

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY, FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore (Mr. STEARNS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform:

*To the Congress of the United States:*

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I am pleased to transmit the Nineteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1997.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON,

THE WHITE HOUSE, March 2, 1999.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,  
CONGRESS OF THE UNITED STATES,

Washington, DC, February 23, 1999.

Hon. DENNIS HASTERT,

Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER, on Feb. 12, 1999, I was appointed by the House Democratic Caucus to serve on the Permanent Select Committee on Intelligence. According to Rule 19 E of the Rules of the Democratic Caucus, "no Democratic Member of the Permanent Select Committee on Intelligence may serve on more than one standing committee during the Member's term of service on the select committee."

Rule 19 E also states that "Members shall be entitled to take leaves of absence from service on any committee (or subcommittee thereof) during the period they serve on the select committee and seniority rights on such committee (and on each subcommittee) to which they were assigned at the time shall be fully protected as if they had continued to serve during the period of leave of absence."

Accordingly, I am requesting a leave of absence from the House Committee on Science for the 106th Congress, with the understanding that my seniority rights on the Committee will be fully protected in accordance with Rule 19 E of the Democratic Caucus. Thank you for your consideration of this request.

Sincerely,

TIM ROEMER,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the provisions

of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

PERMITTING CERTAIN YOUTH TO PERFORM CERTAIN WORK WITH WOOD PRODUCTS

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 221) to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, as amended.

The Clerk read as follows:

H.R. 221

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

SECTION 1. EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

"(7)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

"(i) is at least 14 but under the age of 18, and

"(ii) is a member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

"(B) The employment of an individual under subparagraph (A) shall be permitted—

"(i) if the individual is supervised by an adult relative of the individual or is supervised by an adult member of the same religious sect or division as the individual;

"(ii) if the individual does not operate or assist in the operation of power-driven woodworking machines;

"(iii) if the individual is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

"(iv) if the individual is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 221, which is a bipartisan bill introduced by the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from California (Mr. MARTINEZ). The bill will address a unique problem resulting from the application of the child labor provisions of the Fair

Labor Standards Act to individuals in the Amish community.

We are considering a substitute amendment which makes one technical change for the purpose of renumbering the paragraphs in the bill.

My colleagues will remember that the House passed a similar bill, exactly the same, as a matter of fact, last year by voice vote under suspension of the rules. The Senate did not consider the bill prior to the close of the last Congress, and so we are taking early action on the bill in order to allow ample time for the Senate to act.

Children in the Amish community complete their formal classroom education at age 14 or 15. In fact, the Amish faith teaches that their children's formal classroom education should end after the eighth grade, after which they, quote, learn by doing, while working under the supervision of their parents or another community member.

Amish youth have traditionally worked in agriculture on their family farms. However, economic pressures in recent years, including the rising cost of land, have forced more and more Amish families to enter other occupations. Many have gone into operating sawmills and other types of woodworking. So, increasingly, the opportunities for Amish young people to "learn by doing" are in these types of workplaces.

The problem is that the Department of Labor's regulations prohibit 14- and 15-year-olds from working in any sawmill or woodworking shop and severely limit the work of 16- or 17-year-olds in these workplaces.

The Department has undertaken a number of enforcement actions against Amish employers in recent years. As a result, Amish youth no longer have the opportunity to learn skills and work habits through the community's traditional means.

We have no reason to believe that Amish young people will be placed at risk or allowed to engage in unsafe activities in the workplace. As some of my colleagues have said, who would care more about the well-being of Amish children than their parents? The fact is that, as the Amish struggle to preserve their way of life, the Department of Labor's actions are, in effect, undermining the Amish culture.

H.R. 221 is a narrow bill that addresses this specific problem. It would allow individuals who are at least 14 years old to work in sawmills and woodworking shops, so long as they do so under the supervision of an adult relative or member of the same faith. The young person would not be permitted, under any circumstances, to operate or assist in the operation of any power-driven woodworking machines.

The young person must be protected from wood particles or other flying debris by a barrier or by maintaining an appropriate physical distance from machinery in operation. In addition, the young person must be protected from

excessive levels of noise and sawdust by the use of personal protective equipment.

I want to particularly commend the gentleman from Pennsylvania (Mr. PITTS), the gentleman from Indiana (Mr. SOUDER), the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from California (Mr. MARTINEZ) for their work on this issue. This legislation comes only after Members of Congress made repeated effort to work out an administrative solution with the Department. Unfortunately, the Department has been unwilling or unable to alleviate the conflict between the current regulation and the Amish community's way of life. That is why we are now addressing the problem through legislation.

The bill will allow the Amish to continue in their traditional way of training their children in a craft or occupation while ensuring the safety of those who are employed in woodworking occupations. I would certainly urge my colleagues to support the bipartisan legislation.

I would also indicate that I believe it is our responsibility to legislate. It is the responsibility of the Court to determine whether it meets Amish law or American law, not the Congress of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 221. This bill permits 14-year-old children to work in sawmills, one of the most dangerous worksites in the country. The occupational fatality rate in the lumber and wood products industry is five times the national average. The fatality rate exceeds that of the construction, of the transportation and of the warehouse industry.

Inexperience, small size and lack of maturity can all act to increase the risk of accidents for 14-year-old children employed in sawmills.

I oppose this bill because it poses undue jeopardy to the health and safety of children too young to legally smoke, too young to legally consume alcohol products, too young to defend this country in the military.

Mr. Speaker, there are good, sound, logical reasons why 14-year-olds are prohibited from engaging in these activities, and the same reasons exist for keeping them out of sawmills.

I also oppose this legislation because it undermines job opportunities for adults by encouraging the replacement of older workers with teenagers who will work for less pay. Mr. Speaker, replacing fathers with their sons was a pervasive and devastating pastime for the robber barons of American industry at the beginning of the 20th century. Why are we contemplating renewing this horrendous policy at the beginning of the 21st century?

Finally, Mr. Speaker, I oppose this bill because it violates the establishment clause of the Constitution's first

amendment, which forbids preferences to one religion over another. This bill, if enacted, will sanction a discriminatory provision of law for the Amish members against other religions that do not enjoy this preference. I am sympathetic to the desire to accommodate the Amish lifestyle but am opposed to accommodating that lifestyle in a manner that places other religious groups and business interests at a disadvantage.

Encouraging the displacement of adult workers by teenagers in this hazardous worksite is bad safety policy, is bad health policy, is bad employment policy and, most of all, Mr. Speaker, it is bad constitutional policy. I oppose the bill because it is an assault on the very principle enacted years ago to prevent the exploitation of child labor.

Mr. Speaker, I ask my colleagues to oppose this ill-conceived, unnecessary bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS), the coauthor of the legislation.

Mr. PITTS. Mr. Speaker, today we are addressing an issue important to the Amish community who reside in over 20 States in this country, and I especially want to thank the gentleman from California (Mr. MARTINEZ) and the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING), and the other Members who have helped us craft this bipartisan bill.

People around the world know of the Old Order Amish as people who till their land and direct their lives with faith, simplicity and discipline.

Traditionally, Amish communities are centered around the family farm, which requires input from the whole family. While caring for crops and animals, Amish parents show their children how to make a living without exposure to outside influences that contradict their beliefs. However, due to the high growth rate, the soaring price of farmland, many Amish have been forced to look for alternatives to farming. Now Amish can be found in small businesses making raw lumber, clocks, wagons, cabinetry and quilts.

Therefore, as they did on the family farm and still do, and I might say that in farm work the children are totally exempt from child labor laws, one can find a 10-year-old boy driving a team of mules. I would like to see the gentleman from Missouri (Mr. CLAY) try that. The Amish now wish to have their youth work with them in these vocational settings.

Typically, the youth will learn a trade after the completion of Amish school, or the eighth grade, and be self-sufficient by age 18. The Amish view this work as part of their schooling, since they often accompany a parent to the workplace, very similar to an apprenticeship, and they call this learning by doing.

Unfortunately, these small Amish-owned businesses have received costly

finances from the Department of Labor for having their young adults work alongside their fathers and uncles, even in family businesses.

Mr. Speaker, recently a businessman, an Amish businessman in my congressional district, was fined \$10,000 for having his own child in the front office of his business. The teenager, 15 years old, was simply learning to use the cash register alongside her father. She was far from harm's way.

Mr. Speaker, these actions by the Department of Labor have severely threatened the lifestyle and the religion of this respected and humble community. The Amish expect diligence, responsibility and respect from their youth. They do not contribute to the social ills of our society, and they do not accept any assistance from government programs.

Our government should not interfere with this humble community. Several of my colleagues, along with our Amish constituents, met with the Department of Labor several times last year for a solution. Unfortunately, we received nothing but negative responses from Labor. The Amish have a very unique situation, and they do not benefit from shop or vo-tech like the youth of our schools.

My son, at age 14, made furniture on a band saw in a shop class with 15 other students around. We have a responsibility to evaluate the Amish in light of these things, and that is why the gentleman from California (Mr. MARTINEZ) and I and others have introduced this legislation, narrowly crafted, and we urge support.

□ 1245

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me this time. I rise to oppose the bill, particularly on suspension. I offered an amendment in committee to try to make this bill a little better by having a reporting requirement, that it would be reported the number of injuries that might take place in this type of workshop with this reduced age limit so we could determine what the effect of this bill might be. Now, that amendment was defeated on a pretty well party line vote in the committee. We are precluded from offering, I think, and even discussing that amendment here on the floor under this suspension of rules. So I feel that the process is wrong.

I have serious problems about the bill, but we cannot even discuss the amendment that was defeated by a party line vote in committee. I urge defeat of the bill.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I am pleased to stand in the House today and support this legislation. I want to commend the gentleman from Pennsylvania (Mr. PITTS),

the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from California (Mr. MARTINEZ), the gentleman from Indiana (Mr. SOUDER) and all of those who were a part of bringing this issue together.

We should not be here today. The Department of Labor and Industry should not be in this issue. There was not a history of danger out there, not a history of people being harmed. A lot of the criticism, or all of it has been about safety. This legislation includes supervision by an adult relative or an adult of the same religious sect; the placement of protective barriers. We just heard that the lumber industry is the most dangerous. Yes, it is. The most dangerous part is the falling of trees. They are not going to be doing that. The next most dangerous part is running saws and planers and equipment. They are not going to be doing that. They are going to be doing odd jobs in the mill, stacking lumber, cleaning up, office work, running errands, helping out, learning a trade.

Young people in the Amish community when they are finished with school at 14, they learn a trade and when they work around the edges of a mill, when they work around the edges of an operation, they learn that business over a period of time. We are not putting them in harm's way. In my view, this is legislation that is needed to be done to preserve the Amish life. As someone just mentioned, they are not a part of the difficulties in our society. They are a quiet people who teach their youth to work and carry on whatever the tradition of that family was. This is a very sensible, well-thought-out solution that will allow this community to preserve its way of life.

I urge the Members of this Congress to tell the Department of Labor and Industry to go on and deal with real problems and leave our Amish to raise their children as they have in the past with a very good record.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, last September this body considered a piece of legislation identical to this bill before us today. Then as now, I support the bill very much. You might ask why someone from an urban area like myself would support a bill such as this, because there are no Amish in Los Angeles County. Well, I do not care where you live in this country, when it comes to keeping our young people engaged productively and out of trouble, the challenges are the same no matter where you are. And although the answer is different in different parts of the country, the goal is the same, to keep those kids out of trouble, keep them working, keep them interested in something that will make a good life for themselves.

I supported that bill last year, because I understand the Amish way and where they face problems that are different than those that we face in Los

Angeles, I believe that for their youth, they have the appropriate answer. And I supported the bill because it offers a real solution to a real problem for the Amish and because it made good sense to me.

As I mentioned during the debate last September, Amish children finish their education at 14 years of age. Historically Amish boys have joined their fathers in the fields of the family farm. However, due to technological advances, the rising price of real estate, the Amish have found it difficult to compete and many have had to abandon their farms for other types of occupations. Today nearly 50 percent of the Amish men work in nonfarm occupations, primarily in the lumber industry. However, when the Amish take their young men to work with them in the sawmills, they are in violation of child labor law.

Therefore, last Congress the gentleman from Pennsylvania (Mr. PITTS) introduced a bill to amend the child labor laws to permit the Amish to take their young men to the sawmill with them. In response to this concern about exposing young men to hazards that has been mentioned here by a couple of Members, we saw that, too. We wondered if we were not doing the same. But we worked with the gentleman from Pennsylvania (Mr. PITTS) to come up with a solution to that problem. I worked with him to add a number of safety provisions such as requiring earplugs, face masks, adult supervision, et cetera. We must have done a good job because it passed out of committee by a voice vote and passed on the floor by a voice vote. Because the Senate ran out of time is the only reason we are here considering this noncontroversial legislation again.

This bill before us is identical to the bill that was passed by the House in the last Congress. It addresses the same problems and contains the same safety provisions and still makes good sense. Therefore, although you may not have a large number of Amish in your district, I urge you to support this bill.

Mr. GOODLING. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER) and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time and I rise in support of this legislation. I want to commend the gentleman from California (Mr. MARTINEZ) and the gentleman from Pennsylvania (Mr. PITTS) for exercising common sense and bipartisanship in crafting this legislation. It is extremely important that we strike a

delicate balance between honoring the differences in our different religions in this country, our different traditions in this country and having a safe and healthy workplace. I believe this legislation, in a commonsense and bipartisan manner, strikes this principled compromise between these two interests, of respecting the Amish for their cultural and religious differences and on insisting on a safe and healthy work environment.

The Amish community, as has been stated on the House floor here this afternoon, has a little bit different education system than some of the rest of us, and we should respect and honor those differences. They have a formal education for their young men and young women up until about the eighth grade, and then after the eighth grade many of their children, young minors, are enrolled in informal vocation classes learning directly under the supervision of parents and teachers.

In Indiana, let me give my colleagues an example, this is primarily done in small cabinet-making shops where people have worked with the Amish community for decades and where they are small, family-owned businesses. This is not an instance where young people are out in harm's way from falling trees or with big sawmills. They are in working environments in small business communities.

We have four major protections outlined in this bill that I will not go into articulating but I will again urge this body to support this bipartisan, commonsense bill.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. I get nervous when I find myself on the opposite end of a labor issue from the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), but in this instance I come from a different perspective. I grew up in a small town called Summit Mills in southwestern Pennsylvania. That town is mostly Amish. And so as I grew up in that community as a young man, 12, 13, 14, 15, 16 years of age, I worked in Amish farms, I worked in Amish sawmills, I worked and learned carpentry with my friends the Amish. I worked in their maple sugar camps. I understand their way of life because I lived it with them. I know that there is no danger. I also know that if they do not employ their children, it does not mean that they are going to employ someone else, it means they are going to work that much longer and that much harder themselves or they are not going to make that much more money. They are going to in fact have to live with less.

In my district now, the 4th District of Pennsylvania, in Lawrence County, the Amish live there, they are quiet people, they do not drive cars, they do not listen to radio or watch TV. But what they do is when their children are finished with school at the eighth

grade, they teach their children how to make a living. They in essence are the trade school themselves. If the family business is carpentry, if it is a sawmill, if it is a maple sugar camp in the spring, if it is farming, they teach their children to do this. If the children have other interests, they may go off and work with an uncle or someone else on their farm.

This bill, H.R. 221, of which I am an original cosponsor, does specify that the young Amish people would not be permitted to operate power-driven woodworking machinery. Regarding the workplace safety of this bill, the bill requires a barrier or some other means of protection to be used to protect these teenagers from flying wood particles.

I have a very strong voting record to maintain our labor laws. This bill simply amends the Fair Labor Standards Act and would allow these young people ages 14 to 18 who are members of this religious sect to work with their parents, to work with adults, those who are like the Amish to be able to be employed in a family business where wood is processed with machinery.

I ask my colleagues to suspend the rules and pass H.R. 221.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me this time. As a member of the Committee on Education and the Workforce, I rise today in support of this bill. I believe this is a commonsense measure allowing the Amish to preserve their culture as well as the control of the upbringing of their children while maintaining important child labor enforcement policies.

I want to take this opportunity to commend the gentleman from California (Mr. MARTINEZ), the gentleman from Pennsylvania (Mr. PITTS) and especially the gentleman from Pennsylvania (Mr. PETERSON) for the leadership that they have shown in crafting what I think is a very commonsense measure. To this day the Amish continue to make great contributions to our Nation's heritage across the country and as well in my congressional district in western Wisconsin. Traditionally Amish children's formal education ends at a very early age. They continue to learn by doing. Their youth attend school until the age of 14, after which they work with an adult member of the community to gain hands-on experience, oftentimes in small, family-owned woodworking shops. In the past the practice has come into conflict with certain child labor provisions of the Fair Labor Standards Act.

Yes, woodworking machines can be very dangerous, especially for young children, but thanks to my colleagues I think there have been some common-

sense safeguards built into this legislation that we can all support. First, that teenagers must be supervised by an adult who is a member of the same sect or division; second, the teenagers are not allowed to operate or even assist in the operation of power-driven woodworking machines; and, finally, they must be protected by an appropriate barrier to the potential hazard of flying debris and wood particles.

Mr. Speaker, I think we have to do all that we can to preserve our Nation's distinct and diverse heritage without sacrificing personal safety and well-being, especially when it comes to the safety of our children. I believe this bill is a commonsense step in that direction. Therefore, I urge my colleagues today to support what I feel is an appropriate bill with the appropriate safeguards.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

I, too, want to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Pennsylvania (Mr. PITTS), the gentleman from Pennsylvania (Mr. PETERSON) as well as our bipartisan help from the gentleman from California (Mr. MARTINEZ), the gentleman from Indiana (Mr. ROEMER), the gentleman from Wisconsin (Mr. KIND), the gentleman from Pennsylvania (Mr. KLINK) and others on the other side of the aisle who have helped to finally bring this remedy hopefully to closure this year.

For the record, I want to say I am not just a bystander in this. Not only do I represent the 3rd, 7th and 10th largest old order communities in the country, and by old order I mean that they do not have tops on their buggies and they are not allowed to marry the Amish in many of these other gentlemen's districts who have tops on their buggies and are much, therefore, more liberal Congressmen and members. Furthermore, this has nothing to do with voting. Out of the 20,000 Amish in my district, I think approximately 150 voted. Three in my hometown of Grabill went out to vote and then got kicked out of church for going out because they wanted to vote for me and they had to work that through in their church. My great grandfather in 1846 was one of the first Amish settlers in Allen County. He left the Amish faith around the turn of the century, but I still have many cousins and many, many friends in the Amish community and I grew up in a small town surrounded by an old order Amish community and went to school with many of them.

So I have been very involved with this issue even though the original points of contention with the Department of Labor came up in Pennsylvania and most of the Amish who were at the meetings that we had with the Department of Labor were from Pennsylvania, a few from Holmes County,

Ohio, and very few from Indiana and mostly up from the district of the gentleman from Indiana (Mr. ROEMER) because the Amish in my district do not take part in any governmental activities and therefore are completely vulnerable and helpless when the government comes in and tries to alter their life-style.

For 18 months we have negotiated with the Department of Labor. We have negotiated through several rounds through our committee.

□ 1300

I am frustrated how long this has taken. This is a tad ridiculous, quite frankly. At the same time, I am glad we are to this point, and I am glad we are finally making progress.

We have heard particulars in this bill, that in fact this is an endangerment. It is not a question of whether the Amish are old enough to smoke or old enough to do many things, because they are certainly old enough to sweep a floor. This is not a matter of working the woodworking equipment. It is a matter of doing the tangential jobs. We, as my colleagues have heard, put restrictions that limit that endangerment.

Furthermore, as we see the pressures in our communities in Indiana, in Ohio, Pennsylvania, Wisconsin, Illinois, Iowa, where there are Amish communities, we have a fundamental question we have to answer in this country: Can you practice religious freedom within the confines of what we expect in public health and safety? As they cannot divide their farms any further, they have turned to other crafts like woodworking, and if they cannot practice woodworking, and if they cannot practice their religious faith, they will leave our country or have to change their religion, and that is not what America was based on.

I would argue that many of the arguments that have been put forth through the past few years are absurd. I have seen in print that there could be forklifts running over these kids. They do not have forklifts in Amish factories because they do not have electricity. I just heard a reference to robber barons. As my colleagues know, the Amish parents are not robber barons, and we have to be very careful about confusing past labor disputes with one of the most innocent, helpless and vulnerable segments of our society. I do not understand how anybody could oppose these poor, low-income people, who are at the mercy of everybody else, having their ability to work with their children in their factories.

So, in their woodworking, whether it is furniture or whether it is pallets or whatever they do, so that they can continue their way of life, they are not the people with the gang problems, they are not the people with drug problems, they are not the people with the social problems we see elsewhere. So why would we come barreling into their community and try to change their

lifestyle when they should be a model for the rest of us, not somebody who we try to destroy their culture?

Mr. EWING. Mr. Speaker, as a co-sponsor of this important legislation, I urge my fellow colleagues on both sides of the aisle to support H.R. 221. The bill amends the Fair Labor & Standards Act to allow youths between the ages of 14–18, who are members of a religious sect or division, to work in businesses where machinery is used to process wood products.

This legislation is of great importance to me since my district has the greatest population of Amish residents in Illinois. Instead of continuing formal education past the 8th grade, Amish children typically go to work with their parents or another adult leaning a trade, usually woodworking or farming. This is not an example of “sweatshops” where children are forced to work against their will—this is a tradition that the Amish community has held near and dear to their hearts.

Current FLSA language allows the Department of Labor to levy fines up to \$20,000 on several Amish businesses, and to confiscate their equipment. This is not only a financial hardship that small business must absorb, but an imposition on secular values. This is not the role of government.

This legislation allows Amish children to begin their life's work under the proper supervision of an adult and requires the youth to be properly protected in the various work areas. We should not penalize a religious community and their citizens from pursuing life-long traditions.

Once again, I urge my colleagues to support this legislation.

Mr. OWENS. Mr. Speaker, I rise in opposition to H.R. 221.

This bill permits children to work in one of the most hazardous industries in the country. Fourteen-year-old children do not possess the full autonomy of choice and may not possess the full capacity for choice possessed by adults. They should not be allowed to place themselves or be placed by others in occupational situations that may be life threatening. The occupational fatality rate in the Wood Products Industry is five times higher than the national average. One of the witnesses who testified on behalf of this legislation told of how he lost several fingers when during a moment of inattention, he carelessly set his hand on a conveyor belt and it ran his hand into a saw. This accident happened to an adult with years of experience in the wood processing industry. Inexperience and lack of maturity serve to make the potential risks faces by minors even greater than they are by minors even greater than they are for adults. It is unreasonable to expect a fourteen year-old to maintain the kind of continuous safety concern we expect for adults. In this industry, a moment of inattention can be fatal. Secretary Herman in a letter to Chairman GOODLING opposing this legislation said, “While we are sensitive to the cultural and religious traditions of the Amish and similar American communities, we believe the benefits of accommodating those traditions must be carefully balanced against the nation's longstanding concern for the safety and welfare of children.” Secretary Herman provides the focus which should guide this Congress in its deliberations concerning child-labor issues. We should always place the protection of our children's health and safety first.

To employ children in an industry where the occupational fatality and injury rates are five times the national average is irresponsible. If enacted, H.R. 221 will inevitably result in the serious injury or death of a minor. Attached for the RECORD are letters from the Department of Labor and the Department of Justice.

Mr. GEKAS. Mr. Speaker, I rise today to applaud the passage of H.R. 221, legislation which will permit a unique culture to continue practicing traditions vital to its way of life. This bill changes current law so that Amish teenagers may continue work in businesses where machinery is used to process wood products.

Child labor provisions in the 1938 Fair Labor Standards Act (FLSA) prevent Amish young people from learning the practical skills they need to successfully contribute to their community. The U.S. Department of Labor has followed a rigorous enforcement policy in the arena of child labor. The Department of Labor has levied fines of up to \$20,000 on several Amish businesses. These actions are not just intrusive, they are insulting to a proud culture which has long prospered within the boundaries of our laws.

While enforcement of child labor laws is laudable and necessary, it is detrimental to the Amish people. In their culture, Amish youth finish organized schooling at the age of 14, when they go to work with their parents or other adults in their community to learn a trade. Due to the nature of their lifestyle, these occupations are primarily in agriculture and woodworking, work which requires long periods of apprenticeship to learn the proper and safe use of the required machinery.

H.R. 221 recognizes this fact by providing specific requirements for the sake of safety-requirements that the Amish have implemented long before the Fair Labor Standards Act came into effect. Individuals working in these trades must be between the ages of 14 and 18, and be a member of a religious sect or division which mandates no formal education beyond the eighth grade. Other provisions include the proper wear of protective gear, as well as proper adult supervision at all times.

The Amish are a people who take great pride in their secular values, and rightfully take great umbrage to any attempts to influence their lifestyle. I am thankful that we in the Congress can take pride in the fact that today we did the right thing, and corrected an error in bureaucracy which threatened the culture of a group of people.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 221, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 221, the bill just passed.

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

There was no objection.

#### DISASTER MITIGATION COORDINATION ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 818) to amend the Small Business Act to authorize a pilot program for the implementation of disaster mitigation measures by small businesses.

The Clerk read as follows:

H.R. 818

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Disaster Mitigation Coordination Act of 1999”.

#### SEC. 2. PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding “and” at the end; and

(2) by adding at the end the following:

“(C) during fiscal years 2000 through 2004, to establish a disaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis) as the Administrator may determine to be necessary or appropriate to enable small business concerns to implement mitigation measures pursuant to a formal disaster mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee may be extended to a small business concern under this subparagraph unless the Administration finds the concern is otherwise unable to obtain credit for the purposes described in this subparagraph.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

“(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

“(1) \$15,000,000 for fiscal year 2000.

“(2) \$15,000,000 for fiscal year 2001.

“(3) \$15,000,000 for fiscal year 2002.

“(4) \$15,000,000 for fiscal year 2003.

“(5) \$15,000,000 for fiscal year 2004.”.

(c) EVALUATION.—

(1) IN GENERAL.—On January 31, 2003, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of the pilot program authorized by section 7(b)(1)(C) of the Small Business Act, as added by subsection (a) of this section.

(2) CONTENTS OF REPORT.—The report shall include—

(1) information relating to—

(A) the areas served under the pilot program;

(B) the number and dollar value of loans made under the pilot program; and

(C) the estimated savings to the Federal Government resulting from the pilot program; and

(2) such other information as the Administrator determines to be appropriate for evaluating the pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentleman from Washington (Mr. BAIRD) each will control 20 minutes.