursing homes, or court reporters who sit with their fingers constantly moving and their hands subject to, over a period of years, much wear and tear, and that is not even getting to the point of those workers in manufacturing and assembly plants who, on a very repetitive motion, are bringing about certain heavy industrial tools and machinery.

So without a doubt, I think in the best interest, certainly to serve the working community, and I think in the best interest of Congress, I think we should strike section 103. I think it is the right thing to do. By doing so, I think we would help many American workers.

Mrs. NORTHUP. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize and agree with the concerns of the gentleman from Ohio (Mr. TRAFICANT) who is offering this amendment. I believe that we are all worried about healthy workers, about workers who are important to this economy, they are important to their families, their income is important to their community and their family. This is an issue that is very important.

The problem is that the Department of Labor has been absolutely tone deaf in developing this rule. They have had all of these years they have been talking about to develop a rule. There are many people that wish to come to the table and work on this issue. The fact is, in workplaces all across America we have employers, we have cities, we have States, we have hospitals, nursing homes, teachers, every single place across this country, people are looking for workers. It is in all of our best interests to keep our workers healthy and on the job.

But the fact is that the Department of Labor has written a rule that is absolutely unacceptable. It does not at all bring all of the people concerned about this to the table and help work out a reasonable rule. It has put all of the costs on the employer, and it is not just businesses that are terribly concerned about this, it is schools; the school districts are talking about being absolutely unable to comply because of the cost. Nursing homes, hospitals, States, cities, the League of Cities. We all know that is not some conservative organization. They are saying that this rule is written in a way that they simply could not, could not comply with this.

Mr. Chairman, it threatens the solvency of our workers' compensation program because it overrides current workers compensation programs that have worked so well in our States; and instead it provides an extraordinary level of reimbursement for our workers who would need time off because of repetitive motion injuries.

The problem here is one of fairness. It is simply not fair to have two workers that work side by side, one that is truly injured, completely and totally on the job, to get one level of reimbursement and a worker who is off because of a repetitive motion that may be partly his job, partly what he does outside of his job, partly what happened before he came to this workplace, getting an extraordinary level of benefits. It places all of the responsibility on the employer. It has no regard to preexisting condition or what is done outside.

The fact is, Mr. Chairman, we need to work on ergonomics rules in total. What ergonomics are, are people that start to have injuries. Those of us over 50 probably do not have a friend that does not have an elbow, a shoulder, a neck, a backache, something that is a repetitive motion problem. Is it exacerbated in the workplace? Sometimes it is. So that is a component of it. But it also may be aggravated by what happens outside of the workplace.

So what this rule does not do is recognize the outside of the workplace being part of the cause and what has to be addressed.

In truth, what this bill does is chase our best jobs out of this country. It begins to make Mexico and Canada look like great places to put one's next plant or any expansion that one does, so that one can have a reasonable workplace where one can work with one's workers, work to address their concerns, and not absorb enormous costs that are open-ended. It discriminates against older workers, because I hate to say, it does not take long for somebody to figure out that somebody like me in my 50s is more likely to have a joint or a backache or a carpal tunnel problem than it is for a 24-year-old. So if one is an employer and one knows that they have to keep spending money until this person's problem goes away, one can figure out that it is better to hire 23-year-olds than it is 53-year-olds.

The gentleman from Ohio (Mr. TRAFICANT) is exactly right. Companies are spending millions of dollars right now. They are doing everything they possibly can to reengineer the workplace, to trade and rotate jobs, to address their employees' needs. But it makes no sense to enact a rule or to let the Department of Labor go on with a rule that is so one-sided and does not really bring us solutions.

In closing, Mr. Chairman, I would like to point out that there is one workplace that the OSHA rule would not apply, and that is the one workplace that the Federal Government has total control over. Federal employees would not be covered by this rule. It is not enforceable in Federal workplaces, and so they would be the one group that would be exempted.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to join with the gentleman from Ohio (Mr. TRAFICANT), my friend and colleague, in offering this amendment and rise to express my concerns about the status of some of America's workers. I agree with the gentlewoman that we should have a great deal of concern about jobs going away from America. In fact, that is why I opposed NAFTA. I think if we look at the results of the implications of NAFTA, we would find that many of America's manufacturing jobs have, in fact, gone to Mexico and Canada and have left the U.S.

But I want to talk about this issue in particular, and I do not rise in a vacuum. Mr. Chairman, before coming to Congress, I was an educator, and one of the assignments that I had as an educator was to run the corporate training department for a very large insurance company, the Insurance Company of North America, which later became known as the Cigna Corporation. My job at that corporation was to train their workers' comp specialists, and we had some 700 of them that worked with companies across the country.

Mr. Chairman, during that experience, what I saw time and time again among our insureds were examples of workers suffering from carpal tunnel syndrome and suffering from problems associated with workplaces that were not properly considering the atmosphere of the worker, the conditions of the worker, the ergonomics of the workplace environment.

Now, the rightful response by industry should have been, and in some cases has been, an effort to redesign the workplace, to make the job more conducive to the human body. Unfortunately, that has not always occurred.

What OSHA has proposed to do is to set up some standards that, in fact, would allow that to happen. We can argue for and against the fairness, but I think the bottom line in my opinion is we have to very strongly say as a Congress that this issue of ergonomics must be addressed, and I think it is appropriate that it be addressed and supported by Members of both sides of the aisle.

1845

If we look at the history of this issue in both the House and Senate, there have been a number of hearings on ergonomics and on the issues associated with it.

In fact, it is interesting to me, Mr. Chairman, that in the fiscal year 1998 Labor-HHS appropriations bill, OSHA

was prohibited from funding the implementation of the ergonomics rule during that fiscal year. In the accompanying report, however, the committee specifically stated, ''The committee will refrain from any further restrictions with regard to the development, promulgation of issuance, or issuance of an ergonomics standard following fiscal year 1998.''

So here we had in the 1998 bill language that basically said we would not move to restrict these kinds of guidelines in the future. There is a feeling there have been enough studies on the subject, Mr. Chairman, including a 1998 study by the Academy of Sciences, a critical review by the National Institute for Occupational Safety and Health, and over 2,000 scientific articles on ergonomics. It is a major problem and is causing severe problems for our constituents across the country.

In fact, Mr. Chairman, in August of 1999, the full House passed H.R. 987, which would deny funding for the ergonomics rule until the National Academy of Sciences completed its study on the proposal. This bill basically precludes the need to take the action that is included in this appropriation measure.

In fact, the most interesting part of this whole debate, Mr. Chairman, is where this idea first originated for an ergonomics standard. It did not originate under Bill Clinton. An ergonomics standard within OSHA was first proposed by Labor Secretary Libby Dole under the Bush administration. Granted, it may not be the standard we are looking at today, but the idea of moving toward an ergonomic standard is one based in the tradition of both parties.

For these reasons, Mr. Chairman, I stand in favor of this amendment. I ask my colleagues to look at it and support it in an effort to find support on this legislation, to show the workers of America that we are going to do more than give lip service to the concerns related to carpal tunnel syndrome and other similar workplace problems associated with the problem of ergonomics.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not question the sincerity of any Member of this House, but it is well known that all day the majority party leadership has been looking for a sponsor for this amendment. I doubt that it is because they have experienced a recent Damascus conversion which now suddenly makes them passionate defenders of worker health and safety issues.

I think it might be legitimate to ask the question whether or not there are a number of Republican moderates in the House who are worried about having to cast a vote for this bill in the end because it cuts education from the President's request by $3 billion, it cuts the President's request on health care by well over $1 billion, and it cuts support for worker protection and worker training programs by almost $2 billion.

So I think it is fair to ask whether some of those moderates would not feel more comfortable if they had a little political cover by being able to vote for an amendment like this. Perhaps it might make it easier for some folks to vote against the interests of workers by voting for this bill on final passage with the deep cuts that it provides in programs that help workers.

I also find it interesting that this vote occurs just 2 weeks after the China trade vote. I would ask myself the question whether or not we do not also have some Members who might be interested in trying to climb back into the good graces of labor by having an opportunity to vote on this amendment after they voted for the China trade bill a few weeks ago. I do not know, but I think a reasonable observer might come into the House and ask that question.

Having said that, let me say, of course this amendment should pass. OSHA has been trying to develop a rule to protect workers from repetitive motion injury for over 10 years. For 5 of those years they have been blocked by the Congress of the United States. In my view, that has been a sometimes scurrilous action taken by this body.

I would note that at my insistence the committee 2 years ago contained the following language in its report: ''The committee will refrain from any further restriction with regard to the development, promulgation, or issuance of an ergonomics standard following fiscal year 1998.''

Despite the committee's declaration in writing, this committee chose to insert the language of the Northup amendment, which abrogated the agreement that the committee had announced to the country and the House.

So of course this amendment should pass. But I do not believe American workers are going to be fooled. I do not believe that a vote for this amendment, followed by a vote for this bill, will be seen by American workers as doing them any favors. I think it will be seen for exactly what it is.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a defining moment and offers the opportunity for all of us in this body to actually show the American people whose side we are on.

There are many of us who came to this body to fight for what we believe is the driving engine of America's economy, the small business out there, providing 80 to 85 percent of all jobs in America; people who work hard, people who are fighting for raises, for better benefits, for higher-paying jobs in their community, expanding the opportunity for jobs for people across the country.

I believe that is what we should be doing here every day we come to work, because America has risen to great heights historically because of private sector growth.

On the other side, we have OSHA bureaucrats and power-hungry union leaders who are trying desperately to implement an ergonomics rule that would put a noose around the neck of many employers in this country.

This is an issue quite frankly that many Members have been struggling with for many years. I would ask rhetorically for Members of both sides of the aisle, when is the last time they had a town meeting and they had people stand up and say, my goodness, Congressman, we really need that OSHA ergonomics rule to be implemented as quickly as possible?

I happen to represent an area that is very independent-minded, not necessarily a Republican or Democrat district, and I have not had one piece of mail, not one phone call, not one question at a town meeting where someone said, please, we need this regulation at our workplace.

This is strictly driven by bureaucracy, bureaucrats at OSHA, and driven by power-hungry union leaders who are desperate to get a greater grip on the private sector of this country.

On the side we are fighting for, we do have the small business community. We have small manufacturers, we have farmers, we have ranchers, we have hospitals, we have all of the folks out there who are working hard every day to make a living. It is mind-boggling to me that anyone could find even any gray on this issue at all.

There is no science, there is no medical research that has conclusively shown that this regulation is necessary. In spite of what a lot of people up here who love big government like to say, believe it or not, the private sector is doing a lot to improve the work environment when it comes to dealing with repetitive stress injuries in the workplace.

Grocery store chains, insurance companies, computer manufacturers, all of those that are creating this tremendous economic growth have dealt with this issue in the workplace privately, and it is working. Let us all review the statistics that OSHA has even been presenting over the last few years: Workplace injuries are down consistently over the last decade. There is a lot being done out there to improve the work environment for workers.

Again, this is something that is going to have a high price tag, as well. Those who are trying to rush this rule into place have not acknowledged, for example, that for each particular industry, for whatever it may be, the cost of implementing it could run into the billions of dollars. In some industries the cost will be upwards of $20 billion.

The Post Office is even against this. So if Members cannot find that they can identify with small business in America, if they cannot identify with the farmers and ranchers and the doctors and the hospitals, maybe they can identify with the Post Office, because they are against it, as well. Or maybe they can identify it with the former OSHA director, who is also against this regulation.

I asked a question recently in a hearing about this issue to the director of OSHA, the head of OSHA, of how, because of the vagueness of the way the rule is written, how would an employer even know they are in compliance, because there is tremendous vagueness in the rule? That is the problem with one-size-fits-all rules. They are written for dance studios, bakeries, restaurants, and farms and ranches. We cannot possibly apply a single rule like that, where everyone can fit in a particular category and say, yes, we are in compliance.

The director of OSHA said, do not worry, we will let the employers know when they are in compliance, which means that this will give the Federal bureaucracy at OSHA a tremendous latitude in determining when employers are in compliance.

This has the ability, Mr. Chairman, all across the board in America, again, whether it is an auto parts store, a customs broker office, a doctors office, a restaurant, a small manufacturing company, the cost of mailing a letter, all of this is going to increase, could increase greatly in cost for consumers out there if this rule is implemented the way it has been written.

I would just strongly encourage all of my colleagues to look at whose side they are on on this issue. There is no gray. They are either on the side of the salt of the Earth economic engine that drives this country, the small business sector, or they are on the side of the power hungry union leaders who are trying to implement this.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that on this amendment, debate be limited to 30 additional minutes, to be divided 7½ minutes to the gentleman from Pennsylvania (Mr. TRAFICANT), 7½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP), 7½ minutes to the gentleman from Wisconsin (Mr. OBEY), and 7½ to myself.

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

Mr. TRAFICANT. Reserving the right to object, Mr. Chairman, I would ask, what was that? I did not hear that.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would tell the gentleman, I asked unanimous consent that we limit further debate on this amendment to 30 minutes, to be divided four ways, 7½ to the gentleman from Ohio (Mr. TRAFICANT), 7½ to the gentlewoman from Kentucky (Mrs. NORTHUP), 7½ to the gentleman from Wisconsin (Mr. OBEY), and 7½ to myself.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, which would safeguard America's working women and America's working family. That is whose side we are on in this debate.

Mr. Chairman, this is a $60 billion national problem that affects 650,000 workers each year. Ergonomic health disorders afflict female occupations, including nursing aides, orderlies, attendants, registered nurses, cashiers, and maids.

Women suffer disproportionately. While ergonomic hazards produce 34 percent of all workplace injuries and illnesses, they cause nearly one-half of these among women. Although women comprise 46 percent of the work force and 33 percent of the injured workers, women represent 63 percent of repetitive motion syndrome, including 69 percent of lost work time cases resulting from carpal tunnel syndrome.

Congress' fight to protect workers' health and safety has been a long one. In 1996, I had an amendment on the floor which we won in a Republican Congress, which we won almost unanimous support from the Democratic side, a few votes on the Republican side.

What this language in the legislation before us does, this is an obstruction to the implementation of that 1996 amendment. What the amendment of the gentlemen from Pennsylvania, Mr. Weldon and Mr. Traficant, would do is to strike that language.

This is very constructive. I hope our colleagues will support the Department of Labor's ergonomic standards and oppose all delaying amendments, including the language in this bill, and support Weldon-Traficant.

Mr. Chairman, the scientific evidence supports OSHA's standard. The National Academy of Sciences, the National Institute of Occupational Health and Safety, the American Public Health Association, and many other scientific and public health organizations have already concluded that workplace risk factors contribute to health problems, and ergonomics programs reduce this risk. That is whose side we are on, the National Academy of Sciences.

1900

The National Academy of Sciences 1998 study on ergonomics reported that risk factors at work cause musculoskeletal disorders and these are preventable. The National Institute of Occupational Safety and Health 1997 peer review analysis of more than 600 prior reported reliable evidence that job-related heavy physical work contributes to workplace injuries and illnesses.

Employer ergonomic programs are effective. Many very responsible businesses, large, medium, and small, in this country have decreased their recordable cases in worker compensation costs because they have invested in ergonomic programs and they have recouped the costs of implementing their program. This evidence is available from companies as diverse as Minnesota-based 3M with nearly 40,000 employees, to North Carolina's Charleston Forge with only 150 workers.

OSHA's ergonomic standard is sensible, limited in scope, and based on success. Prior Congresses have voted in support of it. In 1996, as I mentioned, 1997, and 1998 Congress specifically agreed not to delay OSHA from finalizing an ergonomic standard. This language in the bill before us today would violate these standards.

And as I said earlier, women are disproportionately affected by ergonomic injuries, and I talked about their percentage in the workforce, and the disproportionate impact on women and days lost.

I do want to say, because the question was asked whose side are we on. We are on the side of America's working families. We are on the side of the National Academy of Sciences. We are on the sides of responsible business large, small, and moderate-size businesses in our counties who have taken the initiative.

I stand here with the American Association of Occupational Health Nurses, the American College of Occupational and Environmental Medicine, the prior GOP Labor Secretaries, in support of OSHA's effort to finalize its ergonomic standard.

Nearly 20 years ago, in April, 1979, OSHA hired its first ergonomist. Nearly a decade ago, in 1990, Labor Secretary Elizabeth Dole said, by reducing repetitive motion injuries, we will increase both the safety and the productivity of America's workforce.

Secretary Dole said, I have no higher priority than accomplishing just that. And so 10 years ago, Elizabeth Dole was right. Let us not wait another day to protect America's working women, America's working families.

Mr. Chairman, I urge a ''yes'' vote on this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment offered by my colleague, the gentleman from Ohio (Mr. TRAFICANT), which will allow OSHA to rush forward with its flawed ergonomics rulemaking. I strongly support the provision in the underlying bill sponsored by my colleague, the gentlewoman from Kentucky (Mrs. NORTHUP), prohibiting OSHA from finalizing its risky ergonomics rule which is not based on good science.

For more than 2 years, the Committee on Education and the Workforce has expressed concerns to OSHA about the lack of a scientific basis for an ergonomic standard through hearings and through letters to the Department of Labor.

Last year, the House approved the bill, which would require OSHA to wait for the results of the congressionally funded National Academy of Sciences study and ergonomics, a million dollar study I might mention. The Northup language ensures that OSHA will abide

by the provisions of H.R. 987 passed by the House last year.

Despite the significant scientific and economic questions about ergonomics in the workplace, OSHA continues to plow ahead, and the result of this can only be an arbitrary, unfair, and expensive mandate without the scientific knowledge to get it right.

The health and safety of American workers is certainly a top priority of all Members of Congress. Nevertheless, it is important that Congress not stand idly by while a regulation is rushed through that is not based on sound science.

I would like to thank the gentlewoman from Kentucky (Mrs. NORTHUP) for recognizing the importance of Congress' oversight role. The gentlewoman has genuine concern for the health and safety of workers. Despite loud and misguided opposition, she has had the fortitude to focus attention on the genuine and legitimate concerns with the ergonomics proposal.

Mr. Chairman, I would urge my colleagues to oppose this amendment and to support a 1-year freeze. If we really want to help workers, then we need the results of an independent scientific study, let us get it right.

Mr. Chairman, I yield to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I just want to respond to the previous speaker and say we are all concerned about workers' safety. We all want workers to be able to prevent injury, but the Labor cabinet has not brought us anything that will help us do that, instead they bring us a one-sided rule. It does not include any collaborative effort, and it does not include any employee/employer partnership, which is what all of worker health is about.

I would like to tell my colleagues that right here is a response to a request where the Labor cabinet paid 28 people $10,000 to organize and to present testimony in their behalf. The people that oppose the rule that talked about the obstacles and the difficulties in complying came on their own behalf, as citizens, as individuals, as the private sector, to say, hey, listen to us, we want what you want, please, work with us.

The Labor cabinet paid 28 people $10,000 apiece to come and testify and enter into the record information to bolster their side. They had to pay people to support their position. So I think that what we see here is people who want to come to the table. They want to work with OSHA. They want best practice guidance.

They want an idea of how they can look to best remedy their employee's problems, but what they do not want is a bang-you-over-the-head elephant-in-a-china-shop approach of a big government bureaucracy that will do nothing but cost them money and not give them any good guidance on how to achieve what they very much want to achieve.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wonder if my colleague from Kentucky (Mrs. NORTHUP) knows what the average salary is of the lawyers who sit at the table who represent the big business industries, that have in the past been opposed to trying to do something to protect the safety of working men and women in this country.

The story of ergonomics is one of unending scientific study in the support of ergonomics and unyielding and baseless delaying tactics on the part of ergonomics opponents. We have had an 8-year ordeal of exhaustive scientific study that supports the science of ergonomics as, in fact, a way to protect workers and to save America's businesses money.

For each year of delay, another 1.8 million U.S. workers experience a work-related musculoskeletal disorder. The Department of Labor estimates that the ergonomics rule would prevent about 300,000 injuries per year, save $9 billion in workers' compensation and related costs, about one-third of general industry work sites should be covered by the rule, protecting 27 million workers.

Fewer than 30 percent of general industry employers currently have effective ergonomics programs, and it is probably because of the high-priced lawyers that they have hired to keep this rule from being promulgated. About a third of the industries, or over 600,000 incidents, are serious enough to require time off from work and cost businesses 50 to $20 billion in workers' compensation.

According to the Bureau of Labor Statistics, 34 percent of all lost workday injuries are related to ergonomic injuries.

When my colleague introduced this rider into the bill, it was said that this was a limitation and not a rider. I said at that time and I say, again, you can dress up a pig, you can put lipstick on it, you can call it Monique, but it is still a pig. This is a rider.

This is a continued delaying tactic in this legislation. The National Academy of Sciences concluded in 1998 that ergonomic industries are directly related to work, that higher on-the-job physical stress leads to more ergonomic injuries, that most people face their greatest exposure to physical stress at work. Interventions that reduce physical stress on the job reduce the risk of injury.

Since the process was begun during the Bush administration, over 1,000 witnesses have testified, more than 7,000 written comments have been submitted. OSHA has included 1,400 studies in the ergonomics rulemaking record. Science supports ergonomics. It protects worker health in this country. It will save American businesses billions of dollars.

Why then do they want to continue to delay? Why do we want to do that? Let us support the amendment of the gentleman from Ohio (Mr. TRAFICANT). Let us move ahead with an ergonomics rule, so, in fact, what we can do is to do what we are sent here to do and not to do harm, but, in fact, to protect working men and women in this country.

Mr. BLUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are here again talking about this topic that has been pointed out by many of my colleagues, has been discussed many times in this Congress. In fact, last year, we had a debate on the floor of the House, not 1996, not 1997, not 1998, but in 1999, to wait until the study by the National Academy of Sciences that had just been started was completed until OSHA moved forward with this regulation.

The House passed that legislation and said that is what we would like to do. OSHA started that study, a year ago, about the time that this provision would be exhausted, that we get to the end of the fiscal year, that this provision would make it impossible for OSHA to implement these ergonomics regulations, that study will be completed, there will have then 90 days to look at it. And, in fact, if you ask most Americans, if it made sense to spend a million dollars on a study and then look at it before you move forward with regulations, they would say it did.

The last National Academy of Sciences effort on this may have been exhaustive, but if I have read it right, it was over a long weekend. And the last recommendation in that exhaustive National Academy of Sciences study was this needs more study. When we had hearings last year on the bill where we talked about waiting for the National Academy of Sciences study, the past two presidents of the American College of Hand Surgery, many others who work in this area came in and said we are not ready yet to fully understand the causes or the treatments for these injuries.

At the same time, it has been pointed out by others of my colleagues that the American workforce as fully employed as it has been in a long time is a valued workforce, that we have seen without this regulation ergonomics-related injuries declining every single year during this time that it has been said that the Congress is stretching out rushing to these standards.

It is like OSHA's contention that every year that OSHA has been in existence that fatalities at the workplace have declined; that is true. It is also true that they were declining faster in the 20 years before OSHA went into existence. You can prove anything you want to with figures, but the one figure that is undeniable here is that workplace injuries are declining without these standards. These standards will benefit from scientific study, this amendment added to the bill by the gentlewoman from Kentucky (Mrs. NORTHUP) would give us the time we need for these studies to be completed,

for us to not rush to judgment on issues that really, I think, cost Americans their jobs, moves American companies to that final decision to make a capital investment instead of an investment in people.

If Federal bureaucrats are going to mess with the jobs of working Americans, they should do that with great extreme caution. They should do that based on sound science. This prohibition to implementing the ergonomic standards gives us a chance to look at that sound science.

I urge my colleagues to defeat this striking amendment, to move forward with this prohibition and to do the right thing for American workers.

1915

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what puzzles me a little bit about this objection to the provision that is in the appropriations bill before us today is that it ignores the work that States are doing on ergonomics.

My State of Washington has worked for sometime with employers and others to develop ergonomic standards that are different than those that are part of the Federal standards or proposed to be the Federal standards.

So what this does is put employers and employees in a dilemma in States like Washington State concerned that they want to comply with the State standard but also concerned that they will have to comply with the Federal standard that may be different.

So I think we ought to be cautious in this whole effort to rush to judgment with respect to a Federal standard that will employ Federal employees to do Federal inspections that will put different burdens on people in States that are also facing the very real prospect of having State officials that the case of my State the Washington State Department of Labor and Industries also involved in inspections and oversight with respect to worker injuries.

It is a given, I think, Mr. Chairman, that all of us want to make sure that our workers are protected and that they are not injured in the workplace. That is not in the best interest of employees; it is not in the best interest of employers. But to have this duplicate standard and the idea that the Federal standard is the only standard that is valuable is wrong.

We do it, not only in OSHA, but we do it in other agencies as well where we have this sense that the Federal standard and the Federal Government is the only vehicle by which we can have fair and free and operating standards that affects citizens in our respective States.

So I would just say my colleagues, Mr. Chairman, that I respect the proponents of this amendment; but I think that it is not the right amendment. I am going to vote against it and support the bill as it came out of the full committee with the idea that let us let States take leads on this as well, in particular, take leads that are not going to burden onerously the employers and the employees of our respective States and our respected businesses who are working so hard to make this engine of our economy move forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in very strong support of this amendment. They have dragged out every phrase that is designed to scare the American people that the big Federal Government is rushing into promulgating this rule. Only to the Republicans would 10 years be a rush. Only to the Republicans would it be irresponsible to try to cover people who every day are getting crippled and losing job opportunities and losing compensation ability to support their families by a well thought-out rule.

Only the Republicans would think that it is new science to have a report that reviews the existing science. There is no new science in this report. This is a review of literature as mandated by this Congress. But year after year, they have tried to delay this rule; and they have been successful in doing so.

For those who say, well, we want our States to do it, what happens if one lives in a State that does not want to do it? I must say there is a lot of room for one's States to do whatever they want to do and a lot of room for one's employers to do whatever they want to do, because only 30 percent of the people working in general industry have any kind of effective program at all.

Our committee in the Subcommittee on Labor, Health and Human Services and Education, they were suggesting they really did not see this. This was not a real injury. This was a fiction. I guess they do not go to the supermarket and they do not see the checkers who are wearing arm braces and wrist braces. They do not see the flight attendants who are wearing wrist braces. Maybe they do not go to Home Depot, an employer that has an ergonomics program and people are wearing back braces. They think that is dressing up. That is not a cumberbund; that is a back brace. Why? Because they are insurers and they work together, and they made a determination that they could reduce back injuries.

Maybe the Republicans would recognize ergonomics injuries if we applied it to tennis and golf. Because certainly my colleagues have friends who are wearing arm braces on their left hand as they come through the ball and they have an ergonomics injury or from their forearm smash. Maybe then my colleagues would recognize that as ergonomics.

But those people my colleagues see in the supermarket and the working place, on the construction site and the manufacturing areas, in the steel mills and the auto plants that are wearing those braces that is not for that reason. That is for the reason of repetitive motion.

It is not to be laughed at. It is not to be made fun of. It is not to put people in the place of if they will have a responsible employer, they have protection; if they have an irresponsible employer, they will not have protection.

The fact of the matter is that this rule is very well thought out. This rule is not one size fits all that is supposed to scare one away. It is not one size fits all. It is targeted where 60 percent of the injuries occur, of this kind of injury occur.

It has been vetted. Thousands and thousands of people have commented on it. Seven thousand people I guess have had written comments. A thousand witnesses testified on this. OSHA went beyond the minimum requirements in terms of taking public testimony, and hearing witnesses went far beyond that. Yet, the gentlewoman from the other side would suggest to us that this is a rush, this is a hurry up. There is no such thing.

This is a carefully thought-out rule designed to protect workers in the American workplace. It is a rule designed to save employers billions of dollars in worker compensation costs. It is designed to save employees millions of hours of lost time so they do not lose the wages that they use to support their families and provide for their families. That is what this rule is about.

But every year, the Republicans have been able to stop it. Every year, the Republicans have been able to keep it from going into effect. Many of our colleagues refer to the fact that it was Elizabeth Dole, George Bush's Secretary of Labor, that brought this issue to the forefront and started this process. But that was 10 years ago. In that 10 years' time, hundreds of thousands of Americans have suffered this injury and suffered the loss of work, the loss of opportunity, and the loss of the ability to provide for their families.

That is what is at stake here tonight. That is all that is at stake here tonight is whether or not people will go and they will go into a safer and safer workplace or whether they will be put at the whims of the chicken factories and irresponsible businesses that use people up and then throw them away, people so badly crippled in their hands they cannot take another job if they can no longer do that job. We have seen that. It is time to get rid of it. That is what this rule does, and we should support the Traficant amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as chairman of the Subcommittee on Workforce Protection, I had firsthand knowledge of the

blatant disrespect that OSHA has shown Congress in the regulatory process in implementing its proposed ergonomic standard. As the gentleman previously said, they took 8 years and they have not changed nothing, allowing only a 60-day comment period, but 30-day extension for an analysis of a 1,200 page regulation. It is absurd. By limiting the total number of days allowed for comment on the proposed regulation to 90 days, OSHA simply told small business that their comments do not count.

In case my colleagues do not know, business decisions are made on the basis of cost, as the gentlewoman from Kentucky (Mrs. NORTHUP) said. Injured employees cannot work. So it is up to the companies' interest, it is in their interest to protect their physical health.

The law says one must have workman's compensation. It is expensive. It is not free. So employers work to protect their employees, they buy forklifts, they build conveyors, all without any government mandates.

OSHA says that the ergonomic standard will only cost $4 billion. That is a wild guess. Business says it could cost $80 billion to $90 billion for a single industry. Industry has two choices: automate the jobs out of existence or move the business out of the country. We need some more accurate ideas as to what it will cost.

In October of 1998, Congress appropriated almost $1 million for a nonpartisan study by the National Academy of Science, NAS, to focus on the relationship between repetitive task and repetitive stress injuries and the validity of ergonomics as a science.

On August 3 of last year, the House passed the Workplace and Preservation Act to prohibit OSHA from issuing a prepared or final rule on workplace ergonomics until after the NAS study is completed in the year 2001.

As we have seen, OSHA believes that it does not have to adhere to the will of Congress or the medical community in seeking to finalize the proposed rule by this fall. They have got a study going, but it is run by NIOSH, which is a division of OSHA. Nothing like examining oneself.

In conclusion, as currently written, the proposed ergonomics rule jeopardizes the jobs and welfare of both employers and employees. Pushing this inaccurate, unscientific proposal in such a short time period is both arrogant and reckless.

I urge my colleagues to reject the Traficant amendment and support the prohibitive language in this bill to stop OSHA from moving forward on an ergonomic standard.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I also want to oppose the overall bill. It is an anti-family bill overall. This amendment, if passed, would make it a little better but not good enough. This is an anti-working family's bill which takes away very vital parts that are necessary to keep working families afloat.

The job-training section has been gutted. The school construction section, a mere $1.3 billion from school construction has been removed at a time when the public schools, only schools that working families can afford to attend, are being abandoned and in great need of repair.

The National Education Association survey has recently shown that one needs $254 billion just to maintain the infrastructure of public schools across the country at the level to serve the present enrollment, let alone to prepare for future enrollments. Yet we have cut out $1.3 billion of a very modest proposal made by the President in this legislation. So if this amendment does pass, it will be slightly better; but we should still vote against the entire bill because it is against working families.

This is against working families. It is against women in particular, because the philosophy here in opposing ergonomics is that, if an injury does not show blood, if there is no blood and there is no crushed bones, there is no pain. There is no injury. It is a Neanderthal approach to looking at the kinds of things that happen in the workplace.

One does not have to go very far. One does not have to go to a town meeting to find people who are suffering from carpal tunnel syndrome. This place is full of them. We have lots of secretaries, lots of people who do the kind of work that results in carpal tunnel syndrome. Just look around. Do an honest survey. Republicans and Democrats should look around and do an honest survey.

I have one person on my staff right now who has a problem with carpal tunnel syndrome. I had a person 12 years ago who worked on my staff and her hands gave out. She could not type. She had done a lot of typing before electric typewriters came on, before computers. She was ashamed to even complain and thought something was wrong with her. I did not know at that time what the problem was. I clearly identify it right now. It is a very real injury; 600,000 workers a year at minimum suffer from musculoskeletal disorders.

There is a lot of talk about NAS doing another study. I want to emphasize the fact that it is a second study. They are calling for a second study by the National Academy of Sciences. They have done one already. They want it reversed. They want to hold out for it.

The truth of it is the people who have called for this additional study are now showing their true colors in this particular legislation. The opponents had argued before that OSHA should wait for another National Academy of Sciences report before moving forward with the rule. They hope the National Academy of Sciences would change its earlier findings that support the ergonomics rule.

Now they are not willing to wait for the NAS study. They are now saying that the rule should be stopped regardless of a conclusion of a new NAS study. There is kind of a blind ideological opposition to ergonomics. They have changed their tune either because they no longer hope NAS would change its findings or because they never really cared about a respected science in the first place. Backers of this rider are willing to ignore commitments and promises and sound science too.

In 1997, NIOSH completed the most comprehensive review ever conducted of musculoskeletal disorders in the workplace. NIOSH reviewed over 600 epidemiologic studies and concluded there is strong evidence of an association between musculoskeletal disorders and work related disorders to high levels of repetition, forceful exertions, and awkward exposures.

The study was peer reviewed by 27 experts from throughout the country. NAS, as I said before, came to the same conclusion after they conducted their own review.

What we have here is a blind ideological refusal to accept the fact that, in this modern society, there are new kinds of disorders that can be very real and very painful and can rob a person of their ability to earn a living.

I have seen many examples of women who have lost their ability to use their hands. They can no longer type, they can no longer make a living, the only way they knew how to make a living. It is very real. This anti-family bill is particularly harsh for women for that reason.

Construction industries and many of the other standards that have been set by OSHA over the years relate to obvious kinds of injuries. When a person bleeds, when a bone is broken, nobody can quarrel about the fact that that is a real injury. But ergonomics produces very real injuries, also.

1930

Mr. HILL of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this issue of repetitive stress injury and repetitive motion injury is really a serious matter, and it is a very complex problem, and that is one of the reasons I think it has created as much debate as it has. It does have and can have a dramatic impact on the life of workers. But the problem is that it is extraordinarily difficult to separate these injuries that arise at the workplace from normal circumstances that just occur as a consequence of the wear and tear of the aging process. It is also complicated by the fact that workplaces are very complex places; and they are also very dynamic places, with circumstances and conditions changing all the time.

The Labor Department's approach to this problem has been a complicated

set of rules that will literally micromanage every workplace in America. These rules will dictate changes in virtually every office, every dental office, every restaurant, every doctor's office, even those job locations where there is no evidence or any record of any kind of injury or any indication that there has been any threat of injury.

What concerns many of us is that OSHA's approach to workplace safety has not worked. And it is generally not going to work, because if we take a one-size-fits-all set of safety rules and regulations and we try to apply it to these changing and complex workplaces, it does not produce the results that people expect. What these ergonomics rules do is they take what is a failed concept and they take it to its zenith. It will add dramatically to the cost of the operation of every small business in America, and it is going to fail to deliver on the promise of a safer workplace.

There is a better way to do this, and the better way to do this is to focus on outcomes, setting goals, working with employer groups to reduce these kinds of injuries, providing employers with the flexibility that they need to be able to address their specific workplace with solutions to the problem.

Now, how do we know that that is going to work? Because it is working. The safety rates in this country have increased dramatically in instances where employers and workers are given the flexibility to address workplace safety problems cooperatively. Injury rates of this kind are dropping. And that is because employers care about their employees. They are very concerned about their employees and they value them.

Government cannot create a safe workplace, Mr. Chairman. Employers working with employees in a flexible setting addressing the specific problems in that business and that workplace do. I would oppose this amendment. Suspending this rule is a good idea. We need better science, we need better solutions.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I would like to respond briefly to the gentleman from Montana. We deal with many complex issues in this body, and I would daresay if complexity is the excuse for nonaction, then we really would not be debating anything around here.

And I would also like to respond to a second comment when the gentleman was talking about government cannot make our workplaces safer. Having served on this committee, and I am privileged to serve on the committee, government cannot make it better, most employees, most employers make the workplace better, but the government can encourage those employers, who may not make the workplace as safe as they can, to make it safer.

I can remember very well the fire in the chicken factory when the employers locked the doors and 29 people died. So some employers, not most, may need an encouragement.

I just want to comment on this particular amendment, because I do feel, my colleagues, enough is enough. The science exists, we have heard of it over and over again, the evidence has been gathered, the public comment has been heard and, frankly, our experience in our own offices confirm it. Each year more than 650,000 Americans suffer disorders caused by repetitive motion, heavy lifting or awkward postures that occur in the workplace. These disorders account for more than a third of all workplace injuries.

We have to try our best to prevent these injuries using simple collaborative steps where we can work together. These are serious health problems and OSHA should be able to go forward within its authority to work with employers and employees to prevent and relieve them. Let us prevent and relieve these injuries and save billions of dollars in health care and productivity costs. Let us live up to our obligation doing what we can to protect American workers.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding to me.

I simply want to announce to the House that I am going to insert for the RECORD a letter from the American Federation of Labor, the AFL–CIO, in a letter dated June 8 to me. The letter says as follows:

> The Traficant amendment is being offered against the wishes of the AFL–CIO. It is being done in a way that does not provide an appropriate opportunity to work on behalf of its passage. Further, it appears to be an effort on the part of some to provide cover and encourage Members to support legislation that is blatant anti working family. We do not view this amendment as helpful to the effort to achieve final promulgation of an effective ergonomic standard. With or without this amendment, this legislation seriously harms the interests of American workers and we will continue to strongly oppose the passage of H.R. 4577.

I simply note that so that Members understand that even if they vote for this amendment that is not going to fool anyone who represents American workers into thinking that that has made this bill acceptable to the interests of working families because it clearly is not and will not be so.

Mr. Chairman, the letter I referred to above follows:

> AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
>
> *Washington, DC, June 8, 2000.*
>
> Hon. DAVID OBEY,
>
> *House of Representatives, Washington, DC.*
>
> DEAR CONGRESSMAN OBEY: The Traficant amendment is being offered against the wishes of the AFL–CIO. It is being done in a way that does not provide an appropriate opportunity to work in behalf of its passage. Further, it appears to be an effort on the part of some to provide cover and encourage members to support legislation that is blatantly anti working family.
>
> We do not view this amendment as helpful to the effort to achieve final promulgation of an effective ergonomic standard.
>
> With or without this amendment, this legislation seriously harms the interests of American workers and we will continue to strongly oppose the passage of H.R. 4577.
>
> Sincerely,
>
> PEGGY TAYLOR,
>
> *Director, Department of Legislation.*

Mrs. LOWEY. Reclaiming my time, Mr. Chairman, I would just like to say, in conclusion, we as representatives of our community cannot solve all the problems, we cannot solve all the problems in the workplace, but we have a responsibility to do what we can, based on the science, to pass legislation that can make life a little better for workers who are working in many situations at a disadvantage to their health.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Traficant amendment. First of all, let me put in the RECORD that I am very proud that Elizabeth Dole initiated this national debate and that our former colleague, Lynn Martin, when she was Secretary of Labor, moved it forward. And I daresay that if either of them were Secretary of Labor now we would not be here tonight.

We are here because the proposed regulations issued by the Department of Labor are so unfair to workers. It is unfair to workers to have the Federal Government mandate a 90 percent compensation because an individual is injured as the result of ergonomics and a lower level of compensation if injured some other way. Do my colleagues realize what that is going to do in the long run to the sense of equity and fairness in labor law for working Americans?

We are here tonight because this sets up a really unfair system of compensation, for the first time ever people getting compensated differently depending on the origin of their injury. It also will interfere with the very mechanisms that in my district have been put in place. And, believe me, I have been in factory after factory over the last year. And if my colleagues have not been there and looked at how their factories are improving their safety records, then they cannot really understand how these regulations will prevent the very mechanisms that are creating an absolutely astounding reduction in workplace injuries.

Do my colleagues realize that occupational injury and illness rates are at their lowest level since the Bureau of Labor Statistics began recording this information in the 1970s? And, in fact, since 1992, injuries resulting in the loss of workdays have dropped 20 percent. In my district I can tell my colleagues why that is happening. It is because people are very serious about keeping their employees healthy.

In the factories in my district, teams of workers are out there looking at

this stuff all the time. They are improving it. These regulations the Department of Labor is interested in would lay over this employee activity that is working, a bureaucratic administrative mechanism that is only sort of didactically driven. It interferes with the very dynamic, the communication, the vitality, all the things that are happening in the workplace to reduce injuries.

I have seen that in plant after plant after plant, and I have had workers stand there and ask me how we can tell them they are doing it wrong when they are doing so well. I was in one of the plants in my district that was used by OSHA to do its research to develop these regulations. And what appalled them was that together they did identify some things that were problems, for which none of them could think up any solutions. But under these regulations one incident, not a pattern of problems, not a pattern of injuries, not a pattern of even symptoms, but one injury would trigger the whole 1200 pages of Federal regulations coming down on their head, even though OSHA themselves could find no solution to the problem that jointly the workers, management, and OSHA had identified.

So this regulation that OSHA has come out with is so wildly inappropriately related to the problem of getting working people and helping working people and giving them the resources to identify the problems and find solutions, when employers are clearly highly motivated to invest in safety. It is so wrong headed it cannot be fixed and it must be stopped.

Lastly, the idea of providing a separate, different, higher compensation for people because they are injured as a result of one cause versus another is simply going to create a system of such gross inequity that we should not here tonight let that go forward. I want a good ergonomics regulation. This Secretary has not produced it. And these regulations must be stopped.

At the rate the Department works, it will take them a year to figure out and look at what would be the next step. But these regulations would be catastrophic for the constructive employers who are winning awards for safety, and that ought to tell my colleagues something.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think that the question has gone begging this evening. Frankly, what we should be discussing is an overall policy point of view that this Nation wants to take with respect to its American workers.

I have great difficulty with this legislation and will oppose it, but in particular this amendment clearly begs or asks the question, what do we do about 1.8 million U.S. workers that experience a work-related musculoskeletal disorder, such as injuries from over-exertion or repetitive motion? How do we ignore that?

The real question is not how we see it fitting in our respective districts but how we see it fitting across the Nation as it responds or relates to the idea that we must find some basis of dealing with this national issue, and that is that workers across the Nation are, in fact, experiencing these kinds of injuries. Do we also realize that over 600,000 incidences occur that are serious enough to require time off from work and cost businesses between $15 billion and $20 billion?

I would beg to differ as to whether or not our Secretary of Labor and the Department of Labor have not done what they are supposed to do. Ergonomics regulations may affect some businesses to the extent that they do not want them to affect them, but our responsibility here on the floor of the House is to deal with individual workers who cannot address these issues themselves. It is a responsibility to make national policy that answers the question with respect to a safe workplace.

The Department of Labor estimates that the ergonomics rule would prevent about 300,000 injuries a year. I would simply say that that is an important preventive measure. That is an important policy decision that responds to the needs of at least 300,000 workers. Why would we not want to do that? Why would an amendment even be accepted to eliminate that aspect of the Department of Labor's responsibility?

I am dealing in another committee with a complaint that an agency has not written rules to address a particular legislative initiative.

1945

Now, we have an agency that has and we have the claim that their regulations are unfair to workers and unfair, of course, to businesses. I am simply speechless. Because if they are unfair, why are we continuing to have these injuries? We obviously need to solve the problem in some way, shape, or form or fashion.

I would argue that the ergonomics would prevent about 300,000 injuries per year and save $9 billion.

Mr. Chairman, I think it is important to note that about one-third of general-industry work sites will be covered by the rule, protecting 27 million workers. Fewer than 30 percent of general industry employers currently have effective ergonomics programs.

This is a policy question that I hope this House does not find itself on the wrong side of the street. I would like us to err on the side of protecting 27 million workers and preventing the injuries of 300,000 of those who are injured.

Ergonomics are real. The injuries are real. The need is real. I would ask that we would support this amendment, at least to make the statement and to protect the workers as they work on a daily basis.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, section 103 of the bill says ''none of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer or enforce any proposed temporary or final standard on ergonomic protection.''

Earlier in this debate, I rose and went to that well to speak to what was wrong with that section, and I joined my good friend, the gentleman from Wisconsin (Mr. OBEY), in stating that I am opposed to this bill; but I am going to support this amendment. And the reason I am going to support this amendment is because in my district in Cleveland, when I go out and meet the people, as I do all the time and as many of us do in our own districts, I always study people. And when I go out to shake hands and hands reach out, I want to tell my colleagues how many times I would see over and over a scar on somebody's wrist, mostly women I might add.

And my colleagues know what it is more often than not. Someone has had surgery to correct a carpal tunnel condition. So we see a hand reach out; and if there is a scar on that wrist, more often than not, that person has had a repetitive motion injury, carpal tunnel.

Now, if we shake that hand of that person who had that injury and had surgery to correct the condition, we might consider the moral statement of joining hands with someone who has had that injury and then at the same time be willing to sweep aside any attempt to stop others from being able to be protected in the workplace.

Now, I know about one such person because it happened to be my Aunt Betty. She helped to raise most of the children in our extended family. And Aunt Betty did it by working her 40 hours a week in a large corporation in downtown Cleveland as an executive secretary and spent 30 years on the job typing away and then finally took retirement because her hand would not work anymore. That is why she quit. She would still be doing it, just that her hand would not work anymore.

So she had surgery. And now she is in her seventies and enjoying life retired. She would have kept working as long as she could, but her hands would not work anymore.

Well, I can tell my colleagues there are a lot of Aunt Bettys out there. And when I go and reach out in the crowd, I can see the little marks on their wrists. We need ergonomic standards. We need to have the Occupational Safety and Health Administration be able to promulgate and issue and implement and administer and enforce temporary or final standards on ergonomic protection. That is why I am going to be supporting this amendment.

Arguments to the contrary attempt to reduce all workers to the status of

cheats. I think most Americans who have a job want to work; they do not want to find a way out of work. I think most businesses who have well-trained workers want their people to stay on the job; they do not want to waste the human capital.

This is an issue about human beings and our dedication to them.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, Secretary of Labor Elizabeth Dole announced a major initiative to reduce repetitive motion trauma. She said she intended to begin the rule-making process immediately. She said Assistant Secretary of Labor Scanell shall begin an inspection program in early 1991.

My colleagues, this is 2000. I think 9 years is enough.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that 10 minutes of additional debate be allowed on this amendment with 5 minutes allocated to the gentleman from Wisconsin (Mr. OBEY) and 5 minutes allocated to myself.

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

Mr. TRAFICANT. Mr. Chairman, reserving the right to object, I would like some time in the closing of this debate.

Mr. PORTER. Mr. Chairman, I ask the gentleman, how about 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT), 2½ minutes to the gentleman from Wisconsin (Mr. OBEY), 2½ minutes to me, and 2½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP)?

Mr. TRAFICANT. Mr. Chairman, I shall accept that.

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

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for the opportunity to address this committee.

Mr. Chairman, I was sitting in my office listening to the discussion with regard to ergonomics. I rise in opposition to the legislation but in support of the amendment.

The reason I came over here is because I have a mother who turned 79 years old this year, and we were sitting at the table the other day and her right hand is like this; and her right hand is like this because she worked in a factory folding boxes for 20 years.

She ultimately retired from the factory from another injury, having fallen from a stool and busting her tailbone on the cement of that floor. But, ultimately, she is right now in the process of about, at 79, to have this hook of her hand repaired. And it comes from carpal tunnel syndrome.

I suggest to my colleagues the inability of the Department of Labor and the Secretary of Labor to promulgate rules hits me very close to home to my 79-year-old mother, Mary Tubbs.

I would suggest that there are mothers across this country who are in the same condition as my mom, and I would say that we have the opportunity to address this terrible injury where people who have worked all of their lives end up being deformed as a result of ergonomics.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I just want to reiterate that we all agree that we need to look at ergonomics. The fact is that the mother of the gentlewoman from Ohio (Mrs. JONES) and my mother and my mother-in-law and many senior women, whether they have been in the workforce or not, are struggling with carpal tunnel. The fact is it is caused not just by the workplace, but in my case it was caused by years of cooking and sewing.

The gentlewoman from Connecticut (Mrs. JOHNSON) just mentioned that the time that she struggled with it the most in her life and needed surgery on both hands was a result of the years of sewing and cooking. The fact is that whatever we are doing causes stress on certain joints if we use it over and over.

But the gentlewoman from Connecticut (Mrs. JOHNSON) also made the point that, even in the workplace that OSHA used to consider this rule, they identified problem after problem where all the employees and the employer and OSHA, working all together with consultants, could not devise a strategy for addressing this particular problem that an employee had.

We do need a collaborative effort. We do need the authority of OSHA that has helped reduce workplace injuries. We need them to come to the table and help us to develop some best-thought-out strategies.

But as my colleagues on the other side of the aisle have stated, after 8 years and an amazing amount of money and pages in testimony, this bureaucracy has turned out a rule that did not take any of those things into consideration. They have been tone deaf to the people that have asked fair questions about what sort of solution really brings a remedy to their employees in the workplace.

Another one of the speakers said complexity is not an excuse for inaction. But I want to tell my colleagues what it does call for. Complexity calls for balance. And we have not seen any balance in this rule, none of it, that reflects the fair concerns of employers and employees in the workplace. Instead, it is heavy-handed and it is extremely expensive.

And for those jobs that are not offshore as a result, let me tell them what it does. It absorbs an enormous amount of money in the workplace. What does that mean? It means lower salaries for working families.

Mr. Chairman, I yield myself the final 2½ minutes.

Mr. Chairman, and so who is going to pay the price as the workplace begins to spend money and to spend money in ways just to experiment with possible remedies just to prove that they are doing something? The person that pays the price is the worker.

As the employer says to the worker, I am sorry, I cannot give you the raise you deserve and need and your family wants because, instead, I have to spend the money in the workplace.

Has this ever happened before? It has happened before when companies have had to swallow such large costs in health insurance that they have had to go to the bargaining table and reduce what they wanted to offer their employees in terms of salaries and their wages in order to meet the cost of their health insurance.

What we are creating here in this rule is an enormous cost driver, and the people that are going to pay the price are the people that have to share what is left over after we meet this bureaucracy regulation.

Workers in America are not asking for big, new costs, they are not asking for a big bureaucracy, and they are not asking for our intervention. They are asking us to do everything we can to help them raise their families, support their families, invest in their futures, and send their children to school. They are asking us not to drive up costs, not to drive up taxes, not to create big bureaucracies, and not to centralize more of the Federal Government but, instead, to help them and equip them to meet their needs.

OSHA ought to be a partner in that. They should not be an obstacle in it, and they should not drive up the costs and suck out of our economy money that could be in the hands of our workers.

This is not fair to our workers. It is not fair to those of us that are looking to OSHA to give us common sense regulation. It comes from a bureaucracy that created the home workplace regulations that were quickly withdrawn. That was not an accident, Mr. Speaker. That was not something that happened by a mistake or one person. That happened because we have an agency that is out of control, that is tone deaf, that will not listen, that does not understand the meaning of balance, and does not understand common sense regulation.

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I believe, Mr. Chairman, that this party is the majority party today because in 1994, the American people said enough is enough and that we are not getting balance, we are getting huge bureaucracies that have promised us everything and delivered us nothing.

Please defeat this amendment and send back to the American families what they are really asking for.

Mr. TRAFICANT. Mr. Chairman, I yield myself 1 minute.

I have heard arguments that protecting workers is shoving jobs overseas. I would like to make issue with

that. I think our tax and trade policies are chasing American companies overseas. And here is how we are trying now to save a few jobs, on the backs of worker protection.

You show me a 50-year-old court reporter who does not have carpal tunnel problems. Show me one. Maybe they never came forward with it. It started in 1990 with Elizabeth Dole, God bless her. In 1991, her assistant secretary was going to begin the process. It is 2000. Most of those workers are now so debilitated, they cannot function. I believe it is unconscionable for this Congress to try and create jobs on the back of destroying workers' rights.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the only repetitive motion injury that some Members of Congress are likely ever to endure will come from the routine genuflecting to special interests that so often goes on around here. We ought to have an exception to that general rule by passing this amendment tonight.

But if you vote for it, do not think you can then go home and pretend to your workers that you are a friend of the working man and a friend of working families all over this country if you vote to pass this bill, because it will still be cutting education from the President's request by over $3 billion, it will be cutting health care by more than $1 billion, it will be cutting worker protection and job training programs by almost $2 billion. That is not going to fool anybody.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

I do not know how you are going to vote on final passage. That is your business. But I do know one thing that I say to the chairman and ranking member, that votes set precedents. You vote to keep this language in and you certify this language will become the law of the land and it will never be changed. I am here talking about a precedent, a precedent that says, and I do not give a damn what the AFL–CIO says. Quite frankly they did not even support me. If my workers do not know a damn thing about AFL–CIO, they know this. Their parents and their grandparents have problems, and Congress has put off and put off and put off.

Let me say this to both parties. Elizabeth Dole started it 10 years ago. Congratulations, Republicans. Democrats, I do not care how you vote on final passage but tonight we set a precedent. What is that precedent going to be? Is that precedent going to be none of the funds may be used by OSHA to implement or enforce even temporary standards? God almighty. Shove that AFL–CIO letter right up your T-shirt. This amendment should be passed, and the Republicans should pass it with us.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to adopt appropriate language.

The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

Mr. PORTER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to engage in a colloquy with my colleague from Illinois, the distinguished chairman of the subcommittee, to discuss one of the most important programs funded in this bill, the consolidated health centers program.

The gentleman from Illinois has been a tremendous supporter of health centers. I realize that talking to him about this issue is like preaching to the choir. Members on both sides of the aisle of his subcommittee have united to advance this program, true testaments of the integral role health centers play in the delivery of health care for this Nation. Under his leadership, the subcommittee approved an increase of $81 million to this program, bringing its overall budget to $1.1 billion.

While this commitment is a wonderful step in the right direction, it is my hope that the gentleman will continue to work throughout the process to increase funding for the program by a total of $150 million. Every day, community health centers provide critical services to the Nation's most vulnerable populations. These services are especially important for those under the age of 19 and those belonging to minority groups. Health centers serve one out of every six low-income children in America or 4.5 million children. That number also includes one out of every five or 1.6 million low-income, uninsured children. With the current number of uninsured Americans growing in excess of 44 million, the demand for more health centers and more services continues to rise. In addition, health centers provide quality care to more than 7 million people belonging to minority groups.

As a former health center employee in the inner city of Chicago, I can attest that health centers provide a key solution to the health care crisis in America which continues to be one of the greatest challenges to our society. We must find a way to provide an additional $150 million to the health center program to help meet the challenges they face in providing care to our Nation's most vulnerable populations, the poor, the uninsured, the underinsured and those with nowhere else to turn for health care services.

Mr. Chairman, when it comes to the health care of our Nation, it remains divided. It is divided along the lines of those with access and those without. Health centers continue to bridge that divide and contribute to a healthier and a more productive America.

Mr. Chairman, I appreciate the gentleman's commitment to this program and hope that he will continue to work throughout the legislative process to ensure the health center program is provided an additional $150 million in the final bill.

Mr. PORTER. I thank the gentleman for his very kind words. We have agreed in the subcommittee that health centers are among our highest priorities. Since 1995, we have increased this program by $365.5 million, or 50 percent. We recognize that in too many cases, health centers provide the only access individuals have to our health care system.

Obviously the health centers program within appropriated funds cannot solve the overall access problem. Nevertheless, in the absence of progress on access, we will do our best through the remainder of the process and within fiscal restraints to reach the $150 million increase. I will be pleased to work with the gentleman from Illinois to reach that goal.

Mr. DAVIS of Illinois. The gentleman has truly been a champion for these programs. He will be sorely missed, and his leadership will be missed when he is gone.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

On page 19, after line 19, insert the following new section:

MINIMUM WAGE

SEC. 104. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 26(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.15 an hour beginning September 1, 1997,

''(B) $5.65 an hour during the year beginning April 1, 2000, and

''(C) $6.15 an hour beginning April 1, 2001;''.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment be offered at the end of the bill.

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

Mr. PORTER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. OBEY. Mr. Chairman, I also reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. TRAFICANT. Mr. Chairman, I think everybody is going to object to this amendment.

This is one of 13 bills that will ultimately become law. Many of the things the Republicans have in the bill are not going to be in this final bill. There will be precedents set in this bill and there should be an opportunity to carve out opportunity in this bill. This amendment is the exact amendment that I passed to H.R. 3846, March 9 of this year. It passed 246–179. What is the shell game? Is it tied up in politics with the tax cut and now it is tied up with legislating on an appropriations bill?

The Traficant amendment simply says there shall be an increase in the minimum wage, $1 over 2 years. The original language was $1 over 3 years. The House has already spoken its will on this. It has not been signed into law, and it is being tied up with the tax cut. But it should not be tied up in a measure like this. I want to compliment the gentleman. He is one of the first chairmen to bring a bill out because these bills are folded into continuing resolutions because both parties are playing politics with it and it is an election.

I want a minimum wage increase. Tell me how else we can get it, and I would be glad to support it. But if the labor appropriations bill is not the place for a minimum wage increase, God save America. Let me say this. The appropriators should have done this. The appropriators should have done this. I am disappointed the Democrat Party did not bang away on this issue. I guess they are more concerned about the AFL–CIO and election-year politics. Quite frankly, battle it out, folks. But I think the $1 over 2 years that passed overwhelmingly in this body with bipartisan support should be included in this bill. It would take a hell of a lot of politics out of it and it would make that White House take a good look at it and it would make that conference with the gentleman from Florida (Mr. YOUNG) very exciting.

I think that is what Congress should do. I do understand it is legislating on an appropriations bill, but that has been going on around here for years, and I do ask for that exception and give the Congress an opportunity to vote on it. Otherwise, we just masquerade for party sakes, of proffering legislation designed to win majorities. I think it is time to win America, and I think it is time to do what is right for workers.

I will say this. This rising tide that is raising all ships has left a lot of little people behind. I know this bill ultimately is going to be folded into some legislation, and I would hope that the chairman would reconsider his position and that the chairman would defer to the vote of the authorizing mechanism of this Congress who duly passed this amendment.

2015

I say to the chairman of the subcommittee, he should do the right thing. I see politics being played on both sides. I see election year politics over here, election year politics over there. To be quite honest, I think I see more over here. But there are parts of this bill we cannot support. But I think if there are parts of this bill we cannot support, that sends it to conference, and maybe we can come out with a compromise that we can all live with, including the White House. I thought that was the reason for bringing this bill out, is a dead-bang veto in the first place.

So having stated that, I would hope that the chairman would reconsider his position, vote with me and allow the gentleman from Connecticut (Mr. SHAYS) to stand up in support of it as well.

With that, I would request of the Chair that if there is an objection, that I be permitted the opportunity to contest that objection.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if it changes existing law. The amendment directly amends existing law.

I ask for a ruling from the Chair.

The CHAIRMAN. The gentleman makes a point of order against the Traficant amendment.

Does the gentleman from Ohio wish to be heard on the point of order?

Mr. TRAFICANT. Yes, Mr. Chairman, I do. I believe the gentleman's argument is in order, save for the possible precedents of an unusual situation. Although it is not existing law, the authorizing committee of this body being the body of the full House, has already voted on the issue and spoken on the issue. That should make it subject to a parliamentary ruling that is quite different from an individual bringing out of the blue a minimum-wage increase with no prior authorizing foundation.

Mr. Chairman, we do not here make decisions for the other body. We can only make those decisions for ourselves. We have already made that decision. The House has technically authorized, if you will, and placed in motion the authorization of a minimum-wage increase. I do not believe we are striking new territory, and if such a precedent is needed, then maybe a precedent should be voted on.

Now, I do not want to challenge the ruling of the Chair, and I fully respect the ruling of the Chair; but I want a minimum wage increase in this bill, and I am going to give it that shot. My final argument is this: when the House votes and authorizes, is it not a fact that one cannot have anything other than that authorization by law in an appropriation bill? So by law, if the appropriators put the Traficant language passed in H.R. 3846 in this bill, it could not have been stricken. So the appropriators now made a decision, relative to the full House, and I do not believe the appropriators should have control over the decisions of the full House. Thus, I believe, that precedent should be set, and the parliamentarians should rule, because the House has already spoken and a Member is attempting to put the authorization language of the House, the full House, into the appropriation bill. The authorization bill has not been passed by the other body; the appropriation bill has not been passed by the other body. Thus this bill is wide open for this amendment.

Now, before the Chairman reads the bad news, I want to say this again. The other body has not voted on the authorizing package; but the other body has not voted nor, in fact, assembled over this appropriation bill. Since there is no objection from the other body, and this full House has authorized that provision, that should make a precedent and allow it to be included as an amendment to be offered on the floor, and it should not be prohibited from being heard in this appropriations cycle.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Ohio (Mr. TRAFICANT) directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. TRAFICANT. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, shall the decision of the Chair stand as the judgment of the Committee.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. On that, Mr. Chairman, I demand a recorded vote; and pending that, I make a point of order that a quorum is not present.

Mr. Chairman, I ask unanimous consent that the vote be held over until tomorrow, if it poses a hardship on Members.

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. That unanimous consent is not in order in the Committee of the Whole.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to withdraw my appeal tonight and to be allowed to appeal the Chair tomorrow on the issue.

The CHAIRMAN. That unanimous consent is not in order. The gentleman could offer his amendment again when the Committee resumes its sitting if that is his choice, perhaps at a different place in the bill.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that I be allowed to offer my amendment tomorrow and that it be limited to a total of 10 minutes debate, 5 minutes divided, by both parties, an opponent, and myself as the proponent.

The CHAIRMAN. When the Committee of the Whole resumes its sitting, the gentleman could reoffer his amendment.

Mr. TRAFICANT. I thank the Chairman.

The CHAIRMAN. Does the gentleman withdraw his appeal at this time?

Mr. TRAFICANT. Mr. Chairman, pending the fact that when we return to this bill, I will be able to, in fact, offer my amendment.

The CHAIRMAN. The gentleman has that option under the rule when the Committee resumes its sitting.

Mr. TRAFICANT. Mr. Chairman, I withdraw the appeal of the ruling of the Chair.

The CHAIRMAN. The appeal is withdrawn. The point of order is sustained.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 4577, despite my concerns about the funding of certain critical programs.

I commend the gentleman from Illinois (Mr. PORTER) for his commitment and dedicated service to this body during his 11 years of service. The chairman has lead the bipartisan effort to increase funding for the National Institutes of Health and so many other valuable, worthy, and important programs. He has been a champion of increasing biomedical research and has tirelessly worked to ensure that no child is left behind in our educational system.

I am particularly concerned about the Older Americans Act and, specifically, the congregate meal program funded under the act. I was disappointed, but not surprised, to learn that the congregate meal program was once again flat funded, at the President's requested amount, marking the fourth consecutive fiscal year without an increase.

Because the congregate meal program is unauthorized under H.R. 4577, given the failure of this body to reauthorize the Older American Act, I am unable to introduce an amendment to increase the earmark for the program included in the report language.

Mr. Chairman, funding for the congregate meal program has not kept pace with inflation, increasing only $20 million over the past 10 years. In 1999 dollars, funding for the program has actually decreased by $93 million over 10 years.

Congregate meal programs serve the nutrition and social needs of seniors and operate in senior centers, community centers, schools and adult day care centers across the country. Many sites provide a variety of social services in addition to meals, including education, health screening, and social activities which enrich the lives of seniors.

Mr. Chairman, this body has a responsibility to ensure that the program is funded adequately. A 1996 evaluation confirmed the senior nutrition program is an important part of ensuring our seniors are healthy. According to the evaluation, participants in the program are among our most vulnerable population. They are older, poorer, and more likely to be members of minority groups compared to the total elderly population. The evaluation also indicated that for every Federal dollar spent in congregate meals, other funding sources contributed $1.70.

The Federal Government must uphold its end of the bargain by recognizing the changing buying power of the dollar and increase funding for the congregate meal program accordingly.

I became deeply involved in this issue last November when I became aware that the Agency on Aging in my district began cutting back the congregate meal program after exhausting their reserve funds. In the face of a potential crisis, the State of Connecticut and local governments agreed to make up the financial shortfall for this fiscal year. The additional funds will allow the agency to temporarily overcome the financial shortfall and enable providers to serve the same number of meals this year as were served in 1999. While this financial contribution is significant and speaks volumes about the importance of the congregate meal program to seniors in Connecticut, it does nothing to prevent a similar funding shortfall from occurring next year and the year after that.

Mr. Chairman, I would conclude by thanking this body for allowing me the opportunity to provide my colleagues with my thoughts on this issue of great importance to my district.

It is my hope that the appropriators will work in conference to increase the earmark for congregate meal funding, above the President's requested level, in order to guarantee that seniors have access to the meals they need.

Mr. Chairman, I am prepared to vote this bill out. I believe that the gentleman from Illinois (Mr. PORTER) will be able to make it a better bill in conference. I know he has limited resources to work with, and I stand ready to help him in any way I can.

The CHAIRMAN. Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Department of Labor Appropriations Act, 2001''.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITING CONSIDERATION OF CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 2001

Mr. PORTER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4577, pursuant to House Resolution 518, it shall be in order only at the appropriate point in the reading of the bill to consider each of the amendments printed in the CONGRESSIONAL RECORD and numbered 10, 11, 12, 13, 14, 15, 16, 17 and 18, pursuant to clause 8 of rule XVIII, if offered by the gentleman from Wisconsin (Mr. OBEY), or his designee; none of the designated amendments shall be liable to the point of order that a portion of the amendment addresses a portion of the bill not yet read for amendment; all other points of order against each of the designated amendments shall be considered as reserved pending completion of the debate thereon; each of the designated amendments shall be debatable only for 30 minutes, equally divided and controlled by the proponent and an opponent; each of the designated amendments shall not be subject to amendment; and each of the designated amendments may be withdrawn by its proponent after debate thereon.

2030

The SPEAKER pro tempore (Mr. Isakson). Is there objection to the request of the gentleman from Illinois?

Mr. OBEY. Mr. Speaker, reserving the right to object, I simply would note under my reservation, Mr. Speaker, that I have no objection to this arrangement, with the understanding that when the House returns to this bill, it will not be at a time when Members are still flying back to Washington on their airplanes, and that it will not be debated in the dead of night.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to the gentleman that I will be flying back on an airplane late Monday afternoon, and hope that we would also be able to address this at a civil hour.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, about this time last year we had interfered substantially with a very personal matter relative to our ranking member on the Committee on Appropriations, so just in the event that that might happen again, and I hope it does not, I wanted to wish him a happy anniversary, and hopefully he will be able to get to do something proper with his