

SENATE—Tuesday, March 6, 2001

The Senate met at 10 a.m. and was called to order by the Honorable CONRAD R. BURNS, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, who in the work of creation commanded light to shine out of darkness, shine in our minds. You have given us the gift of intellect to think things through in the light of Your guidance. Dispel the darkness of doubt and the petulance of prejudice so that we may know what righteousness and justice demand. We pray with Soren Kierkegaard: Give us weak eyes for things which are of no account and clear eyes for all Your truth.

Bless the Senators today as they seek Your truth in the issues before them. Place in their minds clear discernment of what is Your will for our beloved Nation. May they constantly pray with the Psalmist: Lead me, O Lord, in Your righteousness, make Your way straight before my face. Help them to look ahead to every detail of the day and picture You guiding their steps, shaping their attitudes, inspiring their thoughts, and enabling dynamic leadership. May the vision of You guiding them be equaled by the momentary power You provide. Give us wisdom to perceive You, diligence to seek You, patience to wait for You, hearts to receive You, and the opportunity to serve You.

We ask Your continued care and healing for our Vice President, DICK CHENEY. Now we commit this day and all of its opportunities and responsibilities to You. Through our Lord and our Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2001.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CONRAD R. BURNS, a Senator from the State of Montana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. BURNS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, the Senator from Mississippi.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will consider Senate Joint Resolution 6, the ergonomics disapproval resolution. Under the provisions of the Congressional Review Act, there will be up to 10 hours of debate. A vote on the resolution is expected this evening or possibly during tomorrow morning's session. As a reminder, the Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly party conference meetings. At the completion of the disapproval resolution, the Senate will resume consideration of the Bankruptcy Reform Act.

I thank my colleagues for their attention and cooperation in this matter.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MOTION TO PROCEED—S.J. RES. 6

Mr. LOTT. Pursuant to the Congressional Review Act, I now move to proceed to the consideration of Calendar No. 18, S.J. Res. 6.

The ACTING PRESIDENT pro tempore. The motion to proceed is not debatable. The question is on agreeing to the motion.

The motion was agreed to.

Mr. LOTT. Mr. President, I understand the joint resolution is now pending and has up to 10 hours of debate to be equally divided in the usual form. I see there are Senators on the floor ready to go forward with this discussion.

I yield the control of the majority's time to the assistant majority leader,

the distinguished Senator from Oklahoma, Mr. NICKLES.

DISAPPROVAL OF DEPARTMENT OF LABOR ERGONOMICS RULE

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 6) providing for congressional disapproval of the rules submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to the Senator from Vermont this time as he may desire.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise today to address S.J. Res. 6, which provides for congressional disapproval of the Occupational Safety and Health Administration's recently promulgated ergonomics standard. This action is being taken pursuant to the Congressional Review Act provisions incorporated into the APA in 1996. If successful, it will be the first time that the CRA has been used to invalidate an agency regulation. It will send a strong message to Federal agencies that Congress is serious that the intent of the CRA—that agencies issue more flexible and less burdensome rules, and be more responsive, and open, to input from the regulated public—is followed.

I will leave it to my colleagues to discuss the numerous problems with the Clinton Administration's regulation, such as its flawed rulemaking process, its extraordinary potential costs, its encroachment on state administered workers compensation programs, and its complexities and vagueness to the point of unworkability. I have to note, however, that the ergonomics rule certainly qualifies as a "midnight" regulation, which is exactly the sort of rulemaking that, in great part, led to enactment of the CRA. And I note further that the CRA is not radical legislation. In fact, it passed with broad bipartisan support, was signed by a Democratic President, and earlier versions of the legislation twice passed the House and four times the Senate.

Passage of the CRA was an exercise by Congress of its oversight and legislative responsibility. It was intended to compel bureaucrats to consider the economic effect of their regulations and to reclaim some of Congress' policymaking authority which had been