of Washington spending. Instead of Washington spending more money, we are able now to let you keep more of the money you earn in your own home instead of starting new Washington spending programs out here, and the programs are not working. Spending was going up by 5.2 percent before we got here. We have slowed the growth by 40 percent. It is now going up by 3.2. It is still going up too fast for many of us.

I have talked to a lot of my constituents out there who are very concerned about the fact that Washington spending is still going up too fast and I have to tell all of those folks I agree with them, it is still going up too fast but it is going up at a much slower rate than it was before. Because we have a strong economy coupled with a slower growth of Federal spending, we are now able to balance the budget for the first time since 1969, lower taxes for the first time in 16 years, and restore Medicare all at the same time. This is good news for America. This is what we got sent here to do in 1995, and I am happy to report back to the American people that with the Republican-controlled House and Republican-controlled Senate and in all fairness with a Democrat President, we have gotten to the point where we have literally balanced the budget for the first time since 1969, when I was a sophomore in high school, lowered taxes and restored Medicare.

The future, even after the budget is balanced, we have still got that $5.3 trillion debt staring us in the face. The Social Security money is part of that $5.3 trillion debt. I am happy to report that we have a bill on the table today that will in fact pay off the entire Federal debt by 2023, restore the Social Security trust fund for our senior citizens and lower taxes each and every year as far as the eye can see, giving us the opportunity to dump the IRS as we know it today and get in a system that is easier, simpler, and fairer to the American people. That is a complete picture of an entirely changed Government in Washington, DC. The past of broken promises and higher taxes changed in 1995 to a Government that is going to do the right thing, balance the budget, lower taxes, restore Medicare, and a group of people that are actually looking forward to the future and acknowledging that we still have these problems that must be addressed. We are going to pay off the Federal debt, restore the Social Security trust fund, and lower taxes even further and reform the IRS. That is what the future holds, and for a change we should be looking brightly to the future and to bright, wonderful opportunities of growth and hope and prosperity for our children for the next generation. That is what this is all about and that is what the American people as well as my colleagues here in Washington need to know has changed out here. It is a phenomenal change. More important than any of the people here in this city is what it means to the future of this great Nation we live in. Once again our generation has a chance to look forward to the next generation and say in fact that we are able to pass America on to the next generation in better shape than we received it in.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The Chair would remind all Members to direct their remarks to the Chair and not to the television audience.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1805

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COBLE] at 6 o'clock and 5 minutes p.m.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 2264, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, 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. 2264.

□ 1805

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. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, September 5, 1997, the bill was open for amendment from page 11, line 1, through page 25, line 8, and pending was the amendment offered by the gentleman from Missouri [Mr. BLUNT].

Is there further debate on the amendment?

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

Mr. Chairman, I rise today in strong support of the Blunt amendment to increase Federal spending for vocational education programs by $11.25 million. Mr. Chairman, earlier this year the Committee on Education and the Workforce worked very hard to improve vocational education opportunities for our country's youth so that the vocational education system will provide quality vocational education for students. These improvements will ensure that our students are equipped to thrive in today's business world.

We worked to streamline and modernize this system because recent trends prove that about three-fourths of America's youth do not complete a 4-year college degree. All of America's young people should receive a high quality education regardless of whether they are bound for college, military service, or directly into the work force. This is even more true today than it was a few years ago as we focus on moving people off the welfare rolls and into work environments, many of whom will not go to college.

We should empower our youth by giving them the vital tools they need to be productive wage earners. We should empower adults to go back and get the education they need to supplement and advance up the work force. We should work through vocational education to look at prevention and not just harassment of businesses as in many cases we find in OSHA. In contrast, in spending dollars on OSHA, the Occupational Safety and Health Administration, to the tune of $336 million, we are funding an agency to issue rules that are not only silly but in some cases detrimental.

Let me give an example. OSHA specifically disregarded clear evidence that their recent requirements changing brake composition would double the stopping distance for cars. Their best estimates, using bad science, indicated they might save three to five workers' lives every few years. By changing the composition of brake pads they increased stopping distance of vehicles by 20 feet. This, according to clear scientific studies by the National Safety Transportation Board, will cause at least 150 more deaths each year and thousands of unnecessary injuries. This was done despite the fact that auto accidents are still a major cause of fatalities among American workers. There is no data that asbestos brakes causes hazards to anybody but there is data that shortening the time it takes to stop a car causes deaths. Why would we as a Republican Congress increase funding for OSHA where

we have no scientific evidence that it has a reduction in the number of worker accidents? When funding increases for OSHA, we actually had a decline in rate of accidents. When we decreased funding for OSHA, we had a further decline in the rate of accidents. When we kept it level, we had a decline in rate of accidents. There is no corollary to the funding for OSHA and the accident rate. Yet when we spend the money on vocational education particularly at a time when we are looking at moving so many people off of welfare and into the work force, we can see substantive returns particularly now with the reforms that we had in a bill that moved with such high numbers of support through this Congress. If we put the money in vocational education, we are likely to see some actual results, when in fact to some degree the OSHA laws have been counterproductive. Nobody is proposing here to gut OSHA. If we eliminated OSHA, there would be a danger to employees all over this country. That is not the argument here. The question is should we increase OSHA or should we increase vocational education. Some Members do not like this choice. But that is in fact what we are going to be debating over the next few days, possibly the next couple of weeks as we go through this bill. We pretty much realize that we are going to spend more money. Not a lot of us are thrilled about that but we are going to spend more money. We pretty much realize we are going to grow the size of government. We may not all agree with that but it seems to be there. Now the question is which government are we going to grow? Which parts are we going to say deserve more funding and which parts do not? That is what this debate is going to be about. Are we going to support new Federal education programs without even hearings that expand the Federal bureaucracy and control in Washington over local standards and schools? Are we going to spend more money on abortions out of Washington, even distribute abortion information, birth control information, and other things without even telling the parents? Are we going to put more money out for needles for drug users? Or are we going to put it into programs like IDEA for developmentally disabled students and handicapped students? Are we going to put more money into vocational education? If we are going to spend the money and if we are backed into a corner where we have to spend more money and grow the size of government, the question is where are we going to spend this money? That is a debate we are going to be having on these amendments. The Blunt amendment before us tonight offers a clear choice. Do we as Republicans favor, and Democrats, and there are many moderate Democrats who hear from small businesses around this country about the problems with OSHA. I know Mr. Dear has tried to make changes but we still hear those problems. There is no scientific evidence that these marginal expenditures work, so are we going to give OSHA more money or are we going to give the money to vocational education? Are we going to do illogical things like force asbestos out of brakes because somebody decided that was the thing to do regardless of scientific evidence? Or are we going to put it into actual prevention of accidents by teaching people in vocational education and putting it into educating America's workers as opposed to just harassing and costing them jobs?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. Mr. Chairman, Members do not like tough votes but that is in fact what a budget is. As we go through this appropriations process, we are going to have to make some priorities. This vote is do you want to increase spending for OSHA? Or do you want to increase spending for vocational education? It is a choice and it is a choice that I believe the preponderance of evidence goes to vocational education.

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

Mr. Chairman, I rise this evening to support this amendment and the question that I think is before us is not workers' safety versus education. The question before us is, Can we be efficient and prudent with the tax dollars that the taxpayers of this country give us and demand that the bureaucracies in Washington expend that money in an efficient and proper manner?

When we talk about putting money into vocational education and in light of the new welfare bill, it seems prudent to me that we would want to put as many dollars into vocational education as we can, especially as we reach down to those who do not have an education, who do not have a high school education.

I want to share what happens in Oklahoma with vocational education. We have had a marked reduction of those number of people that are on our welfare rolls, those people who are getting supplements. One of the reasons that we have is because we have a vocational education department and system in Oklahoma that makes a difference for people. If somebody does not have a high school education, our vocational education gets them a GED and then teaches them computer skills. It teaches them a job skill and then lands them in a job. We take those dollars for people who would have been receiving dollars from the Federal Government and make them into productive, tax-paying citizens.

□ 1815

The other thing that we ought to talk about is in 1969, I believe that is correct, when OSHA was created, the annual death rate per 100,000 workers was declining. It was 18. The rate has continued to decline, but it has declined much more slowly since OSHA was implemented than beforehand.

No one on this side of the aisle and no one supporting this amendment thinks we should do away with OSHA, but we do think there ought to be a redirected purpose to do what OSHA was intended to do, and that is to preempt and secure workplace safety. That ought to be done in the most straightforward, comprehensive, and collaborative manner that we can secure.

I would like to give you a few examples of some of the things that OSHA is doing currently and see if, in fact, we all agree that maybe OSHA might spend their money in a more prudent way, and, therefore, not need increased funds from the Federal Government to carry out their job.

Just for example, OSHA fined a roofing company in California for failure to have a fire extinguisher in the proper place, in spite of the fact it had been moved to prevent it from being stolen by passersby as three other fire extinguishers had been done in the three previous days.

Each day they would put a new fire extinguisher out there; it was stolen. Each day they would put another one out; it was stolen. So they put it in a place where everybody knew where it was but could not be stolen, and yet they were fined for trying to conceal the fact there was a fire extinguisher.

North Carolina, a construction site was inspected by the State OSHA. Citations were subsequently issued for unprotected rebar, the steel that reinforces concrete, to have a rubber cap on the end of that. All of it was covered, except where they were pouring the concrete, which had inadvertently been knocked off as they poured the concrete. Never mind. They were fined for not having a rubber cap on the end of two or three pieces of rebar.

Pennsylvania, an apparel maker was recently inspected by OSHA. At the conclusion of the inspection, the OSHA official told the company that they had an excellent record, they did a great job, they found two minor infractions.

The company immediately corrected the minor infractions, sent the picture to OSHA demonstrating they had corrected the minor infractions, and, instead of congratulating the company, OSHA sent them a fine of $3,895.

They spent their money on things that do not have anything to do with workplace safety. Their fines had been increased sevenfold to increase revenues to the Federal Government, not to enhance workplace safety.

Florida, a company in Florida stated OSHA has a antibusiness attitude and is using its Agency power to lower its cost of operation through levying unfair citations and fines completely out of line for the violation.

Here is the example: A company in business for 25 years without one violation received a fine of $1,715 because

out of 352 electrical outlets in the building, one had a broken plastic faceplate on it. One. The citation also noted that the outlet box was near a varnish dip tank.

The owner of the company noted the outlet box was hidden from view and protected by steel plates to protect it from potential electrical spark.

In addition, the outlet was near a varnish tank. This type of varnish had no explosive nature whatsoever. It did not matter that it was not really a significant thing to change it. They fined them anyway.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. COBURN] has expired.

(By unanimous consent, Mr. COBURN was allowed to proceed for 30 additional seconds.)

Mr. COBURN. Mr. Chairman, what we are talking about is not eliminating OSHA. We are asking OSHA to do it better, more efficiently, and properly, and to do it with some common sense that really enhances workplace safety. Instead of giving OSHA this kind of increase, let us spend the money on putting people in the workplace.

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

Mr. Chairman, I rise in strong opposition to the amendment that is pending.

First, because we are starting a new week, there should be no one who is confused by what is happening. We have a filibuster by amendment going on on the floor. We understand that. This particular one is about vocational education, $11½ million out of here into vocational education.

My side of the aisle are very strong supporters of vocational education. Under the Contract With America, in 1995, I dare say every Member on the ''mental'' side of the aisle there voted for this, perhaps I am wrong, I have not checked the specific record, and if I have mischaracterized, you will tell me, I am sure, in 1996 the rescission for vocational education was $119 million. You wanted to cut from vocational education. It was one of the first acts you did in 1995 when the Contract With America came on line. It was in the rescission bill.

Then, my friends, you had the fiscal year 1996 bill available to you. The Contract With America proposed that bill, cut Government, $326 million cut in vocational education.

I dare say all the previous speakers tonight voted for that bill. Maybe not. I have not checked the record. I am just speculating on that.

The overwhelming majority of Republicans voted for that bill, sent it to the President, he vetoed it, and they lamented the fact he vetoed it.

Mr. Chairman, I rise this evening in opposition to the Blunt amendment. We need OSHA to assist in ensuring the safety and health of more than 90 million people working in more than 6 million workplaces.

The statistics are staggering. Every day in this country an average of 154 workers lose their lives as a result of workplace injuries or illness. One worker is injured every 5 seconds. Within its current budget, OSHA has only 900 inspectors to oversee 6 million sites.

The compliance assistance program, and that is what we are talking about in this amendment, we are not talking about the examples that you bring up. Everybody has a horror story about OSHA, and, frankly, I think there are some horror stories and we ought to get on that. As a matter of fact, as the gentleman from Illinois [Chairman PORTER] so correctly observed, Joe Dear was brought in by the Clinton administration to overcome those horror stories.

What we are talking about in this instance is not inspections, but compliance assistance, going in and assisting businesses in making their places more safe, less risky; not to cite, but to assist.

As a result of workplace injuries or illnesses, as I said, one worker is injured every 5 seconds. The compliance assistance program, which the Blunt amendment would cut, has received overwhelming support from the business community. There are long waiting lists for compliance assistance visits. People are asking this unit to come out and assist them so their workplaces will be safer.

I want to tell my friends, in Calvert County, which I have the privilege of representing, there is an extraordinary place of business, produces some of the trash cans you see around here that will last for 20 or 30 years, a small company, and MOSHA has been by and they have told me how helpful MOSHA, which is the Maryland Occupational Safety and Health Agency, how helpful they have been in terms of compliance, and not confrontational, but positive and assisting in their attitude. I have heard that with respect to OSHA as well.

As I said, there are long waiting lists for people to get this assistance. It saves businesses large fines imposed during inspections by working with businesses to identify safety problems before inspections and before injuries occur. Employer and employee interests are protected by this program.

OSHA, of course, is required by law to perform inspections, and, therefore, cannot choose if this amendment passed to take $11.5 million from inspections, which clearly much complaint has been made about, and switch that to compliance assistance. The reason being because they do not have sufficient resources to do the inspections.

OSHA cannot choose, therefore, to simply shift this money. The Blunt amendment would undermine OSHA's ability to enforce and to assist businesses with complying, and to enforce the very worker protection laws that Congress implemented.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, as my colleagues know, I am a strong supporter of vocational education. Tonight, I would say to my colleagues that this amendment is being used not to help vocational education. If that were the case, then the $119 million cut in 1995 and the proposed $325 million cut in fiscal year 1996 would never have occurred.

Frankly, last year essentially you took the President's number. My opinion is you took the President's number because you did not want to shut down Government. You thought that was bad politics. I agreed with you.

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

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. SOUDER. My question is, the gentleman attempted to explain why he felt it would come out of compliance assistance as opposed to enforcement, but in fact, now all the enforcement dollars are mandated by law. Could it not also come out of administrative overhead? Compliance assistance is only a small portion of this bill.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(On request of Mr. SOUDER, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, the gentleman is correct, the amendment is generic in a sense. But because you have really two components, the compliance component and the inspection component, yes, they can take from other parts of their budget.

There are some of us who have read statistics in terms I am sure the gentleman is familiar with where in some cases to get to some businesses in some States, it would take 90 to 100 years to inspect just once with the number of inspectors that you have to get to the requisite number of businesses.

In other words, what I am saying is that currently in inspections now they do not have sufficient resources to do the job that we have mandated by law be done.

Mr. SOUDER. Mr. Chairman, if the gentleman would yield further, the gentleman is saying the increase in the OSHA budget this year is an increase in the compliance or training section, as opposed to the other sections?

Mr. HOYER. Mr. Chairman, reclaiming my time, the increase is directed in part to beef up the compliance assistance component of OSHA, yes.

Mr. SOUDER. Mr. Chairman, if the gentleman will yield further, if I am incorrect, and feel free to correct me, but I feel that is probably, at most, if any, 20 percent of the additional increase in funds, and we can address that through another amendment.

Our attempt is not to get at the compliance and the working with businesses, but, rather, a lot of the horror

stories and other things. I am on the subcommittee on oversight and on the Committee on Education and the Workforce where we have worked with these issues, and I do not believe that Mr. DEAL has been able to correct all the problems.

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

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

Mr. OBEY. Mr. Chairman, I would simply point out the committee bill raises compliance assistance by, I believe, 12 percent. It raises other portions of their budget by about 1 percent. So, obviously, the give that they would have would be in the compliance assistance area.

We would not want to see that happen, but I doubt very much that you could expect an agency to take a cut in an area where we did not provide an increase in the first place.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I think that is a very good point and we will look at addressing that. Our intent is not to get at compliance, but rather at the nonmandated parts of the law where we disagree with the expenditures. We will work with the minority to try to make sure compliance stays funded.

Mr. HOYER. Reclaiming my time, Mr. Chairman, quite obviously there is a strong feeling among some that OSHA ought to be cut very substantially. In fact, in committee we have had amendments suggesting cuts of 25 percent across the board and higher.

We believe that would be very deleterious to the health and welfare and safety of the workers of America, not to mention to the cost of businesses, which, in my opinion, have been advantaged by lower insurance rates as a result of working with OSHA and its State complementary agencies to make their workplaces safer.

Mr. Chairman, I would hope this amendment would be rejected, because, again, I do not really think, not withstanding the debate, that it is directed at vocational education, lest we would not have had the guts we talked about earlier, but at getting at OSHA and some of the problems that folks believe exist with respect to OSHA.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SOUDER. Mr. Chairman, I would like to briefly respond to the initial comments of the distinguished gentleman from Maryland [Mr. HOYER].

Quite frankly, I am not sure, but I assume I did vote for the Contract items and some of the Republican budget votes of the first year.

As I said in my opening statement tonight, and which you will hear over the next few days from many of us, it is that we agree with this basic premise. We did not come here to really increase most programs in the Federal Government; but, whether I am not one who believes that the government shutdown was the House Republicans' problem as much as it was the President's problem for vetoing the bills and we did a lousy job of working out a compromise.

□ 1830

But regardless of how Members view that, we clearly have changed a lot from where we are coming from on this side of the aisle. Some of us would not have changed this much, but to some degree we have all changed our rhetoric. We clearly are not reducing the size of the Federal Government in this bill when we are increasing agencies that at one point we were proposing to radically transform.

Vocational education in my opinion would be best handled by local and State governments. But the Federal Government has for a long time been involved in this, and helping with supplemental funding. Given a choice as to whose budget is going to increase, which is the choice we have in front of us today, whether I would increase the OSHA funding or increase the vocational education funding, I go with vocational education funding.

If my choice is whether the taxpayers get to keep the money and the local communities and State communities raise funds for education and make the decisions in education, I favor that choice. But that is not the choice. I voted for the budget agreement. I understand that at times politics requires compromise even beyond where some of us would like to go.

At the same time, in the context of these spending bills, we still should have a debate over which category in these spending bills should get the increase in funding and where it should go. From what I have seen sitting on the Committee on Education and the Workforce and also on the Committee on Government Reform and Oversight, with jurisdiction over the Education Department and the Labor Department, I realize there have been attempts to improve OSHA.

I do not think they have been as successful, and by the way, I also need to point out we have passed a vocational education authorization bill since the first vote when we came here where we made a lot of changes in how vocational education works. We knocked out a lot of programs that we did not feel were effective; we improved a lot of programs. That bill is now pending in the Senate.

If we can get our authorizations going with our appropriations, some of us will not necessarily oppose every spending bill that comes up in some of these categories, although I grant, up front, that we tend to favor more State and local as opposed to Federal.

But now that is not our choice. Our choice tonight is whether we are going to vote for more money for OSHA, an increase this year in OSHA, or more money for vocational education. Our intent is to take it out of administrative and other areas.

We are fully prepared and have an amendment to offer to make sure that the compliance funding inside OSHA gets funding, and we will transfer it from the other agencies. We have been planning that amendment for later tonight. I agree, as we work through OSHA reform, that our goal on OSHA reform was to try to have OSHA come in and identify and work with businesses on real health threats to the workers.

Nobody wants an unsafe working environment. As somebody whose family has owned a small business for many years, and I have worked in the private sector for most of my life, I do not want parents at risk and kids at risk in working environments any more than anybody else. But there is no possible way to understand all the different regulations, and there are so many counterproductive regulations that the way to do it is to go in, identify and work with the businesses, most of whom do not want to have health problems for their employees either, because nothing is more expensive in today's competitive economy than losing good employees to downtime injuries, to even more serious accidents, or bad working conditions, where employees want to move to another company. It is in the business' best interest to have a safe, healthy, and pleasant working environment. We need to work with businesses to do that.

We ought to focus on the grievous offenders and the large offenders. Everybody has horror stories about, we know this is happening over here and this is happening over here; that we have these crazy stories about ladders and asbestos breaks and so on that are taking tremendous amounts of time out of this agency.

As we proceed, we are not proposing to abolish OSHA nor even to cut OSHA; what we are proposing is not to increase OSHA, and later we will be proposing to switch funds inside OSHA. But this particular amendment says we do not need the increase in OSHA, it should move to vocational education.

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

Mr. Chairman, this amendment is offered by those who apparently have no interest in producing a bipartisan Labor-HHS appropriations bill. It is a sad and ironic commentary that many of those who now claim they support additional funding for vocational education are the same people who want to eliminate the Department of Education and the Federal role in education altogether.

It should come as no surprise that these born-again devotees of vocational education choose worker health and safety protection as their sacrificial lamb. After all, many of the supporters of this amendment tried in vain last year to pass legislation to gut the Occupational Safety and Health Administration. Since they failed to decapitate OSHA with a single blow of the axe, they now apparently have decided to try to kill OSHA cut by cut, dollar by dollar.

Mr. Chairman, I will match my support of vocational education against that of any other Member of this House. But I will not support this insulting effort to pit worker safety against vocational education. Seventeen workers are killed on the job every day in this country. A recent comprehensive study of occupational injury and illness found that workplace illnesses and injuries cost this country at least $171 billion a year. Yet, OSHA has only enough inspectors to inspect each workplace for which it is responsible once every 167 years. Six thousand five hundred workers die every year as a result of occupational injuries. Sixty thousand more workers are killed every year as a result of occupational illnesses. The cost of AIDS, Alzheimer's, and cardiovascular diseases are less than the cost of occupational death and illness.

Mr. Chairman, since 1970 the job fatality rate in this country has been cut in half; since passage of OSHA, at least 140,000 lives have been saved. But we can do better. Let me remind the sponsor of this amendment, my colleague, the gentleman from Missouri [Mr. BLUNT] that 125 workers in the State of Missouri were killed in workplace accidents in 1995. Another 170,000 Missouri workers were injured on the job. There was only enough money to employ 37 OSHA inspectors for our State, and it would take these inspectors 339 years to inspect each workplace one time.

Mr. Chairman, this amendment is not in the best interests of the health and safety of Missouri workers, as well as millions of other workers across this Nation. I urge defeat of the amendment.

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

Mr. Chairman, I rise in support of this amendment. For 3 years now my subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs has held field hearings all over this country. We have talked to Americans outside of Washington about what works in our regulatory system and what does not work.

Time and time again we heard from people that OSHA fails to perform its mission. Rather than protecting the safety of workers, it spends time playing ''gotcha'' with America's small businesses. Time and time again we heard from people about how OSHA inspectors were supposed to come and tell a small business how they can be safer at their workplace, but instead, they come and they harass them because they failed to fill out the paperwork.

We have found out in these subcommittee hearings that 8 out of 10 of the top OSHA citations are for paperwork, not real safety concerns; not efforts to protect America's workers, but gotcha, because the businesses failed to fill out a Federal form.

I had one gentleman come and talk to me in Minnesota who explained that he purposely keeps his employee work force below 50, so he does not get caught up in what he views as an even larger web of Federal regulations.

I want to share with the Congress a couple of examples we heard from people, real Americans, outside of Washington about whether OSHA works for them or not. One gentleman named Rod Stewart owns and operates a small manufacturing company in Union City, IN. He makes brooms out of corn husks, and cotton mops.

He found out that when OSHA came and inspected his plant, they did not want to give him advice about how to help those workers. He did not have any help from the Government. The Government did not find any safety concerns. But nonetheless, they fined Mr. Stewart $500 because he did not have the paperwork warning people about the grave danger of WD–40.

When we have a bureaucracy that has to go and talk and harass the American small businesses about the grave danger of not having a form about the dangers of WD–40, and, Mr. Chairman, for those who are not that mechanical, this is something you can buy at any hardware store in America, and OSHA is fining this small businessman $500 because he did not have paperwork warning of the grave dangers of this common household substance.

Mr. Chairman, we also heard from people who said that they had similar fines because they did not have the right paperwork for Dawn dishwashing liquid, again, an item that you can buy in every supermarket in America. Yet OSHA has so much money that they can hire people to go out and harass America's businesses and give them fines because they do not have paperwork warning about the dangers of Dawn dishwashing liquid.

Mr. Chairman, I support this amendment because this amendment will send a message to OSHA that we want safer workplaces, but we do not want a bureaucracy that plays ''gotcha'' with the American small businessman. We want an OSHA that will do its job, that will look for real safety concerns, that will help American businessmen who want to have a safer workplace know what to do with new technology. We want an OSHA that will redirect its priorities to helping all of us work together to have a safer workplace for American workers.

Mr. Chairman, many of us, when we envision a workplace, we think, gosh, it is going to be unsafe because there are these machines, and it is a very dangerous place to work. We do not realize that OSHA also is in charge of inspecting doctors' offices, a very dangerous place for people to work.

In fact, a good friend of mine, Dr. Probst, from Columbus, IN, a dermatologist, explained that he had been fined because he did not have a 260-page manual that detailed how to change the light bulb in his microscope in his laboratory. Once again, Mr. Chairman, we have to ask ourselves the common-sense question: Is OSHA really helping America's workers be safe when they fine doctors for not having the instruction manual to change the light bulb in their microscope? I think not, Mr. Chairman.

I think we have an agency that has failed in its mission. I think we have an agency that does not deliver a safer workplace. I think we have an agency where even President Clinton has acknowledged that we have to change the direction and stop playing ''gotcha,'' and start helping American workers be safer in their workplace.

Mr. Chairman, I support this amendment and urge my colleagues to vote yes.

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

Mr. Chairman, I rise in opposition to the amendment. I understand the frustration of the people who have offered this amendment, because this is an appropriations process, and more and more during the appropriations process, we seem to be legislating and taking away the function of the authorizing committee.

Some members of the authorizing committee have spoken in favor of this legislation, and they know very well that we have been having hearings and discussing OSHA and various OSHA reforms for some time now. I wish they would be kind enough to yield today and take this amendment off the floor, and go back to the authorizing committee to continue that debate, because this is a dangerous game. It is guerilla warfare. They are ambushing OSHA from the floor on an appropriations bill, but it is a very serious place that they have chosen to conduct their ambush.

OSHA saves lives. We do not want to improve the education of children at the cost of their parents coming home in some way crippled or even coming home as a corpse.

The figures speak for themselves. The American Medical Association recently had a study which confirmed the figures we have been quoting for some time now. We have an estimated 30,000 people with various illnesses every year that are contracted in the workplace. We have another 20,000 who suffer from various cancers that are related to the workplace. That is more than 50,000 people. Then we have 6,588 deaths.

Members might dispute the other two figures I mentioned, but we have the

proof, we have the corpses, we can document it with dead bodies, 6,588 in 1994. That is generally what the level has been for some time now, large numbers of deaths in the workplace as a result of unsafe workplaces. This is a very serious business.

If Members want to attack organized labor, if they want to go after the American workers, as they have been for the last 2 years, then I do not think OSHA is the place to do it. There are a lot of people out there, in fact, the vast majority of people out there, who benefit from OSHA. They are not members of labor unions, they are ordinary American people, workers who do not necessarily belong to unions, as well as those who belong to unions. They need the protection.

Members have been giving one anecdote after another, one isolated anecdote after another, about the horrors of OSHA and what they are doing to the American people. Why do these Members not level with the American people and tell them how many inspectors there are, and what the ratio of inspectors to job sites would be in their particular State?

□ 1845

I think the gentleman from Missouri [Mr. CLAY] mentioned that in the State of Missouri, it would take the number of OSHA inspectors, when applied to the number of job sites in the State of Missouri, it would take them 339 years, 339 years, to inspect each job site once.

If we go to the State of Indiana, they are a little better off. The ratio of inspectors to job sites is such that the OSHA inspectors would inspect once every 50 years. And of course the greatest extreme is in Kansas where the ratio of OSHA inspectors to job sites would require that we have 421 years, 421 years would be necessary to inspect every job site.

Mr. Chairman, does this sound like a hoard of inspectors, highly paid Federal employees, swarming over the American business community making life difficult for them for no reason, when we have this kind of ratio? Yes, my colleagues on the other side of the aisle can have their isolated anecdotes, but they are isolated when we consider the number of inspectors available versus the number of job sites out there.

OSHA's record, of course, has been a tremendous one, especially in those areas where we had the largest amount of injuries before OSHA was created. In the construction industries, and industries where heavy duty equipment is used, there is an outstanding record in reducing the number of deaths.

Mr. Chairman, since 1970, when the OSHA Act was passed, the rate of workplace fatalities has been cut in half; over 140,000 lives that would have been lost were not lost. Workplaces where OSHA inspected and penalized employers for violations has an average of 22 percent reduction in injuries. They were not frivolous; they saved lives.

Mr. Chairman, let us stop the game playing with the lives of the American workers. If my colleagues want more money for vocational education, we can take it from the B–2 bomber. It does not fly when it rains.

Mr. BLUNT. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN [Mr. GOODLATTE]. Is there objection to the request of the gentleman from Missouri [Mr. BLUNT]?

Mr. OBEY. Mr. Chairman, reserving the right to object.

Mr. Chairman, we obviously have a filibuster by amendment going on here. We have had a succession of occasions on which sponsors and supporters of these amendments ask to speak repeatedly on the House floor. I am not going to object in this instance, but I have to say that we are not going to sit by and allow Members to routinely engage in a convenient filibuster by continuing to ask for the privilege of addressing the House more than once on an issue.

Mr. Chairman, we have 435 Members in this House and if each Member of this House successively asks for this privilege, we could be here until next Christmas. I understand what is happening. There is a small band of Members on that side of the aisle who are determined that this bill never see the light of day. That will bother me substantively but, frankly, politically it will make my day. It will make it a whole lot easier for us to explain in the next election just why it is that the other party ought not to be entrusted with control of this House after the next election.

I would prefer that we not get into that, and I am not going to object in this instance. But it just seems to me that we have exercised this issue well enough Friday and today. There are no new thoughts being expressed and at some point, it seems rational to me to expect people to quit repeating themselves and move to a vote.

Mr. Chairman, I withdraw my reservation of objection.

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

Mr. SOUDER. Mr. Chairman, reserving the right to object.

Mr. Chairman, my reservation, too, is I could understand we could be here forever if we do this. The gentleman from Missouri [Mr. BLUNT], the sponsor of this amendment, has not had a chance to address the House tonight. He did last Friday. Therefore, I am not going to object.

But, Mr. Chairman, I also do not believe that the House should be subjected to the maligning of the motives of different Members. I do not intend to try to filibuster this bill. We are trying to have a debate on amendments. We are going to extend the debate longer than some Members would like, but we are not trying to avoid final passage.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. BLUNT. Mr. Chairman, I appreciate the comments of the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Indiana [Mr. SOUDER]. I ask to speak to the House today only because we have carried the debate on this amendment over the weekend, from Friday to today.

Certainly, the gentleman from Maryland suggested that there were people who would be supporting this amendment who had voted one way or another in 1995. I know many of my friends will support this amendment who are friends of vocational education and would not have been voting the way he suggested in 1995. I know for sure I did not vote that way in 1995, since I was not here in 1995.

Mr. Chairman, this is an amendment about whether we are going to increase funding for OSHA or increase funding for vocational education. It is $11 million, the increase in the OSHA bill. Apparently, the vocational education, adult education appropriation had no increase.

At one time, in the early information that we received, it said that there was an $11 million decrease in vocational education. That got me to thinking about why at a time when we are focusing on welfare reform, when we are focusing on getting people to work, when we have just made the significant steps we made to encourage education beyond high school with the tax bill that many of the people who are speaking against this amendment were appropriately and actively for, we would want to just leave vocational education in place and perhaps even cut vocational education, as the early analysis of the bill said we were going to do.

Mr. Chairman, assuming vocational education is where it was last year, and we have $11 million, the question that this amendment really brings to the floor is whether we take that $11 million and spend it for more OSHA or we take that $11 million and spend it for more vocational and adult education.

This process is about choices. This amendment proposes a different choice than the choice presented by the committee. I am a believer in vocational education. I think vocational education may very well, one could argue, be more important than it has ever been as we try to move people to the workplace that have not been to the workplace.

Clearly, OSHA is not achieving the results in the workplace that we want to achieve. The gentleman from Missouri [Mr. CLAY], who mentioned the numbers of deaths appropriately, we should be concerned about those numbers of deaths. But the gentleman also mentioned that there are inspectors in OSHA that would allow every business to be inspected only once every 167 years.

Mr. Chairman, I think a better way to provide workplace safety, even these two choices, is to train people before they go to the workplace so that they

are better prepared to be there. I think that is a better effort to get workplace safety than an $11 million increase in OSHA would be.

Certainly, the vocational education reforms that this Congress will approve spend money more nearly at the local level. I think that is a good change in vocational education. Ninty percent of the money will be spent for the first time under these new guidelines at the local level. This will be money that is spent to strengthen academics, to broaden opportunities after high school, to send more dollars to classrooms for people who are not headed to college.

Mr. Chairman, 75 percent of American youth do not complete a 4-year college degree. Those people are very much in need of additional beyond-high school training.

Mr. Chairman, it is clear that more than half of the new jobs that have been and will be created in the decade of the 1990s will take education beyond high school. Well, 25 to 35 percent of the people going to high school are not graduating from high school to start with in virtually any State. The 75 percent that do not graduate from college need that additional training to fill the jobs that are created in this decade, for many of them their first decade in the workplace.

I think vocational education is important. I think adult education is important. By the way, this amendment does not say to take the money out of compliance or even to take it out of inspection. It takes the money out of OSHA and puts money in the Perkins bill vocational education.

Mr. Chairman, 75 percent of that money goes to vocational education; 10 percent goes to programs for single parents; 8 percent to State level programs and activities; and 5 percent for State administration. Ninty cents of these dollars are getting directly to individuals.

This is about choices. I am encouraging the choice that this amendment proposes and appreciate the opportunity to get to address the House on this day, the second day that we deal with this legislation.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. PORTER. Mr. Chairman, for the edification of Members, I just want to repeat something that I said early in the debate. Funding for OSHA in this bill, Mr. Chairman, is $11.6 million below the President's budget request. Yet, it is still an increase of 3.5 percent over the last fiscal year. When cost increases and Federal pay raises are factored in, the amount provided is actually a reduction from last year's level.

In the bill, Federal compliance assistance activities is increased by 22 percent. Compliance assistance includes such activities as technical assistance to employers, outreach to small businesses, development of voluntary protection programs, and training for employers and employees. While compliance assistance increases by 22 percent, enforcement activities, including the cost of paying for OSHA inspectors, increases only 1 percent above fiscal year 1997.

The House bill continues to encourage OSHA to redirect its efforts toward compliance assistance and regulatory review, and OSHA is actually achieving change in this direction. We should be giving them every encouragement possible, because OSHA is definitely a changed organization; changing in the way Republicans would like to see it changed. I am afraid that if we do not give them some encouragement to continue in that direction, we will end up with an OSHA similar to the one of the past one that none of us wants.

So, Mr. Chairman, I think the amendment, while it has good intentions, would do harm to the priorities that we have set in the bill. They are the proper priorities and I would urge Members to oppose the amendment.

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

Mr. Chairman, I was pleased to hear the gentleman from Illinois [Mr. PORTER], the distinguished chairman of our subcommittee, defend his bill and the appropriation in it for OSHA. Indeed, the new OSHA, under the leadership of Joe Dear, the former administrator, and under the leadership of the Clinton administration, is a new agency.

Mr. Chairman, the old OSHA was often seen as adversarial, as some of our colleagues have pointed out, because it relied heavily on regulatory enforcement. But the new OSHA offers employers the choice between partnership and traditional enforcement. The new OSHA, under the leadership of President Clinton, focuses on serious hazards rather than technical violations.

While the old OSHA frequently cited employers for paperwork violations, the new OSHA has seen an 82 percent decline in paperwork violations from fiscal year 1992 to 1996. And under the old OSHA, employers and workers may have had to hire consultants to comply with complex OSHA rules, but the new OSHA created interactive computer programs, called Expert Advisors, which have been commended by employers, and the media, for providing them with expert compliance advice in an easy, step-by-step process.

I mention this, Mr. Chairman, because some of our colleagues have addressed the old OSHA as a justification for the cut that they are proposing. It is refreshing, frankly, to hear our Republican colleagues talk about the importance of funding vocational education. We all support that, and most of the Republicans who were here at the time voted for a large cut in vocational education, so hearing their defense of it this evening is a change and a refreshing one.

□ 1900

But I fear that it may just be an excuse for them to do, once again, on this amendment what they attempted to do on the previous amendment, where they find a benign program which we all stipulate is important and that we support, vocational education, and we agree with all the merits and benefits of supporting vocational education and wish that our Republican colleagues were with us when the major cut was proposed and passed in vocational education.

They take a program like vocational education and then take money and say, OK, we all support that and then go to take the money to make the increase in vocational education from enforcement of workplace safety rules and regulations.

Last week they took the money from the Wage and Hour administration, again, saying it was for the children, but, indeed, the economic security, the work safety of the workplace for the families of America in this amendment would be threatened and, in that amendment, family and medical leave, wages and hours, all of those other considerations were under assault.

This is about a pattern that we see here in this legislation where our Republican colleagues are trying to hide behind the children of America or people who are in need of education in America and do so by nipping away at worker protections, whether it is in OSHA or in other parts of the Department of Labor which are there to advance wages and benefits for the American worker. That is why I urge our colleagues to vote against this amendment.

Do not be misled by where the money goes. We all agree more money should be there, but that was a fight that was fought at the Committee on the Budget. Again, we should be putting our hand in the pocket of the defense budget or not giving big tax breaks to the wealthiest people in this country who do not need them, if we want to talk about finding more money for vocational education but not taking it from safety in the workplace.

Another argument that is used in the argument against OSHA is about ergonomics. I want to call to the attention of my colleagues this recent GAO report that just came out, August 1997, worker protection, private sector ergonomics programs yield positive results. Simple ergonomic programs can reduce worker compensation costs and injuries, improving employee health and morale and boosting productivity and product quality, this report says, and I quote, Most importantly, we found these efforts do not necessarily have to involve costly or complicated processes or controls, says the report.

So the issue of ergonomics is not any justification for cutting OSHA. Indeed,

it is a justification for increasing the OSHA budget. Freezing OSHA at the 1997 level, which is what this budget does, means significant cuts in the new OSHA's partnership and compliance assistance efforts aimed at helping businesses, especially small businesses, to achieve compliance results in the workplace.

I urge our colleagues to vote against this amendment because the funding for OSHA in this bill is still less than the appropriation for OSHA in 1988, 10 years ago, and there are fewer OSHA employees in 1998 than 10 years ago, thanks to the Clinton administration. I urge my colleagues to vote ''no.''

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

Mr. Chairman, I rise tonight in strong opposition to this amendment which cuts funds from job safety and health. I want to congratulate the gentleman from Illinois [Mr. PORTER] again and our ranking minority member for the important work they did in trying to balance the priorities, and there are so many important priorities in this bill.

What this amendment does is pit one program, assisting hard-working families, against another. Mr. Chairman, I hope my colleagues join me in seeing the irony in an amendment which adds funds to a program training high school students for the workplace by taking away funds from the very program which will ensure that they will be safe from job-related accidents once they are old enough to go to work.

I am also outraged at this amendment. Mr. Chairman, there is a reason why OSHA was created 25 years ago and my colleagues have clearly stated the improvements that we have seen made in OSHA by Joe Dear and the other administrators of that department.

Workplaces can be dangerous. While most employers do act responsibly, there are those who simply do not. I will never forget one, because in 1991, just shortly after I was elected, a tragic fire took place in a chicken processing plant in Hamlet, NC. Twenty-five workers lost their lives and 50 were injured. It was a tragedy on par with New York's Shirtwaist Triangle fire 80 years before.

When the Hamlet fire broke out, workers were trapped in the building because the fire doors were locked. In the aftermath of this tragedy, it was like Dante's Inferno, when we hear from the witnesses. I sat on the Education and Labor Committee at the time. Survivors of the Hamlet fire testified before us and, frankly, I will never forget their heartrending words.

For the viewers who are listening, they are hearing about OSHA, and sometimes the initials may sound like gobbledygook to many of our viewers, but what they have to understand is OSHA is real and it has a real impact on people's lives.

Let me quote: ''I was in the trim room,'' one female witness told us. ''I saw ladies running, running, and they were just screaming and hollering. So I said, I am going with them. And I started running. When we got to the door, one of them stated that the door is locked. So we are trapped in here. So we are going to burn up. And when I look around, I see a big fire and then it was just pitch dark and you couldn't see anything because 50 to 60 of us are running into the area. Some of them were close enough to the door to knock and bang and beat on it. The next thing I know, they were still hollering at the door, stating, somebody let us out of here. Get us out. We are going to die. We are going to die.''

Finally, our witness was able to escape when a bulldozer was used to knock the door open. She told us, ''I was coughing up black soot, big balls of soot. They were beginning to bring Mary Lillian Wall out, who was standing next to me. When they brought her out, she was already dead. They brought Bertha Jarrell out who I grew up with as a child. She was dead. Then they brought Mary Alice Quick out. I grew up with Mary Alice Quick. She was dead. Then they brought Brenda Kelly out who was a friend of mine who worked in the packing room. She was dead.''

Mr. Chairman, government must ensure that hard-working Americans do not have to fear for their lives or their health on the job. OSHA must have the funding to enforce our health and safety laws or, frankly, I worry that we will see more tragedies like the Hamlet chicken plant fire.

On an average day, 154 workers lose their lives as a result of workplace injuries and illnesses and another 16,000 are injured. In my home State of New York, the most recent statistics show us that 300 workers died in 1 year while 270,900 faced on-the-job injuries and illnesses. Yet OSHA only has enough inspectors to reach every workplace once every 87 years. OSHA has 100 less staff than it did 10 years ago.

So, Mr. Chairman, again, as we said last week, these are shameful and cynical amendments. I have been, throughout my whole years in Congress, and long before that, a strong supporter of vocational education. OSHA needs more funding, not less. Let us not pit one good program against the other. I urge my colleagues to vote against this shameful and cynical amendment.

Mr. McINTOSH. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. MCINTOSH. Mr. Chairman, I do not anticipate needing to use the entire time. The gentlewoman has just told us about one of the tragic episodes in this history of an industrial accident and a fire that did take several people's lives. But I doubt that the gentlewoman knew that when the administrator of OSHA came to my subcommittee and testified, he, too, mentioned this and I asked him, what had you done before the accident to protect those workers. Well, it turned out that OSHA had been notified of the dangerous working conditions in that plant and that they had failed to ever inspect that facility. Those people died, I would submit, because OSHA failed to look for real safety concerns. Perhaps because they are spending all of their time looking for paperwork violations for our Nation's small businesses.

When we have an agency that will put paperwork concerns, and I talked earlier about Dawn dishwashing liquid and WD–40, when we put those above the real safety concerns like those workers that the gentlewoman mentioned and OSHA fails to ever inspect that plant, even when employees in that plant notify them of dangerous working conditions, this is an agency that is failing to do its job.

This administrator was in the Clinton administration. This failure he had to acknowledge came about on an OSHA that he was the administrator for. I think this amendment is a good amendment because it does set the correct priorities. I would urge all of my colleagues to vote for it.

Mr. Chairman, I yield to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I wanted to take the opportunity to speak in favor of this amendment. I have worked with members of OSHA in Kansas in my home district. I found out that the members of OSHA and the business community, the small business community, the construction businesses had common ideas, common goals. They all wanted to have a safe work environment. But they were having a hard time achieving that safe work environment with the way they were being treated by OSHA. It seemed as though every time a representative from OSHA would come to a job site, the employer had to reach for their checkbook because they knew they were going to get fined, and in most cases they were.

In several instances they had trouble being harassed by losing contractors in a job where more than one contractor would bid, one would lose and then call OSHA with alleged violations and then the winning contractor would have to go through all kinds of contortions trying to prove that there was no violation, that it was unjustified.

And in another case, I met with members from a union, a business manager who said that he went around the area and found nonunion employers and would then call OSHA with alleged violations and have OSHA go out and harass these nonunion employers. He admitted it openly. So when you have an agency that allows itself to be abused and allows small businesses to be abused, then it is a wonder that we should not maybe give this money to a higher priority.

This does leave funding at fiscal year 1997 levels. It does not take out the

program at all. It merely stays it at the current level that it is funded. Instead, it takes this small amount of money, $11.25 million, to vocational education, or vo-tech, which is, by the way, funded below the President's request, some $79 million.

So what we are doing is taking money from big government and we are giving it to people who have an idea that they can capture the American dream and do so by getting not a college education but get educated in the building skills, electronics, masonry, carpentry, something of that sort.

In Kansas, we have some very good examples of how vo-tech schools have worked with Wichita State University, the local community colleges like Butler County Community College, and come up with programs that not only give students skills to walk into a trade job, but also if they choose to pursue their education, they have an open avenue of transferring credits to these higher universities and can go on and get engineering degrees, degrees in the construction trades.

So what we are doing is taking, diverting a little money away from big government to the American dream for these children. I think that is an admirable goal, something that we should all pursue, the American dream.

But getting back to OSHA, I think what I would like to see, and I think many in America would like to see, is the common goals that we have being pursued, making a safe work environment but also doing it by working together.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I would like to respond to my colleague from Indiana. I would like to make three points. First of all, it was during the Bush administration in 1991, and for those of us who have been on the Committee on Appropriations serving with the gentleman from Illinois [Mr. PORTER], we were very privileged to hear Joe Dear speak to us and tell us about the major changes that have been made with the Clinton administration to OSHA, and we understand there have to be more changes, but I think it is important to know that there have been important changes made.

□ 1915

Second, in North Carolina, where this tragic fire took place, there were 119 inspectors for 175,000 businesses covering 3.3 million workers.

And, third, perhaps the gentleman and I have a different view of government. I really believe that although government is imperfect, that it has an important responsibility to help people's lives, to improve their lives. And, frankly, if the changes Joe Dear has made are not sufficient, then I would like to reach out to my colleague from Indiana, work closely with the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] and make sure they make continuing changes to improve the lives of workers.

Again, most of the employers are doing this on their own. We are talking about a small number. But it seems to me cynical and, in fact, shameful to say that the way to improve working conditions, to make sure that plants such as Hamlet and others, where terrible tragedies have taken place, do not occur again, to make sure that our workers are covered, the way to do it is to cut money from the OSHA program.

I would think that my colleagues who do not like OSHA, who feel that OSHA is not working and not helping people, should just put in an amendment to repeal OSHA. I would respect that, and I am sure some of my colleagues may think that is the best way to go. I disagree.

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

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

Mr. McINTOSH. Mr. Chairman, let me say that I would love to take the gentlewoman up on that offer, very seriously, because there are some good proposals out there that have been tried in some of the States where they create incentives for the worst employers, with the worst records of safety, to come forward and change the habits and the working conditions without being fined. And then if they do not do it, they come down on them with a big hammer afterwards. So there are some good ideas we could work together on.

But let me reassure my colleague that the purpose of this amendment is not only to assure that OSHA, but also, as the gentleman from Kansas [Mr. TIAHRT] said, we do believe the funds would be very well used in trying to take the vocational education program up to the full level that the President had requested.

And so it is a sincere effort to have those funds redirected, not eliminated from the budget but redirected in a way that we think will help workers and give more opportunity for people to find better jobs in industries that are suffering dislocation.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I want to accept the gentleman's offer to work together to continue to make sure that OSHA continues to serve the people whom it was intended to serve. And I would be delighted to work with the gentleman, with the constraints that I know that the gentleman from Illinois and the gentleman from Wisconsin and the committee worked under, to improve both vocational education funding and OSHA funding, because we want to be absolutely certain that another Hamlet does not take place; and we also want to work to help our young people enter the workplace and get a job so that they can raise a family and feel an important part of this great country of ours.

So let us work together, and I would like to work with the gentleman to increase vocational education and OSHA funding because both have an important place in this bill.

Mr. McINTOSH. Mr. Chairman, if the gentlewoman would continue to yield, let me just say that I look forward to working with her.

Mr. PAYNE. Mr. Chairman, I would like to inform the supporters of this amendment that by cutting the appropriation levels for the Occupational Safety and Health Administration you are sending a message to hard-working Americans that their health and their safety are not worth the money. While I certainly see the merits in increasing funds for the vocational education, I cannot support this amendment because it places too many people at risk. I agree vocational education will increase the number of trained workers. However, I cannot see how, as some of my colleagues have suggested, an increase of funding for vocational education will result in a large decrease in occupational hazards. These hazards are many times not the result of unskilled workers but the result of companies and businesses who choose not to comply with OSHA standards because of the cost. For example, in Newark, NJ, three workers died in a plant fire in 1992 because the plant did not comply with OSHA regulations. Also, we must take into consideration that some jobs are quite simply dangerous and need regulations to prevent accidents from occurring. Here in Congress, I think we forget that a majority of Americans count on OSHA inspectors and requirements to protect them from the daily dangers of their occupation. Therefore, I implore my colleagues to recognize the need to ensure the safety of our workers by not voting for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BLUNT].

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

RECORDED VOTE

Mr. BLUNT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 237, not voting 36, as follows:

[Roll No 369]

AYES—160

Aderholt	Buyer	Doolittle
Archer	Callahan	Dreier
Armey	Calvert	Duncan
Bachus	Camp	Dunn
Ballenger	Canady	Ehlers
Barr	Cannon	Ehrlich
Barrett (NE)	Chabot	Emerson
Bartlett	Chambliss	Ensign
Barton	Chenoweth	Everett
Bass	Christensen	Foley
Bereuter	Coble	Fowler
Bilbray	Coburn	Ganske
Bilirakis	Collins	Gibbons
Blunt	Combest	Goode
Boehner	Cook	Goodlatte
Bonilla	Cox	Goss
Bono	Crane	Graham
Brady	Crapo	Granger
Bryant	Cubin	Gutknecht
Bunning	Cunningham	Hall (TX)
Burr	Deal	Hastert
Burton	DeLay	Hastings (WA)

Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kingston
Klug
Kolbe
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McIntosh
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Skeen
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Young (AK)

NOES—237

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Tauzin
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—36

Baker
Barcia
Bliley
Capps
Carson
Cooksey
Dellums
Dingell
Forbes
Frelinghuysen
Gallegly
Gephardt
Gonzalez
Hansen
Hilliard
Jackson-Lee (TX)
Jefferson
Kasich
Kennedy (RI)
Klink
Knollenberg
McCarthy (MO)
McInnis
Miller (CA)
Murtha
Pickett
Quinn
Rangel
Schiff
Serrano
Shuster
Towns
Velazquez
Weygand
Whitfield
Young (FL)

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Chairman, because of a delay in transportation, I was regrettably absent for rollcall vote No. 369, concerning the Blunt amendment. If I had been present for that vote I would have voted ''no.''

PERSONNAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Chairman, on rollcall No. 369, the Blunt amendment to Labor-HHS-Education Appropriation, I was unavoidably detained in transit. Had I been present, I would have voted ''no.''

□ 1938

Messrs. KIM, FRANKS of New Jersey, SHIMKUS, and Ms. WATERS changed their vote from ''aye'' to ''no.''

Mr. WHITE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the parliamentarian has informed me that my amendment No. 45 to the Labor-HHS appropriation bill that addresses the substance abuse and mental health funding formula in all the States is not in order but, Mr. Chairman, this issue needs to be addressed.

The Substance Abuse and Mental Health Service Administration is currently obligated under law to revise the formula that allocates money under the Substance Abuse Prevention and Treatment Program as well as the Community Mental Health Services block grants. My own State of Michigan will lose over 19 percent in one year of its funding for this 1998 program. Many other States will lose large amounts as well next year. The department has suggested that an alternative to a 1-year drastic change is that Congress provide for a phasein.

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

Mr. SMITH of Michigan. I yield to the gentleman from Illinois.

Mr. PORTER. I thank the gentleman from Michigan for raising this important issue before the House. When such formulas are altered, it should be in a manner that allows the States to adjust. I agree that no State should be forced to absorb huge losses at one time. I agree with the gentleman that this is an issue that should be resolved to ensure that all States are treated as equitably as possible.

Mr. SMITH of Michigan. My amendment, Mr. Chairman, would have delayed the implementation of the new formula so that the appropriate authorizing committees would have an opportunity to address these issues properly. I would ask the gentleman from Wisconsin [Mr. OBEY], the ranking member of the committee, if he agrees there is merit in some kind of a more gradual phasein for dramatic funding changes.

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

Mr. SMITH of Michigan. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would simply say that it certainly would be disruptive for many States. If dramatic changes are implemented in 1 year, States will not only lose large amounts of funding but would lose them overnight. It would seem to me that certainly for the effectiveness of State programs there should not be major disruptions in funding. Those changes should be gradual.

Mr. SMITH of Michigan. I thank the gentleman. I call to my colleagues' attention that the Department of Health and Human Services agrees that States should not have major disruption. The National Association of State Alcohol and Drug Abuse Directors have just passed a resolution saying that we should use the current funding base.

I thank the chairman of the committee and ranking member and hope it will be an issue of discussion in conference.

□ 1945

AMENDMENT OFFERED BY MR. NORWOOD

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

The Clerk read as follows:

Amendment offered by Mr. Norwood:

Page 17, line 6, after the first dollar amount, insert the following: ''(reduced by $11,250,000)''.

Page 68, line 17, after each dollar amount, insert the following: ''(increased by $11,250,000)''.

Level-funds OSHA, transfers increase to IDEA, Individuals With Disabilities Education Act.

Mr. NORWOOD. Mr. Chairman, this amendment is one that is very clear-cut and very simple. We are trying to continue to fund IDEA special education. We are moving $11.25 million from OSHA into IDEA.

Mr. Chairman, I want to point out that this movement of $11.25 million from OSHA does not, in effect, cut the OSHA budget, but simply retains the same funding of $325.7 million.

Mr. Chairman, again, this moves funding from OSHA, but it does not cut OSHA. It maintains its funding level at

the same amount, $325.7 million, for 1997.

There are two reasons in my mind for this amendment. One, of course, is that special education is important. I think we all would agree that funding a program that is now 22 years old at the 12 percent level is not correct and it is wrong. The Federal law says that we have to fund special education at 40 percent, though we only do 12 percent.

Mr. Chairman, funding of the special education program at 12 percent, which, thanks to the good works of the gentleman from Pennsylvania, Chairman GOODLING, and others has occurred just recently, is way inadequate for a Federal program that we are supposed to fund at a 40 percent level.

No one can disagree that the idea of taking children with disabilities and turning them into successful members of society is a very good thing to do.

I noted the other day that one of our Members on the other side of the aisle said, ''Well, we are only funding at 12 percent, but it is not our fault. The courts made us do it.''

Well, the courts are simply using the law passed by this Congress 22 years ago and stating that the special education must be funded, but presently it is being funded by the taxpayers at home through property taxes.

A Federal law that is a good law, though not funded by us, causes a great deal of concern for the local school boards, as well as local politicians who had nothing to do with it.

Mr. Chairman, I do not think any of us would disagree that it is important and it is critical that we do fund special education. I doubt there is a Member in this House that would think that we should not do that. This is just one more effort for us to try to beef up the funding to that program.

Now, we are taking it from OSHA. I want to make it clear that I do not view this as a discussion about safety and health. I do not think there is a Member in this room who does not consider health and safety in the workplace very, very important.

The debate is not about whether we need an OSHA or not; it is not about whether we wanted a safe and healthy workplace. It is about the process of OSHA, and it is about the process of prioritizing your spending.

We are giving OSHA an increase in 1998 of $11.5 million, but you cannot justify that. Nobody in their right mind can come up with any data that says, yes, they do need that much more money.

Now, many people relate an increase in dollars into an increase in the objective, which is a safer workplace. But I will tell you, you cannot go by the numbers to tell that.

For example, Mr. Chairman, in 1993 we spent $291 million in OSHA, and, unfortunately, that year we had 6,331 deaths. Mr. Chairman, you cannot relate the dollars spent in OSHA to workplace deaths.

In 1993 we spent $291 million; we had 6,331 deaths. Interestingly enough, in 1994 we increased our spending in OSHA and we spent $297.2 million, but what happened? The death rate went up in the workplace, to 6,588. Then we go to 1995 and we funded OSHA at $312 million, and we had 6,210 deaths. But then we lowered our spending in 1996 to $305 million and the death rate came down when we lowered the spending.

The only point I make there, Mr. Chairman, is it is not possible for us to simply say, looking at those numbers, that you can justify a rate increase in an agency that is not doing exactly what it ought to do, which is improve the health and the safety in the workplace.

Also, tonight a number of times the death rate in 1994 was stated as 6,588. That is the number that was used a number of times. But listen to those numbers. Think about those numbers. On the 6,588 occupational fatalities reported by the BLS in 1992, 42 percent were caused by transportation accidents, and another 20 percent were caused by acts of violence, suicide, and homicide. These are not considered workplace hazards.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. NORWOOD] has expired.

(By unanimous consent, Mr. NORWOOD was allowed to proceed for 1 additional minute.)

Mr. NORWOOD. Mr. Chairman, I would suggest that we ask this agency to spend no more money than it spent last year until it reworks itself. Yes, it has improved; yes, it is better than it was 2 years ago; but it is not good enough. Why are they not focusing on those 40 percent of deaths where they occur out there? That is not what we do. We have to have one-size-fits-all, and everybody gets involved.

Mr. Chairman, we should focus on the areas where there are the most deaths, those industries where they occur, not across the board.

Yes, we only have 900 inspectors, and you may be assured there will never be enough money in OSHA to have enough inspectors to inspect every industry. But why is that agency not focused on where the deaths and injuries are occurring?

Mr. Chairman, that alone is enough reason to send another message to OSHA saying that, yes, we want you to protect health and safety in the workplace, but we want you to rework how this particular Federal agency works so we can have some positive results from it.

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

Mr. Chairman, the gentleman from Georgia [Mr. NORWOOD] speaks so movingly about the need to fund special education that I am almost persuaded. But then I note, however, that on August 3, 1995, just 2 years ago, the gentleman voted to cut special education by $160 million below the previous year, and voted to cut it $250 million below the President's request at that time.

Mr. Chairman, this year the special education account is up $313 million above last year. The committee has funded it at $139 million above the President's budget. It is $1.1 billion above the level the gentleman voted to cut just 2 years ago.

So I would simply say I am happy to welcome the gentleman to the ranks of those who believe that this is a good program, but I would say that I think what is happening here is pretty obvious. This committee, on a bipartisan basis, has provided a much higher level of funding for special education than it had last year or the year before that. Now we are being told in this amendment, which will take more of the House's time, that we ought to take a tiny amount out of OSHA and move it into this program.

It would add to the amount in this program by only 0.2 percent, but it gives them an opportunity, Mr. Chairman, to again beat up on OSHA, despite the fact that OSHA has had an 82 percent reduction in the number of paperwork citations which they have cited businesses for since President Clinton has come into office.

It is apparent to me that this is not only an opportunity to bash OSHA, it simply represents another effort by a group of Members of the House to try to filibuster the House to death in the hopes that eventually this bill is taken from the House calendar, and the gentleman has a perfect right to do that if he wants.

I would simply note, however, that despite the gentleman's efforts, or despite his suggestion that we cut this funding out of OSHA, there were 237 workplace deaths in his own State last year. There were 187,000 workplace injuries in his State last year.

So it seems to me that the proper thing to do is to try to fund both of these programs to the highest level that we possibly can. That is exactly what the committee has done on a bipartisan basis.

Mr. Chairman, I would urge rejection of the gentleman's amendment on that basis.

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

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

Mr. NORWOOD. Mr. Chairman, let me point out to my friend from Wisconsin [Mr. OBEY] that I am absolutely sure the gentleman does not know why I am doing this.

I know the gentleman just told the Members why I am doing this, but I am confident that the gentleman does not know.

Second, let me point out that, yes, I voted against special education, but that was before the Republican Congress came in and helped straighten that bill out. At the time, a considerable amount of that money was going to the attorneys, and until we could stop that particular bleeding problem, then it did not make sense to put taxpayer dollars in it.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would also note that during that time this Congress and this administration working cooperatively have greatly improved the performance of OSHA. I find it interesting, for instance, that much of the criticism these days leveled at OSHA is coming from organized labor, which feels that OSHA under Joe Dear went too far in trying to recognize legitimate concerns expressed by American businessmen.

□ 2000

So I would simply say, each of us is capable of reaching our own judgments. I am confident that the House will recognize that the committee achieved a reasonable balance in these accounts which deserves to be supported.

Mr. NORWOOD. If the gentleman will continue to yield, Mr. Chairman, I want to tell the gentleman, I do think OSHA has been improved. That is something we all should be proud of.

Has OSHA moved far enough yet, to the point where we are doing a better job in the workplace, where most of the catastrophes occur? The answer would be no.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, I would simply note that OSHA has a long way to go in meeting its objectives, with over 6,000 Americans still dying each year. We ought to help them meet those objectives, just as we ought to help the responsible agencies in meeting their needs in dealing with handicapped children and special education-required children. I hope Congress will see fit to do both.

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

Mr. Chairman, to kind of pick up where my colleague, the gentleman from Georgia, left off, I also am on the Education and the Workforce Committee, and this is my third year in Congress, and hopefully every year you learn a bit about how programs work and where money ought to be spent.

At the end of the day, it is a judgment call. The Committee on Appropriations has made some choices that are their version of how it ought to be. Now we have a chance, as Members, to come in and suggest how these choices might change, and does it make sense to rearrange the money and spend money here and take money from there.

Mr. Chairman, the question of money and people is always an intriguing question. If I thought just by increasing appropriations bills we could prevent all workplace deaths, I would do so. If I thought just spending more money would take every family and every parent that has a disabled child and get the most out of that child, I would gladly spend the money. Sometimes it is not about how much you spend but the way you conduct the program, who is controlling the money, who has say-so of how it is spent; that is probably just as important as the amounts.

The OSHA laws in this country, in my opinion, have in the past focused more on the bureaucracy and more on the paperwork side of the House, rather than on whether or not it is really making the workplace safe. I think that is inevitable. As an agency grows, just like any other business in America, it looks for ways to continue to grow.

This Congress, the 104th Congress, the first Congress I was in, I think inherited a mess. I think we have been working at times in a bipartisan fashion to straighten that mess out. But when we look back at what it was like when we first came here, we had an OSHA agency where 8 out of 10 violations were paperwork violations, and there is no use blaming the Democratic Party for that, because many times the OSHA organization was under Republican control. The facts are it just was not working right. It got soft. We were throwing money in the name of worker safety, but we were not looking at outcomes.

We have had numerous hearings in our committee about outcomes. That is the change I have seen in the last 3 years. We are asking questions about programs that have never been asked before, before we write the check.

Let me tell the gentleman from Wisconsin [Mr. OBEY] some of the questions we have asked about OSHA. One of the basic questions I have asked, if you had a limited pot of money, which I think it is time to start thinking in those terms, where would you spend that money? Would you increase the number of investigators and increase the fining capacity, or would you direct more money into the area of educating businesses to make the workplace safe? We have asked numerous people from OSHA about that mix, and they are doing studies right now: Where is the best place to put your money? Is it in enforcement or is it in education?

We have been finding, I think, consistent——

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

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

Mr. OBEY. I would simply like to point out, Mr. Chairman, that I am the Member of Congress who, along with Sylvio Conte, first pushed OSHA into starting a voluntary compliance program.

Second, I would like to point out, as the chairman already has on two occasions, that this budget gives a 12-percent increase for that voluntary compliance portion of OSHA's budget, and only a 1-percent increase, on average, for the other portions of OSHA's budget. So we are putting the emphasis, in fact, exactly where the gentleman thinks it ought to be.

I thank the gentleman for yielding.

Mr. GRAHAM. I congratulate the gentleman on that move, because it has turned out to be a very good move. But that is not really the point I am trying to make.

The point I am trying to make is, you have a certain number of people on the payroll of OSHA. What do they do every day? Voluntary compliance is one way for an employer to meet the goals and requirements that we place upon them. We have found that maybe if we have more business involvement in voluntary compliance programs that we can get there a little easier and save money for the employer, to let them share the benefits from the savings with their employees.

What I am saying is, when you have a fixed population of workers at OSHA, where should they be spending their time? How should you fashion your work force at OSHA? How many people should be in the ''gotcha'' business, and how many people should go around every day informing and advising industry, ''Here is the latest thing out on worker safety''? That is what I am trying to talk about.

We have gotten a lot of feedback. It seems to me they are on the enforcement end, the ''gotcha'' end; about two-thirds of their people do that job. We are trying to get a work force mix that probably will do a better job, if you take most of OSHA employees and get them away from the ''gotcha'' business and you send them into the industry and advise people, and you try to get people up to speed as to what is the best way to make sure that the workers are safe.

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

Mr. Chairman, I would say there is a disconnect here with my colleague who just finished speaking. It is understood that in fact we could buy the argument that we inherited an OSHA that was a mess. But in fact, in the Contract With America, if Members might recall, their answer to that question was to cut OSHA about 50 percent.

The fact of the matter is that under the Clinton administration, as my colleague, the gentleman from Wisconsin [Mr. OBEY] pointed out a minute ago, in fact, an innovative compliance assistance program, a voluntary compliance assistance program, was developed. It was begun in fact and in truth to help employers identify safety problems before the accidents occur and before inspections and fines occur.

It happens, and it is a fact, that this is an enormously and hugely popular program with business owners. There is a very long waiting list of employers who want help to do the right thing. That is why the committee bill increases the compliance assistance program, as has been mentioned, by 12 percent, so in fact employers can get that kind of help and advice, and OSHA can provide that to the extent that businesses want it and need it.

But quite honestly, what will happen is that compliance assistance is the part of the budget that will be cut if OSHA's budget is reduced. This is because in fact, first and foremost, OSHA has to enforce the law. So this amendment is shortsighted. It hurts workers and, in fact, hurts the businesses which my friends, some of my friends on the other side of the aisle, seem to want to help. They want to help businesses. In fact, businesses are happy with these voluntary compliance programs.

If we continue in this path, it will in fact cause more deaths, more injuries, and more threats to the health and safety of American consumers, like those that we saw at the Hudson Food plant.

Let me just reiterate. Some Members, some Republicans of this House, seem to think that OSHA has not been cut enough over the past 3 years. But the majority of people do not want to cut it further. Clearly, the sponsors of this amendment share that belief that OSHA has not be cut enough, as do those who were engaged in the previous amendment. I disagree, and quite frankly, I think most Americans will disagree.

There are some facts that I think just speak loud and clear and speak for themselves. Every 5 seconds, every 5 seconds, an American worker is injured or killed on the job. In 5 minutes while I stand here and speak, 60 people will be hurt or will die. We saw the incidents with the Hudson Food plant.

Quite honestly, in that district in Missouri 155 people died of job-related injuries or illnesses in the last year for which we have data. In the State of Missouri, there are 25 inspectors to monitor the safety of places of work. That means that the average Missouri business will not be inspected more than once every 235 years. Clearly the sponsors of these amendments here think that is too often, and they want to reduce it to 250 or 275 years.

Mr. Chairman, let me just say that I am a supporter of the IDEA Program. Last week we were going to cut wage and hour to support IDEA, giving about 67 cents per child to the IDEA Program. Ultimately, there are only some Members of the other party that want to engage in this kind of thing. There has been a very good bipartisan effort put together here in defense of OSHA. Some people are not happy with that.

People have worked very, very hard over the last several months so we would have a good bill that in fact deals with the important issues that workers are facing and that others are facing. Now, all of a sudden, we see this opportunity to filibuster this bill in order to take money from here, take it there. In fact, these are thinly veiled efforts to cut programs here where we are only talking about $2 more per child for the IDEA Program.

If we want to help kids, help children, I ask my colleagues to help their families make a decent, living wage, as we were talking about last week. Give their folks the opportunity to work in a safe environment and workplace. That is the kind of thing we ought to be doing to help these families.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SOUDER. Mr. Chairman, can Members of Congress malign the motives of other Members?

The CHAIRMAN. Members should avoid discussing the motives of other Members.

Mr. SOUDER. I thank the Chair.

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

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

Mr. SOUDER. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I just want to reply to the gentlewoman who just spoke. In 1997, we spent $325.7 million, and if our amendment passes, in 1998 we will spend $325.7 million. I would just like to point out that is not a cut of anything, that is just not giving them a raise.

Mr. SOUDER. Reclaiming my time, Mr. Chairman, I would like to point out, and the reason I asked my parliamentary inquiry is we have heard several times tonight that this is a filibuster because we are trying to discuss tough questions, when in fact the minority and the majority, as their differences arise from time to time, will speak for ours.

We have not had motions to rise, motions to adjourn, all sorts of quorum calls, or that type of filibustering tactic. We have had some disagreements in our party, and we are likely to continue to have them in the future. The question comes as to how do we debate these and air them out.

The gentleman from Illinois [Mr. PORTER] and we have had many discussions. He said, let us have a wholesome debate. We are having a wholesome debate. A lot of Members do not like these choices. They want to talk about what we did not 2 or 3 years ago, or what we are allegedly going to do to a lot of the poor working people of America.

This is an increase in OSHA. This is not wiping out OSHA. We are not fighting a battle over whether we are going to eliminate OSHA, whether we are going to eliminate anything here. It is whether we are going to increase OSHA. We are not even proposing to cut OSHA, for crying out loud.

The effort here is to say, what are our priorities. Reluctantly, many of us voted for the budget agreement because it was a compromise. Spending is increasing. Now, as Members of Congress, we are elected to decide where we are going to put the money and what the priorities are.

There are many of us, including many of us on the Committee on Education and the Workforce, who worked to pass a new IDEA bill. Part of that was increased parent participation; it had better connections to regular curriculum, increased accountability for educational results, improved access to information, opportunity for mediation, improved teaching and learning processes, supports the unique needs of individual students where there can be flexible developmental delay categories for identifying children, all sorts of details with the IDEA bill. We worked on that for 3 years.

A chief staff person of Senator LOTT spent hours and hours trying to reconcile those differences. The gentleman from Pennsylvania [Mr. GOODLING] moved it through our committees. The gentlemen from California, Mr. RIGGS and Mr. CUNNINGHAM, the previous year, working with the subcommittee that I am on and I, as vice chairman of that subcommittee in my first term, worked hard on IDEA.

But do Members know, we have now passed a bill that requires States and local communities to do a lot in their schools to address the needs of these students. We increased their funding, but we did not increase their funding enough.

I would just as soon, quite frankly, the Federal Government was not always increasing their funding, and that we had more decisions at the local level and at the State level in education. But if we are going to spend money, which we are in this bill, I can think of no better place to put it than in the Individuals With Disabilities Education Act.

As we go through this, I do not want to hear all the time that this is just a tactic and this is just a filibuster. This is not. This is saying, OK, if I am going to go along with this bill, I would like to see where the money goes.

We are not gutting OSHA; we are doing increases. For those Members concerned about the compliance section, as I have stated, the next amendment we intend to offer will move some funds around inside OSHA to make sure the compliance section gets even more funding. I compliment those Members and the chairman of the subcommittee for increasing efforts in the compliance section.

When we ran for office, that is what we ran for was to change OSHA from predominantly an organization that comes in, often unannounced, often resulting, in order to intimidate businesses into trying to follow the law, picking on fairly nit-picking-type things or things that are counterproductive, rather than focusing on the grievous offenders.

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Nobody wants to defend anybody where there have been deaths and tragedies. Our friends are getting hurt. Our neighbors are getting hurt. Our relatives are at risk. But we need to do it in a logical way, and working with businesses in a positive way is the way we should do this.

But, Mr. Chairman, they have enough money. The facts are this. We are hearing stories tonight, but the facts are

this: When Congress increases OSHA funding, the rate of accidents go down. When Congress has decreased funding, the rate of accidents has gone down. When we have level funding, the rate of accidents has gone down.

The rate of accidents has dropped 4 years in a row, regardless of the funding level of OSHA here in Washington. That is a fact. The stories are tragic, but the fact is the rate of accidents has been going down, and we cannot make dramatic statements based on the OSHA funding. But the truth is this amendment is really a priorities amendment. Do we want to give the money to IDEA?

Mr. Chairman, $11 million here is a drop in the bucket. We will have plenty of other amendments on this bill that will expand IDEA funding in other things. For those who say this is only 11 million, yes, 11 million is 11 million, and we are going to try to get more to IDEA, too. We agree on supporting that.

Mr. Chairman, let us take something where we have a consensus and we have an impact and put the money there, rather than in organizations that have been counterproductive.

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

Mr. Chairman, I would like to say to the gentleman from Indiana [Mr. SOUDER] that I am delighted to see the support for special education. And if the gentleman will forgive some of the skepticism among us, we do remember, for those of us who have been working very hard to fight for special education a long time, we do remember that in 1997 the Republicans voted to level-fund special education. We remember that in 1996 the Republicans voted to cut $25 million for early childhood special education personnel training and cut $21 million for innovative special education research and development projects. The Republicans also voted to cut $90 million for special education teacher training.

So I, frankly, am delighted to see this support for special education, and I would like to work with the gentleman from Indiana [Mr. SOUDER], with the gentleman from Illinois [Mr. PORTER], our distinguished chairman, to continue to increase resources for these very vital programs. But it seems to me, again, to take it from OSHA does not make sense.

Mr. Chairman, the gentleman from Indiana talked about how injuries are going down; however, when we look at the numbers and we see the tremendous need, we are beginning to see, under leaders like Joe Dear, some progress in reforming OSHA. With the help of a bipartisan effort in our committee, and in the gentleman's committee, I am sure, if we are beginning to see progress, let us continue to make progress, to make sure that we protect lives.

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

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

Mr. OBEY. Mr. Chairman, I would just like to point out that if the House wants to make a real choice, rather than taking a few dollars out of OSHA and putting a few dollars into special education, I would simply note that this House voted to add $331 million to the Department of Defense budget for nine B–2 bombers that the Air Force did not want and cannot fly in the rain.

In contrast, OSHA's entire budget is only $336 million. I would suggest that if my colleagues want to find money for special education, or anything else, rather than running the risk of added workplace injuries and deaths, we ought to go to a place that the Pentagon itself recognizes is a waste of money and simply eliminate that program. That would do a real service to this Nation.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I am not sure if the gentlewoman from North Carolina is on the floor, but I talked before about the tragic fire in Hamlet, NC, and there was real action after that fire. In fact, the number of inspectors were increased 100 percent. The leaders of that program in North Carolina happened to have such an exemplary record that the numbers of workplace injuries have continued to decline.

So I would like to say to the gentleman from Indiana, let us work together to increase money for IDEA and other special education programs. But while we are working together to improve OSHA, to make sure that we are saving lives, let us look at programs like in North Carolina where their increased investments have really made a difference.

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

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

Mr. SOUDER. Mr. Chairman, one question that I would like to ask of the gentlewoman from New York [Mrs. LOWEY] is that we are not allowed to offer any amendments vis-a-vis the Defense bill to education; is that not correct? The distinguished gentleman from Wisconsin [Mr. OBEY] was suggesting that we could find additional money, but we do not have that option here tonight.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] and the committee worked incredibly hard making very tough choices. The numbers for special education in this bill have increased, I believe it was over $313 million, plus 8 percent. So the chairman has done his best, working together in a bipartisan way, to invest in special education programs, and we welcome the gentleman from Indiana to join us so we can continue to look for other opportunities.

Mr. SOUDER. Mr. Chairman, if the gentlewoman will continue to yield, I believe the answer to my first question is ''no'', we cannot offer any Defense amendments.

I too praise the efforts of the gentleman from Illinois for special education. At the local level, it will probably take between $1 and $2 billion to meet what we passed in our bill on IDEA. We are doing what we can on these different efforts.

As far as the OSHA questions in themselves, I put forth the actual data on the rate of accidents which have been declining, regardless of what funding levels we have in Washington. As we reorient those levels and work with Mr. Dear in our oversight, appropriations, and authorizing committees, I think we can make it more effective and more preventive, but it is not proven that it needs more money.

Mrs. LOWEY. Mr. Chairman, again reclaiming my time, money is a factor.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. LOWEY] has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 1 additional minute.)

Mrs. LOWEY. Mr. Chairman, I would like to tell the gentleman from Indiana that money is a factor, because we saw in Hamlet, NC, again as I mentioned, after that terrible tragedy, the leaders of the OSHA program in North Carolina, working with the Federal Government, were able to increase their investment and the numbers of tragedies, the numbers of tragedies have gone down tremendously. We see this as a model program.

Mr. Chairman, again, I would like to welcome the gentleman from Indiana to our advocates for special education, and I hope we can work together to continue to make investments in that program, while not cutting other vital programs that make a difference for workers.

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

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Georgia [Mr. NORWOOD] on this issue.

Mr. Chairman, I think it is critically important for us to discuss this issue and to debate it here on the floor. I, myself, have very, very strong feelings about the OSHA Program, about the importance of worker safety, and about the IDEA Program and its importance in our society.

But, Mr. Chairman, before I get to the substance of my views on why this amendment is so critically important, I must comment on the debate that has been going on kind of through the evening. That is the debate which most recently was advanced by the gentlewoman from Connecticut [Ms. DELAURO] that these amendments are somehow improper, and that it is somehow wrong to debate the priorities of spending in this Congress through amendments on the floor to an appropriation bill.

Mr. Chairman, I resent that immensely. This Congress is here precisely for that purpose. We have had a

budget agreement, some call it a tremendously historic budget agreement, with our President prior to today's debate. But that sets the broad parameter. The public policy within those numbers is decided here in the appropriations bill.

The Committee on Rules set an open rule, as it has always done on appropriations matters, and I resent immensely any implication that these are other than meritorious debates on this issue.

Mr. Chairman, I believe we have a duty to the American people to debate the question of how we spend this money here and now as the bill goes through. Of course, we owe some respect to the committee and the committee process, but the committee process does not tie our hands. We have a duty, we have a right, we have an obligation on each appropriations bill that comes to this floor to debate those priorities and to decide as a country where the monies we have to spend are to be spent. And that is particularly true in difficult times where ample funding is not necessary.

So any implication that we should not be debating this and that we have to act as a rubber stamp is dead wrong. And in that regard, I would like to compliment the gentleman from Illinois [Mr. PORTER], chairman of the subcommittee, who in meetings with myself and others prior to this debate made it clear that he fully welcomed a full-blown and exhaustive debate of the spending priorities in this bill.

Mr. Chairman, at no point, at no point in those discussions did the gentleman ever say that we have an obligation to defer to what the committee did; we have a duty to accept what the committee has done; we have written it and it is cast in stone.

Mr. Chairman, the gentleman said the exact opposite. He said that we have every single right, issue by issue, to debate the priorities that are set forth in this bill as it comes to the floor. The gentleman commended us to do it and said he would not criticize us for doing it. That is what the process is for, and he welcomed the process. Thank goodness we have that process.

Mr. Chairman, let me turn then to the issue of OSHA and to the issue of IDEA and this particular amendment. This amendment does a simple thing. It says that OSHA funding, as set last year, is in fact adequate to protect America's workers. And any challenge that says, no, it is not, and that those who advocate this amendment do not care about worker safety, I suggest is an unfair challenge and an unfair attack.

The facts are as the gentleman from Indiana [Mr. SOUDER] stated them. Worker accidents have been declining for 4 years straight. They have declined when the budget went down. They have declined when the budget went up. They have declined when the budget remained constant. I suggest it is unfair to characterize those who support this amendment as being unconcerned with worker safety. The statistics simply do not bear that out.

Mr. Chairman, let me make another point. I believe in worker safety. I once worked as a construction worker and carried a union card. I was deeply concerned about union safety. But that was before OSHA existed, and I thought the State of Arizona and its safety officials did a good job of working to protect the workers on the job site where I was earning my living.

But I think that OSHA has, on occasion, run amuck. When I first got elected to Congress, many contractors in the State of Arizona came so see me about OSHA's proposed fall standards, and they complained bitterly that there was no rationale and no reason; that the fall standards were not well written; that they were not thought out. Roofers came to me, as well as others in the construction industry. I have a brother in Tucson, AZ, who builds homes, and when he saw the first draft of those regulations he said, ''John, they're absurd. They make me try to protect from falls for people I cannot protect when they are not even up in the air. They make me protect framing contractors, when I have nothing that I can hook a safety net to.''

I think OSHA can be improved, but I do not necessarily think that every year just as the clock turns we automatically have to give it more money. And that brings me to the merits of this very worthwhile amendment.

The IDEA Program is critical, and the parents in my district have come to see me about it.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. SHADEGG] has expired.

(By unanimous consent, Mr. SHADEGG was allowed to proceed for 1 additional minute.)

Mr. SHADEGG. Mr. Chairman, let me just recite briefly, also since my election in 1994, parents from schools throughout my congressional district have come to visit me. They have visited me about the issue of special education; both the parents of children who have special education needs and the parents of children who do not have special education needs. They have made a clear point to me, and that point is that at least the parents of those who have children who have special education needs think the Federal Government has done the right thing in IDEA and the goals it set, but the wrong thing in inadequately funding it. The parents of children who do not have special education needs have said the lack of funding for special education hurts them.

Mr. Chairman, this is a good amendment. It ought not to be belittled as too small. It should be supported by each and every one of our colleagues as moving us in the right direction. And for those who say it is not enough, we will offer more amendments later in this debate when we get to the education title to move more money into IDEA fund.

Mr. Chairman, I urge my colleagues to join me in supporting the amendment of the gentleman from Georgia.

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

Mr. Chairman, I rise to support this amendment. I do think it is an amendment that deals with the debate over priorities of spending. We have come to a point in American history where we recognize that there are only a limited number of dollars available to be spent by Washington, because our families out in America are overtaxed already.

So, Mr. Chairman, if we say there is only a limited number of dollars available, we have to do what every American family does. We have to decide where it is that is most important that we spend these dollars. That is what this debate is all about.

In this particular debate, we are debating whether or not the dollars should be used to increase spending in OSHA or whether the increase should go to students with disabilities, to IDEA, instead.

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I would like to start here by reemphasizing the fact that if this amendment passes, the OSHA spending does not, in fact, go down but rather OSHA spending remains constant at last year's level. In Wisconsin, where I come from, if you freeze it at last year's level, that is not a cut but spending has been frozen.

As my colleague who spoke before me from Arizona mentioned, I, too, come from the construction industry. I am certainly aware of and familiar with safety standards.

Frankly, you cannot run a business without being first and foremost concerned with the safety of your workers. So OSHA is important in protecting our workers and providing safety for the workers. That is a very high priority, not only to me but to many people out there in this country. But that is not what this is about. This is about where it is that we are going to allow spending increases to occur in the fiscal year 1998 budget process.

In this particular case, what we are asking to do is redirect the increase in spending in OSHA, not a cut, but redirect the increased spending dollars over to help students with disabilities. This is about education. This is about educating the most needy children in the United States of America. This is about directing more dollars to the students who are most in need. That is really what this whole thing comes down to. What we are trying to do is redirect the $11 million increase that was slated for OSHA over to the most needy students in education in the whole United States of America; that is, our students with disabilities.

I would reemphasize that this is not a cut in spending of OSHA but rather freezing OSHA spending at last year's levels. OSHA was set up in 1970 to provide for worker safety and to help

make the workplace a safer facility for workers. In 1990, we had the only real amendment to the OSHA rule. They increased the fine sevenfold in 1990. We find that the majority of those fines deal with paperwork as opposed to some safety violation with roofing or something else of that nature. That is the reason for concern.

But again, that is not the heart and soul of what this bill is about. This bill is about debating what it is that is the highest priority to spend tax dollars, money that is hard-earned by the working people out there in America, what is the highest priority that we spend those limited available dollars on and should it go to increase spending in OSHA, which hires more Washington people, or should it instead go to help students with disabilities, perhaps the most needy part of education in the whole country?

For my vote, I certainly intend to vote to send the money to the students. Students with disabilities certainly have a high priority as far as I am concerned on where we should be spending money.

Over the course of this debate we will be debating lots of amendments that deal with redirecting funds from one portion of this bill to another portion. All through the night we are going to be talking about what it is that is the most highest priority for people in this Congress to spend.

So for me I plan to vote for the amendment. I am going to vote to freeze OSHA spending at last year's levels. No cuts. I am going to vote to freeze it at last year's levels and redirect the money to the neediest students in this country, to IDEA. I would certainly encourage my colleagues to do the same.

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

Mr. Chairman, the committee headed by our colleague, the gentleman from Pennsylvania [Mr. GOODLING] and the members of that committee did a wonderful job in providing for real reform of the Individuals With Disabilities Education Act [IDEA] Program earlier this year. Along with the reforms that they accomplished, it is very clear, and I think we all agree on both sides of the aisle, that additional moneys are needed to help kids with disabilities and to provide relief to local taxpayers for the mandate that IDEA imposes on States and local school districts.

For that reason, last year we increased funding in this bill by $790 million. This year we increased funding by an additional $312 million. And earlier in this bill we accepted an amendment from the gentleman from Pennsylvania [Mr. GOODLING] to add an additional $25 million. The total increase in the last 2 years is $1.127 billion.

The Senate has provided even a greater increase this year in their bill, $600 million more than we provided in the House bill. I believe I can assure Members, depending on the level of allocation, that we are very likely to go as far as we can toward the Senate's higher number. IDEA is very high priority for us. We certainly are not shirking our responsibility to provide all the funding that we can for it.

It has been said repeatedly that OSHA, on both sides of this debate, that the Occupational Safety and Health Administration [OSHA] is moving in the right direction, and that we ought to encourage them to continue to move in that direction. It is a direction that moves away from the ''gotcha,'' and moves toward helping businesses to make the workplace safer. Its basic promise is that OSHA must work cooperatively with business to ensure greater worker protection.

It has been said also that if we level-fund a program or department of government, that they are getting the same amount of money as the previous year. That would be true if there were no inflation in our economy. Unfortunately, there still is some, and what we did in this bill is provide an increase overall for OSHA of about 3.5 percent over last year.

As I said earlier, a 3.5 percent increase is $11.6 million below the President's budget request. If you take the cost increases, that is, the inflation increases and Federal pay raises, you actually are providing a reduction from last year in terms of actual buying power. So we are attempting to do what has been said over and over by the proponents of this amendment, to hold OSHA at approximately the same spending level as last year, given inflation. In the process we have moved the additional dollars, into compliance assistance rather than into Federal enforcement. In fact, if you look at the overall figure on the Federal level of compliance assistance, we have increased that by 22 percent whereas Federal enforcement has increased by only 1 percent.

So I think we are moving in the direction that the gentleman would like to move. This amendment is basically the same amendment as the one we just considered. Rather than putting the money cut from OSHA into vocational education, it would take the funding and put it in IDEA. The amendment cuts exactly the same amount of money as the previous amendment.

As I said before, we have done everything we possibly can to move money into IDEA. I believe that we have struck the right balance between each of these programs and that the amendment really is just not necessary.

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

Mr. PORTER. I yield to the gentleman from Georgia.

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

I want to congratulate him and the gentleman from Pennsylvania [Mr. GOODLING] for increasing funding in IDEA. I want to point out to the gentleman that it is only at 12 percent level. We are funding at 100 percent from home, from the districts and counties. The law that was passed in this Congress said that we would fund it at 40 percent. So that is what we are trying to ask to be done, is fund it at the level the law requires.

Lastly, Mr. Chairman, I am curious about the increased funding for OSHA this year, the $11.25 million. Does the gentleman know that that will save one life?

Mr. PORTER. Mr. Chairman, I know that without it, we may lose more lives. I think the answer is that no one knows that, to reply to the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 1 additional minute.)

Mr. NORWOOD. Mr. Chairman, if the gentleman will continue to yield, if you look at numbers over the last 5 or 6 years in terms of what the funding level was versus how many deaths we had in the workplace, you clearly can conclude pretty quickly we do not know that we will improve the situation at all by increased funding.

Mr. PORTER. Mr. Chairman, reclaiming my time, I would say to the gentleman, I believe that we are doing better now in terms of overall support for IDEA than we have ever done in the past. And while I agree with the gentleman, we have to do as much more as we possibly can, I think we have done a very, very good job of increasing funding for this vital program. This amendment would not make any substantial difference in what we have accomplished.

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

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

Mr. OBEY. Mr. Chairman, I would simply like to point out, in answer to the other gentleman's question, that according to the Bureau of Labor Statistics, the combined rate of workplace injuries and illness in the private sector fell from 11 per hundred workers in 1973.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, it fell from 11 per hundred workers in 1973, which is the first year that data were reported, to 8.4 per hundred workers in 1994. That is a 24-percent decrease. The decrease in both injury and illnesses has been the most significant in the industries where we have had the toughest enforcement; namely, manufacturing, construction, and mining industries. So I think it is obvious that the less we do to finance OSHA, the less we do to create a safe and healthy workplace for American workers.

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

Mr. Chairman, I stand in support of the amendment in transferring money from OSHA to handicapped children and to the local school boards, the local school boards and the folks back home, the property taxpayers are making up the difference now in this important IDEA program. We need to help them out. This amendment gives us an opportunity to do that. But it also gives us an opportunity to send yet another message to OSHA that the American people want to get the Government off its back. OSHA is a nitpicking regulatory agency, far beyond their alleged mission of human safety. We talk about safety. It is like OSHA has the franchise on it, Mr. Chairman.

The fact is that let us just say the businesses of America did not care about their workers. Let us just say it did not matter to them. What would be the consequence of having somebody hurt to a manufacturing plant? Workers compensation premiums would go up. That is a substantial amount of money. The workers who are injured would cause downtime to the production line. The machinery would be broken; the car, for example, would be wrecked. There would be bad will. There would be morale problems. There would be a PR problem. All of these things come into play in the event that a business is not concerned about safety.

But the reality is, Mr. Chairman, businesses do care about their employees. They want their employees to stay there for a long time. They want their employees to be safe. They want their employees to be comfortable, secure, and happy. And that is why they take lots and lots of precautions on their own without OSHA coming in and interfering.

Here is the light reading of the night, Mr. Chairman. You look like you have some spare moments up there. This is the OSHA regulation on asbestos. You will remember that the Environmental Protection Agency outlawed asbestos in all forms and a court threw that out and said, you can't go that far; you are going beyond your mission statement.

But OSHA steps in and says, that is OK. We will enforce it, even though the court said not to. What fine work did they produce as a result of their interference? The first thing they did is they came up with a new brake for cars, even though using the asbestos in automobile brakes did not cause any damage in terms of people breathing asbestos or anything like that. OSHA came in and said, you have to have new brakes on cars.

These new brakes, Mr. Chairman, take twice as long to brake, and as a result, according to a scientific study by the National Safety Board, Transportation, we have been losing 150 people more each year. I repeat, 150 deaths have been caused in addition because of OSHA's great work on taking asbestos out of brakes. That is not looking out for worker safety.

What are some of the other fine examples of the great work that they do?

Well, there was the case of a business that had a problem with employees stealing fire extinguishers, so the business put the fire extinguishers behind a very thin, breakable glass. But then the OSHA inspector came back around and said the fire extinguishers were no longer accessible because they were behind this breakable glass. The company was fined.

Then there was the case of a shampoo manufacturer. The shampoo manufacturer, Mr. Chairman, used large stainless steel open vats to mix the product in. When they were cleaning the product, the bowl, of course, was empty and employees would actually go inside the bowl and clean it.

Well, even though there was no top on them, not just during the cleaning but actually during the mixing of the product, there was not a top for these large vats or bowls, OSHA came in and said that the workers who were cleaning the bowls were in a confined space and, therefore, they needed to be treated like they were in an enclosed tank. So OSHA required the shampoo company to have rescue teams standing by with respirators and so forth. This is an absurd example of a bureaucracy that has gone crazy.

A couple of other examples. In Indiana, there was a company called Zilkowski Construction Company that was fined for having a can of Pledge furniture polish in a trailer with no material safety data sheet on it. Is that not a real treacherous situation for workers to be exposed to a can of Pledge furniture polish?

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And then here is another one. 1992, a company in South Bend, IN was cited by OSHA for not having a brand specifics material data safety sheet for chalk. That is chalk that you would write with. That is the kind of ridiculous thing OSHA would do.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

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

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

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

Mr. OBEY. Mr. Chairman, let me simply point out that the gentleman is talking about occurrences in OSHA which can no longer occur because Mr. Dear, when he became director, issued an order which told OSHA not to issue fines because of any consumer product problems that were found. That would deal with whether we are talking about Pledge or whether we are dealing with any of the other items that were raised on the gentleman's side tonight.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, I am glad the gentleman brings that out because it makes us think maybe there is hope for reform in this agency, but I am still not, and most of the folks back home who were employers who are suffering from all this nitpicking, I still believe they are saying, do not increase this agency, do not send more Government down here to my manufacturing plant.

It is interesting, the manufacturing jobs in America in 1960 were two-thirds of the working population. Today they are one-third. One of the major reasons why businesses go overseas, Mr. Chairman, and we are losing the manufacturing base is because businesses here are having to pay too high a price to do business and commerce in America because of excessive regulatory agencies such as OSHA.

I say, let us not increase them at this time, let us leave their funding at a level base and let us send the difference to handicapped and disabled children in our districts.

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

Mr. Chairman, I wanted to talk about IDEA for just one moment. As a practicing physician, I have three patients that are very dear to me. One of them is Brandon Jones. I delivered Brandon about 9 years ago and he has a syndrome called Vader Syndrome. He has pulmonary hypertension. He wears oxygen all the time. He has a limited life expectancy, and yet in the public school system in Muskogee, OK, he has to, by Federal mandate, be offered every opportunity to do what every other child can do. The costs for him are approximately $100,000 a year, just for his education.

There is Felicia Fallegey. At 2 years of age, she was shaken by a babysitter and now has severe, severe cerebral atrophy and damage, yet, by mandate and by right gets to attend school. The cost for this child, who cannot move, who cannot move any extremity, who is bedfast, the cost to care for her in terms of her educational assessment is significant.

Finally, there is Courtney Johnson. Courtney was born with a cerebral accident of malformation at birth. Her developmental abilities have been limited. She is now 13 years of age and is required to have every opportunity for an education that any normal child can have.

What is the problem with all that? We are $500 million short, Mr. Chairman, of what we should have in the IDEA program. And what we need to do is to look at the school system in Muskogee, OK, that is running a deficit this year. They will not be able to educate all the normal children in our district because we have multiple numbers like these children who deserve this opportunity. But the Federal Government, the U.S. Congress, refuses to send the money that rightfully should go to the individual school district.

When we vote on this amendment, I hope my colleagues will remember

Courtney and I hope we will remember Brandon and I hope we will remember Felicia for the positive things IDEA will do for them. But I also hope we will remember the rest of the children who will not get the things they need because we have mandated a policy and we are not willing to pay for it.

Remember Brandon, remember Felicia, and remember Courtney.

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

Mr. Chairman, I rise in support of this amendment to take money that is currently going to be directed to OSHA and move it toward the IDEA program.

Special education and special needs children have not been fully funded, as has been pointed out earlier, and I think this is a wonderful opportunity to do something about that. When I think of the extra costs that are associated with these children and the opportunities they could have by taking $11.25 million from OSHA and moving it to them, I think there should not be any question for a Member of Congress to rise to this opportunity to help these children.

Now, we could go on and talk about some of these children and their special needs, as the gentleman from Oklahoma pointed out, who is also a physician and knows very well on personal terms. I know several children myself that are currently in special needs programs. My wife worked in special education as a speech therapist in public schools for 4 years, working directly with these children, and there is a great need for us to rise to the occasion to give them this additional funding.

If we talk to any school board member across the United States, and in Kansas I have spoken with members of the school board, and quite often their request is that we help with the funding for special needs children to give them the opportunity to be mainstreamed, give them the opportunity to share learning opportunities that are the same as other children have. Yet this is a mandate that they be educated, a mandate from the Federal Government, and we do not fully fund it. We do not give the financial backing for the mandate.

This is something that has been around for some time, and it is a problem that has been around for quite a while, and yet tonight we have the opportunity to do something to correct that, one small step in the right direction.

Where are we taking this money from? We are diverting it from OSHA, diverting it from an organization that has had a lot of problems and is in need of reform. I think we have seen some initial steps.

I know that I have met with the regional director for OSHA in Kansas and he is open to making changes that will work toward a common goal of a safe work environment. And yet when he takes these ideas, and maybe I should explain a little how this came about, I was at the State fair 2 years ago and he walked up to my booth and we struck up a conversation; and I asked him if he would be open to meeting with members of industry, with members of the construction trades and with members of people who interface with OSHA, because they are out there creating and trying to keep jobs in the Kansas area, and he said he would be glad to do that.

So we got together about 30 members of business, small businesses, large businesses, and they met with OSHA, and they came up with a format where they could find onerous regulations and then come up with solutions to change those regulations to get to that common goal of a safe work environment. Well, these ideas are now flowing back up to Washington, DC, and so far we have not seen a lot of change.

But we have seen changes even in the private sector where insurance companies will come into a plant and they will show a plant how they can make a more safe environment; and they work hand-in-hand with the people that are creating and keeping the jobs, work hand-in-hand because there is a common goal there of lowering insurance rates and creating a safer work environment. And they make suggestions.

So one of the questions that I had for OSHA was, why can OSHA not work together with the companies and come up with a way of making a safer work environment? Why does there always have to be a fine on everyone the first visit? And some of the ideas that came out of these meetings with business and OSHA was that, well, why do we not, at the request of the employer, allow OSHA to come in with the guarantee there would not be any fines, but they would go through and list some things that would be potential hazards, get some kind of agreement and a time period to change this work situation or this work location, I should say, change this work location so that they can make a safe work environment, thereby working together, working together with the people who are making the jobs, with OSHA in getting a safe environment, much like the current insurance companies do when they come in and do a risk assessment.

So OSHA would come in and do this risk assessment, it would give them the opportunity to tell the employer where they had shortcomings. The employer could then have a time period to make those changes; and the end result, the common goal, the whole reason that we have OSHA in the first place, would be a safer work environment.

But that is not what has been happening. So this is an opportunity for OSHA to come about and change and move the money to children with special needs.

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

Mr. Chairman, a number of proponents of this amendment have risen with some degree of concern about the characterization of motives. I do not intend to characterize anybody's motive; however, I do intend to observe what I think is happening.

There is a desire to cut OSHA. There have been a series of amendments to effect that end. The common theme of those amendments is to cut OSHA or worker-related wage and hour enforcement in the Department of Labor. So that is an observation; it is not a question of any motive.

I frankly conclude that the effort is to cut $11.2 million out of OSHA from the last two amendments. I understand that. I am confused, I will tell my friend, when I see, as I have expressed before, the 1995 budget offered by those who were here at that point in time and I see over $120 million cut in special education, including $90 million cut for special education teachers of those children that the doctor mentioned a little earlier.

Frankly, my colleagues will forgive us on this side if we do not think there is somewhat of a dichotomy in that action, a contradiction.

That aside, let me speak to OSHA and some of the other observations that have been made. A number of speakers, including the distinguished gentleman from Georgia, have noted that the figures have gotten better in the last 4 years. Now, I do not necessarily think that is a surprise. Very frankly, there has been not a particularly warm feeling about OSHA demonstrated on the other side of the aisle and, frankly, in some respects, on our side of the aisle.

The fact of the matter is, the new administration came in and said, we want to do business in a new way. Mr. Dear, whom the chairman has talked about and others of us have talked about, came in and did, in fact, redirect, reinvented in some respects, the OSHA regime. And in fact I do not think it is a coincidence that things have gotten better during the last 4 years under the Clinton administration and OSHA under the Clinton administration.

But I will say in this context, as well, with respect to OSHA, that the other side wants to cut. In 1980, there were 2,962 employees in OSHA. Today there are 2,230. This is not a bureaucracy out of control. This is, in fact, a substantially reduced complement of employees at OSHA trying to cover more workplaces and more workers.

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

Mr. HOYER. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would ask the gentleman if that figure includes State OSHA inspectors, as well?

Mr. HOYER. Reclaiming my time, Mr. Chairman, I would say, no, this is Federal.

Mr. COBURN. If the gentleman will continue to yield, Mr. Chairman, it is important that that is not the limited number of people who are inspecting the workplace.

Mr. HOYER. Mr. Chairman, obviously, we are not budgeting for the States, so I understand that.

Mr. COBURN. Much of that has been shifted to the States who have received that clearance from OSHA; is that correct?

Mr. HOYER. I tell the gentleman, as he well knows, this cut will not affect the States. This cut will only affect the Federal agency.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield on that one little issue?

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I would say to the gentleman that this is not a cut. We are simply freezing it at the same level it was last year, $325.7 million.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I understand the gentleman's proposition. As the gentleman from Illinois [Mr. PORTER] clearly and accurately pointed out, this is less than inflation plus the pay raise that is going to its employees. So as the gentleman from Illinois correctly pointed out, there is less buying power.

But that aside, the number, frankly, in my opinion, is not the issue here, because although $11.2 million to all of us is a very large number, when compared with 90 million workers working in the workplace, it is a relatively small number when divided by that figure and the extension of protection.

Let me make this point. The good doctor correctly observed that IDEA is serving some very, very important people and, frankly, I do not take a back seat to anybody in this body on a commitment to those with disabilities. But I will also tell my friend that there has been very, very, very substantial progress since 1970 when OSHA was adopted in workplace safety both at the State in the Federal level throughout the country and in each of our States because, in my opinion, of OSHA; and the statistics bear that out.

□ 2100

I tell my friend that while it is critically important that we spend money on those children with disabilities——

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

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

Mr. HOYER. Critically important, I tell my friend the gentleman from Oklahoma who as a doctor I am sure has seen people injured in the workplace who are almost, if not in exactly the same condition because of a work-related injury, in similar conditions. And that it is equally important that we try to prevent those accidents from occurring, make the workplace more safe so that they will continue to be productive citizens, so that employers will save money, insurance companies will save money, and we will have a better economy and a more productive workforce.

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

Mr. HOYER. I yield to the gentleman from North Carolina.

Mr. HEFNER. I happen to represent the district where the people were killed in Hamlet, NC, a very tragic thing that we had there. There was a lot of blame placed on different agencies. I also had people come to my office that said they had been in the textile business, that we have got to do something about OSHA.

I said: ''How long you been in the textile business?''

''Our family has been in it 36 years.''

''How many times you been checked by OSHA?''

''Well, we've never been checked by OSHA but we know some people in Asheville that was checked and some of the horror stories.''

Mr. Chairman, there needs to be some changes made. But I would like to ask the gentleman from Georgia, if we took the $11 million he is talking about and divided it up among the school districts across the United States, how much each school district would get.

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

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. NORWOOD. I think as I recall it came out to about $30,000, but that is not all the point.

Mr. HEFNER. The way I figured it up, each school district across the United States would get $700. Am I wrong?

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

Mr. HOYER. I yield to the gentleman from Oklahoma.

Mr. COBURN. In Muskogee, Oklahoma, we would be happy to have the $700 that would come to our school district since we have a deficit, and one of the reasons we do is because of the mandate of IDEA on us to educate all our children, not those with just special disabilities. This debate is about priorities. We are going to spend the money.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. COBURN. We are going to spend the money, we have all agreed to that. I did not vote for the budget, but that was the will of this House. The President and the Congress decided to do that. There is nothing wrong with having a debate about where we ought to spend it. We are not spending enough money on IDEA. We can achieve better efficiency within the bureaucracies. We can. To say we cannot, we should give up and go home now. That is what we are asking.

Mr. HOYER. Reclaiming my time from the gentleman from Oklahoma, if I may make this point, Mr. Chairman, the point here is you want to cut OSHA. I understand what is being talked about. This budget increases IDEA special education by $338 million, 8 percent. That is only 8 percent. I have not extrapolated in my head what $11.2 million does but if 338 is 8 percent, it is obviously below 1 percent.

Mr. COBURN. Three percent. I am talking about OSHA.

Mr. HOYER. But in terms of IDEA, what you are doing for IDEA is essentially only in form, not in substance. The reason for that is that the need that the gentleman from Georgia [Mr. NORWOOD] talks about in terms of 40 percent, the gentleman from Georgia is absolutely correct. We would have to put a whole lot more money in there. We adopted a budget agreement. We would like to have a whole lot more money for almost every object in this bill. Why? Because as Mr. Natcher from Kentucky used to say, this is the people's bill. It deals with their health and with their education, their workplace safety, the very guts of their lives. That is why this bill is so popular. But when you increase an object by $338 million and then come back and say, well, we need $11 million additional, all of us know that that will not make a very big impact at all although it will make a big impact to reduce the compliance in OSHA.

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

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. NORWOOD. It is sort of like saving money.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(On request of Mr. NORWOOD, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I will be very brief. We put $1 in at the time until we build it up and finally get IDEA funded. But the point here is we know what the $11.25 million would do in IDEA and we do not know what the $11.25 million would do in OSHA. There is no way for anybody in this room to say they know spending that extra $11 million next year is going to achieve a certain goal. You cannot prove it from the past numbers.

Mr. HOYER. Mr. Chairman, reclaiming my time, one of the great difficulties obviously talking about Federal expenditures, it is very difficult and clearly I think the gentleman would find it impossible to say we are going to make a marked difference between an increase of $338 million and an increase of $349 million in special education. I think that would be an appropriate step for us to take if we had the money available to do that. Having said that, I think one can show that there has been a marked increase in

worker safety as a result of the expenditures made in OSHA at the Federal and State levels.

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

Mr. HOYER. I yield to the gentleman from North Carolina.

Mr. HEFNER. The gentleman from Georgia, I do not think one can have a guarantee that any program that we do is going to save one life or what have you. If we want to go under that assumption, we should not spend any money for breast cancer because we cannot say that the money we spend for breast cancer is going to save one person. But now this money, if you take $11 million, if you want to really do something, the gentleman from Illinois would like to have more 302 allocation to go to this program. Get the big bucks in there to fund it at 40 percent. But a lot of folks on that side did not even vote for the disabilities and did not vote for the bill, did not vote for minimum wage and for workers. To me, this is a little bit frivolous, and I am not judging, but to me we are making a whole lot of an argument out of $11 million. That is going to be $700 to each school district in this country. That just will not get it.

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

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

Mr. RIGGS. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, there is a big misconception among many people on that side of the aisle that more spending means less deaths. I want to say in 1994 the number of work-related deaths was 6,632. That number dropped in 1996 to 6,112 and that was with very, very limited increases on the budget for OSHA, in fact so limited that you routinely call it a cut. Let us be honest with ourselves. There is not a proven relationship in spending more money on OSHA bureaucrats and saving workers.

Mr. RIGGS. Mr. Chairman, reclaiming my time, I just want to point out to the gentlemen who were just engaged a moment ago in the colloquy a couple of salient points I mentioned last week and I think bears mentioning again tonight. First of all, the contention has been made that amendments that involve a relatively small, even insignificant amount of money like 4 million extra, the vocational education amendment, or $11 million more will not do much to meet the Federal obligation to pay 40 percent of the cost of special education in America today. I would submit that just the opposite is true. We want colleagues to keep moving in the direction, and I should not have to tell this to a distinguished senior member of the Committee on Appropriations, but we want to move in the Senate's direction. The other body has increased funding in their version of this bill by $830 million, building on the $700 million increase in last year's bill for special education. Why? Because apparently they take more serious than the House of Representatives the obligation of Federal taxpayers to pay 40 percent of the cost of special education pursuant to the original legislation back in the mid-1970s.

Second, again the point that I made last week, if we can reach $1 billion in new Federal spending for special education, local school districts are then able to redirect the money that they are spending on special education to meet other important local educational needs. But what I do not understand about this debate is why those who oppose this amendment are not talking about holding government programs accountable. That is beyond me. Because in the case of the Department of Labor, we are talking about a $12 billion governmental bureaucracy based here in Washington, DC.

We have been endeavoring to deliver better services at less cost to taxpayers. The Republican-controlled Congress can take pride in the fact that we have rooted out waste and duplication. We have eliminated 320 Federal programs and grants, and we have now of course achieved a bipartisan agreement to balance the budget for the first time in a generation. We are going to continue our efforts to make sure government is held accountable for actual results, using legislation passed by the Democratic-controlled Congress, the Government Performance and Results Act.

It is a 1993 law, the purpose of which again is to make sure that the Federal Government is smarter and more accountable. Under this act, the Results Act, GPRA, it is called, every agency must submit to Congress clear and concise strategic plans to justify what it is trying to accomplish, why it matters, and whether the agency is successful in accomplishing its goals.

To date, these executive branch agencies, these agencies of the Clinton administration, are receiving failing grades for compliance. In fact, only 4 of the 24 agencies received grades of at least 50 out of a possible 105 for their draft plans. The highest graded agency was the Social Security Administration, receiving a 62 percent, while the lowest, no surprise to my colleagues who want to find further grounds to vote for this amendment, the lowest was the Department of Labor, which received a pathetic 6.5 percent grade out of a possible 105.

Do not buy the argument that this $11 million increase, new spending, will be lost somehow in this $12 billion bureaucracy. Do support the amendment, because this $11 million will go a lot further to meet the educational needs of children with learning disabilities and to fulfill that original Federal obligation, that mandate on Federal taxpayers that Federal taxpayers bear at least 40 percent of the cost of special education in America.

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

Mr. Chairman, I first want to address some of those who have been churlish enough to suggest that this is not the finest use of time of this body. This has been a very educational debate. For instance, I did not know until right now that if you were opposed to the Occupational Safety and Health Administration you pronounce it AHSHA, whereas if you are in favor of its mission, you pronounce it OHSHA. I will now recommend to people that when you hear them say AHSHA they wish it was abolished. When they say OHSHA, they are in favor of it. That may be the only thing people will learn tonight.

There is one other thing. I did want to extend condolences. I have some colleagues on our side who have been talking about slowing down the procedures of the House to demonstrate the importance of campaign financing. I congratulate some on the other side who have figured out how to preempt that because there is no way in the world anybody could be noticed as slowing down this process. So the Republican conservatives have here preempted the Democratic liberals. There is no way anyone will notice that people are trying to burlesque these proceedings with this set of amendments.

But now let us get to the merits. I think it is very important. We are here choosing between worthy programs, because I think both aid to children with disabilities, and I heard one of my colleagues complaining that the Federal Government is insisting that children be educated. I suppose there are some who think that is a terrible thing for the Federal Government to do. I think it is rather a good thing for the government to do. But I would acknowledge, we are forced to choose between two good things, because I am in the ''pronounce it OHSHA'' category. I think having a Federal agency that tries to reduce death and industrial accidents is important. I think the history is clear that left to their own devices, corporations, not because they are evil but because they are profit maximizers, by instinct will not in fact put enough into safety and health. Unless you have a government entity insisting on that, there simply will not be enough. Is it perfect? No. But here is what strikes me. We are choosing between two goods. And we are choosing at very small margins.

Meanwhile, this House continues to support tens of billions of dollars for the B–2 bomber. People have talked about problems with individual decisions of the Occupational Safety and Health Administration, but the majority voted for an airplane that cannot go out in the rain.

□ 2115

If, in fact, OSHA had ever decided that you could not make umbrellas that would retract in the rain, we would be very upset. But we just did this with a big airplane.

So what this demonstrates is the lack of sensible priorities that has been

governing in this House. If in fact we were to vote enough for the military, but not way too much, we would not have this problem.

I should note one other thing for people to keep track of, and that is when is a level funding in dollars not a cut? Well, it is not a cut when it happens to deal with occupational safety and health.

If you provide the same dollars for the Labor Department, that is not a cut; but if you were to provide the same dollars for the Defense Department, that is a cut. People who denounce the notion that level funding is a cut here will tell us that we are making a cut there.

There is, of course, a difference. We are debating $11 million here. In the defense bill, we would not debate $11 million because of the principle de minimis non curat lex, or the law does not deal with trifles. Neither does the defense appropriation bill. Because ''million,'' I do not think in the Pentagon there is an ''M'' on the typewriter, because they never deal with less than a billion.

A million, nobody would notice a million. As a matter of fact, I think it would be a violation of occupational safety and health to tell the Pentagon to worry about millions, because they spend so much money, they would get severe eyestrain if they had to worry about millions.

So what we have here is a very clear indication of the distorted priorities that obtain in this House. No, we should not have to choose between trying to prevent occupational disasters for working men and women and educating children.

I hope when we vote again on the budget and when the appropriations committees' conferences come back, we will cut a tinsy-little bit out of that military, and they will be able to take care of OHSHA, AHSHA, and the children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. NORWOOD].

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

RECORDED VOTE

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 240, not voting 36, as follows:

[Roll No. 370]

AYES—157

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Fowler
Frelinghuysen
Ganske
Gibbons
Gilchrest
Goode
Goodlatte
Graham
Granger
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McIntosh
McIntyre
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Young (AK)

NOES—240

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gillmor
Gilman
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hoyer
Hyde
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn

NOT VOTING—36

Baker
Barcia
Bliley
Capps
Carson
Cooksey
Dellums
Dingell
Flake
Foglietta
Gallegly
Gephardt
Gonzalez
Hansen
Hilliard
Houghton
Jackson-Lee (TX)
Klink
Knollenberg
McInnis
Miller (CA)
Pelosi
Pickett
Quinn
Radanovich
Rangel
Scarborough
Schiff
Serrano
Shuster
Slaughter
Thomas
Towns
Velazquez
Yates
Young (FL)

□ 2134

The Clerk announcd the following pair:

On this vote:

Mr. Scarborough for, with Ms. Jackson-Lee against.

Mr. MARKEY changed his vote from ''aye'' to ''no.''

Mr. KIM changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I want to thank the distinguished gentleman from Illinois [Mr. PORTER], the subcommittee chairman, as well as the ranking member, the gentleman from Wisconsin [Mr. OBEY], for bringing the bill before us.

The measure contains over $2.5 billion for the National Cancer Institute, an agency whose mission is to support basic and applied cancer research and treatment. With that in mind, I would like to engage Chairman Porter in a colloquy.

Mr. Chairman, proton beam therapy is a promising form of treatment for cancer and other life-threatening afflictions. This type of treatment provides an increased dose to the tumor and because the dose distribution is delivered more precisely, damage to surrounding tissue is reduced in comparison to conventional radiation.

The National Cancer Institute is presently funding a proton beam facility as part of its treatment research program.

Mr. Chairman, I would ask the gentleman from Illinois [Mr. PORTER], does he believe it would be useful for the National Cancer Institute to fund additional proton beam facilities to further its research objectives?

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

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

Mr. PORTER. Mr. Chairman, as the gentleman knows, the committee has a strong tradition of refraining from directing NIH to conduct specific types of research with particular research mechanisms. I would be pleased, however, to consult with the National Cancer Institute to learn their views on the advisability of funding an additional proton beam program within the resources provided in this bill.

Mr. HAMILTON. Mr. Chairman, I thank the chairman of the subcommittee.

AMENDMENT OFFERED BY MR. SOUDER

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

The Clerk read as follows:

Amendment offered by Mr. SOUDER:

Page 17, line 14, after the semicolon, insert the following: ''and including $68,725,000 for Federal compliance assistance under the Occupational Safety an Health Act,''.

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

The CHAIRMAN. The gentleman from Indiana [Mr. SOUDER] is recognized for 5 minutes on his amendment.

Mr. SOUDER. Mr. Chairman, I rise to speak on behalf of the amendment, which I believe the Parliamentarian has ruled in order.

I am in strong support of this amendment to increase OSHA's compliance assistance program by 50 percent, $23 million over the recommended amount of $45.725 million. The increase in funding to this vital program would be offset by decreases to funding for Federal enforcement by $21 million, it has currently $127.166 million in the bill, and taking $2 million from executive administration, which has $6.586 million currently in the bill.

The reason for the wording of the amendment is because it is on the same line. We had to increase the line on compliance, and then in the debate here, make clear what the amendment was intended to do.

Mr. Chairman, we have heard a lot from Members on the other side of the aisle tonight about the importance of compliance and working with businesses, and I commend the chairman and the ranking member of the subcommittee for having increased, as I said earlier, the amount of dollars in compliance.

But I think we need more. In fact, I think the majority of the dollars should be used for compliance efforts, and the enforcement efforts should be used for highlighting and focusing on the high-risk cases and that the first goal should be to work to protect the safety of all the workers in this country, not in bureaucratic overhead and in harassment for the many types of stories that we have heard here tonight.

So I presume that there will be a lot of support for this amendment on the other side of the aisle, as well, because this is consistent with the concerns we have heard all evening. This increases the compliance sector, which they were already doing. It goes along the lines of what Mr. Dear has testified in front of our Committee on Government Reform and Oversight and has said in front of the Committee on Education and the Workforce that he wants to move more towards compliance.

It increases on-site consultation programs by designated agencies. It increases conducting general outreach activities and providing technical assistance at the request of employers. It increases training and education grants. It fosters and promotes voluntary protection programs, and gives recognition and assistance to employers who establish occupational safety and health programs. It provides additional money for the OSHA Training Institute.

To provide the additional funding, the amendment would reduce overhead and administrative costs in OSHA and transfer 16 percent of the funding for Federal enforcement for compliance. This does not eliminate Federal enforcement. Furthermore, it does not even touch the State category of, I think it is around $57 million in enforcement. So the bulk of the enforcement funding is there. It is just saying we need to move at a faster rate towards compliance and working with businesses and employees to avoid accidents, rather than the harassment that we have seen and illustrated.

Furthermore, I believe we will see the science will change, where thus far, as we have pointed out several times tonight, funding went up 1 year, down 1 year, stayed level another year, and in fact the rate of accidents and deaths have been declining steadily. It does not appear correlated with OSHA funding.

If we move the OSHA funding more, with less money, in this case we are not even reducing the money, we are just transferring it, and we should get more bang for the buck through compliance than through enforcement. So I challenge my colleagues to put their money where their mouths have been earlier this evening, because we have heard a lot of good words from the other side of the aisle about the importance of compliance.

I want to point out another thing. We have had a number of interesting votes here tonight, several votes, including one last week, where we had a clear choice: to put more money into IDEA and help children, or to give the money to Federal bureaucrats. Twice the House, with the majority of the Members from the other side, voted to put more money in the bureaucrats rather than towards the children.

We also had one in vocational education for education versus money for the bureaucrats coming out of Washington. That was defeated, once again with the majority of the Members on the other side of the aisle side voting against more money for vocational education and more money for IDEA.

But there is also an interesting phenomenon occurring on our side. That is, fully two-thirds to three-quarters of the Republicans have been voting against the bill that is being offered to a Republican Congress. It is just the start of a bill that we are going to hear debated at least the rest of this week and probably into next week, and we are only on title I.

What we have seen is that the majority of the Republican Party here, along with some from the other side, in a bipartisan effort, are disturbed about the things in this bill that affect the business community and the workers of this country. We are soon going to hear in section 2 that we are concerned about drug needles, we are concerned about parental notification, we are concerned about lack of funds for breast cancer and other things that we believe are more deserving than some of the other parts of the bill.

Then we will move into the education section, where we are concerned that we are creating new programs without any hearings, instead of funding programs like IDEA, which we have already agreed in the House needs funding.

□ 2145

Then we are going to move to the other agencies, of which there are several, that we said that when we were elected the majority we were going to change, and in fact are seeing either increases in funding or programmatic increases. This is not something that is just focused on this title, but this title has been very clear. I appreciate the opportunity that we have had to debate with the gentleman from Illinois [Mr. PORTER] and other Members of Congress.

The CHAIRMAN. Does the gentleman from Wisconsin insist upon his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order.

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

Mr. Chairman, if we are going to debate this measure tonight with no one here, my understanding is that Members have been told that there would be no more votes tonight. Under those circumstances, it seems to me that since, I assume as was the case on previous amendments, the sponsors will want to be recognized again tomorrow to refresh the memory of the House with respect to their arguments, I see no point in debating this issue further tonight and would inquire what the intention of that side of the aisle in terms of debating this amendment.

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

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

Mr. PORTER. Mr. Chairman, my understanding, because the Chair was about to put the question because there was no more speakers, I would intend that the Committee would now rise.

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

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

Mr. SOUDER. Mr. Chairman, there are a couple of more Members who did not realize that we were going to go to that procedure as fast. However we do that, we can either debate further tomorrow morning or have some of the debate tonight, but there is an intention to not have long debate on this necessarily, but there will be one more amendment on this title.

Mr. OBEY. Mr. Chairman, reclaiming my time, I will strike the last word tomorrow and make my arguments then.

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. SHADEGG] having assumed the chair, Mr. GOODLATTE, 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. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHADEGG). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE IRS IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, today, Congressmen RANGEL, MATSUI, HOYER, WAXMAN, and I are introducing the Internal Revenue Service Improvement Act of 1997. This legislation will address the fundamental problem areas currently facing administration of the tax laws by the IRS.

This legislation will codify recent actions taken by the administration to ensure effective oversight of the Internal Revenue Service by the Department of Treasury. The legislation also ensures effective use of the expertise of individuals from the private sector.

The bill will allow the IRS to improve its customer service through more taxpayer-friendly IRS telephone assistance, clearer notices, quality reviews, taxpayer surveys, and increased access to the Taxpayer Advocate offices.

The legislation will also provide the IRS with increased employee training and education, a reform that IRS employees have asked the Congress for so that they can better do their jobs.

The bill will give the IRS Commissioner a 5-year term to run the agency which will result in continuity of management. The Commissioner would be given the authority to hire a top-notch IRS management team and be able to recruit and pay experts, as needed, throughout the agency. IRS employees would be able to work under performance-based and retention arrangements, and the IRS would be able to conduct demonstration projects to test the use of successful private-sector methods of efficiency and customer satisfaction.

The bill will provide for the development of state-of-the-art technology at the IRS. The IRS would be allowed to better integrate its technology with strategic objectives, and develop intellectual capital. Electronic filing of tax returns would be promoted and streamlined to facilitate taxpayers' ability to file error-free, quick refund returns.

Before any of this can be accomplished, however, governance, management, and oversight of the IRS must be improved.

As a member of the National Commission on Restructuring the IRS, I opposed the Commission's recommendation to allow individual taxpayers from the private sector to have final decisionmaking authority over the operation of the IRS, including the appointment of the IRS Commissioner. I think that such an approach raises questions of accountability.

Further, while the Commission proposed that its independent board would only be responsible for running the IRS, and would not have authority over tax policy, tax enforcement, or other taxpayer-sensitive areas, it is not clear to me that these issues can be adequately separated from its proposed role of managing the IRS.

The administration has recognized that the IRS needs to be reformed, and is moving to address the problem with aggressive oversight headed by the Department of the Treasury. As an alternative to having the private sector run the IRS, the administration has proposed institutionalizing the Department of the Treasury's oversight of major strategic, personnel, and procurement decisions of the IRS with an Executive order creating an IRS Management Board, consisting of Treasury and other Federal officials. Also, the administration has proposed an IRS Advisory Board—consisting of private-sector experts—to enhance oversight of the IRS through systematic analysis and advice to the Treasury Secretary on critical IRS matters. The administration currently is implementing this oversight management plan for the IRS.

To further strengthen and make permanent this oversight initiative, I propose that the Congress enact, by statute, the administration's ''Plan for IRS Governance.'' I think this would serve to institutionalize the management responsibilities of the administration's Oversight Management Board, and the role and functions to be performed by the private-sector advisory board. I encourage the Department of the Treasury to work closely with the Taxpayer Advocate, in overseeing the IRS. I also recommend that the Department of the Treasury be allowed to hire needed private-sector experts, on a full-time basis, paid at competitive pay levels, to insure stable and effective oversight of the IRS. The administration wholeheartedly supported these views, which are reflected in the legislation.

In conclusion, I want to state that I look forward to continuing to work with all Members of Congress to make the IRS the first-class Federal agency the public expects it to be.

THE INTERNAL REVENUE SERVICE IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. RANGEL] is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, today, I, along with Congressman BILL COYNE, Congressman STENY HOYER, Congressman HENRY WAXMAN, and Congressman BOB MATSUI, have introduced legislation to reform the Internal Revenue Service.

My cosponsors have worked long and hard on this legislation, as has our Treasury Secretary, Bob Rubin. It is with the administration's strong commitment to the IRS Improvement Act of 1997 that I am honored to be the lead sponsor of the bill.

My personal thanks go to BILL COYNE and BOB MATSUI for their successive roles in representing the House Democrats on the National Commission on Restructuring the IRS.

I also look forward to continuing to work with my colleagues from the Government Operation and Reform and Appropriations Committees who have jurisdiction over important titles of this bill.

The Internal Revenue Service Improvement Act of 1997 will make many very significant changes both to the way the IRS operates and the Department of the Treasury oversees the IRS.

The beneficiaries of this bill should and will be the American public. Taxpayers expect and deserve a tax administration system that is efficient and well-managed, fair and responsive in its dealings with the public, and staffed by employees who are well-trained and accountable for their actions.

The IRS Improvement Act of 1997 is designed to achieve these goals. The bill institutionalizes the Administration's newly established IRS Management Board and planned IRS Advisory Board as permanent features of the tax law. The Management Board will provide for continued, high-level Government oversight of the IRS, under the direction of the Treasury Department. The Advisory Board will provide for timely and expert advice from the private sector on the fundamental strategic and management direction of the IRS.

Under the bill, the IRS Commissioner would be given a fixed, 5-year term. This will provide not only continuity of direction for the IRS, but also require a long-term commitment from the person charged with administering our tax laws. The President, as required by the Constitution, would continue to appoint the Commissioner as the head of the IRS.

The bill makes major improvements in the area of electronic tax return filing. The time has come for the IRS to promote aggressively the benefits of electronic filing, and for the Congress to eliminate statutory obstacles to making electronic filing the norm rather than the exception.

The bill provides the Treasury Department and the IRS with the ability to put together and hire at the IRS one of the best management teams in the country. Highly skilled, top talent would be able to join the IRS at pay levels commensurate with experience and expertise. Performance-based incentive pay arrangements and a new demonstration management systems could be set up at the IRS, as ways to insure that management goals are net, to hold employees accountable, and to reward quality service.