HOUSE OF REPRESENTATIVES—*Tuesday, March 6, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. MORELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 6, 2001.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

FEDERAL GOVERNMENT PROMOTING LIVABLE COMMUNITIES

Mr. BLUMENAUER. Madam Speaker, my priority in Congress is for the Federal Government to be a better partner in promoting livable communities, to make our families safe, healthy, and economically secure. A critical element in a livable community is making sure that we can deal with the natural disasters: floods, fire, earthquakes, and storms.

Every year natural disasters cost billions of dollars and kill and injure Americans all across this great Nation. Every year the Federal Government is there to help unfortunate victims and their States and local governments in the recovery and repair. In the last 8 years alone, the United States has suffered more than 850 people dying in floods, and the property damage has totaled almost $90 billion. The total expenditure for disaster relief, including FEMA and insured losses, has been more than $150 billion in the last 20 years.

There are two ways that we can help: we can be dealing after the fact, dealing with the unfortunate victims and the damage that has been brought; or we can work to deal before disaster occurs to minimize damage and perhaps even prevent it all together.

I note two important provisions in the administration's recent budget submission: one is the reform of the Federal flood insurance program. This is a high priority for me. It is long overdue. The gentleman from Nebraska (Mr. BEREUTER) and I have introduced legislation in the last Congress that two floods and you are out of the taxpayer pocket bill to stop the Federal Government subsidizing people who live in areas that God has repeatedly shown that he does not want them. There is one home in suburban Houston that has suffered over $800,000 of loss over the last 20 years, 16 occasions, a home that is only worth, they tell us, $115,000.

Our legislation would allow people to use this money to relocate out of harm's way or to flood-proof their property. But if they do not, then they will be required to foot the bill themselves, not the U.S. taxpayer. We have seen dramatic examples of what this sort of proactive activity can do. The Arnold, Missouri, flood damage in 1993 was over $2 million; but after work in flood-proofing the community, moving people out of harm's way, the 1995 flood, which was much larger, had only $40,000 in damage.

Madam Speaker, I am pleased with the recognition the administration has for our legislation, but I have serious reservations about another proposal which would eliminate Project Impact. This is a Federal program that is not a grant, but instead provides seed money to help the people themselves build disaster resistant communities, to develop the partnerships and upfront investment needed to make sure that people do not suffer these horrible losses.

Madam Speaker, I was impressed this last fall to be able to address a conference of over 2,000 participants, partners all across the country in these partnerships. There are now 250 Project Impact communities and over 2,500 business partners alone, including NASA and four NASCAR race drivers. It is important for us to nurture this type of partnership, not to turn our back on it.

Project Impact and flood insurance reform are two important ways that the Federal Government can be a better partner to promote livable communities and to make our families safer, healthier, and more economically secure.

REPEALING THE 2 PERCENT EXCISE TAX ON PRIVATE FOUNDATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, last week the gentleman from Illinois (Mr. CRANE) and I introduced bill H.R. 804, a bill to repeal the 2 percent excise tax on private foundations.

The United States is blessed with a deep spirit of philanthropy. Charitable organizations serve the interest of both the individual and the community. Private foundations in particular have made measurable differences in the lives of Americans, from access to public libraries, developing the polio vaccine, and even leading in the creation of the emergency number 911. Each and every American has experienced the benefits of the tireless efforts of these foundations.

Madam Speaker, currently there are 47,000 foundations in the United States. In 1998, foundations gave away an estimated $22 billion in grants. These foundations were also forced to give the Federal Government a grant of $500 million in 1999.

Under current law, not-for-profit private foundations generally must pay a 2 percent excise tax on their net investment income. This requirement was originally enacted in the Tax Reform Act of 1969 as a way to offset the cost of government audits on these organizations. So some 31 years ago, we instituted a tax on these foundations to cover the audit expense. However, when you look at the number of audits that have been performed, particularly since 1990, the IRS audits on private foundations has decreased from 1,200 to just 191. Yet the excise collection during these 31 years has grown from roughly $200 million in 1990 to $500 million in the year 1999.

In addition, private foundations are bound by a 5 percent distribution rule. Foundations must make annual qualifying distributions for charitable purposes equal to roughly 5 percent of their fair market value of the foundation's net investment assets. The required 2 percent excise tax, which is payable to the IRS, actually counts as a credit to the 5 percent distribution rule.

So in a nutshell, what we have here is a private foundation making a charitable grant to the Federal Government every year, and since 1969 the number of audits have gone down; yet the number of charitable foundations has gone up.

Madam Speaker, I do not believe that the Federal Government is in dire need of this excise tax, and in fact in the next 10 years the Federal Government will show a surplus of $5.7 trillion. In 2002 we are projected to have a $231 billion surplus. Therefore, I believe that Americans have been more than charitable in giving the government their hard-earned dollars. It is time that we begin the process of returning the money to the people.

President Bush is working to accomplish that goal with his reduction in tax rates, allowing for the increased use of charitable deductions and credits. My bill goes one step further. It gives those charitable organizations relief from the $500 billion tax that the Federal Government instituted 31 years ago so they can give more of their money back to the people who need it.

I would like to also emphasize, Madam Speaker, that the former President, Mr. Clinton, proposed a reduction in this same excise tax in his fiscal-year 2001 budget. The Treasury Department noted: ''Lowering the excise tax rate for all foundations would make additional funds available for charitable purposes.''

So, Madam Speaker, common sense dictates that the elimination of this tax would increase additional charitable giving. I would like to thank my colleague, the gentleman from Illinois (Mr. CRANE), for his support on this bill. I ask my colleagues to take a look at this piece of legislation. I would like their support. It is H.R. 804.

SEATTLE EARTHQUAKE AN EXAMPLE WHY CONGRESS NEEDS A BUDGET BEFORE IT DEBATES A TAX BREAK BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized during morning hour debates for 5 minutes.

Mr. INSLEE. Madam Speaker, the Seattle earthquake last week gave us a telling example why it is grossly irresponsible to bring a huge tax cut bill to this floor before we do a budget.

There is a lot wrong with this bill. Many people have heard many of these problems: the fact that it gives 43 percent of all the benefits to just 1 percent of Americans. That is a problem. The fact that it is based on really phony fiscal hallucinations based on these 10-year projections when we cannot even project 10 months from now. That is a problem. But perhaps the biggest kind of problem was made clear to us in Seattle last week on the very day that a 6.8 on-the-Richter-Scale quake hit Seattle. The administration tried to hit our earthquake preparedness programs by trying to kill Project Impact.

Project Impact is a Federal program that is designed to help improve local communities' earthquake preparedness programs, a program Seattle had used to good effect and which was effective in reducing losses. Why did that happen? Well, the Vice President said that Project Impact was ineffective.

Try telling that to the first graders at Stevens Elementary School in Seattle, who I visited last week, the day after the quake, who, until Project Impact came along, did their studying underneath a 1-ton tank of water that was prone to going right through the ceiling and down onto their classroom because it was not secured adequately for a standard earthquake. But then Project Impact dollars came along. The school district secured that water tank and no one got hurt. In fact, in the seven schools in the Seattle school district that had used Project Impact monies, none of the structures that had been dealt with caused any damage.

This is an effective program. These Federal investments saved lives. We ourselves saw that in Seattle last week. This is an effective program. So why did the administration try to kill it? Well, that is kind of interesting. The Vice President has said this program was ineffective. But when I asked Joe Allbaugh, our FEMA director, the Federal Emergency Management Agency director, who has done a great job by the way on this disaster, he told me he had not even been consulted. Nobody asked him about Project Impact. Somebody in the Bush administration got out a red pen and just drew it right through that project and tried to kill the program.

Why did that happen? Well, it is pretty clear. This was an indiscriminate cut that was simply made to try to accommodate and make room for these tax cuts, and it is a disgrace. It is a disgrace to know that the first casualty of the Bush tax cut is a program that in Seattle, in fact, prevented casualties. When we do tax cuts before we do a budget, bad decisions are made. And this is perhaps the most visible and first one in this sorry state of affairs.

We should reject this bill. We should go back and do our jobs, do the budget first, and a reasonable, responsible tax cut that meets our obligation to the American people.

ON SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to spend just a couple minutes talking about some of the issues that this Congress, both the House and the Senate, are really struggling with, and that is the debt that has been mounting up, the total Federal public debt, of this country. I would like to comment about the legitimacy of a tax reduction and would like to comment on the challenge that is facing this body and the President in terms of keeping Social Security solvent.

First of all, on the debt: if my colleagues will bear with me, let me break down the current Federal national debt of now $5.7 trillion. Of that $5.7 trillion, I break it down into three segments:

The treasury debt. When we issue Treasury paper, Treasury bills, Treasury bonds, the so-called debt held by the public, that now represents $3.4 trillion out of the $5.7 trillion.

The debt that has been borrowed from Social Security represents $1.2 trillion, $1.2 trillion out of the $5.7 trillion. That is what we have been borrowing pretty much ever since we dramatically have increased the Social Security taxes, the FICA taxes, over the last 20 years. There has been much more money coming in than has been needed, and that is especially true since the 1983 increase in Social Security taxes. So we have accumulated $1 trillion worth of IOUs that this government owes Social Security when it comes time for Social Security needing that money.

So we have $3.4 trillion that is Treasury debt, debt held by the public; we have $1.1 trillion that is owed the Social Security Trust Fund, and then the other 117 trust funds that the Federal Government has represents additional IOUs of another $1.2 trillion.

So we divide it in three different levels. Most of the surplus is coming from the Social Security surplus, the excess of Social Security taxes over what is needed to pay Social Security benefits. And I think we should remind ourselves, Madam Speaker, that Social Security is a pay-as-you-go program; that when Social Security taxes come in, by the end of the week, that money is sent out in benefits. So there is no reserve. There are no accounts with individuals' names on it. And that has left us with the problem of how we are going to pay back that money when the baby boomers start retiring in 2008. So we have a huge increase in the number of retirees, recipients, as we are looking at a relatively fewer number of workers that are paying in those taxes to pay the benefits for those retirees.

We have been talking in both the White House and in both Chambers of Congress about paying down the debt held by the public. Some people refer to it as the public debt. Technically, that is not correct. It is the debt held by the public. The dollars that we are using to pay down that debt held by the public are the extra dollars mostly

coming in from the Social Security Trust Fund. So we write out an IOU, and we use those dollars to pay down the debt held by the public.

To assume this has anything to do with helping to keep Social Security solvent is incorrect. The only thing that might be worse than using this money to pay down the debt and writing out an IOU is possibly using it for increased spending and starting new entitlement programs. If we do this, and then we have a problem with Social Security in the next 8 to 15 years, it is even more difficult because we have expanded the size of the Federal Government.

Let me mention the tax cuts that will be coming up in this Chamber in the next couple or 3 days as we talk about a tax reduction. If things were perfect, we should not have a tax reduction, but that money should be used to make sure Social Security stays solvent. I think one way to do this is to put it in privately held and owned accounts where the flexibility, where the alternatives of an individual to invest that money are limited, such as in a 401(k). So they would be limited to safe investments. They would be limited to only a certain percentage that could go into equity, stocks, and the remainder would have to go into interest-bearing accounts.

If we were to accomplish that and use this money now, it would simplify and help us solve the long-term problems of Social Security. And I just mentioned, we are looking at surpluses coming in in the next several years of $5.6 trillion. We are looking at an unfunded liability for Social Security of $9 trillion.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Isaias begins his message with these words: ''Hear, O heavens, and listen, O earth, for the Lord speaks.''

All the heavens and all the earth cannot grasp or contain Your Word, O Lord. Once spoken and unleashed upon our world, Your word catapults imaginings to their heights and penetrates everything to its depths. May our hearing turn to listening and our listening make us so attentive that it leads to new understanding and new ways of acting.

Your Word provokes Isaias to cry out to the people: If only we were free enough to be raised up by its power or strong enough to be embraced by its full passion! Then we like Isaias would be able to hear, in our broadcasted news, the voice of violence coming from our own children. And we would lament as a nation searching for prophetic vision until we and our ways of acting change. We pray for this vision now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

APPOINTMENT AS MEMBERS TO ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS

The SPEAKER pro tempore. Without objection, and pursuant to section 320(b)(2) of Public Law 106–291, the Chair announces the Speaker's appointment of the following members on the part of the House to the Advisory Committee on Forest Counties Payments:

Mr. Robert E. Douglas of California and

Mr. Mark Evans of Texas.

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 6, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 127 of P.L 97–377 (2 U.S.C. 88b–3), I hereby appoint the following Member to the House of Representatives Page Board:

Mr. Kildee, MI.

Yours Very Truly,

RICHARD A. GEPHARDT.

NOW IS THE TIME FOR TAX RELIEF

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, America and indeed this Congress has a lot to celebrate. After years of wasteful spending and rising deficits, our fiscal house is in order. Congress has a balanced fiscal budget. Since 1997 we have paid down approximately $363 billion of our public debt. We are on the course to paying off the complete $2 trillion public debt over the next 10 years.

The Republican Congress has walled off nearly $3 trillion for the protection of Social Security, Medicare and further debt relief.

The nonpartisan CBO estimates that we will have a $5.6 trillion surplus this year. Our fiscal house is not only in order, it is in the best possible shape it has been in generations. Now is the time to give Americans some much-needed tax relief. If the surplus money stays in Washington, it will only be spent on bigger and more wasteful government bureaucracy. We need to put America's families first. They want and deserve real tax relief now.

FAMILIES AND THE RESPONSIBILITY OF PARENTHOOD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, a 15-year-old California student shot and killed two peers and wounded 13 others. Once again, guns are blamed.

Madam Speaker, I disagree. It is time to look at family and the responsibilities of parenthood. But in any regard, just think about it. America has drugs, rape, even murder in our schools, but God is not allowed to enter, not even a moment of silence. Beam me up.

A nation that denies God defies God and invites disaster like we are seeing week after week, month after month. I yield back the fact that school prayer may not solve all problems, but school prayer is a start in the right direction.

TRIBUTE TO JACKIE STILES

(Mr. BLUNT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BLUNT. Madam Speaker, I rise today to talk about a totally different kind of situation at school than the gentleman from Ohio (Mr. TRAFICANT) mentioned. I rise to pay tribute to a young lady who has brought praise and honor on the sport of basketball and to Southwest Missouri State University by becoming the Nation's all-time leading scorer in women's NCAA Division I basketball.

Jackie Stiles has been among the leading scorers in women's college basketball for 4 years. She scored 20 or more points in college games 86 times; 30-plus points 35 times; 40-plus points 10 times, and in 2 games she broke the 50-point mark. She is one of only two players in NCAA women's basketball history to break the 50-point mark twice. She broke the 12-year-old NCAA Division I scoring mark of 3,103 points in a game last week with Creighton University.

Jackie Stiles grew up playing basketball in Claflin, Kansas, where she was highly recruited by colleges and universities nationwide. She has also been on the all-American academic team every year of her college career. She is a great role model for students and young athletes and young women.

Madam Speaker, I wish her and her team well as they go on to finish this season and to add new points to that overall record.

TRIBUTE TO JACKIE STILES

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Kansas. Madam Speaker, I join the gentleman from Missouri (Mr. BLUNT) in recognizing the achievement of a remarkable athlete that comes from the First District of Kansas. Claflin, Kansas, population 700, native Jackie Stiles, who averages around 30 points per game, is one of college basketball's most outstanding scorers.

On March 1, she made history by breaking the NCAA Division I women's career scoring record of 3,133 points. She increased that record by adding another 35 points on March 3 during Southwest Missouri's final regular season game. Jackie's hard work and dedication to basketball is unparalleled. She remains the leading scorer in Kansas high school basketball history.

Her practice routine includes shooting 1,000 baskets each time. While in high school, Jackie's right wrist was broken during a game. Days later, the right-handed shooter was training herself to shoot with her left hand. These examples demonstrate her natural talents and desire to achieve perfection.

Jackie has received so many well deserved honors. Among them include twice being named Missouri Valley Conference Player of the Year, in addition to being a member of the United State's Gold Medal-Winning Jones Cup Team. This year she was nominated for an ESPY, and is a hopeful for another Missouri Valley Conference Player of the Year award, in addition to being named Naismith Player of the Year.

Jackie is quick to acknowledge the contributions of others in her success, particularly her parents, Pat and Pam Stiles, of Claflin, Kansas. She always places her team first and herself second. She maintains an undying devotion to her fans and it is common for her to stay hours after the game until each person who wants an autograph has seen her.

Seldom does an individual come along whose character and skill transcend beyond the court. In Kansas and Missouri, Jackie is a role model. Now the rest of the Nation can discover how special she is. Jackie Stiles is truly deserving of her most recent honors and accomplishments.

Madam Speaker, congratulations to her and her hometown of Claflin, Kansas.

PROVIDING FAMILIES WITH MUCH NEEDED RELIEF

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, American families deserve to share in the rewards of this economy they shaped and the surplus they created. At the same time, recognizing the slower economy of the last 6 months, we need to get some help, and tax relief would do that.

Critics of tax relief cannot have it both ways. They argued against tax relief when the deficits were more than $250 billion in the 1990s; and now they argue against tax relief again when the deficits have turned into surpluses.

So many families are still struggling today to pay their credit card and utility bills. Ending the marriage penalty tax and phasing out the death tax will create a fair Tax Code that would benefit all Americans.

Madam Speaker, allowing all Americans to keep more of their money is a good policy for the economy as a whole. Clearly there is room within the surplus to pay down the debt, fund priority programs, and enact President Bush's tax cut.

ISSUES CONCERNING VIEQUES, PUERTO RICO

(Mr. ACEVEDO-VILÁ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACEVEDO-VILÁ. Madam Speaker, I want to recognize my constituents from Puerto Rico, many of them from Vieques, that have come to Washington to share with Members their concerns involving the U.S. Navy's bombing exercises on Vieques.

For the last 60 years, the people of the island of Vieques have suffered from the Navy's bombing exercises. They have seen their children get ill and die of cancer and have suffered from numerous diseases. Residents of Vieques have a mortality rate 40 percent higher than that of Puerto Rico and a 27 percent higher risk of dying from cancer.

This is a nonpartisan issue. In Puerto Rico, all political parties stand united. We welcome the support and commitment of Governor Pataki of New York and Governor DiFrancesco of New Jersey.

Despite what my colleagues may have heard, our military preparedness does not rest in the balance of training at Vieques. Jack Shanahan, retired Admiral of the U.S. Second Atlantic Fleet, has stated that there are alternative sites and that training on Vieques is outdated. Further, we are encouraged by the Secretary of Defense's decision to suspend exercises that were scheduled to take place on Vieques in March.

I stand here today to call on President Bush to order the permanent cessation of all bombing exercises on Vieques. Vieques is not a national security issue. It is a health and human rights issue. If compassion has any meaning, I cannot think of any more compelling case. I urge my colleagues to support our letter to the President.

Elie Weisel said: Indifference reduces the other to an abstraction. The people of Vieques are very real and their suffering very concrete. Indifference on this issue is unacceptable.

AGAINST THE PRESIDENT'S TAX CUT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Madam Speaker, I rise to discuss what the American people need and want and that is fair tax cuts based upon a real surplus. I disagree with the President's proposal that he has laid before us that is based on a Ouija board prediction, a crystal ball and a magic wand. We do not know if these surpluses are going to materialize. As a matter of fact, from our State in Indiana, we used to have a surplus 2 years ago. It is gone. We do not know if this Federal surplus is going to be there in 2 years, let alone 10. Yet the President's proposal asks for $1.6 trillion in tax cuts. Let us make sure it is something the American people get and we do not pull the rug out from underneath them in 3 years.

Secondly, it should be fair, targeted at people making $80,000 and $70,000 a

year, not $800,000 and $900,000 a year. I hope the President, as he has said to Democrats throughout the last 2 months about the spirit of bipartisanship and asking us to come down and meet with him at the White House, that he would now practice bipartisanship and, beyond the spirit of bipartisanship, work with us for a fair tax cut and one that is based on real surpluses.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the Chair announces that she 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.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

AUTHORIZING APPROPRIATIONS TO CARRY OUT PART B OF TITLE I OF ENERGY POLICY AND CONSERVATION ACT RELATING TO STRATEGIC PETROLEUM RESERVE

Mr. BASS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 724) to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve.

The Clerk read as follows:

H.R. 724

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

SECTION 1. STRATEGIC PETROLEUM RESERVE.

Section 166 of the Energy Policy and Conservation Act (42 U.S.C. 6246) is amended—

(1) by striking ''for fiscal year 2000''; and

(2) by striking '', to remain available only through March 31, 2000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BASS) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

GENERAL LEAVE

Mr. BASS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 724.

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

There was no objection.

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

Madam Speaker, H.R. 724 makes a technical correction to the Energy Policy and Conservation Act that is necessary for Congress to authorize future appropriations for the Strategic Petroleum Reserve. It contains a date correction that was incorrectly referenced when EPCA was reauthorized during the 106th Congress. In the last EPCA reauthorization, Congress instructed the Department of Energy to continue operating the Strategic Petroleum Reserve through September 30, 2003. However, we failed to make a conforming date change to a related section of the act. This was a technical error and H.R. 724 corrects this situation.

EPCA authorizes the Department of Energy to operate the Strategic Petroleum Reserve. The SPR contains approximately 541 million barrels of oil stored along the Gulf Coast. It costs about $165 million a year to operate the Reserve. As a practical matter, last year's Interior appropriations bill appropriated funds to operate the SPR through fiscal year 2001. Given that more than half of our demand for oil is met through imports, the importance of a Strategic Petroleum Reserve to protect against supply disruptions is now greater than ever. The majority of the Strategic Petroleum Reserve was reauthorized through fiscal year 2003 during the 106th Congress.

Section 166 of EPCA provides authorization for, quote, such sums as may be necessary, end of quote, to be appropriated for operation of the Strategic Petroleum Reserve. Due to a technical error in the most recent EPCA reauthorization, section 166 provides authorization for appropriations only through March 31, 2000, the end of last year. In contrast, section 191 of EPCA provides the authority for the Department of Energy to operate the Strategic Petroleum Reserve through September 30, 2003.

H.R. 724 will eliminate the March 31, 2000 limitation on appropriations for the Strategic Petroleum Reserve, allowing future appropriations for the reserve. With this change and pursuant to section 191 of EPCA, the Reserve would not have to be reauthorized again until September 30, 2003.

The correction in H.R. 724 also simplifies future reauthorizations of EPCA by placing the effective date in one section, that is section 191, as opposed to two sections. Maintaining a strong Strategic Petroleum Reserve is an important part of our Nation's energy security. I urge my colleagues to support H.R. 724 since it is a necessary technical correction to ensure the continued authorization of the Strategic Petroleum Reserve.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am pleased to rise today in support of H.R. 724, a bill that makes a needed technical correction to H.R. 2884, legislation which Congress enacted last year to reauthorize the Energy Policy and Conservation Act. It is particularly important that EPCA be extended at this point because it provides for the operation of the Strategic Petroleum Reserve, a frontline protection against an interruption in our Nation's energy supplies.

H.R. 724 ensures that the authorization for appropriations for the SPR is extended through September 2003. This measure conforms with the extension of the Department of Energy's authority to operate the SPR made by last year's legislation, and in so doing corrects a drafting oversight.

I am pleased to support the passage of H.R. 724 and urge its approval by the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BASS) that the House suspend the rules and pass the bill, H.R. 724.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDING CONSUMER PRODUCT SAFETY ACT TO PROVIDE THAT LOW-SPEED ELECTRIC BICYCLES ARE CONSUMER PRODUCTS SUBJECT TO SUCH ACT

Mr. STEARNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 727) to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

The Clerk read as follows:

H.R. 727

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

SECTION 1. CONSUMER PRODUCT SAFETY ACT.

The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

''LOW-SPEED ELECTRIC BICYCLES

''SEC. 38. (a) Notwithstanding any other provision of law, low-speed electric bicycles are consumer products within the meaning of section 3(a)(1) and shall be subject to the Commission regulations published at section 1500.18(a)(12) and part 1512 of title 16, Code of Federal Regulations.

''(b) For the purpose of this section, the term 'low-speed electric bicycle' means a

two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.

''(c) To further protect the safety of consumers who ride low-speed electric bicycles, the Commission may promulgate new or amended requirements applicable to such vehicles as necessary and appropriate.

''(d) This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements referred to in subsection (a).''.

SEC. 2. MOTOR VEHICLE SAFETY STANDARDS.

For purposes of motor vehicle safety standards issued and enforced pursuant to chapter 301 of title 49, United States Code, a low-speed electric bicycle (as defined in section 38(b) of the Consumer Product Safety Act) shall not be considered a motor vehicle as defined by section 30102(6) of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

GENERAL LEAVE

Mr. STEARNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 727.

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 727, a bill that transfers jurisdiction over low-speed electric bikes from the National Highway Traffic Safety Administration, or NHTSA, to the Consumer Product Safety Commission. This is a bipartisan bill, and I am pleased to support its passage.

Low-speed electric bicycles offer consumers the enjoyment of biking with the convenience of assisted power so they can use the power or not use the power, use the bike as a normal bike. They give their riders, most of the time seniors, the disabled, and law enforcement, some extra help in peddling long distance and climbing hills.

Currently, low-speed electric bikes are regulated by NHTSA, which subjects these bicycles to the same standards as motor vehicles. For instance, under NHTSA regulation, low-speed electric bikes would be forced to have items found on trucks and automobiles. Such requirements would upset the weight and balance, as well as increase the price, of these bicycles. In turn, this would have a detrimental effect on many of my constituents, and I believe others in this House.

A vast majority of the people who use these bicycles are seniors. They are designed to make it easier for the elderly to get to the grocery store, ride through the park and perhaps get some fresh air.

Let me give an example. For instance, today's Congressional Monitor reported that a 66-year-old retired engineer from California, who uses his electric bike to commute to and from his home in Santa Cruz, he states that before he bought the electric bike, ''There was some terrain I just could not ride because of my wind and lack of conditioning,'' end quote.

H.R. 727 transfers regulatory jurisdiction over low-speed electric bikes, those bikes now with less than a one-horsepower engine and a maximum speed of 20 miles per hour, to the CPSC. This, I believe, is a common sense approach of treating bicycles like bicycles, treating these types of bicycles like the normal bicycles and ensuring that they are safe for all drivers.

Language identical to H.R. 727 passed the House last session. Unfortunately, there was not enough time to enact this bill.

I would like to thank the gentleman from Louisiana (Mr. TAUZIN) for expediting this bill through the Subcommittee on Energy and Power of the Committee on Commerce, and my friends on the other side of the aisle, for their support. H.R. 727 is a good bill. I urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. CAPPS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise also in support of H.R. 727, a bill to provide that low-speed bicycles are appropriately regulated as consumer products under the Consumer Product Safety Act.

I am an original cosponsor of this legislation, initially introduced by my good friend the gentleman from Florida (Mr. STEARNS), chairman of the Subcommittee on Commerce, Trade, and Consumer Protection.

This bill has five other cosponsors, including three other Democratic Members, the gentleman from California (Mr. BERMAN), the gentleman from Oregon (Mr. BLUMENAUER), and the gentleman from Minnesota (Mr. OBERSTAR). I want to thank them for their support of this important legislation.

Identical legislation passed the House floor by voice vote under suspension of the rules. However, the Senate took no action on the bill at that time.

Electric bicycles generate no pollution, are virtually silent, and can increase transportation and recreation options for millions of citizens.

These relatively new products are a welcome transportation alternative especially, as my colleague mentioned, for older or disabled riders and many commuters. Right now, electric bikes are caught in a regulatory trap between the National Highway Traffic Safety Administration and the Consumer Product Safety Commission. The CPSC has responsibility for human-powered bicycles, including pedal-assisted electric bicycles. However, power on demand, low-speed electric bicycles are currently defined as motor vehicles and come under the jurisdiction of the National Highway Traffic Safety Administration, or NHTSA.

The bill establishes a definition of electric bikes, a vehicle with two or three wheels, operable pedals and electric motor of about one horsepower.

With the motor alone, the bike's top speed is less than 20 miles per hour.

The bill also provides CPSC with authority to issue new requirements necessary to protect consumer safety. Both NHTSA and CPSC agree that all low-speed electric bicycles are more appropriately regulated as consumer products by the CPSC. If NHTSA were to establish a standard for electric bikes, the rules could force manufacturers to meet safety regulations intended for motorcycles and similar kinds of vehicles such as requiring brake lights, automotive-grade headlights or turn signals.

Requiring these unnecessary features on an electric bike would add hundreds of dollars to the retail price of an electric bike, and this would certainly discourage their use.

This bill fixes that problem by giving jurisdiction over electric bikes to the Consumer Product Safety Commission, where it belongs. Here they can be regulated like the consumer products that they are.

Madam Speaker, I know about electric bikes. Some are manufactured in my district, and bike-friendly Santa Barbara and San Luis Obispo Counties have many electric-bike users already.

I hope this bill will encourage most of our citizens to use these innovative and environmentally friendly vehicles. This is certainly common sense legislation and I urge my colleagues to support it.

Mr. BLUMENAUER. Madam Speaker, I rise today in support of H.R. 727, a bill that provides for Consumer Product Safety Commission regulation of electric bikes.

I have dedicated my service in Congress to the promotion of livable communities, communities that are safe, healthy, and economically secure.

Transportation choices are a critical part of a livable community.

As a chair of the Bi-Partisan Bicycle Caucus, we recognize that electric bikes are important to that goal in that they provide an energy efficient transportation alternative.

Any bicycle can be easily converted to an electric bike.

They can be an effective tool in the fight against traffic congestion, parking shortages, noise and air pollution, problems we see increasing in urban areas across the country.

At a time when our country is struggling with energy shortages, electric bikes are not only energy-efficient, they reduce the consumption of gasoline.

Currently, electric bikes are subjected to the same standards as motor vehicles and must comply with all of the same safety standards as motor vehicles.

This level of regulatory burden is unnecessary and has a dampening effect on the availability of these bicycles.

Regulation under the Consumer Products Safety Commission ensures that bicycles continue to meet rigorous safety standards while increasing their availability to consumers.

I am proud to be a co-sponsor of this bill and encourage my colleagues to vote in favor of this legislation.

Mr. MOORE. Madam Speaker, I rise today in support of H.R. 727. This legislation, which the House unanimously passed last October (H.R. 2592) but which the Senate neglected to consider, will transfer regulatory responsibility for low-speed electric bicycles from the National Highway Traffic Safety Administration (NHTSA) to the Consumer Product Safety Commission (CPSC), where they would be treated as consumer products. During the 106th Congress, a representative from the NHTSA testified to Congress that if the agency strictly applied its motor vehicle safety regulations to electric bicycles, such bikes would have to include a number of costly safety features—including headlights, brake lights, turn signals, rearview mirrors and license plates—even if the bikes are used in the same manner as human-powered bicycles.

Madam Speaker, I urge my colleagues to support this common-sense measure that will enhance the role of the CPSC. The Commission needs to be granted the authority, when appropriate, to protect consumers and ensure public safety. Along these lines, I have introduced the Children's Gasoline Burn Prevention Act (H.R. 688), which will enable the CPSC to require child-proof caps for gasoline containers.

Under current law, the CPSC lacks the authority to promulgate such regulations, due to the definition of "package" in the Poison Prevention Packaging Act. Under that statute, in order for the CPSC to require a child-proof cap, the package must contain a hazardous substance at the time of initial sale; therefore, the CPSC does not have authority to require safety caps for new, empty gas containers. This problem came to my attention due to an incident in Leavenworth, Kansas, in which a four year old boy lost his life and his three year old brother was permanently scarred after they opened and spilled a gas can and the gasoline vapors ignited a nearby hot water heater.

This legislation has been endorsed by the American Society of Testing and Materials' Task Group of Standards for Flammable Liquid Containers, which has been considering establishment of a voluntary standard in this area, working in concert with the CPSC.

Enactment of this simple, common-sense measure will save the lives of countless young children, and help to put their parents' minds at ease with regard to gasoline cans stored in garages, basements and back porches.

Madam Speaker, I urge my colleagues to support H.R. 727 and the Children's Gasoline Burn Prevention Act. The Consumer Product Safety Commission must be allowed to adequately protect consumers and ensure public safety.

Mr. BERMAN. Madam Speaker, I rise in strong support of H.R. 727, legislation that gives the Consumer Product Safety Commission authority to regulate low-speed electric bicycles. This common-sense bill had its genesis in a meeting I had several years ago with Dr. Malcolm Currie, president of a company in my district called Currie Technologies. Dr. Currie made a convincing case that National Highway Traffic Safety Administration regulations—which place electric bikes in the same category as mopeds—were restraining the growth of the electric bike industry. He argued that NHTSA should apply a unique set of safety requirements to electric bikes, given the modest speed at which they operate. NHTSA agreed in principle, but had little flexibility to make such a distinction in the context of their regulations. After a number of discussions with NHTSA, the Consumer Product Safety Commission, Representative LOIS CAPPS, Dr. Currie and other representatives of the electric bicycle industry, it became apparent that the best way to deal with this problem was to transfer regulatory jurisdiction from NHTSA to the CPSC, which already regulates regular human-powered bicycles. H.R. 727 would provide for that transfer of regulatory authority. I commend Mr. STEARNS for introducing this bill and I urge my colleagues to support it.

Mrs. CAPPS. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 727.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

2001 TRADE POLICY AGENDA AND 2000 ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–48)

The SPEAKER pro tempore (Mrs. EMERSON) 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 Ways and Means and ordered to be printed:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2001 Trade Policy Agenda and 2000 Annual Report on the Trade Agreements Program.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 6, 2001.*

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore 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 International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 6, 2001.*

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 2 o'clock and 31 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 724, by the yeas and nays;

H.R. 727, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AUTHORIZING APPROPRIATIONS TO CARRY OUT PART B OF TITLE I OF ENERGY POLICY AND CONSERVATION ACT RELATING TO STRATEGIC PETROLEUM RESERVE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 724.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BASS) that the House suspend the rules and pass the bill, H.R. 724, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 2, not voting 30, as follows:

[Roll No. 26]

YEAS—400

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Royce

NOT VOTING—30

Ackerman
Baldacci
Becerra
Brady (TX)
Diaz-Balart
Green (WI)
Hilleary
Hoeffel
Houghton
Hyde
Jones (NC)
Kennedy (RI)
Kingston
Lewis (CA)
Lipinski
Maloney (CT)
Moakley
Radanovich
Roukema
Sanders
Scott
Shays
Shows
Slaughter
Stupak
Sununu
Sweeney
Taylor (NC)
Walsh
Wamp

□ 1828

Mr. ROYCE changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

AMENDING CONSUMER PRODUCT SAFETY ACT TO PROVIDE THAT LOW-SPEED ELECTRIC BICYCLES ARE CONSUMER PRODUCTS SUBJECT TO SUCH ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 727.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 727, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 1, not voting 30, as follows:

[Roll No. 27]

YEAS—401

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons

Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—30

Ackerman
Baldacci
Becerra
Bonior
Diaz-Balart
English
Hilleary
Hoeffel
Houghton
Hyde
Jones (NC)
Kennedy (RI)
Kingston
Lewis (CA)
Lipinski
Maloney (CT)
Moakley
Moore
Roukema
Sanders
Scott
Shays
Shows
Slaughter
Stupak
Sununu
Sweeney
Taylor (NC)
Walsh
Wamp

□ 1839

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall votes 26 and 27. Had I been present, I would have voted "yea" on both votes.

ELECTION OF MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. LINDER. Mr. Speaker, I offer a resolution (H. Res. 76) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. SHIMKUS). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 76

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Portman, Mr. Hastings of Washington, Mr. Hutchinson and Mrs. Biggert.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 77) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 77

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Sabo of Minnesota, Mr. Pastor of Arizona, Ms. Lofgren of California.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–8) on the resolution (H. Res. 78) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE JOINT RESOLUTION 6, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO ERGONOMICS

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–9) on the resolution (H. Res. 79) providing for consideration of the Senate joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO SERVICE MEMBERS LOST IN PLANE CRASH OF SATURDAY, MARCH 3, 2001

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, I rise today to pay tribute to three members of Detachment 1, First Battalion, 171st Aviation Unit, Florida Army National Guard: Chief Warrant Officer John Duce; Chief Warrant Officer Eric Larson; Staff Sergeant Robert Ward, Jr. and to 18 members of the Virginia Air National Guard's 203rd Red Horse Flight who were lost in a tragic airplane crash on Saturday, March 3. The 171st Aviation is based at the Florida Air National Guard base at Lakeland-Linder Regional Airport in my district, and Staff Sergeant Ward and his family are constituents of mine. I am sure I speak for all in this Chamber when I say that we join these 21 families in grieving for the loss of their loved ones.

As members of the National Guard, Chief Warrant Officer Duce, Chief Warrant Officer Larson and Staff Sergeant Ward were citizen-soldiers and part of a great American military tradition that began at Lexington and Concord and

continues to be a central part of our Armed Forces. They were not deployed on a distant shore. They were not facing a foreign foe. But they were still defending our freedoms, our families and our homes. We must never forget what risks our defenders assume each and every day.

For their service to our country, we honor the sacrifice of Chief Warrant Officer John Duce, Chief Warrant Officer Eric Larson, Staff Sergeant Robert Ward, Jr., and the 18 members of the 203rd Red Horse Flight who were lost last Saturday, and we offer such comfort as we may to their families. May God bless them and may God bless the great Nation they served.

INTRODUCTION OF MEDICAID SAFETY NET HOSPITAL PRESERVATION ACT OF 2001

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, I am pleased to announce that the gentlewoman from Colorado (Ms. DEGETTE) and I have introduced the Medicaid Safety Net Hospital Preservation Act of 2001. The Medicaid disproportionate share program provides funding for hospital uncompensated care. Payments are made through the Medicaid program and the costs are financed with a combination of Federal and State dollars. The amount of money that any State can spend on indigent care through the Medicaid DSH program is limited by the caps imposed by the Federal Government.

The 1997 Balanced Budget Act affected hospitals to a far greater degree than was ever anticipated by Congress. Rural hospitals have been hardest hit and are struggling to remain financially solvent. In the closing days of the 106th Congress, we passed the Beneficiary Improvement and Protection Act which stopped further reductions in Medicaid DSH spending in fiscal year 2001 and fiscal year 2002. Even though we froze further cuts in those years, the law reinstates the full Balanced Budget Act reduction for most States in fiscal year 2003. Last year's legislation secured only a temporary reprieve.

Therefore, the act that we have introduced will eliminate any further reductions in the program for fiscal year 2003.

□ 1845

TRIBUTE TO LEO FRIGO

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Speaker, briefly I wish to talk tonight about a friend of mine by the name of Leo Frigo who died tragically 1 month ago.

It is impossible to sum up his life and his contributions in a minute. The people of Northeastern Wisconsin know that he founded Paul's Pantry in 1983 after retiring as the President of Frigo Cheese. From its humble beginnings, this food kitchen now distributes over 300,000 pounds of unsalable food to the poor each and every month. The food comes from area stores and restaurants.

When Leo began his operation, he would approach restaurants and stores asking for their unsalable food. They denied him. They thought he was crazy. So he began raiding their Dumpsters until they were so embarrassed they had to listen to him.

Leo Frigo, when he retired from Frigo Cheese, could have enjoyed the easy life. He could have rested on his laurels and his good fortune. Instead he chose to be a true compassionate conservative and to serve his fellow man. I will miss him as a friend and all of us will miss him as a great and wonderful leader.

TRIBUTE TO THE 182 WHO STAYED AND FOUGHT ON MARCH 6, 1836

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, I rise tonight very briefly to pay tribute to the memory and spirit of 182 brave Americans and Tejanos who, on this date March 6, 1836 at sunrise this morning, the garrison of the Alamo fell in Texas and but for the sacrifice of those 182 brave citizens of Texas and Mexico who decided to stay and fight the army of a dictator, many of the liberties that we enjoy today might not be present. Much of the Western United States might not be a part of the United States today.

Mr. Speaker, I just want to say here how much we in Texas and I as a Member of Congress appreciate the sacrifice of those 182 brave Americans and Tejanos who chose to stay and fight at the Alamo, and I just want to say God bless each and every one of them and God bless this great Nation.

CONGRESS AND ADMINISTRATION FAIL TO SPEAK OUT REGARDING CHRISTIAN PERSECUTION IN SUDAN

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, in Sudan 2.2 million people have died, mainly Christians, who have been persecuted by the north. There is slavery in Sudan today in the year 2001.

Now the oil companies are going into the Sudan, some traded on the New York Stock Exchange. An article in World Magazine by Mindy Belz says the following:

''China's petroleum firm reportedly purchased a high tech radar system for the government last year. It was installed last summer, and since then government bombing raids against southern targets, mostly churches and humanitarian relief operations, have increased. The U.N. private humanitarian agencies, local churches and village leaders have confirmed the 152 air attacks.''

Oil money listed on the New York Stock Exchange buying radar so they can kill Christians, and this Congress and this administration is not speaking out?

[From the World Magazine, Mar. 10, 2001]

BLOOD FOR OIL

(By Mindy Belz)

Divisions among Sudan's Islamic factions could weaken the regime, but, in the meantime, oil companies are strengthening President Omar el-Bashir's ability to wage war.

Overseas oil consortiums began pumping oil from south-central Sudan in 1999. Farther east, they rapidly explored another oil region and expect to begin yielding oil exports soon. The new trade brings in over $400 million in revenue for Khartoum, more than enough to finance the war it has waged against south Sudan for nearly 18 years. Experts say one of the reasons that war has been so protracted is that the government has not had enough resources to do battle competently—until now.

Overseas companies currently operate in three oil concessions, all falling in contested areas of southern Sudan. The Khartoum government has said it will lease two more this year. China's state-owned oil business, Chinese National Petroleum Company (CNPC), and the private Canadian firm, Calgary-based Talisman Energy, Inc., are the largest participants in Sudan's fledgling oil trade. They expect south Sudan's oilfields to double their daily output for export—currently at 85,000 barrels—by 2005. During that time Sudan likely will build another oil pipeline, probably east to Ethiopia and through territory currently held by rebels.

Smaller European oil companies, along with Malaysia's Petronas, also have oil operations in south and southwest Sudan. Last month Sudan signed a memorandum of understanding with Russia, opening its way to exporting oil via the Red Sea.

You don't have to tell Americans—at least those who remember gas-ration lines—that oil politics come only in high-test. With Sudan it is no different. The companies already on the ground have made big investments to break in, and they want to protect their holdings. So China's petroleum firm reportedly purchased a high-tech radar system for the government last year. It was installed last summer, and since then government bombing raids against southern targets (mostly churches and humanitarian relief operations) have increased—the UN, private humanitarian agencies, local churches, and village leaders have confirmed 152 air attacks last year. Talisman Energy opened to government forces an airstrip that it built near its oil concession. To compensate, Talisman posts a special page on its website for ''Sudan Operating Principles,'' including information about its efforts to enact a ''code of ethics'' for operating in a war zone.

Meanwhile, the UN reports that this year nearly 40,000 people have been displaced from these oil regions. ''The oil-rich area of Sudan has seen a great deal of population displacement and in fact is currently one of the most insecure areas in Sudan,'' said Nicholas Siwingwa, deputy country director of the UN's World Food Program. He said nearly a third of those forced out of the area are malnourished. Most have lost their homes and holdings permanently because they were burned to the ground by government forces.

The report was a concession to private humanitarian groups. U.S. Committee for Refugees director Roger Winter had earlier challenged the UN agency to ''make clear that ethnic cleansing linked to oil development in southern Sudan is causing massive civilian displacement.'' But Mr. Siwingwa would only acknowledge that it was ''possible'' oil development was contributing to the further horrors of war.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE DEVIL IS OFTENTIMES IN THE DETAILS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, last week I sat in the Chambers, along with all of the rest of us, and listened to a great speech. As a matter of fact, as the President outlined his plans for the coming 4 years, talked about his budget for the next year, there was a great deal of applause. I applauded, along with everybody else; perhaps not as much as some and perhaps more than others. All the while I was applauding, I was being reminded of something that my mother used to tell us, and that is the devil is oftentimes in the details. I knew that we were not getting very many details and I did not know that we would find the devil.

Then after I left and went home and started to read the speech and then the next day when the budget was released, I started looking at the things that the President did not tell us. President Bush did not tell us that 42.6 percent of his tax cut proposal would benefit the top 1 percent of our population or that 59.4 percent would benefit the top 10 percent and only 12.6 percent would go to the lowest 60 percent of the taxpayers.

It seems to me that this leaves a lot of children and families behind. As a matter of fact, it leaves them out altogether. If the $25,000 a year waitress that President Bush talked about has two children and child-care expenses of $200 a month, she does not pay any Federal income tax; therefore, would get nothing from the Bush proposal. Yet she has to continue to pay her payroll taxes like everybody else.

The budget that the President has released raised some other issues and concerns for me. This budget raises a number of policy issues because it is based on a $2 trillion surplus projection for the next 10 years, which leaves no money to address future needs for prescription drug benefits, establishing Social Security and Medicare reforms, improving the education of our children and continuation of reducing the national debt.

The President's tax cut proposals would provide no benefit to nearly one out of every three families. Then as I started to look at the budget, and I looked at the small business budget which fuels the economy, over the last decade we have experienced a tremendous growth, unprecedented in our history, and yet the President announced a budget that cuts the Small Business Administration's budget from $900 million to $540 million. This represents a 43 percent cut.

The Bush plan also imposes $12 million in new fees on small businesses that use small business development centers, which provide management and technical assistance to current and prospective small business owners.

We talked a great deal about new markets and venture capital. The President's budget proposes no funding for these programs. The 7A General Business Loan Program, the President's budget cuts it by $4.3 billion.

After looking at all of these cuts that I did not hear about when the speech was given, or when we knew that a budget was coming, now I know that the budget is risky; it is unfair to working families.

So, Mr. Speaker, I am afraid that the more we look at the details, the more we are going to find the devil. I would just hope that the budget will end up not a devilish budget but a budget that really reflects the needs, hopes and aspirations of all the American people.

PUBLICATION OF THE RULES OF THE COMMITTEE ON FINANCIAL SERVICES, 107TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. OXLEY) is recognized for 5 minutes.

Mr. OXLEY. Mr. Speaker, pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, the Committee on Financial Services reports that it adopted the following rules for the 107th Congress on February 14, 2001, and submits such rules for publication in the CONGRESSIONAL RECORD:

RULES OF THE COMMITTEE ON FINANCIAL SERVICES

RULE 1. GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the ''Committee'') and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2. MEETINGS

Calling of meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the ''Chair''), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least two calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least two calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) The agenda and materials required under this subsection shall be provided to each member of the Committee at least three calendar days before the time of the meeting where the measure or matter to be considered was not approved for full Committee consideration by a subcommittee of jurisdiction.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee, or by the Chair with the concurrence of the ranking minority member.

RULE 3. MEETING AND HEARING PROCEDURES

In general

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chairman or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except asprovided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In accordance with clause 2(e)(1)(B) of rule XI, a record of the vote of each Member of the Committee on each record vote on any measure or matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any record vote on any motion to report or on any amendment, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

Hearing procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered.

(2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of 5 minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

Subpoenas and oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special procedures

(f)(1)(A) Commemorative medals and coins.—It shall not be in order for the Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House and has been recommended by the U.S. Mint's Citizens Commemorative Coin Advisory Committee in the case of a commemorative coin.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than 5 years and not more than 25 years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed byothers in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) Testimony of certain officials.—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

RULE 4. PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of

the Committee shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members.''

RULE 5. SUBCOMMITTEES

Establishment and responsibilities of subcommittees

(a)(1) There shall be 6 subcommittees of the Committee as follows:

(A) Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises.—The jurisdiction of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) secondary market organizations for home mortgages including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(v) the Office of Federal Housing Enterprise Oversight;

(vi) the Federal Home Loan Banks; and

(vii) insurance generally.

(B) Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth.—The jurisdiction of the Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing; and

(vi) development of new or alternative forms of currency.

(C) Subcommittee on Financial Institutions and Consumer Credit.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of the Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iii) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(iv) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards and the preemption of State usury laws;

(v) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vi) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(vii) deposit insurance; and

(viii) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) Subcommittee on Housing and Community Opportunity.—The jurisdiction of the Subcommittee on Housing and Community Opportunity includes—

(i) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(ii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) Subcommittee on International Monetary Policy and Trade.—The jurisdiction of the Subcommittee on International Monetary Policy and Trade includes—

(i) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(ii) international trade, including but not limited to the activities of the Export-Import Bank;

(iii) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(iv) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States;

(F) Subcommittee on Oversight and Investigations.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of measures and matters to subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of subcommittees

(c)(1) Members shall be elected to each subcommittee, and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises shall be comprised of 47 members, 25 elected by the majority caucus and 22 elected by the minority caucus.

(B) The Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Commercial Credit shall be comprised of 47 members, 25 elected by the majority caucus and 22 elected by the minority caucus.

(D) The Subcommittee on Housing and Community Opportunity shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(E) The Subcommittee on International Monetary Policy and Trade shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(F) The Subcommittee on Oversight and Investigations shall be comprised of 20 members, 11 elected by the majority caucus and 9 elected by the minority caucus.

Subcommittee meetings and hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6. STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee staff be available to all Members of the Committee.

Subcommittee staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority Member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7. BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority Member, shall designate an amount to be under the direction of the ranking minority Member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority Members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8. COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

TRIBUTE TO JOHN RUIZ, FIRST HISPANIC HEAVYWEIGHT CHAMPION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, it is with great pride that I rise to salute John Ruiz, who with his victory this past weekend became the first Hispanic heavyweight boxing champion of the world.

The victory will be an inspiration to all Hispanic youth, indeed to all Americans, that if you work hard, that if you have tenacity and if you have persistence and the vision, there is nothing that you cannot achieve.

That is the American dream, the hope that some day greatness will rise up in all of us.

In the past several decades, several notable Hispanics have fought for the world heavyweight champion title and despite their valor have not achieved it.

John's win has a special personal significance. The fight this weekend meant a lot to me and many individuals across America. As a former baseball player both in high school and semi-pro and major league softball and a golfer, I recognize the special labor of our athletes and the inspiration that athletics can play in our lives and particularly to minority youth.

Athletics can be a motivational factor, something that gives us a sense of identity, something to work for. Athletics ultimately caused me to finish school, serve my country in the military, go to college, become a community college trustee member, an assembly member, a State Senator and a Member of Congress. It is not always easy, but I had role models. And I am pleased that John is a role model for today's youth. I would hope that Hispanic youth, indeed all of the youth of America, look at the achievement of John Ruiz and see that they can reach ultimately great heights. Whether it is in athletics, academics or in the world of business, science, public service or arts, America's youth need to know that we believe in them and that they should believe in themselves because God gave us all that talent.

In the short run, there is nothing so sweet as a victory and nothing so stinging as defeat, but what is ultimately important is good sportsmanship, good conduct, playing a worthy

game and facing a worthy adversary and living to fight another day.

In that sense, both John Ruiz and Holyfield are to be saluted and honored, for they fought with their heart, they fought for their souls and they gave America a very exciting match, one that demonstrated athletic artistry and great courage under fire. They should raise their hands together in a clasp of goodwill, knowing that they have fought the good fight, the noble fight. Their bruises will heal but they will always share a brotherhood of having met in the ring where champions are made and courage is tested.

I am sure that John's community where he got his start in boxing is very proud of his achievement. John's hometown is Chelsea, one of the largest Hispanic populations in greater Boston. It is a mecca for most of all-time boxing greats.

I also would like to salute John's family, his wife Sahara and their children, John and Jocelyn, and this achievements. I say, congratulations. God bless you.

CHILDREN AND THEIR EDUCATIONAL OPPORTUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, tonight I want to spend some time talking about an issue that is very important to me and to the Members of this Congress, I trust. I have a number of my colleagues joining me this evening to talk about a group of young people who need champions and a group who, because of their age, not because of their ability, are not allowed to serve in this body so we have to be their spokesman and their advocate.

Tonight I want to talk about our children and their educational opportunities. I had the privilege of serving for 8 years as the State superintendent of schools for North Carolina and work with some wonderful people who deeply care about the education of our children. Just yesterday, I was in Eastern Wake County working with some tremendous people there, a lady by the name of Linda Johnson, who had previously been a teacher and school board member, who had pulled together three communities really to work together with children in a program they called Lights on for Education. They have taken on the monumental challenge in Eastern Wake County.

What they are about is by 2003 they have committed to have 95 percent of their children in grades three through eight reading at or above grade level by 2003.

□ 1900

That is a monumental task, because reading is the key skill of all of the trainings we need to have in education. But for these people to come together, and what was so significant about that, and I want to share it just briefly before I ask my colleagues to join me, is that we have to understand that in North Carolina education is a State responsibility, augmented by about 7 percent Federal money and maybe about 20 to 25 percent local money, that is, local money from the counties.

But in this situation, we had three mayors, Bob Matheny who is the mayor of Zebulon; Lucius Jones, who is the mayor of Wendell; and the Knightdale mayor, Joe Bryan, and we were joined by the superintendent of schools for the county, Bill McNeil. It is unusual for three mayors to come together to work on educational issues. Some people would say it is unusual to get three mayors to come together, as difficult as it is to get three Congressmen together; but they were willing not only to put their political prestige on the line to help children, they were willing to reach out into the community, get the business people together, and we had a substantial number of the business community working, Glaxco, Smith Kline hosted it on their campus; and we were able to light a tree that will burn uninterrupted, we trust, barring any natural interruptions of it, until 2003 when they have reached their goal. I think that is what we need in every community.

But one thing I think is significant that I want my colleagues to know about tonight, and that is so many times we say, we really need local initiative, we need the local folks to take charge and do it; and that is true. But if the people from eastern Wade County were here tonight, they would say to us, that job would have been very difficult, if not near impossible, had it not been for Federal money coming down that was appropriated by this Congress last year, several million dollars that are going to be used as the glue to pull all of this together over the next 3 years to make a difference. It does take money, folks. Certainly it takes effort, certainly it takes commitment, but it is our responsibility to provide the leadership, and some places cannot do it on their own.

I believe that we have a responsibility to be frugal. I was in business for 20 years before I was State superintendent, and I can tell my colleagues that it takes resources, I would like to remind my colleagues from time to time. We won the Cold War, and we did not win the Cold War on the cheap. We spent a lot of money. We spend a lot of money on education; it is going to take more. We have over 53 million children this year in the public schools in this country, and that number is continuing to grow.

My State is not unlike any other State. We have spent money building buildings, but we have great needs. I will talk about that more in a few minutes. Even though we passed substantial bond issues, we are the fourth fastest-growing State in America right now. Even though we are only the 10th largest, we will be the fourth fastest-growing for students entering high school over the next 10 years. So we can see the challenge we face. We need money for infrastructure. I am going to talk about that more.

Now, I would like to yield to a real strong leader on public education, a person who came to this Congress 2 years ago and at that point provided tremendous leadership in the area of science. He is a scientist himself, he understands education, he understands the commitment that all of us have to make to help, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE), who knows firsthand about what it takes to have excellent schools for our children. And he has talked about reading, and over the past couple of years he has talked at great length and with great effectiveness about the need for good facilities.

I would like to talk for just a couple of minutes about another aspect of our public education, education in math and science. It is important for our economics, for our national security, really for our democracy, but also I would argue for personal well-being, because math and science bring order and harmony and balance to our lives. It is through math and science that children understand that our world is intelligible. It is not capricious. It gives them the skills for lifelong learning, really for creating progress itself.

Now, from evidence of all sorts that is available to us now, it is clear that we are not providing the quality education in math and science that we should to our children; and I think my friend, the gentleman from North Carolina (Mr. ETHERIDGE) knows that very well.

I am proud to have served for the past year on the National Commission on Mathematics and Science teaching chaired by former Senator, former astronaut John Glenn, including leaders from business, industry, education, and professional organizations. The Glenn Commission, as it has come to be known, released its report a few months ago; and it identifies teaching as the key for dealing with the problems that this country faces in math and science education. The teachers are the key. The commission calls for major changes throughout the teaching profession and within scientific professions and in the institutions that produce our teachers. Our country must devote attention to the quantity and the quality and the professional environment of our teachers in math and science.

I cannot emphasize too strongly that in the next 10 years, we will have to

hire in the United States 2.2 million new teachers just to stay even, not for smaller class sizes, just to stay even; and most of those teachers, including all elementary schoolteachers, will be called on to teach math and science; and many will feel inadequate to teach it because of the preparation we make available to them, actually because of the way we approach science and math as subjects only for specialists, not for the general public, not for the general teacher. We must address that.

But here is an example of the important role of the Federal Government. There is a role. We cannot expect the school district of Stockton in my district or the school district of Freehold to deal with this national problem of recruiting 2.2 million teachers. This is a national problem, it deserves national attention, and it deserves national resources. And providing the training for these teachers once they are hired and the continuing atmosphere of a good professional development, that is going to require resources.

The President has talked about professional development of teachers in his early statements on education, but if we look at his sketch of the budget, we do not find it. So I think we have to step back and look at what we as a country are planning to do to help in math and science teaching and in reading and see that the resources are there. I would like to have that budget in front of us now before we do anything else to see whether we are dealing with need number one, education, and see whether the resources are there in the budget.

Mr. Speaker, I would ask my colleague if he agrees.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman would yield, that is a critical point. The point where the gentleman is talking about training, and teachers having worked with the schools and knowing, the problem we face is daunting; but we can do it if we are committed to it. First of all, not only do we need the training, we need mentors for those teachers because today, in the first 3 to 5 years, we lose over 25 to 30 percent of those teachers; they leave, because the job is so daunting and overwhelming. I stopped by a school this morning to have breakfast, a national breakfast program with our children. It was cold. I had on a topcoat. In North Carolina this morning it was very cold. The chill factor was probably about 20 degrees or less, and guess who was standing out in the cold with coats on to greet the children? The teachers. And this was at 7:30 in the morning, they had already been there for 30 minutes, because some of the children come early.

I think our colleagues need to understand that teaching is not just teaching reading, writing, and math. I went into the classroom and had breakfast with the children, kindergartners. As the teachers came in with those children, they taught them how to stay in line, they go through the breakfast line, how to carry their tray along, they go sit down at the table with them, have breakfast with them, they watch them. They are taught manners, taught how to do certain things. With kindergarten, you have to start pretty early and build.Teachers do that for 13 years, kindergarten through the 12th grade, not just those details, but a myriad of other things.

I think we need to honor our teachers more, make sure that we understand how tough their job is. We certainly do not pay them enough, so we ought to at least give them the honor they are due, and I agree with the gentleman.

Mr. HOLT. Mr. Speaker, if the gentleman would yield, I would say that we must treat teachers as the professionals they are. When I talk about a need for an environment in the schools of continual development, professional development, it means mentoring teachers; it means time in the day and in the week and in the school year for teachers to get the professional development that professionals in other fields are expected to get; and it means devoting resources to allow that to happen.

Mr. ETHERIDGE. Mr. Speaker, reclaiming my time, I could not agree more. I thank the gentleman.

When we think of that, there are a lot of ways we can help, the Federal Government, the Congress. Too many times I hear people say, well, that is not Congress' responsibility. The fact is that Congress has a heavy responsibility, and we show up short time and time again.

Last year, our colleagues on the other side of the aisle talked about children with special needs. I could not agree with them more. We ought to fund the 40 percent we said we would fund and fund it now that we have the money.

Mr. Speaker, I now yield a few minutes to my colleague who is new to this Congress, but is not new to this issue, the gentleman from California (Mr. HONDA). He understands the need. If we fund that 40 percent, and he has already shared this with me many times, and I could not agree more, we could free up a lot of local money, and I yield to my colleague to talk about that.

Mr. HONDA. Mr. Speaker, I thank the gentleman. I really appreciate this discussion on education, because I believe that the President has made education one of the cornerstones of his administration for this next 4 years.

One of the things that I found as a principal is that one of our jobs is to identify youngsters who need special education and need to be assessed. But that is not an obligation of the principal nor the teacher, because we are just good guys. It is also a mandate by the Federal Government. Public Law 94–142 requires everybody in schools to be able to go out and seek youngsters who may need special education services, and the PL 94–142 also said that they would fund the cost of special ed at the level of 40 percent. Currently, in the past few years, it has not gone beyond 12, 13, 14 percent.

What that does for local school districts, and I was on a board of a local school district in San Jose, and we found that we had to struggle very, very hard to come up with the general fund moneys to supplement the funds that did not come from the Federal Government. What we find ourselves in is a bind that we have this requirement, this duty to seek out youngsters who need special education and also assess them and cover the costs and then cover the costs for the services that they would need. But we have to also use general fund monies to supplement the lack of the money that is not coming from the Federal Government. That puts the local districts into even more of a bind, because the general fund money that are allocated to special ed becomes siphoned off for services for other needs that the schools have to align the costs to.

I think that what we have found ourselves in is fulfilling a mandate without the funding. I believe that having mandates without the full funding that we were promised is a disservice not only to the school districts, but ultimately to the youngsters. This pits parents and schools against each other, because we all have this great expectation now to meet the needs of our youngsters, but not having the resources to follow through.

Mr. ETHERIDGE. Mr. Speaker, reclaiming my time, having served in the State as State superintendent where you have districts with resources, other districts without resources, I would be interested in the gentleman's comments as it relates to the disparity even these youngsters find. Because even though we have an obligation to serve them, they are served in a disproportionate way, even though we are serving, for a child who lives in a school district where we have substantial resources available, they get quality because the IEP, or individual education plans, have to be written for each one of these students; and as we are writing those plans, we may have one-on-one attention. I happen to support that, because I happen to believe that these young people become committed, taxpaying, productive citizens in American society. So I think we have an obligation to do it.

However, my point is, have my colleagues seen that in their situations where some do not get the kind of attention they ought to get just because of resources?

□ 1915

Mr. HONDA. Mr. Speaker, many districts who do not have the local resources to fulfill their obligation find themselves not being as great of an advocate for the youngsters. They may want to, but they do not have the resources to cover it.

There are other school districts who are well off, and they are still battling with parents and trying to minimize the identification of youngsters, because even in a well-to-do school district, it is still a drain on the general fund, but the mandate is still there. What it really does is pits parents against school districts, and that is not healthy for a public school system.

I believe that what the gentleman mentioned, having an IEP for every youngster, should be a right of every youngster before they even start school, because what an IEP does is present all the needs that a youngster has, and you can develop an educational strategy so that the parent, the teacher at the get-go knows what they have to do.

From that point, you can have great expectations. You can have accountability. You have benchmarks that we are all talking about, and we are talking about accountability. We have not had the real tools from which to judge the teaching and the youngsters. People say that developing an IEP is very expensive, but then I guess how expensive is ignorance.

Mr. ETHERIDGE. If the gentleman would yield, I think what the gentleman is talking about is absolutely right, and what the gentleman is really talking about is an investment.

Mr. HONDA. That is correct.

Mr. ETHERIDGE. It is an investment in our future, and an investment in the future of this country because the dollar investment today will return rich dividends in years to come.

One of the challenges we face not only of having the dollars to develop the plan and help teachers carrying them out and do them depending on the district, because if we funded the full 40 percent that we committed to, I cannot think of a better tax break for local systems, for local taxpayers than to make sure that every child in this country, not only special needs children but all children, have a good education. That will take more off their backs than anything else we can do from Washington this year or next year or the year after.

Mr. HONDA. If the gentleman would yield, we also found in the penal institutions and the juvenile justice systems, we found there is an inordinate amount of folks in the penal system who have special ed needs.

If we do it in the front end, we can save a lot of money in the criminal justice system, the juvenile justice system, and divert and invest our money properly and in a positive vein.

Let me just close, if I may, by saying that we still have an obligation, we created that obligation with 94–142. We created that expectation. We said to parents, when we passed that law, that your children have a right to an equitable education, even if they have special needs. We have to cover that.

If we fulfill that, our 40 percent, then that would allow the local districts to be able to function at a higher rate and more efficiently, but what concerns me this year is that the idea of creating a block grant funding for education to our States, to me that dissipates the direction of the funding that we need to specifically target to these youngsters and to the school district.

I am hoping that we will be able to persuade our colleagues and the administration that special education needs to be very clear in its funding and as its direction and its target.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from California for his comments.

Let me just add to that point when the gentleman talks about block grants, I served as a State legislator and chaired the Committee on Appropriations before I was superintendent. I happened to have been in the general assembly in the 1980s, when we had our last major tax cut and that blocked to us, and all that meant was we are going to send in money but we are going to cut it.

The truth is, in schools or other agencies, we have a responsibility to help fund. The last thing they need is to be block granted or have grants they have to deal with. You cannot hire teachers on block grants and grant funding.

The truth is when you hire a teacher or any person to work with children, you have to have enough to sustain that investment, the money has to be a continuous stream, otherwise you cannot hire people and sustain them.

The gentleman mentioned this whole issue of the penal system. It reminds me, and I just said this a number of times in my State, we have prisons that are nicer in this country than we have public schools in some places. That is wrong. It ought to end. It ought to end right now.

We have the ability in this Congress to do something about it, because we have the resources. I introduced legislation that the gentleman from California (Mr. BACA), my colleague, signed last year. We are going to introduce it again in the next week or so along with a number of our colleagues.

I have here a flier that was done last year. It says ''America Has Come a Long Way Since the One-Room Schoolhouse.'' It is a nice-looking one room schoolhouse. The only problem is, in some cases, we have moved to this, less buildings that are not up to code, that are not what they ought to be, and a lot of times just trailers out behind the main building.

The gentleman mentioned the issue of children. I was in a meeting yesterday where someone was talking and we had a group of children in front of us, and the word these days is leave no child behind, and all of a sudden the Speaker said which one of these children do you want to leave? That is really the answer.

Talk is cheap. You have to work to get it done.

Mr. Speaker, I want to yield to the gentleman from California (Mr. BACA), my colleague, who has been a real hard worker on this issue. He has committed to making sure children have a space to learn and a good environment for his comments on this issue.

Mr. BACA. Mr. Speaker, I thank the gentleman. I want to thank my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), for putting education as the top priority.

Mr. Speaker, I think it is the number one area that we should probably invest in. When we talking about investment, when we talk about resources, we talk about our future, and our children are our future. But we have got to invest in education, and we are not investing enough dollars.

When we look at President Bush making his statement that no child should be left behind, well, if no child should be left behind, then that means we ought to invest in education. We look at the amount of children in publics schools, over 53 million in our public schools alone.

We look at California, over 6 million children in our public schools. If we do not invest in education, what is going to happen to our children? That means investment not only from preschools but investment in our K through 12. If we take the preventive measures, we save in the long run.

Just as it was recently discussed about the prisons, we are investing more money in building prisons and incarcerating individuals. Had we invested early in education, we would have saved the taxpayers money. We would have had productive citizens that would have gone out into our communities, worked, become taxpayers, but that meant that we invested. That means that no child was left behind. That means that in the classroom, where right now we have approximately 30 to 45 students per teacher, this is uncalled for. The ratio should be less.

As we begin to recruit, a need for more teachers, a demand for 2.3 million teachers nationwide. In California alone, we need over 25,000 teachers that we need to recruit. What does that mean? Teacher training, teacher recruitment, teacher development.

What does that mean? Our institutions have to work. With that, as we begin to recruit teachers, we need to have the infrastructures. We need to have schools that are built to accommodate. If, in fact, we want every child

to learn, we must put them in an environment where they can learn.

The teacher must feel that environment, and it is very difficult when a teacher goes into the classroom and they have 30 to 35 students in a classroom, and you look at the construction buildings, you look at inadequate chalkboards, inadequate computers, inadequate faucets, leaky roofs, when you look at what is going on, we want to make sure that the atmospheres are good, that the teacher feels good, that the students feels good, and we create the kind of construction that is necessary for our children to look good, that they can look at any neighboring school and say we have schools that are built like any others. We have the technology that every other schools have.

We want parity with anyone else, because we feel that we can learn. We want to have the same dreams that every other child has, but the dream will only come to reality if, in fact, we provide the tools and the instruments.

My son is a teacher in junior high. He currently is going out and buying supplies at Colton Junior High School, Joe Baca, Jr., but yet he is also a baseball coach, and he is going out and buying all kinds of equipment, everything else, because we are not providing a lot of the resources.

They should not have to reach into their pockets. We should make sure that when we have a bond bill and it becomes very difficult in some of our communities to pass, that we do not have the kind of schools thatneed to be built. We want to make sure that every school has adequate funding, that we provide the funding not only for construction, the funding for teacher training, the funding for recruitment, the funding for accountability.

Accountability, when people talk about it, accountability is already at the local level. You have school board members that are elected. They have the responsibility at the local level to hold the accountability in how those dollars are spent. But we want to make sure that every child has access to education, that every child has an opportunity to be what they want to be.

The only way it is going to be done is if we invest more money in education, provide more money in construction, provide more money for teacher training, provide more money for teacher development, provide opportunity for our children, invest at the beginning, not in our prisons, but invest in education from the beginning. Then we are going to have a society where individuals are going to go out to be governors, Presidents, Congressmen, assemblymen, businesspersons; they will have an opportunity to fulfill those dreams.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from California. I think the gentleman reminds us if it were not for public education, most of us would not be here either.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. KIND), my friend who serves on the Committee on Education and the Workforce. He has been an outspoken advocate for education and a real champion.

Mr. KIND. Mr. Speaker, I thank the gentleman from North Carolina, my friend, for yielding to me.

I saw the conversation taking place on the House floor and I wanted to join my friends and also commend my friend, the gentleman from North Carolina, the former State superintendent of the school system there, for his leadership and expertise that he has provided us in this Chamber on education issues.

I wanted to also thank the gentleman from California (Mr. BACA), my good friend, for his energy and tireless effort in promoting educational programs here in Congress during his term. But I, for one, was very, very happy during the last campaign that there was so much discussion and focus on education issues whether it was Vice President Gore or Governor Bush.

I think it elevated the sense of urgency that many of us feel in regards to our education investments as a Nation, but I just wanted to add during this conversation tonight a very important piece of the puzzle as we move forward on reauthorizing the elementary and secondary education bill in the Committee on Education and the Workforce this year, and that is virtually every school district throughout the Nation is facing a common challenge, and that is the rising costs of providing a quality education to students with special needs, special education costs.

We have a bill at the Federal level called Individuals With Disabilities Education Act, IDEA, and when it was passed back in the 1970s, there was a commitment on the Federal level that we would at least provide 40 percent of the expenses to local school districts of educating these children with special needs.

We have not done a very good job of living up to that obligation, that responsibility at the Federal level. I am sure every Representative in this House could go home and find stories that they can share with us in regards to the rising costs of special education. Let us face it, with the advancement of medical technology and health care today, we are putting our children on a collision course with school funding at the local level, because many of the kids now who normally would not have survived and lived to join the public education system are doing so, and with that brings added costs and expense.

If we can get one thing right during this education debate this year, it is fully funding IDEA, providing the 40 percent cost share back to local school districts, so they have more flexibility, more resources in order to educate these children, but also to do and implement the type of reforms that we are demanding of them, to improve student performance in the classroom.

This is more than just good policy, this is a civil rights issue. These children deserve to have access to a quality education, like any other child in this country. So we have a special obligation, I feel, in this session of Congress to try to get to that 40 percent level.

Even though we had a 27 percent increase last year in the last budget in regards to IDEA funding, it still only puts us at roughly 14 percent or 15 percent of the 40 percent level where we really should be. It would require an additional $11 billion or so to get the full funding this year, but it is a question of budgetary priorities, where we feel investments need to be made as a Nation. I could not think of any better place to start than with our children in the education system, helping local school districts, increasing their flexibility by providing them these resources that the Federal Government has promised throughout the years but has failed to deliver upon.

Hopefully we will be able to get that aspect of education done in a bipartisan fashion during this year in Congress. The litmus test, quite frankly, will be the administration's first budget request that they are going to send out and where they place special education funding on their list of priorities, from there, then, hopefully, we will be able to establish the broad-based political coalition that I know exists in the House based on previous debates and votes that we have had in order to get this piece of the puzzle done for education.

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Mr. ETHERIDGE. Mr. Speaker, the gentleman from Wisconsin is correct. We have the resources to do it this year. There is no reason that we cannot start down that road and make it happen. If we really want to have a better world, it has been said if you want a better world, you share it with a child and they will build it. We have that opportunity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ACKERMAN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. SCOTT (at the request of Mr. GEPHARDT) for today on account of attending a funeral.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family obligations.

Mr. WAMP (at the request of Mr. ARMEY) for today on account of canceled airline flights.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. TOM DAVIS of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. PLATTS, for 5 minutes, March 7 and 8.

Mrs. BIGGERT, for 5 minutes, March 7.

Mr. KELLER, for 5 minutes, March 7.

Mr. OXLEY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 7.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on March 1, 2001 he presented to the President of the United States, for his approval, the following bill:

H.R. 559. To designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the ''John Joseph Moakley United States Courthouse.''

ADJOURNMENT

Mr. ETHERIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 7, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1104. A letter from the Assistant Secretary of Defense, Force Management Policy, Department of Defense, transmitting a notification to close six Department of Defense commissary stores; to the Committee on Armed Services.

1105. A letter from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, Department of Defense, transmitting an interim response regarding the annual commercial activities report, required by section 2461(g) of title 10, United States Code describing the extent to which commercial and industrial type functions were performed by Department of Defense contractors during the preceding fiscal year; to the Committee on Armed Services.

1106. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins [AD–FRL–6768–2] (RIN: 2060–AH47) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1107. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues [CS Docket No. 00–96] Retransmission Consent Issues [CS Docket No. 99–363] received February 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1108. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the state of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103–236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

1109. A letter from the Acting Director, Office of Personnel Management, transmitting a report on the actions needed to correct the Consumer Price Index error in the Civil Service Retirement System and the Federal Employees Retirement System; to the Committee on Government Reform.

1110. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for the California Red-legged Frog (RIN: 1018–AG32) received March 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1111. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 991008273–0070–02; I.D. 021601C] received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1112. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 010112013–1013–01; I.D. 021601A] received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1113. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 010112013–1013–01; I.D. 022201A] received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1114. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects in the Gulf of Mexico and Off the U.S. South Atlantic Coastal States; Marine Fisheries Initiative (MARFIN) [Docket No. 001214350–0350–01, I.D. 112700B] (RIN: 0648–Z098) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1115. A letter from the Deputy General Counsel, FBI, Department of Justice, transmitting the Department's final rule—National Instant Criminal Background Check System Regulation; Delay of Effective Date [AG Order No. 2403–2001; FBI 105F] (RIN: 1110–AA02) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1116. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Delegation of Authority in Part 170 [T.D. ATF–439] (RIN: 1512–AC23) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1117. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Delegation of Authority in 27 CFR Part 30 [T.D. ATF–438] (RIN: 1512–AC16) received March 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1118. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Fair Play Viticultural Area (2000R–170P) [T.D. ATF–440 Re: Notice No. 900] (RIN: 1512–AA07) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1119. A letter from the Acting Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Realignment of the Boundary of the Walla Walla Valley Viticultural Area and the Eastern Boundary of the Columbia Valley Viticultural Area (99R–141P) [T.D. ATF–441; RE: Notice No. 898] (RIN: 1512–AA07) received February 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1120. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on recent actions taken in response to requests from the Governments of Italy and Nicaragua; to the Committee on Ways and Means.

1121. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 2001–14] received February 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1122. A letter from the Acting Commissioner, Social Security Administration, transmitting a report on the Consumer Price Index Error; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 724. A bill to authorize appropriations to carry out part B of title I of the Energy Policy and Conservation Act, relating to the Strategic Petroleum Reserve (Rept. 107–6). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates; with an amendment (Rept. 107–7). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 78. Resolution providing for the consideration of motions to suspend the rules (Rept. 107–8). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 79. Resolution providing for consideration of the joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics (Rept. 107–9). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. House Concurrent Resolution 31. Resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day (Rept. 107–10). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 624. A bill to amend the Public Health Service Act to promote organ donation (Rept. 107–11). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 860. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 861. A bill to make technical amendments to section 10 of title 9, United States Code; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. FILNER, Mr. REYES, Ms. BROWN of Florida, Mr. RODRIGUEZ, Mr. SHOWS, Mr. BONIOR, Mr. CONDIT, Mr. CRAMER, Mr. EDWARDS, Mr. FRANK, Mr. FROST, Mr. KLECZKA, Ms. MCKINNEY, Mr. MASCARA, Mrs. MEEK of Florida, Mr. PASCRELL, Ms. SCHAKOWSKY, Ms. BALDWIN, and Mr. BRADY of Pennsylvania):

H.R. 862. A bill to amend title 38, United States Code, to add Diabetes Mellitus (Type 2) to the list of diseases presumed to be service-connected for veterans exposed to certain herbicide agents; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself, Mr. SCOTT, Mr. BARR of Georgia, Mr. CHABOT, Mr. COBLE, Mr. DELAHUNT, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. HUTCHINSON, Ms. JACKSON-LEE of Texas, Mr. KELLER, Mr. MEEHAN, and Mr. WEINER):

H.R. 863. A bill to provide grants to ensure increased accountability for juvenile offenders; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 864. A bill to restore the separation of powers between the Congress and the President; to the Committee on the Judiciary.

By Mr. BARRETT (for himself, Mr. GUTIERREZ, Mr. FRANK, Mrs. JONES of Ohio, Ms. BALDWIN, Ms. MCKINNEY, Mr. MCGOVERN, Ms. HOOLEY of Oregon, Mr. CAPUANO, Mr. BONIOR, Mr. BLAGOJEVICH, Mr. ACEVEDO-VILA, Mr. FILNER, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mrs. MEEK of Florida, Mr. ENGEL, Mr. MCDERMOTT, Mr. TOWNS, Mr. RUSH, and Ms. NORTON):

H.R. 865. A bill to enhance the availability of capital and credit for all citizens and communities, to ensure that community reinvestment keeps pace as banks, securities firms, and other financial service providers become affiliates as a result of the enactment of the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Financial Services.

By Mr. BILIRAKIS:

H.R. 866. A bill to prohibit the provision of financial assistance by the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligation; to the Committee on Government Reform.

By Mr. BILIRAKIS (for himself and Ms. HART):

H.R. 867. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. TOOMEY (for himself, Ms. BERKLEY, Mr. PAUL, Mr. SCHAFFER, Mr. DEMINT, Mr. VITTER, Mr. SESSIONS, Mr. MCHUGH, Mr. SAXTON, Mrs. MYRICK, Mr. GOODE, Mr. MILLER of Florida, Mr. PITTS, Mr. HILLEARY, Mr. CRAMER, Mr. ISTOOK, Mr. HILLIARD, Mr. SOUDER, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. SHAW, Mr. TIAHRT, Mr. STENHOLM, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mrs. KELLY, Mr. FLETCHER, Mr. MCGOVERN, Mr. GORDON, Mr. BAKER, Mr. SHOWS, Mr. GOODLATTE, Mr. CUNNINGHAM, Mr. SIMMONS, Mr. NEY, Mr. REYNOLDS, Mr. CAPUANO, Mr. RYUN of Kansas, Mr. TIBERI, Mr. FOLEY, and Mr. SHADEGG):

H.R. 868. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the Medicare Program and to ensure that the Secretary does not target inadvertent billing errors; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 869. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Ways and Means.

By Mr. CLEMENT (for himself, Mr. ANDREWS, Mr. FRANK, Mr. BOUCHER, Mr. FILNER, Mr. KIND, Ms. NORTON, Mr. CRAMER, Mr. GORDON, Mr. SANDLIN, and Mr. DUNCAN):

H.R. 870. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendment of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 871. A bill to amend the Internal Revenue Code of 1986 to phaseout the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 872. A bill to amend the Internal Revenue Code of 1986 to provide individual and corporate income tax rate reductions; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 873. A bill to amend the Internal Revenue Code of 1986 to provide individual income tax rate reductions; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 874. A bill to amend the Internal Revenue Code of 1986 to provide individual income tax rate reductions and to repeal the phaseouts of the deduction for personal exemptions and of itemized deductions; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mr. WALSH, Mrs. MORELLA, and Mr. GUTIERREZ):

H.R. 875. A bill to declare as citizens of the United States certain women who lost citizenship solely by reason of marriage to an alien prior to September 22, 1922; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. WELLER, Mr. MATSUI, Mrs. THURMAN, Mr. WATKINS, Mr. PORTMAN, Mr. RAMSTAD, and Mr. MCCRERY):

H.R. 876. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Ms. VELÁZQUEZ, Mr. MANZULLO, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LATHAM, Mr. ISAKSON, Mr. MOORE, Mr. TOWNS, Mr. PETERSON of Pennsylvania, Mr. BONILLA, Mr. SAXTON, Mr. GREENWOOD, Ms. HART, Mr. WYNN, Mr. PENCE, Mrs. JONES of Ohio, Mr. ARMEY, Mr. BOEHLERT, Mr. CLEMENT, Mr. HALL of Ohio, Mrs. CHRISTENSEN, Mr. RUSH, Mr. HASTINGS of Washington, Mr. EHLERS, Mr. HEFLEY, Mrs. NORTHUP, and Mr. GARY MILLER of California):

H.R. 877. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 878. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for damage awards for emotional distress; to the Committee on Ways and Means.

By Mr. FRANK (for himself, Mr. EVANS, Mr. DINGELL, Mr. MCDERMOTT, Mr. SANDERS, Mrs. KELLY, Mrs. MCCARTHY of New York,

Mr. OLVER, Mr. PRICE of North Carolina, Ms. RIVERS, Mr. TIERNEY, Mrs. MALONEY of New York, Mr. BALDACCI, Mr. COSTELLO, Mr. PAUL, Ms. MCKINNEY, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. WAXMAN, and Ms. JACKSON-LEE of Texas):

H.R. 879. A bill to restore veterans tobacco-related illness benefits as in effect before the enactment of the Transportation Equity Act for the 21st Century; to the Committee on Veterans' Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 880. A bill to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan; to the Committee on Resources.

By Mr. ISAKSON:

H.R. 881. A bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness; to the Committee on Education and the Workforce.

By Mr. ISAKSON:

H.R. 882. A bill to amend the Internal Revenue Code of 1986 to provide economic relief to farmers and ranchers, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 883. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Resources.

By Mr. ISAKSON:

H.R. 884. A bill to amend the Internal Revenue Code of 1986 to permit advanced refunding of private activity bonds with governmental bonds under certain limited circumstances; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 885. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain scholarships related to health professions; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 886. A bill to amend the Internal Revenue Code of 1986 to exclude umemployment compensation from gross income; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Mr. OBERSTAR, Mrs. MALONEY of New York, Mr. BASS, Mr. BENTSEN, Mr. HILLIARD, Mr. FROST, Mr. BALDACCI, Mr. MCNULTY, Mr. DOYLE, Mr. COOKSEY, Mr. MOAKLEY, Ms. NORTON, Mr. UDALL of New Mexico, Mr. BRADY of Pennsylvania, Mr. WHITFIELD, Mr. ENGLISH, Ms. MCCARTHY of Missouri, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Ms. DELAURO, Mr. GILMAN, Ms. BERKLEY, Mr. KLECZKA, Mr. LANTOS, Mr. WALSH, Mr. MCINTYRE, Mr. PAYNE, Mr. BONIOR, Mr. EVANS, Mr. CUMMINGS, Mr. CAPUANO, Ms. MCCOLLUM, Mr. WEINER, Mr. BARRETT, Mrs. THURMAN, Mr. KUCINICH, Mrs. MORELLA, Mr. MCGOVERN, Ms. SLAUGHTER, Ms. CARSON of Indiana, Mr. BACA, and Mr. NADLER):

H.R. 887. A bill to amend the Internal Revenue Code of 1986 to require group health plans to provide coverage for reconstructive surgery following mastectomy, consistent with the Women's Health and Cancer Rights Act of 1998; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mr. WELLER, Mr. FRANK, Mr. QUINN, Mr. SABO, Mrs. BIGGERT, and Ms. LEE):

H.R. 888. A bill to amend the McKinney-Vento Homeless Assistance Act to provide for renewals of grants for permanent housing under the supportive housing program and for shelter plus care assistance to be funded through section 8 rental assistance amounts made available under the Housing Certificate Fund of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. LANTOS:

H.R. 889. A bill to require that, as a condition of receiving salary, each United Statesdistrict judge must certify that certain cases before the judge have not been pending and undetermined for more than 90 days after being submitted for decision; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 890. A bill to amend title 38, United States Code, to exempt amounts owed for prescription drugs and medical supplies dispensed by Department of Veterans Affairs pharmacies from otherwise applicable interest charges and administrative cost charges imposed on indebtedness to the United States resulting from the provision of medical care or services by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MOORE (for himself, Mr. SMITH of New Jersey, Mrs. MORELLA, Mrs. MCCARTHY of New York, Mrs. MALONEY of New York, Ms. MCCARTHY of Missouri, Mr. HOLT, Mr. UDALL of New Mexico, Mr. MCGOVERN, Mr. GONZALEZ, Mrs. LOWEY, Mr. FRANK, and Mr. GEORGE MILLER of California):

H.R. 891. A bill to prohibit the possession of a firearm by an individual who has committed an act of juvenile delinquency that would be a violent felony if committed by an adult; to the Committee on the Judiciary.

By Mr. PITTS:

H.R. 892. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 893. A bill to amend the Internal Revenue Code of 1986 to exclude from estate taxes the value of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 894. A bill to provide compensation for injury and property damages suffered by persons as a result of the bombing attack by the United States on August 20, 1998 in Khartoum, Sudan, and for other purposes; to the Committee on the Judiciary.

By Mr. ROYCE:

H.R. 895. A bill to abolish the Advanced Technology Program; to the Committee on Science.

By Mr. SAXTON:

H.R. 896. A bill to ensure the safety of recreational fishermen and other persons who use motor vehicles to access beaches adjacent to the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge, New Jersey, by providing a narrow transition zone above the mean high tide line where motor vehicles can be safely driven and parked; to the Committee on Resources.

By Mr. SAXTON:

H.R. 897. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mr. DEAL of Georgia, and Mr. STARK):

H.R. 898. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 899. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and the Safe and Drug-Free Schools and Communities Act of 1994, to allow grants received under such Acts to be used to establish and maintain school safety hotlines; to the Committee on Education and the Workforce.

By Mr. WATKINS:

H.R. 900. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion of gain on sale of a principal residence shall apply to certain farmland sold with the principal residence; to the Committee on Ways and Means.

By Mr. WATKINS:

H.R. 901. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Ways and Means.

By Mr. WATKINS:

H.R. 902. A bill to amend title XVIII of the Social Security Act to provide reimbursement under the Medicare Program for all physicians' services furnished by doctors of chiropractic within the scope of their license; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF:

H.R. 903. A bill to establish a commission to review the Federal Aviation Administration; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.J. Res. 27. A joint resolution to repeal the War Powers Resolution to fulfill the intent of the framers of the Constitution that Congress and not the President has the power to declare war, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Armed Services, Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JACKSON of Illinois:

H.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to full employment and balanced growth; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to decent, safe, sanitary, and affordable housing; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States relating to equality of rights and reproductive rights; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a clean, safe, and sustainable environment; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 34. A joint resolution proposing an amendment to the Constitution of the United States relative to taxing the people of the United States progressively; to the Committee on the Judiciary.

By Mr. SCHROCK (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. SISISKY, Mr. SCOTT, Mr. PUTNAM, Mr. BILIRAKIS, Mr. STEARNS, Mr. CRENSHAW, and Mr. JONES of North Carolina):

H. Con. Res. 47. Concurrent resolution honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia; to the Committee on Armed Services.

By Mr. PAUL:

H. Con. Res. 48. Concurrent resolution expressing the sense of the Congress in reaffirming the United States of America as a republic; to the Committee on the Judiciary.

By Mr. PAUL:

H. Con. Res. 49. Concurrent resolution expressing the sense of Congress that the Treaty Power of the President does not extend beyond the enumerated powers of the Federal Government, but are limited by the Constitution, and any exercise of such Executive Power inconsistent with the Constitution shall be of no legal force or effect; to the Committee on International Relations.

By Mr. SESSIONS:

H. Con. Res. 50. Concurrent resolution expressing the sense of the Congress that there should be established a National Athletic Training Month; to the Committee on Government Reform.

By Mr. WU:

H. Con. Res. 51. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the Jewish War Veterans of the United States of America; to the Committee on Government Reform.

By Mr. LINDER:

H. Res. 76. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FROST:

H. Res. 77. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. NEY:

H. Res. 80. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. ROHRABACHER:

H. Res. 81. A resolution to provide for the consideration by the United States Court of Claims of a bill for compensation, and for other purposes; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

4. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to Resolution No. 33 memorializing the Congress of the United States to enact President Bush's tax relief plan; to the Committee on Ways and Means.

5. Also, a memorial of the Senate of the State of Michigan, relative to Resolution No. 15 memorializing the United States Congress to enact President Bush's tax relief plan; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANK:

H.R. 904. A bill for the relief of Paul Green; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 905. A bill to provide for the relief of Kathy Barrett; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. HASTERT, Mr. ARMEY, Mr. DELAY, Mr. DREIER, Mr. WATTS of Oklahoma, Mr. COX, Mr. CRANE, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. TOM DAVIS of Virginia, Ms. PRYCE of Ohio, and Mrs. CUBIN.

H.R. 12: Mr. DEMINT, Mr. UDALL of Colorado, Mr. HOEFFEL, and Ms. BALDWIN.

H.R. 17: Mrs. CLAYTON, Mr. ANDREWS, and Mr. BONIOR.

H.R. 25: Mr. BALDACCI, Mr. WALSH, and Mr. QUINN.

H.R. 27: Mr. LEWIS of Kentucky.

H.R. 28: Ms. WATERS, Mr. BENTSEN, Mr. TURNER, Mr. CONDIT, Mr. BAIRD, Mr. KILDEE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 41: Mr. CAMP, Mr. HORN, Mr. BECERRA, Mr. GORDON, Mr. LEWIS of Kentucky, Mr. CRANE, Mr. JEFFERSON, Mr. GREEN of Texas, Mr. ARMEY, and Ms. MCCARTHY of Missouri.

H.R. 61: Ms. JACKSON-LEE of Texas.

H.R. 65: Mr. GREEN of Texas, Mr. TURNER, Mr. BRYANT, and Mr. RANGEL.

H.R. 90: Mr. SCHIFF and Mr. ROSS.

H.R. 107: Mr. GIBBONS.

H.R. 134: Mr. LEVIN.

H.R. 168: Mr. FERGUSON.

H.R. 179: Mr. BILIRAKIS, Mr. BONILLA, Ms. CARSON of Indiana, Mr. ENGEL, Mr. FERGUSON, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PLATTS, Mr. ROSS, Mr. SISISKY, and Ms. VELÁZQUEZ.

H.R. 184: Mr. PETERSON of Minnesota, Mr. SKEEN, Mr. HOEFFEL, Mr. FROST, Ms. LEE, and Mr. FATTAH.

H.R. 185: Ms. WATERS and Mr. THOMPSON of California.

H.R. 187: Mr. MORAN of Kansas, Mr. KANJORSKI, and Mr. PASCRELL.

H.R. 189: Mr. PAUL.

H.R. 190: Mr. SHADEGG and Mr. OTTER.

H.R. 214: Mr. GRAVES, Mr. BURTON of Indiana, Mr. BALDACCI, Mr. SMITH of New Jersey, and Mr. ENGLISH.

H.R. 218: Mr. SKEEN, Mr. JONES of North Carolina, Mr. FOLEY, and Mr. LUCAS of Kentucky.

H.R. 220: Mr. FOLEY.

H.R. 224: Mr. CARSON of Oklahoma and Mr. PALLONE.

H.R. 225: Mr. HASTINGS of Florida.

H.R. 228: Mr. MCINTYRE, Ms. DELAURO, Mr. STUPAK, Mr. WOLF, Mr. HINCHEY,MR. WICKER, Mr. EDWARDS, Mr. BISHOP, Mr. BALDACCI, and Mr. FROST.

H.R. 236: Mr. BEREUTER, Mrs. JO ANN DAVIS of Virginia, Mr. COSTELLO, Mr. ROEMER, Mr. MORAN of Virginia, Mr. OXLEY, Mr. UDALL of New Mexico, Mr. KERNS, and Mr. LATOURETTE.

H.R. 244: Mr. STUPAK, Ms. MCKINNEY, Mr. LARSEN of Washington, Mr. FROST, Mr. TURNER, and Mr. FATTAH.

H.R. 245: Mr. ROSS, Mr. EVANS, Mr. KUCINICH, Ms. RIVERS, and Mr. ABERCROMBIE.

H.R. 250: Mr. PASTOR, Mrs. MINK of Hawaii, Ms. SCHAKOWSKY, Mr. MANZULLO, Mr. WATKINS, Mr. SHAYS, Mr. NETHERCUTT, Mr. PICKERING, Mr. RODRIGUEZ, Mr. COLLINS, Mr. CONYERS, Mr. VISCLOSKY, Mr. CLAY, Mr. MCINNIS, Mr. RAMSTAD, and Mr. GRUCCI.

H.R. 259: Mr. JONES of North Carolina.

H.R. 265: Ms. MCKINNEY, Mr. BACA, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. KUCINICH, and Mr. BONIOR.

H.R. 267: Mr. BOEHLERT and Ms. DELAURO.

H.R. 286: Mr. SANDERS and Ms. CARSON of Indiana.

H.R. 287: Ms. CARSON of Indiana.

H.R. 290: Ms. JACKSON-LEE of Texas.

H.R. 301: Mr. ABERCROMBIE.

H.R. 302: Mr. ABERCROMBIE.

H.R. 303: Mr. GREEN of Texas, Mr. TURNER, Mr. LATHAM, Mr. PLATTS, Mr. JEFFERSON, Mr. BISHOP, Mr. BRYANT, Mr. HOEFFEL, Mr. SHERMAN, Mr. NADLER, Mr. BAIRD, Mr. BROWN of South Carolina, and Mr. RANGEL.

H.R. 320: Mr. MOLLOHAN.

H.R. 326: Ms. CARSON of Indiana, Mr. WEXLER, and Ms. VELÁZQUEZ.

H.R. 340: Mr. MOAKLEY, Ms. CARSON of Indiana, and Mr. GONZALEZ.

H.R. 346: Mr. PAYNE.

H.R. 348: Mr. BECERRA, Mr. BERMAN, Ms. BERKLEY, Mr. BONIOR, Mr. BLAGOJEVICH, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. FILNER, Mr. FROST, Mr. HINCHEY, Mr. KUCINICH, Mr. LAMPSON, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mrs. NAPOLITANO, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. SERRANO, Ms. SOLIS, Mr. SHAYS, Mr. STARK, and Mr. WYNN.

H.R. 356: Mr. WELDON of Pennsylvania, Mr. EVANS, Mr. SMITH of New Jersey, Mr.

CUNNINGHAM, Mr. CAPUANO, Mr. GIBBONS, and Mr. ROSS.

H.R. 364: Mr. MICA, Mr. KELLER, and Mr. SCARBOROUGH.

H.R. 366: Mr. STARK.

H.R. 368: Mr. SMITH of New Jersey.

H.R. 386: Mr. TANCREDO.

H.R. 396: Mr. MCHUGH, Mr. DEAL of Georgia, Mr. ADERHOLT, Mr. HILLIARD, Mr. RILEY, Mr. SCHAFFER, Mr. CRAMER, Mr. HAYES, Mr. CALLAHAN, Mr. HINOJOSA, Mr. WATKINS, Mr. BROWN of South Carolina, and Mrs. EMERSON.

H.R. 419: Mrs. THURMAN.

H.R. 429: Mr. CUMMINGS.

H.R. 457: Mr. NORWOOD, Mr. DEFAZIO, and Mr. BLAGOJEVICH.

H.R. 458: Mr. GOODLATTE.

H.R. 459: Mr. UDALL of New Mexico and Mr. LEWIS of California.

H.R. 466: Ms. CARSON of Indiana.

H.R. 476: Mr. SKELTON and Mr. SMITH of New Jersey.

H.R. 488: Mr. WYNN, Mr. HOEFFEL, Mr. NEAL of Massachusetts, and Ms. JACKSON-LEE of Texas.

H.R. 500: Ms. SOLIS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mrs. NAPOLITANO, Mr. BACA, and Ms. VELÁZQUEZ.

H.R. 503: Mr. PLATTS and Mr. COOKSEY.

H.R. 510: Mr. WAXMAN, Mr. MCGOVERN, Mr. OBERSTAR, Mr. HOLDEN, Mr. COOKSEY, Mr. CANNON, Mr. UDALL of New Mexico, Mrs. MCCARTHY of New York, Mr. KINGSTON, Mr. BARTON of Texas, Mr. RAHALL, Mr. RAMSTAD, Mr. MASCARA, Ms. MCKINNEY, Mr. STENHOLM, Mr. WOLF, Mr. FROST, Mr. STUPAK, Ms. SCHAKOWSKY, Mr. EDWARDS, Mrs. CHRISTENSEN, Mr. NEAL of Massachusetts, Mr. HOLT, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. GREEN of Wisconsin, Mrs. THURMAN, Mr. GUTKNECHT, Mr. BALDACCI, Mr. BLAGOJEVICH, Mr. BOEHLERT, Mr. HULSHOF, Mr. DEAL of Georgia, Mrs. MYRICK, Mr. OSBORNE, Mr. ISAKSON, Mr. HORN, and Mr. BILIRAKIS.

H.R. 526: Mr. DEFAZIO, Mr. ALLEN, Mr. DOYLE, Mr. KILDEE, Mr. MCGOVERN, Mr. LANTOS, Mr. MOAKLEY, Mr. CLAY, Mr. HINCHEY, Mr. FROST, Mr. BRADY of Texas, Ms. SLAUGHTER, and Mr. HOYER.

H.R. 536: Ms. JACKSON-LEE of Texas, Mr. JENKINS, Ms. CARSON of Indiana, and Mr. POMEROY.

H.R. 557: Mr. HAYES, Mrs. MYRICK, and Mr. BALLENGER.

H.R. 561: Mrs. MALONEY of New York.

H.R. 565: Ms. DELAURO.

H.R. 573: Mr. BOUCHER, Mr. EVANS, Ms. CARSON of Indiana, Ms. BROWN of Florida, Mr. CLEMENT, Ms. LEE, Mr. BLAGOJEVICH, Mr. TOWNS, and Mr. PAYNE.

H.R. 577: Mr. BURTON of Indiana, Mr. PETRI, Mr. SESSIONS, and Mr. SMITH of New Jersey.

H.R. 585: Mr. HINCHEY, Mr. TRAFICANT, and Mr. BALDACCI.

H.R. 590: Mr. GUTIERREZ, Mr. GONZALEZ, and Mr. PAYNE.

H.R. 594: Mr. UNDERWOOD.

H.R. 595: Ms. SLAUGHTER, Mr. DOYLE, Mr. SANDERS, Mr. FRANK, and Mrs. MINK of Hawaii.

H.R. 600: Mr. PLATTS, Mr. BACA, Mr. JONES of North Carolina, Ms. DUNN, and Mr. FROST.

H.R. 606: Mr. LANTOS and Mr. LEVIN.

H.R. 608: Mr. FATTAH.

H.R. 609: Mr. TURNER, Mr. CLEMENT, Mr. MASCARA, and Mr. RANGEL.

H.R. 612: Mr. CRAMER, Mrs. MINK of Hawaii, Mr. FOLEY, Mr. STRICKLAND, Mr. RYUN of Kansas, Mr. SIMMONS, Mr. DEUTSCH, Ms. VELÁZQUEZ, Mr. KING, Mr. CANNON, and Mr. FALEOMAVAEGA.

H.R. 613: Mr. WOLF and Mr. SMITH of New Jersey.

H.R. 622: Mr. STRICKLAND, Mr. JONES of North Carolina, Mr. LARGENT, Mr. LATHAM, Mr. THUNE, Ms. CARSON of Indiana, Mr. FERGUSON, and Mr. CALVERT.

H.R. 624: Mr. CAMP, Mr. GREEN of Wisconsin, Ms. MCCARTHY of Missouri, Mr. KLECZKA, Mr. LUCAS of Kentucky, Mr. SNYDER, Mr. SMITH of New Jersey, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. GORDON, Mr. HANSEN, Mrs. MORELLA, Mr. STARK, and Mr. NEY.

H.R. 630: Ms. MCCARTHY of Missouri, Ms. CARSON of Indiana, and Mr. GRUCCI.

H.R. 638: Ms. RIVERS, Mr. HINCHEY, Ms. NORTON, and Mr. CLAY.

H.R. 650: Mr. ISSA.

H.R. 654: Mr. KUCINICH, Mr. PASTOR, and Mrs. NAPOLITANO.

H.R. 664: Mr. EVANS, Mr. SMITH of Washington, Mr. LUCAS of Kentucky, Mrs. WILSON, Mrs. JO ANN DAVIS of Virginia, Mr. TIERNEY, Mr. STRICKLAND, Mrs. CAPPS, Mr. HOEFFEL, Mr. ROTHMAN, Mr. JENKINS, and Mr. TURNER.

H.R. 675: Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. ANDREWS, and Mr. EVANS.

H.R. 678: Ms. LEE, Ms. HOOLEY of Oregon, Ms. CARSON of Indiana, Mr. PAYNE, and Mr. PALLONE.

H.R. 680: Ms. NORTON.

H.R. 681: Ms. NORTON.

H.R. 683: Ms. SLAUGHTER, Ms. ESHOO, Ms. HOOLEY of Oregon, Mr. BLAGOJEVICH, Mr. THOMPSON of California, Mr. GEPHARDT, Mrs. JONES of Ohio, Mr. SMITH of New Jersey, Mr. TIERNEY, and Mr. BONIOR.

H.R. 687: Ms. RIVERS, Mr. CLEMENT, Mr. DAVIS of Illinois, Ms. LEE, Mr. NADLER, and Ms. CARSON of Indiana.

H.R. 699: Mr. SMITH of New Jersey, Mr. WHITFIELD, Mr. BILIRAKIS, Ms. MCKINNEY, Mr. JENKINS, Mr. TURNER, Mr. BOUCHER, Mr. SHOWS, and Mr. FROST.

H.R. 704: Ms. ESHOO, Mr. RADANOVICH, and Mr. SHIMKUS.

H.R. 712: Mr. GOODE, Mr. LAHOOD, Ms. MCKINNEY, Mr. TURNER, Mrs. CAPPS, Mr. FROST, Ms. KILPATRICK, Mr. SHERMAN, Mr. MORAN of Virginia, and Mr. MCGOVERN.

H.R. 714: Mr. DAN Burton, Ms. MCCARTHY of Missouri, Mrs. MALONEY of New York, Ms. LEE, Mr. CROWLEY, and Mr. BONIOR.

H.R. 717: Mr. SHOWS, Mr. OBERSTAR, Mr. BONIOR, Mr. LAFALCE, Mr. KANJORSKI, Mr. ALLEN, Mr. HALL of Ohio, Mrs. CAPITO, Mr. WU, Mr. COSTELLO, Mr. HOEKSTRA, Mr. ANDREWS, Mr. ROYCE, Mr. HAYWORTH, Mr. PORTMAN, Mrs. NORTHUP, Mr. SMITH of New Jersey, Mr. STARK, and Mr. ETHERIDGE.

H.R. 726: Ms. SCHAKOWSKY, Mr. STARK.

H.R. 730: Ms. CARSON of Indiana and Mr. CAPUANO.

H.R. 737: Mr. MORAN of Kansas.

H.R. 740: Mr. CONYERS.

H.R. 741: Mr. CONYERS.

H.R. 744: Mr. HILLEARY, Mr. WAMP, Mr. ENGLISH, Mr. PAUL, Mr. SESSIONS, Mrs. JOHNSON of Connecticut, and Mr. MENENDEZ.

H.R. 746: Mr. BLUNT, Mr. HOEFFEL, Mr. TURNER, Mr. HOLDEN, and Mr. ROSS.

H.R. 756: Ms. MCCARTHY of Missouri, Mr. FROST, and Mr. DAVIS of Illinois.

H.R. 757: Mr. ENGEL and Ms. VELÁZQUEZ.

H.R. 758: Ms. NORTON, Mr. DAVIS of Illinois, Mr. BONIOR, Mr. PAYNE, and Mr. BRADY of Pennsylvania.

H.R. 759: Mr. BOUCHER.

H.R. 762: Mr. SMITH of New Jersey, Mr. HALL of Ohio, Mr. FATTAH, and Ms. DELAURO.

H.R. 769: Mr. MCINTYRE and Mr. CHAMBLISS.

H.R. 770: Mr. SPRATT and Mr. CLAY.

H.R. 775: Mr. CUMMINGS, Mr. SPRATT, Mrs. CLAYTON, Mr. WAXMAN, Mr. CARDIN, and Mr. STARK.

H.R. 778: Mr. BLAGOJEVICH, Mr. INSLEE, Mr. DELAHUNT, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, and Mr. MCHUGH.

H.R. 781: Mrs. MORELLA.

H.R. 792: Ms. SLAUGHTER, Ms. CARSON of Indiana, Mr. MCHUGH, Mr. VITTER, and Mr. WEXLER.

H.R. 837: Mr. KUCINICH.

H.J. Res. 20: Mr. HALL of Texas, Mr. STEARNS, Mr. PITTS, and Mr. SMITH of New Jersey.

H.J. Res. 22: Ms. KAPTUR.

H. Con. Res. 25: Mr. TANCREDO, Ms. CARSON of Indiana, Mr. GUTIERREZ, and Mr. MCDERMOTT.

H. Con. Res. 31: Mr. LUCAS of Kentucky and Mr. UNDERWOOD.

H. Con. Res. 38: Ms. CARSON of Indiana.

H. Con. Res. 42: Mr. FROST, Mr. WEXLER, Mr. BONIOR, and Mr. MENENDEZ.

H. Res. 13: Mr. CLEMENT, Mr. BLAGOJEVICH, and Mr. MCINTYRE.

H. Res. 35: Ms. CARSON of Indiana.

H. Res. 52: Mr. MILLER of Florida and Mr. GOODLATTE.

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 such 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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ceded to the executive branch because of the increasing complexities of statutory programs, and the resultant reliance on agency rulemaking. But my purpose today is not to focus on the merits of the Congressional Review Act.

OSHA has admitted that repetitive stress injuries have declined 22 percent over the last five years. This statistic proves two things: One, that there is a musculoskeletal disorder problem in the workplace. And two, that employers are cognizant of the problem, and addressing it. Further, the dramatic reduction illustrates that there are ways to reduce, and perhaps eradicate, MSDs in the workplace, in part by use of the science of ergonomics. OSHA, unfortunately, has continued to ignore these lessons and refuses to revise its approach that the stick is more effective than the carrot. This is proven by the very standard that is before us today.

Again, however, the most important fact that can be taken from the employers' successes in combating repetitive stress injuries over the past few years is that apparently there are methods available to attack this severe problem. We must continue to encourage the development of these innovative approaches. At the same time, we must not lose sight of the fact that the administration and the Occupational Safety and Health Administration have a role, and a responsibility, in leading the attack on these crippling workplace injuries.

OSHA must not give up its place at the vanguard of the assault on workplace MSDs because of the shortcomings of the Clinton Administration's ergonomics standard. I urge Labor Secretary Chao, in the strongest possible way, to investigate and consider all options, including initiation of additional rulemaking, if warranted, as part of an all out effort to seek solutions for this type of debilitating injury. I have received a letter from Secretary Chao. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR CHAIRMAN JEFFORDS: It is my understanding that the Senate will soon consider a Joint Resolution of Disapproval pertaining to the Occupational Safety and Health Administration's (OSHA) ergonomics standard. As you are aware, the Congressional Review Act of 1996 gives Congress the authority to vitiate this standard and permanently prevent OSHA from promulgating a rule in substantially the same form.

Let me assure you that, in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics, which may include new rulemaking, that addresses the concerns levied against the current standards.

This approach will provide employers with achievable measures that protect their employees before injuries occur. Repetitive stress injuries in the workplace are an important problem. I recognize this critical challenge and want you to understand that the safety and health of our nation's workforce will always be a priority during my tenure as Secretary.

I look forward to working with each of you throughout the entire 107th Congress.

Sincerely,

ELAINE L. CHAO,
Secretary of Labor.

Mr. JEFFORDS. I am heartened by the letter from the Secretary of Labor. It indicates that the Administration recognizes there is a problem and is committed to finding the answer. To this end, I am dismayed by what appears to be a systematic campaign of misinformation, and I would like to dispel the myth being perpetuated by those who oppose enactment, that adoption of this Resolution of Disapproval will sound the death knell for any future ergonomics regulation. That is not accurate.

Contrary to the misinformation being circulated, passage of the resolution of disapproval will not prevent OSHA from undertaking rulemaking regarding repetitive stress injuries. As I have already stated, I believe that rulemaking is an option that should be given serious consideration by the Administration. Secretary Chao agrees. In fact, by jettisoning this burdensome and unworkable standard, we will be eliminating a roadblock to consideration of more responsible approaches directed at resolving the workplace MSD puzzle. One approach could well include promulgation of a more reasonable and workable ergo standard.

The Congressional Review Act provides, in relevant part, that a rule vitiated by enactment of a Joint Resolution of Disapproval ''. . . may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.'' While this language appears clear on its face, it is being misinterpreted to mean that OSHA cannot regulate in the ''area'' covered by the disapproved rule.

There is no basis nor justification for this interpretation of the CRA provision. Where I have seen it mentioned—for example, in a March, 1999 CRS report—there is no citation of authority to support that interpretation. Indeed, it appears to have been created out of whole cloth or thin air. The better—in fact, correct—interpretation, provided by the actual language of the Statute is that a disapproved rule cannot be issued ''in substantially the same form.''

The intent, and thrust, of this language is made clear in a joint statement, by Senators NICKLES, REID of Nevada, and STEVENS, submitted for the RECORD on April 18, 1996. The purpose of the Joint Statement was to provide a legislative history for guidance in interpreting the terms of the Congressional Review Act. The Joint Statement indicates that the ''substantially the same form'' language that I quoted above, was ''necessary to prevent circumvention of a resolution [of] disapproval.'' Thus, the concern clearly was that an agency should not be able to reissue a disapproved rule merely by making minor changes, thereby claiming that the reissued regulation was a different entity.

This interpretation is confirmed by further discussion in the joint statement about the differing impact a disapproval would have depending upon whether the law that authorized the disapproved rule provided broad or narrow discretion to the issuing agency regarding the substance of such rule. Where such underlying law provides broad discretion, the agency would be able to exercise that discretion to issue a substantially different rule, but where the discretion is narrowly circumscribed, the disapproval might work to prevent issuance of another rule.

OSHA, of course, has enormously broad regulatory authority. Section 6 of the OSH Act is a grant of broad authority to issue workplace safety and health standards. To prove this point, one need look no farther than the scope of the ergonomics regulation before us. OSHA, in fact, considers its authority so broad that it ignored, in issuing its ergo standard, the clear statutory mandate in section 4 of the OSH Act not to regulate in the area of workmen's compensation law. And the definition of ''occupational safety and health standard,'' in section 3(8) of the Act, is further indicative of the discretion granted to the agency. I am convinced that the CRA will not act as an impediment to OSHA should the agency decide to engage in ergonomics rulemaking.

Some might question why now utilize the Congressional Review Act disapproval procedures instead of reviewing or amending the ergo standard through other means, such as additional notice and comment rulemaking, or by permitting the legal challenges to be brought to conclusion. The answer is simple. The CRA is being used in precisely the manner Congress intended.

As noted in the April 18, 1996 Joint Report, certain timing provisions in the CRA were put in place ''. . . to try to provide Congress with an opportunity to act on resolutions of disapproval before regulated parties must invest the significant resources necessary to comply with a major rule.'' And, I might add, scarce agency resources are also a concern. The standard before us certainly is a major rule, and the estimated compliance costs are huge.

For all of the reasons stated above, I believe that OSHA's ergonomics standard presents the ideal case in which to

exercise the disapproval provisions of the Congressional Review Act. An over broad, vague, and unworkable standard may act as a disincentive to development of reasonable and rational approaches to a serious problem. In addition, huge compliance costs do not encourage compliance and, in fact, may be beyond the resources of many small businesses. This may be the case where no standard is preferable to the standard promulgated by OSHA. But I am convinced that this is not the bottom line. OSHA can issue another ergonomics standard. I urge the secretary of Labor to consider this option.

I yield the floor.

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

Mr. NICKLES. Mr. President, I tell my friend from Massachusetts I will be brief because he has a lengthy statement. Let me make a few brief comments. We have 10 hours of debate on the issue under the Congressional Review Act. I expect we will be going back and forth. That is 5 hours on each side. We can have ample debate and discussion. I think that is healthy and very good.

One of the reasons Senator REID and I worked so hard and we passed the Congressional Review Act was that Congress would review regulations that had a negative impact or an impact on the economy in excess of $100 million a year. That makes sense. The idea of, wait a minute, should you have regulatory agencies passing measures that have a profound impact on the economy without holding Congress accountable? Congress should have some say. And sometimes do the regulatory agencies go too far? Sometimes it is their own fault. Sometimes we tell them, to pass some regulation and make the world safer, sounder, cleaner, whatever, without considering the cost or impact. We have done that in Congress.

What we did when we passed the Congressional Review Act was say we should review those regulations if they have an economic impact in excess of $100 million and find out how does this make sense. Is it a good deal? Is it a good deal for the economy? Is it a good deal for taxpayers to invest this kind of money? Congress should have a say.

The bureaucrats who write the regulations are not elected; we are. That was the purpose of the Congressional Review Act. This is the first time we will utilize that act. I believe in this case the regulation promulgated by the Clinton administration in the Federal Register, dated November 14, 2000, which is over 6,000 pages long, went too far. All legislators who believe in division of power when reviewing this regulation will say the Clinton administration, in its last 4 days, went way too far and exceeded their constitutional authority. The President is President; he is not chief legislator.

In this legislation, in this regulation, they went into legislating. They went into devising a Federal system of workers compensation.

If Members want to pass a Federal workers compensation law, introduce a bill. It would go, I assume, to the Education and Labor Committee. It would be marked up. Have that process go forward if we are going to pass Federal workers compensation.

I have asked a couple of former Governors on the Democrat side if they knew there was Federal workers compensation in the ergonomic standard. Do they know this has a compensation system that is much greater than most State workers compensation laws? Most Senators answered no.

This has Federal workers compensation that supersedes State worker compensation laws. If you have any respect for the Constitution, if you have any respect for Members as legislators, you should say no bureaucrat, no official in the Department of Labor—who, incidentally, is probably not there anymore—can make that kind of imposition. That requires Federal legislative action. If someone wants to promulgate that kind of rule, let them introduce this as a statute. Let's debate it.

I don't think anyone will debate it. This is not defensible. How in the world can you come up with a Federal workers comp law that supersedes State law that is more generous? It might be proposed, but my guess is it would never pass, nor should it.

Yet in this case we have unelected bureaucrats who say: Let's make this the law of the land. Is he super Senator? Is he super legislator? Where did he get this kind of authority?

I appeal to my colleagues, Democrat or Republican, review the contents of this legislation. See how extensive and expensive it is. This is probably the most expensive, intrusive regulation ever promulgated, certainly by the Department of Labor—maybe by any department. It deals with the issue of repetitive motion injuries. It is wide open. It could be somebody typing at a desk, somebody standing at a checkout line, somebody stacking groceries, somebody moving things on trucks. It could apply to almost any job in America. It can be enormously expensive.

Federal bureaucrats are saying you can do this; you can't do that. You can only move 25 pounds 25 times a day. A grocery store may have to hire 10 times as many people to stock the grocery store. A moving company has to move a lot of things. Employees would say: I have to stop; it is 8:25, but I have already moved 25 things. Time out. Hire more people. Oops, can't do that; we need more people; we need to hire more people. Oops, we have to go out of business because we cannot comply with this rule.

There is no way in the world a lot of companies can comply with this rule. We would be putting them out of work or out of compliance, certainly liable for a lot of money and expense for a regulation that goes way too far.

My primary argument to my colleagues is nobody in OSHA was elected to legislate. We are elected to legislate. We, Members of Congress, are the legislative branch. Read the Constitution. Article I says Congress shall enact all laws. It does not say: unelected bureaucrats, you write a law, try and get it enacted, try and get it passed by legislation.

On January 16, in the last couple of days of the Clinton administration, this was a major gift to organized labor, saying, go ahead and legislate the last couple days.

No, we are the legislative body. If we want to legislate in this area, introduce a bill and we will consider it. Let's not have, as in the last couple of days of the Clinton administration, a regulation with costs ranging in excess of $100 billion a year. Let's not let that happen. Let's not supersede State worker compensation laws.

It will be interesting to see how former State Governors and State officials vote on this issue. Do they really want the Federal Government to supersede State workers compensation laws? I say the answer is no.

I urge all my colleagues, especially colleagues on the Democrat side—my colleagues on the Republican side are perhaps more familiar with this issue—I urge my colleagues on the Democrat side to review this. Do you really want to have a Federal workers compensation law passed by regulation superseding State worker compensation laws? I think not. I certainly hope not. If that is the case, we have delegated so much power to the regulatory agencies we should be ashamed of ourselves.

I urge my colleagues to review this statute. That is what the Congressional Review Act is all about. Let's review it. Let's talk about it today. Let's find out how intrusive it is, today. Let's find out if it really is the Federal Government taking the place of Congress in the legislative field. I believe they went way too far. We did introduce a bill 4 or 5 years ago, Senator REID and myself, and it passed both Houses of Congress overwhelmingly, signed by President Clinton. It is a good law. It was written for such items as this. This is an excellent time to review this regulation and stop it.

Does that mean we are for ergonomic injuries? No. Does that mean we shouldn't be taking action in Congress and/or in the Department of Labor to try and minimize ergonomic injuries? No. Let's figure out what can we do that is affordable, that is doable, that doesn't cost jobs, that does improve worker safety, that does reduce or minimize worker injury. Let's work on that together. Let's not accept a regulation crammed through in the last

couple of days of the Clinton administration that has economic costs in excess, maybe, of $100 billion.

One might ask, where do you get that figure? OSHA says it might cost $4.5 billion. The Clinton administration's Small Business Administration said it could cost up to 15 times that amount. That is up to $60 billion a year. Business groups having to comply with this say it may well be in excess of $100 billion. There is no way to know how much this would cost. It would cost plenty. It would cost jobs.

Again, this is something that needs to be reviewed by Congress and needs to be stopped by Congress. I urge my colleagues to support this resolution.

For the information of my colleagues, the 10-hour clock is running. My guess is we can have a vote this evening, or we will have a vote tomorrow morning. People should be on alert we may well work into the evening today. Be on guard to expect rollcall votes to occur later this evening or tomorrow morning.

I yield the floor.

Mr. WELLSTONE. Are we going to alternate back and forth?

Mr. NICKLES. As manager, I will designate Senator HUTCHINSON and Senator ENZI to manage on our time. We are happy to alternate back and forth. We are happy to accommodate our colleagues in any way.

Mr. WELLSTONE. I ask unanimous consent I be allowed to follow Senator KENNEDY on our side.

Mr. NICKLES. I reserve that. Let's not do that just yet.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is a matter of enormous importance and consequence to America's workers. It will be the first time in the history of OSHA that Congress has taken action that will effectively terminate the ability of OSHA to protect American workers. It is in an area in which there is a growing problem and a growing concern because of the increased numbers of ergonomic injuries. In a period of some 10 hours we are going to undermine the efforts of the Department of Labor and OSHA over a period of 10 years. Some have made the comments, rather cavalierly, that this is a offhand rule that was developed in the final hours of the Clinton administration. Of course that is a complete distortion and a complete misrepresentation, as are a number of the other recent comments I have heard. I will respond to them in some detail at this time.

It is important to note there has been due process. There are those who have differed with the rules and regulations. You would listen to this part of the debate and think that those who are against the rules and regulations never had an opportunity to make their case during the process. Of course that is basically hogwash because they did have that opportunity.

We can also listen to those who say we have to eliminate these regulations. Of course there is a process and procedure by which the President can modify these rules and regulations, if he doesn't like them. That is not the path those who are seeking to overturn these regulations are taking. The President of the United States can just file, in the Federal Register, a resolution, effectively, of disapproval, and wait 60 days and those regulations are effectively suspended.

The Department of Labor could then go about the process through public hearings and alter the regulations. So for those who want to bring some modification and change, who think there ought to be some opportunity to do something different, that power and authority is there today. But that is being rejected by those who want to overturn any opportunity to provide any protection for the millions of Americans who have been adversely affected, impacted, and injured by ergonomics injuries over the past several years. That is what we are looking at.

With all the talk we have heard already this morning, and we will hear later on, we could still have the opportunity to modify and change and adjust and go back and trim the regulations. It is a simple process. But, no, that technique is being rejected. They are coming in here with a blunderbuss and saying, ''We have the votes, we are playing hardball''; effectively, ''we are going to give short shrift to the American workers''—primarily women because they are the ones most adversely impacted. We all have a responsibility to them.

I mention to my good friend, when he talks about 400 pages of regulations—there are 8 pages of regulations; not 400, 8 pages of regulations. It is right in here. If the Senator would want to look through them, I will be glad to spend some time. Eight pages of regulations—it might take someone 20 minutes to read through them. Eight pages of regulations—the rest is support.

It is not the Department of Labor talking about $4 billion of expenditures. It is the Department of Labor talking about $4 billion of savings. It is a big difference. We have to get our facts straight.

The same applies to the workers compensation provision. This does not undermine States' workers compensation. It has virtually nothing to do with workers compensation, other than what has been done traditionally with other kinds of OSHA rules and regulations such as for cadmium and lead.

There has not been an uproar from the States. I don't hear any. If the Senator will have some letters from Governors who talk about how their workers compensation has been destroyed, uprooted in ways, we would welcome them. We have not seen them. We have not heard from them.

I ask our Members to pay close attention. What is really at risk here is enormously important.

First of all, we don't have to be here dealing with this issue. We could be debating the bankruptcy issue. If we want to be doing that—we will have a chance and opportunity to do that—but, nonetheless, one of the first orders of business we are coming up to is not to look out after minimum wage workers or an increase in the minimum wage. No. We don't have that out here. We are not debating a Patients' Bill of Rights. It has been before the Congress for 5 years. We are not doing that on the floor of the Senate. No, we are not going to consider that. We are not debating prescription drugs in the Senate.

What are we doing? For the first time in the history of the Senate, we are talking about repealing protections for workers who are out there in the workforce of America with a blunderbuss kind of technique that says, ''We have the votes, we are going to repeal it, and as a result of that repeal and the statutory provisions, you will not be able to have any kind of ergonomic protection for American workers.''

We have the alternative of trying to change this in a responsible way but, oh, no, we are going to show a contemptible attitude, an arrogant, contemptible attitude towards the American workers by this blunderbuss technique that is being proposed by our colleagues on the other side of the aisle.

I listened when Senator REID's name was mentioned. He supported the concept of CRA, but he is strongly opposed to the actions being recommended by the Republican leadership.

We all have a responsibility to protect the safety and health of workers on the job. Today the most significant safety and health problems that workers face are debilitating and career-ending ergonomic injuries. Millions of workers and their families suffer needlessly. These injuries can be prevented by simple, inexpensive changes in the workplace. This rule is about prevention, preventing the injury. That is what this rule is about. We know the injuries are out there. We know what can be done in order to diminish the number of injuries and that is what this rule targets.

The Department of Labor's solution to this problem has been sound, sensible, and necessary. It is flexible and cost-effective for businesses, and it is overwhelmingly based upon scientific evidence. It has the support of virtually every health science professional group and their representatives. Every one of them has supported this proposal, every one of them—but not the Chamber of Commerce and the National Association of Manufacturers.

But if you are talking about protecting workers and you are talking about the medical implications and the

health implications, every organization that is concerned with that supports these proposals.

If people have differences about the specifics of this solution, we can work them out in a bipartisan way. The President can stop this regulation and issue a new one if he doesn't like it. But in 10 hours of debate today, the Republicans intend to destroy this crucial protection that was begun over 10 years ago by the Secretary of Labor, Elizabeth Dole.

In the 30 years that the job safety laws have been in effect, Congress has never taken away a protection for workers. Listen to me. In the 30 years the job safety law has been in effect, Congress has never taken away protection for workers. This could be the first. ''Don't alter it, don't change it, don't modify it—eliminate it. We have the votes. That is what we are going to do.'' This is a contemptible attitude towards the working families in this country.

One of the most essential roles of government is to protect its citizens. We protect public safety by providing a police force. We protect public health by regulating prescription drugs and food safety by rules and regulations by the FDA. Maybe there are those who want to eliminate all the rules and regulations.

The FDA isn't elected either, but they have rules and regulations to ensure safety and efficacy. We gave them that power. We gave them that responsibility. Are we suggesting now, since they are not elected to the Senate of the United States, how outrageous that they look out after protecting America from the scourge of different diseases that have ravaged our civilizations in the past—hoof and mouth disease, mad cow disease? Let's get those professionals out. They are not elected. Let's just free ourselves from regulations. It may cost the meat manufacturers and producers a few more bucks because they have to be inspected. Let's free ourselves from those matters. These are the same issues—health and safety. The same issues.

We are protecting workers on the job today. If they are going to eliminate those protections today, what regulations are they going to eliminate tomorrow? We came very close to it 3, 4 years ago, eliminating protective regulations in food safety—the elimination of the Delaney clause—and many others. We came within a vote or two of eliminating those. The same forces are out there.

Today it is the safety in the workforce. Tomorrow it is going to be food, health, and well-being, and the air that we breathe and the water that we drink. Make no mistake about it. The greed is unbelievable. That is what it is all about. What do you think this is about? It is about bucks. It is about money. It is money on the one side; what the Chamber of Commerce and the National Association of Manufacturers want versus trying to invest and protect American workers. It is greed. It is money. It says that we are not really interested in safety. If they were interested in it, they would want to be responsible. Why do they drop this in the middle of the night? We found out in the magazines and newspapers on Sunday that this technique was going to be used now. Why not mention it and try to work this out? Is this the beginning of the process or the end of the process?

Why not bring up the Patients' Bill of Rights? Why not, even though the President indicated a month ago that he wanted to work this out? We said fine; we will try to work it out. A month has passed. Are we bringing that up? No. Not the Republican leadership. No. Oh, no. They are just dropping this right out here. ''We have the votes. We have the votes and are going to pursue it.'' So they do.

We protect the public safety by a police force, the public health by regulating prescription drugs and food safety. We require seatbelts in automobiles. When Americans are at risk, it is the duty of government to do whatever we can to protect them. That is our job. That is our responsibility as public servants. That is why we have laws and regulations to protect our citizens in the workplace.

I was in the Senate during the years when we heard the same voices we are hearing from that side of the aisle opposing the OSHA program. I will tell you this. OSHA has reduced the number of deaths in the workplace by half over the period of the last 27 or 28 years. It has saved an enormous number of lives, and it has protected health and well-being. But we heard at that time: Why are we going to do that? That is going to interfere with American business and their ability to produce American goods. Don't you think American industry is concerned about those workers? Of course they said they passed it.

Sure, there have been some actions OSHA has taken with which we don't all agree. But, nonetheless, if you look, particularly in the last several years, the record in terms of the number of lives that have been saved as compared to other times has been credible and defensible.

Over our history, and in the early years of the last century, we have fought long battles for the safety of factory workers. We struggled long and hard to improve the working conditions of our mine workers—one of the most dangerous jobs in America. We took steps to guard against child labor and other abusive practices.

Over the past 10 years, America has taken the next important step to protect workers against the kinds of injuries that occur in the modern workplace—so-called ergonomic injuries.

Yesterday, workers lost their limbs in factories. Today's workers suffer crippling pain in their wrists and in their hands because of computer keyboards. That is an ergonomic injury.

Yesterday, workers were burned in steel mills. Today's workers develop chronic back injuries from standing too long behind the lunch counter, carrying heavy trays of food, and sitting for long hours in their offices and chairs that harm their backs. Those are ergonomic injuries.

The resolution before us today is a complete about-face in the long march of protecting our workers. In a single vote, we will tell millions of Americans—mostly women—that their work doesn't matter. This resolution is antiworker, antiwoman, antifamily, and it deserves to be soundly defeated.

We all know what is going on. We could have sat down and worked this out in a bipartisan way. If President Bush disagrees with this current regulation, he could issue a new one. But, instead, our Republican friends took the course that hurt workers the most—banishing this important safety initiative to the dungeon.

If you do not like the last administration's approach to worker safety, Mr. President, then change it. Don't destroy it—because the health and safety of millions of American workers is at stake. Otherwise, this may well mean that all the talk about a new civility in Washington is just a hoax. Instead of helping hard-working families, this resolution is a big ''thank you'' to big business for all their support. It is politics at its worst.

It leaves the average American worker defenseless against today's workplace injuries. With Republicans in control of Congress and the White House, it is trample-down economics for American workers. Let American workers be on guard. Your rights and your dignity and your hard work are no longer respected. Today your safety is on the chopping block. Tomorrow it is going to be your medical leave or your ability to spend more time with your families, for our Republican friends can act today on this issue with such disregard for your labors, your hard-won workers' rights, your safety.

The Department of Labor's ergonomics rule is sound, sensible, and necessary. I strongly oppose this resolution of disapproval. If Congress passes this resolution, it will have destroyed in 10 hours what it took the Occupational Safety and Health Administration 10 painstaking years to create and will deprive workers of all of the protections from the No. 1 risk to health and safety in the workplace.

I have both good news and bad news today. The bad news is that ergonomic injuries are painful and often debilitating. They are common and they are caused by workplace practices.

The good news is that these injuries are readily preventable, and the

ergonomics rule offers an effective way to address workplace hazards.

The worst news is that Congress today will prevent OSHA from implementing this or any other rule that will protect workers from these significant risks to their health and to their safety.

My colleagues should make no mistake about the result of the resolution of disapproval that is before us. It is an atom bomb for the ergonomics rule.

Supporters of this resolution insist they can use it to fix the ergonomics rule and send it back to the drawing board. They are wrong. The language of the resolution is clear and nonamendable and will eliminate the rule altogether.

Until Congress gives it permission, OSHA will be powerless to adopt an ergonomics rule that, like this one, truly solves the problem. If the resolution's supporters have their way, all of this will be done today without any opportunity for committee input or for reasoned consideration on the Senate floor.

Our debate is limited to a maximum of 10 hours. This resolution is not subject to motions to amend, to postpone, to move to other business, or to recommit to committee. All points of order are waived, and appeals from decisions of the Chair are nondebatable.

This expedited process will not be used to disapprove a rule that an agency clearly lacks authority to issue. It will not be used to disapprove a rule that lacks any basis in scientific evidence. It will not be used to disapprove a rule that was adopted without adequate opportunity for public notice and comment. Instead, this fast-track procedure will be used to eliminate a rule that goes to the heart of the Federal Government's mission to protect workers' safety and health. That is supported by thousands of scientific studies. And that is the product of 10 years of study, 9 weeks of public hearings, and 11 best practice conferences all over the country, bringing employers and workers together to try to describe what is and isn't working. That's 11 conferences all over the Nation, 9 weeks of public hearings, and close to 4 months of opportunity for written comment from the public. This is an unprecedented attack on our workers' fundamental right to safe workplaces.

As long ago as 1990, Secretary of Labor Elizabeth Dole called ergonomic injuries ''one of the nation's most debilitating across-the-board worker safety and health illnesses.'' I wish we heard from the other side at least some recognition, some understanding, some awareness, some sensitivity to the workers who are being injured by ergonomic injuries every single day in America. But we do not. It is all technical language: ''We don't want to interfere with workers' compensation. There are 400 pages in this book over here. The Department of Labor says X, Y, and Z.''

We are talking about family members. We are talking about workers who are providing for their families, who are playing by the rules, trying to put in a good day's work in order to provide for their families. They ought to be given the assurances about preventing these kinds of injuries if we have the knowledge, the awareness, and understanding, and we can do it in an affordable way.

We will come back in a few moments and get into the costs on these issues. It is quite clear, if we are able to have an effective rule, this will actually save money and increase productivity and lower the cost of workers' compensation.

Now this is what Secretary Elizabeth Dole said in 1990:

> We must do our utmost to protect workers from these hazards.

She also said:

> By reducing repetitive motion injuries, we will increase both the safety and productivity of America's workforce.

As all the study, data, and personal experience since have amply shown, she was right.

Each year, over 1.8 million workers report that they have suffered from ergonomic injuries. Another 1.8 million incur ergonomic injuries that they do not report. What this means is simple: Over the 10 years of study OSHA devoted to this rule, America's working men and women endured over 18 million unnecessary injuries.

The average cost of these injuries—severe injuries—is anywhere from $25,000 to $27,000. I do not know what the value is in terms of denying someone their opportunity to use their hands, use their arms. What is the cost if they cannot use their fingers, cannot use their wrists, not only in the workplace but in terms of being able to pick up a child or be able to walk with a child or play with a child when they are growing up—all of the personal kinds of important opportunities in life that give individuals a sense of the joy of life?

What does it cost here? That is what we are debating. The Chamber of Commerce says it is too much. But 10 years of studies, evaluations, and best practices said that this can be done, and done in a way that will save money for American business.

You have two entirely different viewpoints. Do we have a chance to examine them? No. They say: ''We have the votes.'' We have how many hours left now? Nine more hours left? Nine more hours left until we can finish this rule off? That is the attitude of those who want to repeal this rule.

The statistics also show how serious this problem is. More than 600,000 workers lose a day or more from work each year because of these injuries. Indeed, the Academy of Sciences estimates this number is even higher, that over 1 million workers lose time at work because of their ergonomic injuries.

This is the Academy of Sciences. No, they are not elected to anything. But they are the Academy of Sciences, universally respected. And that is what they found, I say to Senators—1 million a year. And in 10 hours we are throwing out rules that can provide protection for these workers.

Ergonomic injuries account for over one-third of all serious job-related injuries and over two-thirds of all job-related illnesses. The injuries are costly. In a definitive study released only 6 weeks ago, the National Academy of Sciences estimated ergonomic injuries cost the Nation $50 billion annually in workers compensation costs—$50 billion now annually today if we do nothing. That isn't the Senator from Massachusetts saying that. That is the National Academy of Sciences saying that: $50 billion if we do nothing, in terms of workers compensation, absenteeism, and lost productivity.

In fact, ergonomic injuries account for $1 in every $3 that employers spend for workers' compensation costs. That is a cost of $15 to $18 billion every year in workers' compensation costs.

These injuries are painful and often crippling. They range from carpal tunnel syndrome, to severe back injuries, to disorders of the muscles and nerves. Carpal tunnel syndrome keeps workers off the job longer than any other workplace injury. This injury alone causes workers to lose an average of more than 25 days, compared to 17 days for fractures and 20 days for amputations.

These injuries affect all of us. Carpal tunnel syndrome afflicts nurses. It hurts truck drivers and cooks. It affects secretaries, cashiers, and hairdressers. It threatens any of us who use a computer or lift heavy objects or bend to pick things up. We are all at risk.

And even if each of us individually has not yet suffered a repetitive stress injury, we all know people who have. They are mothers, fathers, brothers, sisters, sons, daughters, and neighbors—and they deserve our help. But contrary to what the good Senator from Oklahoma says, there are broad industries which are left out. This rule is a rather reasonable rule and quite narrow. It does not affect agriculture. It does not affect the maritime industry, railroads, or construction. Those industries are left out. They are left out for other reasons. I can come back to them later.

So this idea of what is going to happen to workers' compensation and the number of pages of the rule, and what is the cost going to be, and about all the industry affected, we have to get down to the real facts.

Women are disproportionately harmed by ergonomic hazards. Women

make up 47 percent of the overall workforce, but in 1998 they accounted for 64 percent of the repetitive motion injuries and 71 percent of the carpal tunnel cases.

I will show you this chart very quickly. I see others on the floor, Senator FEINSTEIN and others, who will speak to this in greater detail.

Women are 47 percent of the total workforce. Of the total number of injured workers, they are only 33 percent. But if you are looking at ergonomic hazards, lost work time from repetitive motion injuries, in 1998, women accounted for 64 percent of those who had repetitive motion injuries and 71 percent of those who lost time for carpal tunnel injuries. This is a rule about protecting women in the workforce, because of changes in terms of our new economy primarily, and for other reasons as well.

These women are not faceless numbers. We are talking about workers such as Beth Piknick from Massachusetts, who was an intensive care nurse for 21 years before a preventable back injury required her to undergo a spinal fusion operation and spend 2 years in rehabilitation. Although she wants to work, she can no longer do so. In her own words:

> The loss of my ability to take care of patients led to a clinical depression . . . My ability to take care of patients—the reason I became a nurse—is gone. My injury—and all the losses it has entailed—were preventable.

We are talking about workers such as Elly Leary, an auto assembly person at the now-closed General Motors assembly plant in Framingham, MA. Like many, many of her coworkers, she suffered a series of ergonomic injuries—including carpal tunnel syndrome and tendonitis. Like others, she tried switching hands to do the job. She tried varying the sequence of the routine. She even bid on other jobs. But nothing helped. Today, years after her injury, when she wakes up in the morning, her hands are in a claw-like shape. To get them to open, she has to run hot water on them.

We are talking about workers such as Charley Richardson, a shipfitter at General Dynamics in Quincy, MA, in the mid-1980s. He suffered a career-ending back injury when he was told to install a 75-pound piece of steel to reinforce a deck. Although he continued to try to work, he found that on many days he could not endure the lifting and the use of heavy tools. For years afterwards, his injury prevented him from participating in basic activities. But the loss that hurt the most was having to tell his children they could not sit on his lap for more than a few minutes because it was too painful. To this day, he cannot sit for long without pain.

We are talking about workers such as Wendy Scheinfeld of Brighton, MA, a model employee in the insurance industry. Colleagues say she often put in extra hours to ''get the job done.'' As a result, Wendy has lost the use of her hands, and is now permanently unable to do her job, drive a car, play the cello, or shop for groceries.

The ergonomics rule was too late to help Beth, Elly, Charley, and Wendy. And there will be many, many more like them if Congress takes away the protections of the rule now.

This is because there is now conclusive, indisputable evidence that workplace practices cause ergonomic injuries. Dr. Jeremiah Barondess, the chair of the panel of experts that conducted the comprehensive study of the ergonomics issue for the National Academy of Sciences, has pointedly stated that there is a ''clear causal relationship'' between working conditions and ergonomic injuries.

And in case anyone has forgotten, this NAS study was the very study that opponents of the ergonomics rule said would inform their views on the issue. Time and time again, my colleagues across the aisle urged us to wait for more evidence that ergonomic injuries were a problem, that workplace practices were responsible for these injuries, that these injuries could be prevented. These were unjustified delaying tactics. But if anyone thought there was any doubt at all about these issues, they now have their answer. To suggest that these issues are debatable is, quite simply, preposterous.

Mr. President, I will come back later on. There are other points I wish to make. I note a number of my colleagues on the floor.

I underscore a very simple and basic thought: This rule has been in the making 10 years, weeks of hearings and examination and evaluation, studied by the Academy of Sciences and by every scientific group, supported by virtually all of the health community that has expertise in these areas. There was a simple technique by which this rule could have been altered or changed, a very simple technique. That is being rejected. If you are for some modification, any modification at all, you ought to reject this proposal. That way, it will still be possible to bring about some changes in the ergonomic rules.

But instead, what we are being asked to do is to accept lock, stock, and barrel that we are going to reject this rule that will effectively close out any opportunity to protect these workers for the first time in 30 years.

I cannot think of many health and safety rules and regulations which the Chamber of Commerce or the National Association of Manufacturers has supported to protect American workers. If there are some, I hope we have the chance to hear it from the other side. They have been basically opposed to these regulations. They think they have the votes now not only to modify it but to end this rule, which addresses the No. 1 health and safety issue for American workers today. That is basically wrong. It was recognized as being a major problem by the wife of our former Republican majority leader, Elizabeth Dole, over 10 years ago. There has been nothing that has happened since that time to indicate to the contrary.

On the contrary, there is constant scientific evidence to demonstrate that this is a problem, that this rule has been carefully considered and, finally, that this rule, when it is implemented, will actually save money because it will reduce workers' compensation, reduce absenteeism, and increase productivity. That is why the Department of Labor in its evaluation finds that instead of this problem costing $50 billion a year, we will actually save more than $4 billion a year.

I reserve my time.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Chair for the opportunity to comment, and I thank the Senator from Massachusetts for so well setting up the comments I have.

There was a reason for the Congressional Review Act being passed, a good reason for it. You could even assume there was a good reason on the basis that it was passed in a very bipartisan way. First, cosponsors of it were Mr. NICKLES, the Senator from Oklahoma, and Mr. REID, the Senator from Nevada—one from each side. How good of a job did they do of persuading you that this was a good law to put in place? I am not sure what precipitated it. I assume that some agency jerked the Congress around, and Congress believed it was time to jerk them back to reality. Not one of you voted against the CRA.

There is a need to have an act such as the CRA. That need exists when an agency fails to listen to a single comment on the work they are doing, when they are so sure of their work that they will not listen to hearings; that they will not listen to Congress; that they will not listen to experts; that they continue to do exactly the same thing they did before. Wait a minute. No, they did make some changes. They made it far worse. They took the comments they got, and they opposed everything and incorporated things in this that were worse than in the law that was passed.

We can't have agencies taking that kind of action. We know this is a divided Congress. My bet is that there will still be a very bipartisan action to pass this resolution we are voting on today to eliminate the rule as was proposed, as was printed, as is now in effect.

There has been a suggestion that we should trim it. I could go along with

that. But where would you start? I am holding 600 pages of stuff that the average American businessman cannot understand. Yes, he can hire technical experts who will help him with it at great expense. But even the technical experts are divided.

This little document includes by reference eight more documents. This isn't the whole load that a small businessman has to carry around this country. Let me ask you if you have received those eight documents and read those eight documents. I can tell you conclusively, you have not. One of those documents isn't even available. The people, when you call them and ask for the document, say: Don't bother us anymore.

This is ridiculous. One document referred to in this rule you can't even get. Some of my colleagues say the rule is really a short rule. Is it 400 pages? Is it six pages? Is it eight pages? Is it 20 pages? You can argue for all of those numbers. You can argue for 800 pages. But if you really count what the small businessmen in America are going to have to read, you will find that it is 800 pages. To say that this document is eight pages is statistically impossible.

If you agree this document is eight pages long, you think that the income tax forms you fill out only require reading two pages of material. That is exactly the same thing. When you fill out your income tax form, there are two pertinent pages to fill out, but there is a little manual that comes with them. If you don't pay attention to that manual, you will mess up your taxes. You will be fined. Maybe you will be thrown in jail. So you can't just look at the two pages, even if they are the only ones you fill out.

So let's not argue about 8 pages, 20 pages, 400 pages, 600 pages, 800 pages. Ask the small businessman how much he wants to read, and then take a look at how much he is going to have to read.

Now, you and I can look through this, or we can have our staffs look through it, and decide what we think is pertinent. I tell you, the small businessman out there doesn't have that luxury. He can't say, ''Somebody just show me the couple of paragraphs that affect my business.'' He can't do that because this affects his business—this and eight more manuals, only seven of which are available at a cost of $220.90.

That is a lot of work for a small businessman. Trim it? Why didn't OSHA trim it. California has a one-page ergonomics rule. Why not OSHA?

Why is this rule bad? This rule was written for the people who are bad to the bone. You and I both know that in any profession, in any business, and even with groups of employees, there are going to be about 5 percent of the people who are ethically challenged. Five percent look for ways not to do exactly what they ought to do. That is both the businessmen and the employees. Out of that 5 percent, you will find that there are about 3 percent—this is included in that 5 percent—the reason they are ethically challenged is that they don't care. No matter what you put in their manual, they don't care; they are going to do business as usual. Out of that 3 percent, there is about one-tenth of a percent of people who are bad to the bone. That is on both sides. That isn't just businessmen or employees. It might even be a smaller number than that.

This rule is written punishing 99.9 percent of the people in this country—businesses and employees—to take care of one-tenth of 1 percent of the people who are bad to the bone. That is not the way we are supposed to do these rules. That isn't the right way to do it.

We have a little conflict in some of our laws. One of the conflicts we have is that it is difficult to talk to the worker. You will hear examples throughout the day of terrible things being done to workers. I know of some of them. I have heard the speeches before on a lot of them. I have even looked into some of them. I have talked to some of these workers. Do you know we have a law that prohibits management from talking to the employee about how his job could be more ergonomically sound, unless he is in a union?

Now, there is a little catch there. Actually, the employer still doesn't get to talk to the worker who is doing the job because he is represented. It is the representative that they have to talk to. So they don't get to listen to a worker who is doing the job. I listen to them in Wyoming almost every weekend—they know how this job ought to be done. And they have some of the simplest solutions. But they are not able to talk to employers about it because of the National Labor Relations Act. But this rule doesn't incorporate the solutions for the kinds of problems that you are going to hear today in a way that the small businessman can handle them.

Last July we had this debate and we passed an amendment, in a bipartisan way, that was avoided by the administration, pressed by the agency, and circumvented by the agency so this could be put into place. I will have some more words about how that was achieved.

I wish to make it perfectly clear that this vote is not about whether we should have ergonomics protection. It isn't about that. Let me repeat that. This vote is not about whether we should have ergonomics protection. Of course we should. Of course we need it.

Have each of you worked in your offices to handle some of the ergonomics problems there? I have. It is a necessity right where we work. Does this rule work for us? No. And we have lots of staff. It is just the other people, just the small businessmen who have to memorize the manual themselves.

My colleagues and I strongly believe in protecting the workers, protecting the employees against musculoskeletal injuries—there is one of those $50 words from OSHA. We are not trying to kill ergonomics protection. In fact, you heard my colleague from Vermont earlier say that the Congressional Review Act clearly permits OSHA to issue another ergonomics rule, and you have heard the words of the Secretary of Labor who said she will continue to look at this issue and consider all the best options for protecting worker safety, including a new rulemaking.

I look forward to engaging in that process with Secretary Chao. As chairman of the subcommittee dealing with work safety, I feel a special responsibility to help employers protect American workers. I have no interest in killing the ergonomics protection, and I would not vote to do that. In fact, one of the highlights of last weekend was my meeting with the Service Employees International Union in Wyoming and receiving a certificate from them, on a national basis, for the work that I did on safety with needle sticks—something that was extremely important in this country, something that had been worked on for at least a decade.

Senator KENNEDY and I, and Senator JEFFORDS, and others, talked about some reasonable improvements that could be made. We got together on a bill. We put it together as a bill—not as a rulemaking by a bunch of unelected bureaucrats, not something as long as this rule. We agreed on it. Do you know what happened. It passed both bodies by unanimous consent. It went to the President and, of course, the President signed it.

After years of working on it, we sat down and worked it out. I am saying that we can work out ergonomics legislation so it will be beneficial to everyone, particularly the ones doing the work. That is how we are supposed to go about doing things, not through the process I am going to describe to you that OSHA went through and wound up with this huge rule.

But we are not voting on the value of ergonomics protection today; we are voting on one thing, and one thing only, and that is this Clinton ergonomics rule. This rule cannot be allowed to stand. If this were allowed to stand, it would not be of benefit to people who are working. It was issued as a last political hurrah for the former administration. It is the product of a rushed and flawed rulemaking, and it will not protect workers.

The power for OSHA to write this rule did not materialize out of thin air. We in Congress did give that authority to OSHA, and it is time for us to take some responsibility for what OSHA has done this time. The Congressional Review Act gives us special procedures to

do just that, and I am proud to be a part of today's historic innovation of the act.

I thank my colleague, Senator NICKLES, for passing the bipartisan Congressional Review Act, along with Senator REID, and for his hard work on the ergonomics issue. I also thank my colleagues, Senator BOND, Senator HUTCHINSON, and Senator THOMPSON, for their hard work on this issue.

This ergonomics rule is such an overbroad, overblown bureaucratic mess that I cannot imagine any action more in need of being taken than congressional intervention.

I am sure by the time we have had our 10 hours of debate, this rule will be indefensible.

Many of my Democrat colleagues are criticizing the effort to overturn the ergonomics rule. I wonder if any have actually read this gorilla of a rule. Have they tried to understand it? Have they tried to implement it in their offices? Have they asked the small business people in their States whether they will be able to implement it? Of course they haven't. If they had, there is no possible way they would want this rule to remain in effect.

Let me explain specifically why Congress must act to revoke the ergonomics rule. This rule violates sound principles of State and Federal law and, more importantly, common sense. I will talk more about that later, as will my colleagues.

First, I will talk about how we got here and then we will better understand why this rule is so bad and needs to go. Simply put, OSHA rushed through the rulemaking process. Worse yet, they stacked the evidentiary evidence. They ignored criticisms—worse than that, they paid people to rip the criticisms apart. They changed the rules in the middle of the game.

Is it any wonder this flawed process produced a flawed rule? Use spoiled milk, you get a spoiled milkshake. Let's look at some examples. Since 1988, the average time OSHA has spent per rule has been 4 years. Yet the ergonomics regulation was finalized in under 1 year by OSHA despite the fact it generated more public comment than any other prior OSHA rule. Why the rush? The answer is clear: The history books were closing on the Clinton Presidency so OSHA rushed to publish its final rule on one of the last possible days before the new administration to ensure that the new administration would have no recourse. The rule was published on November 16, put into effect on January 16. Is it any coincidence that the inauguration was January 20? That is by constitutional law. Everybody knew when the inauguration would be, when the opportunity would come for a new administration to take a look at what has happened. This has been a rush. No, they rushed forward in spite of the fact that both the Senate and the House voted to impose a 1-year delay on the rulemaking in a bipartisan way, in a civil way. Responsible rulemaking or political posturing? What was the agency doing and thinking?

My Democrat colleagues love to say this rulemaking has been a 10-year process started by Republican Elizabeth Dole. Let's be perfectly clear. No matter how long an issue is out there, the public has no way of knowing how OSHA will handle it, what OSHA will require, what OSHA is going to do, until OSHA actually publishes a proposed rule. That is the beginning of the rule debate. We have all known there have been ergonomics problems—ergonomics problems at work, at home, ergonomics problems with our recreation. Something needs to be done in all of those areas to eliminate the pain and suffering people go through. We have all recognized that.

When did OSHA actually do something? They did it a little less than a year before the final rule. In the case of ergonomics, OSHA let us in on their plan a mere 358 days before they made it the law of the land, one-quarter of the time they typically take.

Let's break it down even further. After the public comment period closed on August 10, 2000, OSHA received over 7,000 comments with 800 volumes of exhibits comprised of over 19,000 separate documents, each ranging in size up to 700 pages. Say the average size of these documents is just 100 pages; that comes to 1.9 million pages of material. That is pretty close to 2 million pages. But there were only 94 days between the end of the public comment period and the date of the OSHA-published rue.

How can the American people possibly have confidence that OSHA truly read, understood, analyzed, correlated, and responded to the 2 million pages of material in 94 days? That is 20,000 pages a day, steady, consolidated. Even if they don't consider it—which we know they didn't—it takes a long time to get through 2 million pages of work. Maybe that is where they saved time because there isn't a single bit of evidence that a single concern made it to the final rule. In fact, the rule got worse. They didn't listen; they made it worse.

Maybe OSHA didn't think it needed to pay any attention to these comments because it could get all the information it wanted from its hired guns. Yes, hired guns. At a most conservative estimate, OSHA paid over 70 contractors a total of $1.75 million to help it with ergonomics rulemaking. In particular, OSHA paid some 20 contractors $10,000 each to testify on the proposed rule. They not only testified on it; they had their testimony edited by the Department. Does that show concern for the problems of America? They brought them in for special sessions so they would be prepared for the same kind of atmosphere they would be in when they were presenting their testimony. They practiced these people, which also made sure the testimony they were giving was the testimony OSHA wanted given.

Then—and this is the worst part of it all—they paid those witnesses to tear apart the testimony of the other folks who were testifying, at their own expense.

Not being paid $10,000 by their government, coming to Washington wanting to testify on a rule, or sending their comments to Washington expecting their comments to be read and considered: not much to ask of a citizen, is it?

What does our government do? They pay contractors to rip apart the testimony. These may be the same contractors who helped compile these 2 million pages of documents to see if there was anything worth putting into the rule. That is not how our government ought to work. OSHA assisted the contractors with preparation of their testimony; they made suggestions to them about what they should say; they held practice sessions to prepare them.

Regardless of whether these tactics actually violate any law, it clearly paints OSHA as a zealous advocate, not an impartial decisionmaker. That is what we expect of our government: impartial decisions—not rabid, zealous advocates.

OSHA should be weighing all of the evidence and making the best decision for workplace safety, not blindly defending its own position at all costs—literally all costs, your costs and my costs, paying people to present the testimony.

How can the American people have any confidence that the outcome of this rulemaking was fair and unbiased? Look at the evidence. They can't.

This perception is also strengthened by the fact that OSHA completely ignored the many criticisms of the proposed rule and actually made it worse. For example, I held two hearings on OSHA's proposed rule last year. Yesterday, I brought in a volume that included that, with lots of testimony, lots of information, lots of letters.

During the first hearing, we examined a provision that requires employers to compensate certain injured employees at 90 percent to 100 percent of their salary. OSHA calls this requirement a ''work restriction protection,'' or WRP. But this provision sounds an awful lot like Federal workers compensation, doesn't it?

At the hearing, we heard testimony from a State workers compensation administrator and two experts in insurance and workers compensation. We also received written testimony from a large group of insurance companies. All of this testimony unequivocally showed that this provision will wreak havoc with the State workers compensation systems.

All 50 States have intricate workers compensation systems that strike a delicate balance between the employer and the employee. When I was in the State legislature in Wyoming, that took up a good deal of the time we spent in the Labor Committee, working on all of the history of workers comp. It is decades old, and there are thousands of administrators who have worked on this for years. OSHA doesn't have anybody who has worked on it for years. OSHA doesn't have anything in place to take care of the kinds of things that are going to happen when this rule starts generating workers comp payments.

All 50 States do have intricate workers compensation systems, and they strike a delicate balance. Each party gives up certain rights in exchange for certain benefits. An employer gives up his ability to argue that a workplace accident was not its fault in exchange for a promise that the employee will not pursue other remedies against it.

Each State has reached its own balance through years of experience, trial and error. Significantly, Congress has never taken this autonomy away from the States by mandating Federal workers compensation requirements before. The ergonomics rule destroys the State's balance and completely overrides the State's rights to make an independent determination about what constitutes a work-related injury and what level of compensation injured workers should receive.

OSHA doesn't have the mechanisms or the manpower to decide the numerous disputes that will inevitably arise because of the WRP provision. All of a sudden, OSHA will have to decide disputes over the existence of medical conditions, the causation, and the right to compensation. What is going to happen to workplace safety and health while OSHA is busy being a workers compensation administration? Do you think they are going to need some additional help on that? You bet they will.

In addition, under WRP, employers must pay immediately and employees can keep both the WRP payment and the workers compensation payment unless the employer sues the employee to recoup the double payment. Do you think the employee will have the money to pay back the double payment?

What we mentioned in committee, and I have mentioned this personally to the people who were working on this rule, that it was set up so an employee could be paid twice for being injured—I ask you, if you can make more money by not showing up for work than you can by showing up for work, would your boss expect you to be there? Even for the best intentioned person, this is a great temptation. And what we are hearing from the businessmen across this country. How do we administer this? How do we make sure we are not doing double payments to employees? How do we make sure that our workforce isn't being paid not to work? We want to do what is right, but we do need workers.

Employees will be making more money by staying home than coming to work, and without any medical diagnosis.

The rule is triggered with no medical diagnosis. Worse yet, under the WRP, the employer cannot get information from the doctor about how the accident happened? He can't get advice from the doctor who actually looked at the patient, to see how to solve the problem. That is illegal under the rule. If we really want to solve the problem for the person, why can't they talk to each other under this rule? Talking to people is the way to get the solution, and OSHA prohibit it because they think all those employers out there are bad to the bone. They wrote this rule for the one-tenth of 1 percent of the people in this country who will not be affected by the rule one bit.

It is no surprise that this WRP provision was vigorously opposed by the Western Governors' Association, the Tennessee Legislature, the New York Department of Labor, the Pennsylvania Department of Labor, and many others. All these complaints are on top of the fact that WRPs violate the OSH Act, a little problem OSHA chose to ignore.

Thirty years ago when Congress wrote the Occupational Safety and Health Act, it made an explicit statement about OSHA and workers compensation. I will quote the act.

> . . . supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

This is almost as if to say: What part of ''no'' don't you understand? ''Nothing in this chapter shall be construed''—''in any other manner''—there are so many words in here that say you can't do workers comp.

You will hear the other side mention a couple of areas where there have been some WRP payments. You will find that those are instances where they can test for substances that can be isolated at the workplace, where there was virtually no other possibility of them getting the contamination somewhere else. They are in the cotton dust and the lead provision. These are very special cases where the exposure can only happen at those workplaces.

That is not like this one, where the accident can happen—it happens over a period of time; it happens as a result of an accumulated effect, and, according to the National Academy of Sciences study, it is even based on attitude at the moment. I would like to see people measure that one.

Twice the provision uses the broad phrase ''shall not affect in any manner'' to describe what OSHA should not do to workers compensation. As someone with the privilege of being one of the country's lawmakers, it is hard for me to imagine how Congress could have drafted a broader or more explicit prohibition of OSHA's interference with State workers compensation.

But did OSHA heed these numerous complaints and the potential illegality and the constant mention that has been made of it during the entire process, in comment letters, in hearings, and remove the rule? No, it did not. They are all right here. It is on page 6885–4—I love the numbering of the Federal documents—of the final rule.

In our second hearing, we examined the devastating effect the rule would have on patients and facilities dependent upon Medicaid and Medicare. Testimony at that hearing demonstrated that the rule forces these facilities to violate the law and could force them out of business. In 1987, Congress passed the Nursing Home Act, recognizing the importance of human dignity—the importance of patient dignity—the importance of permitting patients to choose how they are moved and how they receive certain types of care.

This act and corresponding regulations mandate this important freedom of choice for patients. The ergonomics rule, on the other hand, imposes many requirements on all health care facilities and providers concerning patient care and movement. Thus, these facilities and providers may be forced to choose between violating the ergonomics rule or violating both the Nursing Home Act and patient dignity. We asked them to come up with some kind of solution for that problem in the hearing.

Moreover, OSHA's rule forces impossible choices about resource allocation between patient care versus employee care. The only way for businesses to absorb the cost of this rule is to pass the cost along to consumers. However, some consumers are patients dependent on Medicaid and Medicare—very important people we cannot leave out. The Federal Government sets an absolute cap on what these individuals can pay for medical services. Thus, the facilities that provide care for these patients simply cannot charge a higher cost. They have to absorb the cost of the rule.

Simply put, these facilities and providers are unable to absorb the cost of the ergonomics rule. And there is no question these facilities will face a cost. OSHA's own estimate of the cost of compliance in the first year will total $526 million for nursing and personal care facilities and residential care. The industry is already having trouble. The industry estimates that the per-facility cost for a typical nursing home will be $60,000.

But my issue with this rule is not that it will cost these facilities so much. It is that it will cost elderly and poor patients access to quality care. The new expenses this rule will add simply cannot be passed on to the patients who depend on this program, and a cut in service will be the only option. We have already seen what is happening, particularly with rural medical practice costs of providing the treatments that are limited. They are going out of business in my State.

Did OSHA do anything to address this problem? Did it resolve the legal conflict? Did it explain how these facilities can comply without sacrificing quality of care and quantity of care? No. In fact, OSHA's own estimate of the cost of compliance with the final rule actually increased over the proposed rule. And they stuck in a couple more things. OSHA actually made this situation worse rather than listening to these vulnerable facilities.

This really disappoints me.

After the hearings were over, I met with the former Assistant Secretary for OSHA and talked to him about my concerns. Mr. Ballinger made efforts in North Carolina in ergonomics and saw a reasonable approach to it, and even recommended him to be the Assistant Secretary for OSHA. I was there at the nomination process and the confirmation hearing. I asked questions about this. I thought we had a person who was reasonable and who would listen. Perhaps he did. Perhaps the bureaucracy took control of him.

But I met with him after we had the hearings and before the rule went into effect. I pleaded with him to solve the problems created by the proposed rule. And he said he would make significant changes. But it was clear that he thought OSHA was an advocate for their original version rather than an impartial decisionmaker weighing all the evidence fairly.

Now that I have seen the final rule, it is clear that OSHA saw blind advocacy as more important than its duty to craft the best possible rule. I see no indication that he took my subcommittee's work or any of the public comments to heart.

Perhaps more disturbing than OSHA's disregard for public comment is its denial of public opportunity to accept only certain elements of the final rule—another drastic attack on the American people. OSHA made significant substantial changes to the final rule without giving the public an opportunity to comment on them.

What this could lead to if we don't reverse the rule today is the agency saying: Let's see. The easiest way to do this would be to leave things out of the proposal and then hold the hearings and take the testimony. And, when we are finished, we will do the final rule the way we want to.

That is what OSHA did. The starting point wasn't so popular and it drew significant adverse comment. But they didn't address it. They just went on to another publication—one that was more stringent than with what they started.

The worst of these changes is OSHA's addition of eight new job hazard analysis tools.

I can almost see your eyes starting to glaze over. If I started to read all of these additional pages to you, they would. But remember that the small businessman has to take these into consideration. The guy out there who doesn't have the specialized staff that OSHA has is going to have to know these because they have included them in the rule.

OSHA's rule says to employers: If you want to be assured of avoiding fines and penalties, you have to reduce the ergonomic hazards in your workplace below the level specified in one of eight tools contained in mandatory appendix D–1.

Doesn't that get you excited? The tool you use is dependent on the type of work your business performs. But you have to figure out which one for yourself.

Here are a couple of them.

We have the ACGIH hand-arm vibration—actually sharing a summary with the small businessmen. It may be some help to them but not much.

GM-UAW risk factor checklist: Sounds like the kind of study you would want to read to keep your mind active.

The push-pull hazard table, and the rapid upper limb assessment—do those sound a little difficult? Yes; they are. They were written by ergonomists for ergonomists. None of them were written for small businessmen. But the small businessman still has to understand them.

These tools are actually eight separate documents that were not written by OSHA, and they were not mandated in the proposed rule—only the final rule. No member of the scientific community and none of the regulated public had an opportunity to comment on whether mandating compliance with these tools is a good idea.

Adding insult to injure, as far as I can tell, OSHA does not provide these documents. Instead, OSHA tells employers: You are on your own. Go ask the publishers, the trade association, and the private companies that wrote these tools to give them to you. So we gave it a shot.

Let me tell you it wasn't easy. It took three of my staff several days, and there was still one document they were not able to obtain at all. Remember, these weren't free.

As for the rest of them, one of the documents is 164 pages long. That is in addition to the rule. It all depends on how thick the paper is. The Government didn't use good paper. That probably saved us a little bit of money. Not doing the rule would save us a lot more.

So let's see what the local bakery has to comply with. I am going to read from The American Conference of Governmental Industrial Hygenists Hand/Arm (Segmental) Vibration Threshold Limit Value (or TLV). This is straight from the range of pages cited by OSHA in the mandatory appendix:

> For each direction being measured, linear integration should be employed for vibrations that are of extremely short duration or vary substantially in time. If the total daily vibration exposure in a given direction is composed of several exposures at different rms accelerations, then the equivalent, frequency-weighted component acceleration in that direction should be determined in accordance with the following equation.

As for the rest of them: One of these documents is one hundred sixty-four pages long. For at least five others, there are separate monetary charges—that's right, businesses have to pay to be able to read these federally mandated documents. And several of these documents are articles in scientific journals written for ergonomists and engineers. But the corner convenience store, local newspaper and your favorite bakery must comply with them all the same.

That is something we deal with on the floor of the Senate every single day, isn't it? I mean, why wouldn't our small businessmen be able to take this simple—simple?—calculus formula and figure out if their employees were getting too much vibration on the job?

It would be a lot simpler if they asked the employees if they were having vibration problems. But the law makes that difficult.

You cannot talk to the guy with the problem and say: Are the vibrations bothering you? What can we do to eliminate some of the vibrations? No. Instead, we have this thing about RMS accelerations, with equivalent, frequency-weighted component acceleration, determined in conjunction with this very simple formula.

Now, I am sure everybody in Congress is going to be proud to go to their baker and say: We know you run some equipment that has vibrations. I want to help you understand this formula. Yes. It is not going to happen. When your baker sees this thing, I will tell you what he will think you ought to do with this rule. There really ought not to be anybody who votes for this rule, not the way it has been messed up through a process that ought to be helping people.

Do you see any evidence there was any attempt to help people? All we built in was cost. We did not build in care. We did not take care of the people of America. We did not save them from their ergonomics problems. We put so much garbage out there that the businessman is simply not going to be able to comply.

This isn't the kind of thing any of us ever anticipated we would be thrusting

on the small businessmen of this country. In fact, it isn't even what we thought we would be thrusting on the workers of this country. Do you know what is going to happen in a bunch of businesses in this country. Instead of asking that employee what could be done, instead of asking him how to solve the problem, they are going to hire somebody who will automate the plant. People will lose their jobs. Yes, we may hire somebody to run the automation, but that is not going to take care of jobs in this country, the jobs of people who work hard every day and know what they are doing and know the simple ways that the process could be improved.

I tell you, not one of them is going to read this; not one of them needs to read this. You do not need to read this to solve the problems in the workplace. There are none of us who do not want to see the ergonomics problems reduced and eliminated. I tell you, business has been doing that. Yes, according to OSHA, over the last 5 years business has reduced the number of ergonomics accidents by 22 percent. The Bureau of Labor Statistics gives business a lot more credit than OSHA for these numbers.

What would improve ergonomics in this country? I tell you, if we had the same number of people working with businesses suggesting things that would help the people in that business, instead of spending their time writing this kind of stuff, we would have a lot more of the problems solved.

I am willing to work on coming up with an ergonomics rule that will work to reduce injuries. I am not interested in seeing an ergonomics rule that is for the benefit of the jobs of bureaucrats. That is not going to help us.

I ask you, how in the world is any small business or any businessman, for that matter, supposed to figure out all this stuff? They can't. Businesses simply will not be able to comply with the requirements. But OSHA has not heard their stories because it deprived the American people of the opportunity to comment on the requirements.

Rest assured, these problems are just the tip of the iceberg. You will be hearing about more flaws from my colleagues in the coming hours. But if even one of these issues that I have raised troubles you—and I think they should all trouble you deeply—then you must recognize the desperate need for congressional intervention. That is why a bipartisan act years ago set up this process, so that Congress could jerk an agency back to reality that has not been paying attention. There is a desperate need for congressional intervention.

I urge my colleagues to vote in favor of this resolution. Let's show the country that although Congress delegated rulemaking authority to OSHA, we have not abdicated our responsibility to the American people. I will watch out for the American people. I know my colleagues will, too.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me say to my colleague from Wyoming—he chairs the committee with jurisdiction over workplace safety, and I am the ranking minority member—I appreciate him as a Senator. There is a different version of those hearings and a different version about what is the right thing for us to do. I would like to speak to that.

Each year, there are 1.8 million workers who suffer from ergonomics disorders. Mr. President, 600,000 men and women have injuries so severe they are forced to take off work. Obviously, there is a problem. If it is your son or your daughter or your brother or your sister or your husband or your wife, it is very personal to you.

I think this is a class issue. I said it yesterday on the floor of the Senate—and I have to say it again—I think precious few Senators really understand what these statistics mean in personal terms because, frankly, we are talking about a part of the population that is not well represented in the Congress, not well represented in the Senate. We are talking about working-class people. I do not think most Senators have loved ones who are doing this work, whether it is blue-collar work or white-collar work.

As I say, 1.8 million workers every year suffer from work-related ergonomics disorders—many of them women. I must say, I think some of the discussion on the floor trivializes these injuries, trivializes this pain, and trivializes the need for protection for people.

I do not know how many times I have heard from my colleagues that, of course, there should be ergonomics protection, that, of course, we should do something—but it is never this rule; it is never that rule; it is never the next rule. Frankly, there are interests that for 10 years have done everything they could to oppose any kind of rule providing people at the workplace with this protection. That is what this resolution is about. That is what this debate is about.

Keta Ortiz is a sewing machine operator in New York City. She was 52 when her whole life came crashing down. She ended up with cramps in her hands so severe that when she woke up, they were frozen like claws. She had to soak her hands in hot water just to be able to move her fingers. This went on for 5 years. Terrified of losing her job, she suffered agony beyond measure, beyond any measure most Senators know. Finally, she had to give up her job. It took 2 years for her to get her first workers comp check. She lost hers and her family's health insurance, and she now tries to get by on $120 a week in workers comp payments.

Shirley Mack from Spring Lake, NC, is a single parent with four children. Let's talk about people. You can put charts up, and you can make fun of rules, and you can trivialize what this is all about, but let's talk about people's lives.

Shirley Mack has worked since she was 5 and tried very hard to stay off public assistance. Her job was splitting chicken breasts in a poultry plant, working 8 or 9 hours a day, 5 days a week. I doubt whether very many Senators have done that. I have not. Maybe some have, not too many, though.

I am on safe ground, aren't I, colleagues, in saying that not too many Senators have ever done this kind of work? She says she was one of the faster workers but then her hands started hurting and going numb. To avoid losing her job, she continued working, but then her hand stopped working. Her finger locked. Her hand grew numb and cold, and her arm stopped working. After a few days in the plant of not being able to work, she was fired.

I quote from her:

> Now I go to bed in pain and I wake up with pain. It hurts to hold my new grandson. I can't fix a big meal like I used to or hang clothes or do yard work at all. I can't go to the grocery store by myself anymore because I can't push the cart. I can only really use my left hand so lots of things like doing my hair and driving take longer and really hurt. . . . I didn't want to go on assistance, but I am now disabled. This carpal tunnel syndrome is very real.

Some of us are being very generous with the suffering of others. That is what this rule was all about—lessening the suffering of a whole lot of people in the workforce of the United States of America. Now with this resolution, we are going to wipe out that rule, wipe out that protection.

It is interesting: We are in this intense debate—or will be soon—on the education bill regarding accountability for our schools, but when it comes to worker safety, all of a sudden accountability and standards go out the window.

My colleagues have been holding up the Federal Register. They have been talking about the rule. The rule is eight pages. The rule is eight pages. There is background; there is context; there are reasons for doing it. This is the rule, eight pages. This whole book is not the rule; it is a lot of good background information on the rule.

I will discuss what this rule is about, 8 pages, 10 years in the making, starting with Elizabeth Dole, and now in 10 hours we are going to overturn it. By the way, for all my colleagues who say they are committed to doing something, they will do something, time is

not neutral for these workers. These injuries are debilitating. It is a life of hell. It is a life of pain. Now in 10 hours we are going to overturn this rule.

These standards, eight pages of a rule, represent a sound, reasonable, sensible approach. What does the rule basically say? After 10 years of diligent work, initiated by Elizabeth Dole when she was Secretary of Labor, right up to now, what do we have? We have state-of-the-art, flexible, commonsense rules for employers, helping them to deal with this vexing problem of ergonomic disorders.

The requirements are not complicated: One, the standard simply calls for employers to provide employees with basic information about ergonomic disorders so that if you are working and you are experiencing these symptoms, you know what is happening to you before it is too late. Then the employer need not do anything more, that is it, unless a worker or an employee reports a disorder or a symptom which is a sign of the disorder. The worker says: I can barely move my wrist; my fingers are swelling; I am in pain. Then there is a problem.

First the employer lets the workers know, gives them information so people can understand what might be happening to them. That is a terrible idea?

Then if the employee should come to the employer and say, I have a problem, it is up to the employer to determine whether or not what has been reported is an ergonomic incident. There are clear criteria laid out. If that threshold is reached, then the employer is obliged to work with his or her employees to identify and analyze the hazards and develop a program to deal with those hazards.

We would think, from hearing some of the Senators on the floor of the Senate, that OSHA has done a terrible thing by promulgating a rule, based on 10 years of work, to provide some protection for well over a million and a half workers every year who face these disabling injuries, 600,000 of whom are not even able to work part of the time because of these injuries.

Are these rigid, onerous, arbitrary rules? No, they are not. A lot of smart businesspeople are already utilizing these standards. Tom Albin, who is an ergonomist at 3M in St. Paul, MN, had this to say about what 3M does in my State:

> Our experience has shown that incorporating good ergonomics into our manufacturing and administrative processes can be effective in reducing the number and severity of work-related musculoskeletal disorders, which not only benefits our employee, but also makes good business sense.

Tom Albin is right; it is good business sense.

> 3M's evolving ergonomics process has been effective at reducing the impact of these disorders on our employees and our business. From 1993 to 1997 we have experienced a 50 percent reduction in ergonomics-related OSHA recordables and 70 percent reduction in ergonomics-related lost time OSHA recordables.

In other words, paying attention to ergonomics makes good business sense. It is cost effective. Estimates are that the $4.5 billion annually it will take to implement these standards will result in $9.1 billion annually of savings which are recouped from the lost productivity, lost tax payments, administrative costs, and workers comp. You do the prevention. We have this rule. You have this standard. You prevent injuries. You have more productivity. Workers are not absent from work, and you have fewer workers comp claims. We have also lived to our values: We have provided protection for hard-working people.

When my colleagues come to the floor and talk about this standard as if it is arbitrary and capricious, they leave out a little bit of the history of this. The fact is, many companies are saying, yes, we need to do this. Good businesspeople are saying, yes, we need to do this. It is preventative, and it saves money.

The results are not surprising. The National Academy of Sciences and the Institute of Medicine report, which was requested by industry groups and opponents of these standards—I haven't heard any discussion about this—finds scientific support that, one, exposure to ergonomic hazards in the workplace causes ergonomic disorders; and, two, these injuries can be prevented.

This is the report. If I were to list—and I don't have time because other colleagues will speak—the panel composition, it extends from internal medicine to nursing to physiology to biomechanics to human factors engineering, a most distinguished panel of men and women. The National Academy of Sciences found a strong and persistent pattern, both on the basis of epidemiological studies and biomechanical studies, that indeed there was a huge problem in the workplace. Repetitive stress injuries are for real. People are disabled.

They also found that in fact if we want, we can take action to reduce this pain and agony. We could change the design of tools and work stations, rotate jobs, lift tables, have vibration-dampening seating devices. There are a whole set of ergonomic principles which can be used to reduce exposure to risk factors and, as a result, mean less pain for many women and men in the workforce.

I have not heard my colleagues talk about this study. I know sometimes facts are stubborn things. I know sometimes we don't want to know what we don't want to know. The NAS report goes on to affirm the basic elements of the OSHA standard: management, leadership, employee participation, job hazard analysis and control, training, and medical management. So my second point is that the case for these standards is strong and unassailable.

My last point has to do with the rush to judgment that we are witnessing today: Ten years of work, countless studies, untold time and effort overturned after 10 hours of debate. This resolution of disapproval wasn't sent to committee, and this, despite the fact that we have a new study hundreds of pages long, commissioned by the opponents of this rule that supports the essential elements of what OSHA ordered. This is the problem my colleagues have. They are doing the bidding of some very greedy folks who say they don't want to have to spend any more money.

How generous we are with the suffering of others. So we had 10 years of study and the opponents wanted the National Academy of Sciences to give us their best judgment. Well, they ended up supporting basically the rules that OSHA ordered, which was what the opponents were opposed to. So now Senators don't have the study; they don't have the research; they don't have the evidence. But I will tell you what they do have. This is what they do have. They could come to the floor of the Senate. The administration could do the same thing. The administration could stay OSHA's rule. The administration could reopen the rulemaking process, call for further studies; they could let the court processes unwind.

Instead, this effort is to kill the rule. This is scorched earth policy to prevent OSHA from ever issuing a rule in ''substantially the same form, unless specifically authorized by a subsequent act of the Congress.'' That is what this is all about.

Let me be clear about this. My colleagues are not interested in making any kind of accommodation. That is not what this is about. They are not interested in saying, yes, there are some parts in this rule we don't like; let's see if we can fix them. What they want to do is avoid accountability for worker safety. That is what this is all about—that we will avoid accountability. That is what is so egregious. That is what is so egregious about what is happening.

I finish this way. This is one interesting and telling week for—sometimes you speak on the floor of the Senate and you somehow hope you get the attention of people, and you almost hope people listen and you can connect with the people in the country to somehow follow debate, or they hear one thing you say.

I certainly wish to say this: For working people, for people who are not the heavy hitters, not the big players, not the investors, don't have all of the economic clout, don't lobby here every day in Washington, who are doing the work, who are faced with these kinds of

injuries and this kind of pain, these kinds of disabilities, men and women—but probably the majority are women—this is not a good week for them because this resolution overturns 10 years of hard, diligent work to finally write a rule that will give working men and women some protection in the workplace. And then if you can't work because you are disabled by this injury—remember, a lot of people have no other choice. A lot of people work at these jobs because they have no other choice. They don't work at these jobs for the fun of it. We have options. We can go to other work. They don't.

And then what we are going to do, starting tomorrow, assuming this resolution passes, is we are also going to say to the same people, now we have overturned the rule, now we have moved away from protection—although Senators are saying, of course, we are concerned. Your concern doesn't mean much because time is not neutral, and for a whole lot of folks the injuries are now.

I keep hearing we are for another rule, another time, another place; but every time big economic interests say, oh, no, we can't afford it.

My colleague from Wyoming, whom I respect, talked about nursing homes. I hope that the choice is not between nursing homes or hospitals saying, look, in order for us to be able to make it economically—I agree they have gotten the short end of the stick when it comes to reimbursement. We have our health care providers saying the only way they can survive economically is for the workforce to work jobs that are unsafe and continue to suffer and struggle with disabling injuries. That should not be the tradeoff.

Does anybody wonder why we have a 40-percent turnover in nursing homes every year? Part of it is the low wages and part of it is outrageous working conditions, taking care of our mothers and fathers who built the country on their backs. One would think we would do well for parents and grandparents and for the human service workers who take care of them. We don't do well for the men and women who take care of our parents and our grandparents in nursing homes or in home health care when we do not take action to protect them and make sure they are safe.

I can only say that the supreme irony of this week is that now that we take away the protection, if you are disabled and you can no longer work, then what we are going to do, starting tomorrow, is pass the bankruptcy bill that is going to make it impossible for most people in the country to any longer file chapter 7 and rebuild their lives. Incredibly harsh. Great for the credit card companies. It doesn't hold them accountable for their predatory policies, for pumping these credit cards on our children and grandchildren. But, boy, when it comes to families that find themselves in terrible economic circumstances because of a major medical bill, or because of the loss of a job, or because of a divorce, it is going to be practically impossible for people to rebuild their lives.

So I say that working families get the shaft on the floor of the Senate this week and next week as well. I say that is a shame. But I say that I believe in the intelligence of people, and my guess is that citizens in the country will figure this out and they will have a pretty good sense of who gets represented well here and who is left out.

I will finish with this sentence. I think, unfortunately, that even though I don't believe it is intended, because Senators on the other side of this debate are good people—we just disagree—I think the effect of this resolution overturning 10 years of work, overturning this rule, so important to protecting men and women in the workplace—the effect is to make many working Americans, men and women, expendable. We are making them expendable. We are saying to many working class people in the country that you are expendable Americans. I am in profound opposition to that statement.

I yield the floor.

Mr. ENZI. Mr. President, I yield such time as the Senator from Tennessee may use.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I rise in support of the proposition that in a democratic republic it is entirely appropriate for elected representatives to have some say-so when a bureaucracy produces a rule that so greatly affects people's lives.

As we get into our discussion, we can discuss some of these broad, powerful, greedy interests that have been referred to, and we can discuss exactly who is affected by this rule and whether or not all these people fit that definition that our previous speaker has just cast on everyone who comes to us with concern about this rule.

I rise in support of the resolution of disapproval of OSHA's ergonomics regulation. I do not make this decision lightly, but this regulation is so unworkable, and the process under which it was issued so unsound, I believe I have no choice but to support its disapproval.

This regulation is a perfect illustration of how political gamesmanship can subvert rational policymaking.

At the outset, I will address some of the claims made about this resolution of disapproval. Some assert that this resolution is an attack on worker safety. Some may even claim this resolution will bar OSHA from addressing the problem of musculoskeletal disorders. The truth is, none of us oppose worker safety. Many of us have worked on those assembly lines we hear so much about. Some have firsthand experience with such matters.

This resolution prevents an irresponsible and unworkable regulation from taking effect. OSHA will still retain the freedom to address the problem of musculoskeletal disorders, including through the use of its general enforcement authority or by reissuing a reasonable regulation. Just because something has been worked on for many years does not mean the final product produced at the last minute is a reasonable product. Perhaps a lot of good work went into this over the last 10 years, but what counts, as we have learned in so many other areas, is what happened as it went out the door.

There is not enough time to discuss all of the flaws and problems with this regulation. Many of my colleagues have discussed, and undoubtedly will discuss, some of these problems. They will show this regulation is the product of an unfair, biased process. The rule will unfairly burden businesses all across America, especially small businesses. Beyond the private sector burdens, this regulation will cost the U.S. Postal Service over $3.4 billion, plus $1.5 billion annually thereafter. My colleagues will also show this regulation is incomprehensible. This regulation is unworkable. All of this is cause for concern. I am particularly concerned about the burden this regulation imposes on businesses in Tennessee. But I will not rehash all of these arguments in the limited time I have today. Instead, I want to focus on how the Clinton ergonomics regulation would harm State and local governments and violate principle of federalism.

As chairman of the Governmental Affairs Committee, I have the responsibility to oversee Federal-State relations. Over the past several years, I have struggled with the Clinton administration over its federalism policy. This ergonomics regulation is consistent with their disrespect for the principle of federalism. By many measures, this would be the most burdensome regulation ever imposed by OSHA. It would amount to an enormous unfunded mandate. It would preempt traditional State and local authority. It could seriously impair State and local governments across our country, and certainly in Tennessee. It could hit hardest in many small and poor communities where local governments struggle to meet the needs of their citizens already.

Yet until the 11th hour, OSHA neglected to consider how its regulation would burden State and local governments and erode their traditional authority. OSHA failed to properly consult concerned local representatives or to fully explain the potential effect on State and local employers.

After spending years to study the impact of this mega-regulation, OSHA neglected to consider the economic impact of its proposed regulation on

State and local governments. This is not a small oversight, to say the least. When OSHA published its proposed ergonomics standard in November of 1999, OSHA claimed ''few if any of the affected employers are State, local, or tribal governments.'' Then OSHA heard the howls of protest and conceded that the regulation certainly was going to impose very large and real burdens on these groups.

Such small inconvenience did not slow OSHA's rush to ram out this regulation in final form in the last days of the Clinton administration. OSHA simply cranked out a perfunctory economic analysis last May and provided State and local governments a grossly inadequate 30-day period to comment on OSHA's slipshod economic analysis. OSHA also moved its July 7 hearing to consider the economic impact on these parties from Washington, DC, to Atlanta, GA, during a time when there was a huge convention in Atlanta and rooms were scarce. Many interested parties, including representatives of local government, were not even able to attend due to the expense and inconvenience involved.

When it issued the final rule, OSHA admitted there would, indeed, be economic burdens for State and local governments—to the tune of about $558 million each year. Other estimates are much higher. The Heritage Foundation estimated that the cost of the ergonomics proposal on State and local government would be about $1.7 billion.

When OSHA proposed this regulation, it claimed that the Unfunded Mandates Reform Act did not apply. In the preamble to its final rule, OSHA does not deny that the ergonomics regulation would impose an enormous unfunded mandate. But it glibly claims that the final rule is the most cost-effective alternative. We have already seen many instances where the Clinton administration thumbed its nose at the Unfunded Mandates Act. A GAO report I requested a couple of years ago concluded that the Unfunded Mandates Act has had little effect on agency rulemaking. I think this episode cries out for reexamining the Unfunded Mandates Act.

I am concerned that many governmental entities—towns, water districts, volunteer fire departments, and so on—will not be able to sustain the cost of this unfunded mandate without increasing taxes or cutting vital services. Local governments simply do not have adequate resources to meet these far-reaching mandates from OSHA. This is true both in Tennessee and across America.

According to the National League of Cities, out of 36,000 cities and towns in America, 91 percent have populations of fewer than 10,000. The average annual budget of these small towns and cities is about $1.6 million. At the end of the day, there is simply no money for lawyers and ergonomics experts.

But the story does not end there. This standard preempts an area of traditional State authority. State workers' compensation systems are based on decades of experience and careful deliberation. We talk about 10 years working on this rule. What about the many more years it has taken to develop State workers' compensation laws that are totally abrogated by this rule?

In one fell swoop, OSHA would overturn the careful policy choices of the States. This regulation supersedes existing State workers' compensation programs despite the fact that the Occupational Safety and Health Act makes clear that OSHA may not supersede or in any way affect any workers' compensation law.

The rule's work restriction protection provisions, which require employers to pay 90 percent of earnings and 100 percent of benefits to employees unable to work, would effectively create a Federal system of workers' compensation. The rule would also allow employees to bypass the system of medical treatment provided by State law for workers' compensation injuries and seek diagnosis and treatment from any licensed health care provider.

Did Congress intend to delegate the authority to the bureaucracy to establish a Federal workers' compensation law in this area and to preempt State laws that were formulated over the last decades? I don't think so. By interjecting a special Federal compensation system for ergonomic injuries into State compensation programs, the work restriction protection provisions would provide preferential treatment for people with musculoskeletal disorders as opposed to every other job-related injury or illness.

Some local representatives have argued that the work restriction protection provisions could provide an employee who hurts his wrist playing tennis more money in benefits than current benefits provide a laborer who loses his arm.

To make matters worse, the work restriction protection provisions double the opportunity for fraud by failing to provide employers any recourse for recovering workers' compensation payments from employees who have already received their earnings and benefits through the work restriction protection provisions. The double payment would take more money away from people with real injuries who have legitimate claims.

My concerns are shared by many State and local governments that face this unfunded mandate and the erosion of their traditional authority. Both houses of the legislature of my home State of Tennessee are controlled by the Democratic Party.

The Tennessee Legislature passed a resolution calling on Congress ''to take all necessary measures to prevent the ergonomics regulation from taking effect.'' They are concerned that the ergonomics rule will preempt Tennessee's workers' compensation system, impose drastic requirements on the state government, and cause hardship for many Tennessee businesses. I agree, and I wish the Clinton Administration had listened to the representatives of the people of Tennessee.

The concerns raised by Tennessee are shared by many other state and local governments. The National League of Cities, the largest and oldest organization representing the nation's cities and towns, has opposed the regulation from the beginning. The Western Governors' Association passed a resolution detailing how the regulation would supersede the entire complex of state workers' compensation provisions and conflict with state laws.

Mr. President, a couple of years ago, I fought the Clinton Administration's attempt to repeal President Reagan's Executive Order on Federalism and to replace it with a new Order that would have created new excuses for federal meddling in state and local affairs. Ironically, the Clinton Administration tried to issue this executive order, which called for more consultation with state and local government, without consulting with state and local governments at all. A firestorm of protest from state and local officials led the White House to adopt a new federalism order that mimicked the Reagan Order. The Clinton Administration promised to consult more with state and local officials. But a year later, on the most burdensome regulation ever proposed by OSHA, the Clinton Administration did not address the problems raised by state and local officials, did not seriously consider the enormous impact of this unfunded mandate, and did not trouble itself with the rule's disruption of complex areas traditionally regulated by the states.

I ask unanimous consent that the resolution of the Tennessee legislature, a letter from Tennessee Governor Don Sundquist, and the letters from Mayor Victor Ashe of Knoxville and Mayor Charles Farmer of Jackson, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION 610

Whereas, Tennessee has enacted a comprehensive workers' compensation system with incentives to employers to maintain a safe workplace, to work with employees to prevent workplace injuries, and to compensate employees for injuries that occur; and

Whereas, Section 4(b)(4) of the federal Occupational Safety and Health Act, 29 U.S.C. §653(b)(4), provides that ''Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under any law with

respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.''; and

Whereas, the Occupational Safety and Health Administration (''OSHA''), notwithstanding this statutory restriction and the constitutional, traditional and historical role of the states in providing compensation for injuries in the workplace, has nevertheless published a proposed rule that, if adopted, would substantially displace the role of the states in compensating workers for musculoskeletal injuries in the workplace and would impose far-reaching requirements for implementation of ergonomics programs; and

Whereas, the proposed rule creates in effect a special class of workers compensation benefits for ergonomic injuries, requiring payment of up to six months of wages at ninety percent (90%) of take-home pay and one hundred percent (100%) of benefits for absence from work; and

Whereas, the proposed rule would allow employees to bypass the system of medical treatment provided by Tennessee law for workers' compensation injuries and to seek diagnosis and treatment from any licensed health care provider paid by the employer; and

Whereas, the proposed rule would require employers to treat ergonomic cases as both workers' compensation cases and OSHA cases and to pay for medical treatment under both; and

Whereas, the proposed rule could force all manufacturers to alter workstations, redesign facilities or change tools and equipment, all triggered by the report of a single injury; and

Whereas, the proposed rule would require all American businesses to become full-time experts in ergonomics, a field for which there is little if any credible evidence and as to which there is an ongoing scientific debate; and

Whereas, the proposed rule would cause hardship on businesses and manufacturers with costs of compliance as high as eighteen billion dollars ($18,000,000,000) annually, without guaranteeing the prevention of a single injury; and

Whereas, the proposed rule may force businesses to make changes that would impair efficiency in distribution centers; and

Whereas, this proposed rule is premature until the science exists to understand the root cause of musculoskeletal disorders, OSHA should not rush to make rules that are likely to result in a loss of jobs without consensus in the scientific and medical communities as to what causes repetitive-stress injuries, and medical researchers must answer fundamental questions surrounding ergonomics before government regulators impose a one-size-fits-all solution; now, therefore,

Be it *Resolved* by the Senate of the One Hundred First General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect.

Be it further Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of the Tennessee Congressional delegation.

STATE OF TENNESSEE,
Nashville, TN, March 5, 2001.

Hon. FRED THOMPSON,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR THOMPSON: I'd like to offer you my support for Senate Joint Resolution 6, which disapproves the ergonomics rule submitted by the Department of Labor.

I oppose unfunded federal mandates and believe in each state's right to set workplace laws. The Ergo Rule is too complex, too unworkable and would be far too costly for state and local governments at a time when most state and local governments are working to cut costs in an effort to continue to provide quality, effective services without overburdening taxpayers.

In addition, the ergonomics legislation would negatively impact hundreds of Tennessee businesses. For these reasons, I join you and the Tennessee Association of Business, the Tennessee Apparel Corporation, the Tennessee Grocers Association, the Tennessee Automotive Association, the Tennessee Malt Beverage Association, the Tennessee Health Care Association and Chattanooga Bakery Inc. in support of Senate Joint Resolution 6.

If I can be of further assistance on this or other matters please don't hesitate to call.

Sincerely,

DON SUNDQUIST.

THE CITY OF KNOXVILLE,
Knoxville, TN, March 5, 2001.

Hon. FRED THOMPSON,
U.S. Senate,
Washington, DC.

DEAR FRED: I am writing to advise you that I fully support S.J.R. 6.

This regulation regarding ergonomics is ill advised and will adversely impact local governments. It will, in fact, impose another unfunded mandate on local governments that would prove to be extremely costly for our taxpayers. It would eventually result in reduced services and/or a property tax increase.

This regulation is complex and unworkable. It is unclear how state and local governments will be affected. In addition, there can be no alternative position established for personnel such as firefighters and police officers.

I am hopeful your efforts to stop this regulation from taking effect will meet with success.

Sincerely yours,

VICTOR ASHE,
Mayor.

CITY OF JACKSON,
Jackson, TN, March 5, 2001.

Re S.J. Resolution 6.

Senator FRED THOMPSON,
Committee on Governmental Affairs,
Washington, DC.

DEAR SENATOR THOMPSON: I urge you to support S.J. Resolution 6 which allows for disapproval of the rule submitted by the Department of Labor relating to ergonomics regulation for the following reasons:

Tennessee has already enacted a comprehensive and effective workers' compensation system that encourages employers to provide a safe working environment and to compensate employees for injuries that occur.

The proposed rule would displace the role of states in compensating workers for musculoskeletal injuries in the workplace.

It would require employers to compensate workers for medical treatment under both the existing workers' compensation rules and OSHA rules.

The rule would force manufacturers to unnecessarily alter workstations and redesign facilities, which could cause undue financial hardships on businesses without guaranteeing the prevention of a single injury.

In some work environments such as fire fighting and police activity it would be impossible to alter the components of their job and remain effective.

It is unclear how state and local government employees will be affected by the rule.

OSHA did not conduct a cost-benefit analysis revealing the fiscal impact of the rule.

The rule is an unfunded mandate thereby placing the burden of funding on states and cities.

In short the rule is costly and unworkable.

Thank you for your attention to this matter. Please advise as to how I can provide further assistance of information.

Yours truly,

CHARLES H. FARMER,
Mayor.

RECESS

The PRESIDING OFFICER. The hour of 12:30 having arrived, under the previous order the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

DISAPPROVAL OF DEPARTMENT OF LABOR ERGONOMICS RULE—Continued

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I ask unanimous consent that the order recognizing Senator THOMPSON be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wish to address the Senate on the matter before us that has been the subject of the debate all morning—the resolution which would vitiate OSHA regulations on ergonomics. Ergonomics is a dreadful name. I am trying to find a good definition for it. It is probably causing some people to wonder what this debate is all about.

I am told that ergonomics is the science of fitting the job to the worker and ergonomic injuries are repetitive stress injuries.

There have been some rather startling statistics regarding these stress-related injuries over the last number of years. The National Academy of Sciences and the Institute of Medicine report of January, 2001, reported that in 1999, nearly 1 million people took time from work to treat or recover from work-related ergonomic injuries. The cost of these injuries is enormous—about $50 billion annually. Many of the people with ergonomic injuries we are familiar with, such as

meat-packing workers and poultry workers, assembly line workers, computer users, stock handlers and canners, sewing machine operators, and construction workers. While women make up 46 percent of the overall workforce, they account for over 64 percent of these repetitive motion injuries.

More statistics may be somewhat helpful here. According to the Bureau of Labor Statistics, 1.8 million ergonomic injuries are reported each and every year, and have been for well over the last decade as our economy produced more jobs of the kind I just described. Six hundred thousand people have lost work time as a result of these injuries. Ergonomic injuries cost businesses $50 billion a year. Finally, women, who make up 46 percent of the workforce, account for a majority of these injuries that are occurring in the workplace. These injuries are debilitating. They are painful and the economic hardship caused by them is significant.

I can tell you firsthand about a woman who spent 30 years working in the Senate, and worked with me for almost the last 20 years. She developed carpal tunnel syndrome, a very painful injury. She was a valued worker in my office and showed up for work every day. I do not recall her ever being absent during the 20 years she spent with me. When she developed carpal tunnel syndrome, she was unable to perform her regular duties. But we found other work in the office for her to do until she was able to recover. She continued working in my office until she retired.

I mention these statistics and numbers because I find it rather appalling that we are now in the business, if this resolution is adopted, of abolishing the rules that provide help for 1.8 million people a year who are injured by repetitive stress injuries. It is the kind of protection workers ought to be getting under OSHA. I don't know of another time in the 20th century when we rolled back the clock on protecting workers in this country from work-related injuries.

I know there were times when people fought the initial legislation that provided protection. But I don't know if there was ever a time since this Nation first decided it was in the national interest to provide protection for people, that we have rolled back the standards in 10 hours of debate—10 hours. That is it, 10 hours of debate, after 10 years of crafting these rules to provide these protections.

Let me tell you what is the greatest irony of all. Who started this debate? Who proposed that we do something about this? It was the Secretary of Labor, Elizabeth Dole, who first brought up the issue that we ought to do something about protecting people from these kinds of injuries.

In fact, it was in August of 1990, in response to evidence that repetitive stress injuries were the fastest growing occupation illnesses in the country, that Secretary of Labor Elizabeth Dole announced the beginning of rulemaking on the ergonomics standards. Two years later, in 1992, her successor, Lynn Martin, under yet another Republican Administration, issued an advanced notice of proposed rulemaking on these repetitive stress injuries. And not until substantial scientific study had been conducted did the Clinton administration release a draft of proposed standards in February of 1999.

However, before issuing the final rule, the Occupational Safety and Health Administration extended the comment period, at the request of some of my colleagues and others, and held 9 weeks of public hearings. They heard from 1,000 witnesses and reviewed 7,000 written comments. The final standards were issued in November of 2000 and they went into effect on January 16, 2001.

So after 10 years of work by good people who did not bring any ideological bent to this at all—at the suggestion of two Republican Secretaries of Labor—today, in 10 hours of debate, we are going to wipe all of this out.

I am not going to stand here and suggest to you that every dotted ''i'' and crossed ''t'' in these regulations is perfect or right. I do not claim that level of expertise to know whether or not that is the case. But if it is not perfect, then let's fix it. Do not wipe all of this out—not after 10 years of work. It would take an act of Congress, adopted by both Houses and signed by the President, in order for the Administration to put some regulations back into effect to protect people.

What are these regulations? I think it is also very revealing what these standards are. The standards require that all covered employers provide their employees with basic information about signs and symptoms of these repetitive stress injuries or ergonomics injuries, the importance of reporting these injuries, risk factors associated with ergonomic hazards, and a brief description of the ergonomics standard. The employer has no further responsibilities under the rule unless an employee reports an ergonomic injury or signs of symptoms of an ergonomic injury that lasts for 7 days after being reported.

Then, if the employer determines, and I never heard of a rule set up like this—if the employer determines that the ergonomic injury is work-related, and that the injured employee is exposed to serious hazards, the employer must craft an appropriate remedy. Not some neutral board, the employer makes the determination.

To call this excessive stretches the imagination and credulity. These are not onerous standards. And if we want to fix some of them, then let's try to do that. But to eliminate it altogether, —in 10 hours of debate or less—after all of this work, I find terribly disappointing, to put it mildly.

We are only a few weeks into this new administration. There are ways in which you address problems. This is not a proper way to do so. There are 100 of us in this Chamber who care about these issues and who can work on them. But to bring up a resolution like this and try to jam it through, and eliminate all this work, I think, is a great step backwards. I am terribly disappointed that the leadership of this body has decided to choose this route as a way of dealing with this issue.

There is more misinformation being heard about this particular issue than anything else I can think of.

As I said, these injuries are debilitating. They are painful. People are losing work and time. Are we just going to wipe out all of these standards, after 10 years of research, sound science and an unprecedented amount of time for public comment?

Employees have a right to expect a safe workplace. We fought long and hard in this country to provide these rights for people. And all along the way, there were those who objected—whether it was child labor laws or safety and health standards, work conditions, or hours. Unfortunately, at every critical moment in history there have been those who stood up and said: We can't afford to do this; that it is an onerous burden on the employers of this country to have to provide a safe workplace. People ought to be grateful they have a job and not complain about the conditions under which they work or the injuries they may incur at the workplace. At every moment in history, when people have stood in this Chamber and elsewhere and fought on behalf of working people, there have been people who have stood up and said: We can't afford to do it. It is too complicated. And we are not going to do it.

Those who are offering this resolution may succeed today, but the American people will not forget it. And the 1.8 million people this year—65 percent of them women—who are going to suffer, with no recourse, will not forget it, either.

There is a process by which you can fix this law, if you want to. A 10-hour debate on an unamendable resolution, after 10 years of work, is not the way to go. It is not the way to go.

I urge the authors of this resolution to withdraw it before the vote occurs this afternoon and allow this Chamber and the Members to work on this with the administration, and not reach some fait accompli that wipes out 10 years of work by intelligent, smart people who knew what they were talking about. I would hope the leadership would see fit to do so.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend the passion of my colleague from Connecticut. I have the utmost respect and admiration for him. I know how strongly he feels about this. I know in his comments he was not in any way insinuating those of us who take a different position than he on this would not be concerned about workers, that we would not be concerned about health and safety in the workplace because I want to assure him that this Senator from Arkansas, who supports the resolution of disapproval, feels very strongly, as I know the Presiding Officer, who has worked long and hard on this issue, does, that the ergonomics issue needs to be dealt with but needs to be dealt with properly.

Frankly, you may have 7,000 comments, but if they are ignored, and the rule is changed, then that process is flawed. Frankly, to question the process we are now going through is to question the lawmaking authority and the right of the Congress.

What has brought us to this point? It is the fact that there are agencies out there that have sought to do what we are constitutionally authorized to do; that is, to make the laws and the policies for this country.

I want to take just a moment to commend the Presiding Officer, Senator ENZI, who made an eloquent and very accurate and detailed speech earlier today. But, more than that, I thank him for the hearings he has conducted and the information he has brought forward and elicited about how this process went forward, about witnesses who were paid, instructed, coached, practiced, to arrive at a preordained outcome. I thank Senator ENZI for the role he played as part of this process to which Senator DODD was referring. Unfortunately, after hearing after hearing that was conducted, the outcome and the evidence that was elicited was ignored by OSHA.

I commend Senator NICKLES for his foresight years ago in sponsoring the Congressional Review Act. With the CRA, we have a means by which we can address an agency that goes amok and passes a rule that is not in the interest of the American people.

I see Senator BOND, who has walked on the floor. He has worked long and hard and felt strongly about this issue and has played an important role in bringing us to this day and allowing Congress the opportunity to assert its rightful role once again. Senator THOMPSON, who spoke earlier, has played an important role as well.

For the first time ever, the Senate will today utilize the CRA to vitiate and overturn an agency rule—that is, a several-hundred-page OSHA rule—that imposes the largest and most costly regulatory mandate in American history on the workplace. It is appropriate that this would be the first use for the CRA.

My colleague from Connecticut said that under the rule the employer makes the determination. Therefore, that is a good thing. That is one of the problems. Under the OSHA rule, the employer is going to be asked to determine health conditions, to determine whether or not the health condition of his employee was caused by a workplace condition or something that happened outside the workplace. The employer is going to be asked to have the wisdom of Solomon in making those kinds of determinations. That does not make this rule better. It is a big flaw in the rule.

My colleague also said that it is not onerous. I will let the American people make the judgment of whether it is onerous or not. This is the rule. It has been said that it is only 8 pages out of what I am holding, but no one has suggested that the American businessperson will not have to read and be familiar with every item in this 608-page rule.

These are the supplementary materials that the businessman himself must buy. This is seven out of the eight. We could not get the eighth. The cost for these items will run $221—money the employer must pay just to find out with what he has to comply. I will let the American people and my colleagues determine whether that is an onerous burden. I believe it is.

For more than two centuries, the three branches of our Federal Government have respected the checks and balances. This is not just a concept taught casually during our high school civics course. It is the means by which our American system of government has endured. The executive rulemaking process should be treated with respect. Without it, the laws we pass cannot be administered nor enforced.

However, the rulemaking process must also have checks. There must be a means by which a rulemaking body that goes too far and exceeds their statutory authority can be reined in by the elected representatives of the people. This process is what we are involved in today.

How did we arrive at this point? How did we end up with a rule that is 608 pages long, incomprehensible to the average businessman, and where the businessman has to pay $221 to get the supplementary materials to find out with what he has to comply?

I suggest it starts with this mentality. This is a statement made in an interview by Martha Kent, former director of OSHA's safety standards program, a May of 2000 interview by the American Industrial Hygiene Association trade journal. This is what she said:

> I absolutely love it. I was born to regulate. I don't know why, but that's very true. So as long as I'm regulating, I'm happy . . . . I think that's really where the thrill comes in. And it is a thrill; it's a high.

It may be a high for the regulator. It may be a thrill for the rule writer, but it is no thrill for the small businessman with 20 employees or 30 employees or 200 employees who has to try to decipher what that thrill-loving rule writer meant.

That is how we have come to this point. In 1996, Congress and the President believed it was important enough to preserve this balance by enacting the Congressional Review Act. I am glad we have that tool today. We are having this debate to guarantee that rogue rulemakings do not become governing law.

There is not one Member of this distinguished body who does not advocate the safety and well-being of our workforce. Let me be clear. If this rule was about employee safety and health, we wouldn't be having this debate today. Unfortunately, this standard was not meant to improve working conditions but rather to place a $63 billion or a $100 billion—depending upon whose studies you look at; the Small Business Administration says it is up to $63 billion—annual mandate on employers and, in so doing, circumvent State jurisdiction and require small employers to fulfill and to fully understand vague scientific solutions to extremely complex medical conditions.

To all of those today who stand on the floor and champion workers' rights, this rule will result without doubt in sending jobs overseas where there are often no worker protections at all. There are going to be jobs cut. There are going to be companies closed. There are going to be jobs exported overseas. Americans will stand to lose those jobs, and overseas there are going to be workers with far fewer worker protections who will inherit those jobs. That is why this debate is occurring and why our vote on this resolution is so imperative.

Recall that on Friday, November 19, 1999, Congress adjourned for the year having completed its work for the first session of the 106th Congress. After we left town, OSHA announced the following Monday its new ergonomics proposal. OSHA knew then that the clock had started ticking to complete action within the next 13 months. OSHA, however, decided it was in our best interest to shotgun the proposal through its hoops in 1 year's time, refusing to wait for the completion of the $890,000 NAS study which since then has been completed.

The Senate Subcommittee on Employment, Safety and Training, after weeks of evaluating the impact that this proposal would have if actually enforced, held the first Senate hearing examining just one of many portions of OSHA's proposal, the work restriction protections. The WRP provisions would

require employers to provide temporary work restrictions, up to and including complete removal from work, based either upon their own judgment or on the recommendation of a health care provider.

If the employer places work restrictions upon an employee which would allow them to continue to perform some work activities, the employer must provide 100 percent of the employee's earnings and 100 percent of work benefits for up to 90 days. If the employee is completely removed from work, the employer must provide 90 percent of the employee's earnings and 100 percent of benefits for up to 90 days. That is not a bad deal, much better than one would find under most State workers compensation programs.

This certainly raises the question as to what the motive was for having WRP in the rule. Why didn't OSHA simply allow States to continue administering this provision? How does OSHA help the employer determine if the employee's injury occurred from work-related activities versus a disorder acquired from home? The fact is, the rule does not explain it, and OSHA never intended to answer these questions.

Suppose there is an employee whose job involves operating a keyboard. Let's suppose that in the course of time there is a repetitive motion affliction. Let's suppose that in fact there is an ergonomic result physically for that worker. The complaint is made. It is discovered that the worker usually, and on an ongoing basis, is on the Internet 2 or 3 hours a night after leaving the workplace. How is that employer to determine what is in fact the cause of that disorder? Under the OSHA rule, it doesn't really matter. If the workplace contributed even in the slightest to the disorder, they then would be eligible for the remedies under the OSHA rule.

I could go on. The employee complains about a back strain. Is the back strain the result of sudden lifting of furniture at home, or is it the result of some activity in the workplace? Under the OSHA rule, it is the employer who is liable to make those kinds of determinations and to provide relief.

In terms of State jurisdiction, the hearing that the Presiding Officer, Senator ENZI, conducted revealed that the WRP provision is a direct violation of section 4(b)(4) of the 1970 OSHA act. Let me read this. Senator ENZI went through some of this previously. Let me read it because it is so very clear.

> Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases or death of employees arising out of, or in the course of, employment.

Nothing in this chapter shall be construed to supersede or affect workers compensation laws. I am like you, Senator ENZI. What part of that do we not understand? This is the very act that established OSHA. They now, in clear defiance of the statute authorizing their very existence, have promulgated a rule and finalized a rule that violates their charter. They were explicitly told at the time the agency was established: You will not tamper with State workers compensation laws. That is the State domain.

I hope all my colleagues, whatever your feeling about how we should address ergonomics, will examine this single issue: Is it the right of any Federal agency to establish a national workers compensation law? Is that the domain of a Federal regulatory agency?

I suggest that on both sides of the aisle the answer is no. If we are going to have a national workers compensation system, managed and administered by the Department of Labor, then it should go through this Chamber. It should be written and authorized by the Congress and signed into law by the President. It should not be done in a rogue rulemaking process.

I believe we not only have seen an infringement in OSHA upon the rightful constitutional lawmaking authority of Congress; we have also seen a trampling of State jurisdiction in the area of workers compensation laws. We specifically withheld from OSHA the authority to supersede or affect State workers compensation laws. Congress did this because State workers compensation systems are founded upon the principle that employers and employees have both entered into an agreement to give up certain rights in exchange for certain benefits in the area of work-related injuries and illnesses. Most often, employers give up most of their legal defenses against liability for the employees' injuries, and the employees give up their right to seek punitive and other types of damages in turn. The crucial factor that makes State workers compensation systems possible is that the remedies it provides to employees are the exclusive remedies available to them against their employers for work-related injuries and illnesses. That won't be the case come October 15, 2001, when employers must be in compliance with OSHA's rule, unless we act today.

If you can receive 90 percent of compensation under OSHA's ergonomics rule, it will absolutely undermine, pull the rug out from under, State workers compensation laws. It will destroy the trust and faith that has been developed at the State level. WRP provisions are in direct contradiction to section 4(b)(4) and will shake the foundation upon which State workers compensation systems rest because they will provide a conflicting remedy for employees with work-related injuries and illnesses.

Since WRP provisions will unquestionably differ from the current State compensation systems, there will also be confusion as to who is liable. As far as OSHA is concerned, that case is closed—the employer is guilty, no questions necessary.

This is precisely why Congress put section 4(b)(4) in the act 31 years ago. But to be sure that this is what Congress had in mind, I dug deeper and found the conference report filed December 16, 1970. As it pertains to section 4(b)(4), it reads:

> The bill does not affect any Federal or State workmen's compensation laws, or the rights, duties, or liabilities of employers and employees under them.

If the statutory language isn't clear enough, the conference report ought to make it even more abundantly clear what the intent of Congress was. All of this came out in the hearings so well conducted by Senator ENZI. There was no answer from OSHA. There was no explanation as to how they were not tampering with State workers compensation laws.

I say to my colleagues, the law was clear, the report language is clear; how can this be misconstrued by OSHA? They are violating the very law that established and authorized their agency.

Another factor that was overlooked, I believe, was the proposal's price tag. There have been a whole slew of numbers tossed around, so I will use what I believe to be the most reliable and conservative figure—one put forth by the Clinton administration itself. According to their Small Business Administration, OSHA has grossly underestimated the cost impact of its proposal.

The SBA ordered an ''Analysis of OSHA's Data Underlying the Ergonomics Standard and Possible Alternatives Discussed by the SBREFA Panel.''

Policy, Planning, and Evaluation, Inc.—PPE—prepared the analysis and it was issued on September 22, 1999. PPE reported:

> OSHA's estimates of the costs in its Preliminary Initial Regulatory Flexibility Analysis of the draft proposed ergonomics standard, as furnished to the SBREFA Panel, may be significantly understated, and that OSHA's estimates of benefits of the proposed standard may be significantly overstated.

That is from the Clinton administration's Small Business Administration. PPE further reported:

> OSHA's estimates of capital expenditures on equipment to prevent MSDs do not account for varying establishment sizes, and seem quite low even for the smallest establishment size category.

PPE attributed the overstatement of benefits that the rule will provide ''to the fact that OSHA has not accounted for a potentially dramatic increase in the number of MSDs resulting in days away from work as workers take advantage of the WRP provisions.''

OSHA estimated the proposal's cost to be $4.2 billion annually. That is almost laughable. PPE estimates that the costs of the proposed standard could be anywhere from 2.5 to 15 times higher than OSHA's estimate—or $10.5 billion to $63 billion a year higher.

Business groups have done their own analysis and they put the number much higher yet, at over $100 billion per year.

Finally, the PPE report shows that the cost-to-benefit ratio of this rule may be as much as 10 times higher for small businesses than for large businesses.

It is not the large corporations that are going to be most impacted by this rule. My great concern is not so much for the large corporations, which will be able to handle this in one way or another—though it will certainly negatively impact our economy—my great concerns are for the small businesses of this country.

AFL–CIO president John Sweeney said recently:

> We will let our voices be heard loud and clear to let the Bush administration, the Congress, and big business know that working families will not be outmaneuvered by this political power play.

I suggest it is not big business that I have heard most from; it is small businesses all across the State of Arkansas with anywhere from 20 employees to 200 employees. The rule is a concern for working families. I am concerned about the working families whose primary breadwinner will lose their job or see that job exported overseas.

''Will not be outmaneuvered by this political power play''—one can judge where the political power play is; I suggest it was at OSHA—from an open debate before the American people on the floor of the Senate. It is small business that will be most impacted.

According to the National Coalition of Ergonomics, an alliance of more than 50 trade organizations that are opposed to the OSHA rule, the new regulation will cost $6 billion annually in the trucking industry, $26 billion in the food industry, and $20,000 at every convenience store across the country. According to the OSHA standard, the employees who suffer ergonomic injuries, also known as MSDs, could get more compensation than workers injured in other ways.

Let me mention one small businessman, Jim Zawaclo, president and owner of GR Spring and Stamping, Inc., an auto supplier in Grand Rapids, MI, with about 200 employees. He estimates his company will spend as much as $10,000 between now and October in an effort to comply with the law.

Let me get a little closer to home for me, Mansfield, AR. Complete Pallet, Inc., a small company in Mansfield, which is a very small community, recently wrote:

> As a small business owner, I am alarmed at the implications that the OSHA Ergonomics rule will have on my business and Arkansas' economy in general.
>
> It is my understanding that this ruling will force ''ergonomic'' structuring of our small workforce and several ''new'' forms to provide OSHA. I am not sure if you realize the impact this will have on the small business person, so I have taken the liberty of breaking down the cost figures for you:
>
> Paperwork/Secretarial $1,440.00, Yard rearrangement ''ergonomic'' $150,000—For a total of $151,440.00 first year loss experience. That first year out-of-pocket expense would force me to close my doors. In turn closing my small plant down would put twenty (20) people in the unemployment line here in our great State of Arkansas.
>
> I would greatly appreciate your vote ''YES'' on rejecting OSHA's New Ergonomic rule.

That is one example, 20 employees, 20 lost jobs, another small employer that bites the dust because of the regulatory burden imposed.

So we are talking $63 billion a year. Who covers that cost? OSHA has a simple answer, as we heard in the hearings: Pass it on to the consumer.

Senator ENZI has pointed this out as clearly as anybody, but I will reiterate it. You cannot always pass on the cost to the consumer. The clearest example of that is Medicare and Medicare-reimbursed businesses. The reimbursement is, as we know, capped by Federal law. There is nobody to whom to pass the cost. Perhaps we should remember this when the Senate next considers yet another round of Medicare give-backs.

This ergonomics rule will only heighten the need for such relief and jeopardize the already critical lack of health care in rural States such as Arkansas or Wyoming. I listened to proponents of this ergonomics rule make the case, if we vitiate under the Congressional Review Act, thousands of additional employees will suffer.

Let's be clear, with or without the rule, OSHA can enforce current law. It states this in the ergonomics proposal on page 68267. Under section 5(a)(1) of the 1970 OSH Act, commonly referred to as the General Duty Clause, OSHA can enforce ergonomic violations, and according to the proposal, ''OSHA has successfully issued over 550 ergonomics citations under the General Duty Clause.'' It even lists a number of employers by name where they successfully enforced ergonomics violations under the general duty clause.

So the vitiating of this rule does not somehow leave the American worker unprotected—far from it. I point out, without the rule, in recent years we have seen a steep decline in injuries—even without the new rule. These facts are available, though oftentimes I am afraid people would rather ignore them. Since 1992, ergonomic injuries have dropped from 3 million a year to 2 million a year, and those are OSHA's own numbers.

Lost workdays have also decreased. This chart shows they have decreased: 750,000 missed in 1992; about 500,000 will be lost this year. That is progress. It is progress without a burdensome, expensive rule from OSHA.

Business has done a lot on their own. It is in the interest of the employer to deal with ergonomics problems in the workplace. Even OSHA has figures that 95 percent of employers are doing the right thing. The bad actors constitute only about 5 percent of the employers. Would it not be far better to focus our attention upon the 5 percent of the bad actors as opposed to an across-the-board rule that would penalize all employers and our economy as a whole?

There was an article in the Detroit News about a cashier whose hands rhythmically shuffle back and forth scans about 22 items per minute at the supermarket where she has worked for 15 years. Many businesses—I will not mention this particular supermarket chain—many businesses recognized years ago that workers such as she were at risk for repetitive stress injuries, such as carpal tunnel syndrome, and began reconfiguring healthy work environments.

> Across America, stores added better scanners to prevent the need to twist and double scan items. In offices, businesses added wrist pads at computer keyboards and glare screens on monitors. In warehouses, companies moved from hauling equipment that needed to be pulled, and resulted in back sprains, to automatic devices to push around heavy skids of cargo.

I have many examples to give about major companies and what they have done. I could talk at length about Wal-Mart and what they have done as well as other Arkansas companies that have been proactive, without this very intrusive and burdensome rule from OSHA.

The rule is replete with vague and subjective requirements where employers must have an ergonomics plan in place to deal with such hazards. OSHA said it is being flexible by allowing employers to design a plan that caters to their own workplace, but that same ''flexibility'' also requires the employer to be an expert on ergonomic injuries, an understanding that many physicians admit isn't an exact science at all.

I share another true horror story from the State of Florida.

> I am the V.P., Human Resources, for a company which has a manufacturing plant as a subsidiary. Last year, one of our employees developed a CTS problem with her wrists, allegedly due to her job as a sawyer. We had her go through an extensive evaluation process, and then did surgeries on each wrist although we had conflicting medical data on the need, and also went through a prolonged rehab process. We did transfer her out of the saw department and gave her an administrative job creating files, and delivering and picking up the files within an office area. A physical therapist consultant reviewed this job to insure no further risk of injury before she was assigned to it. She is not allowed to carry a load over 5 pounds based on her physician's advice and she does

follow that advice at work. About a week ago, she reported that her elbows were very painful due to her work situation. While she was discussing this with our worker's comp HR person, one of her co-workers came by. He said he had seen her on the weekend working at her mother's vegetable stand unloading large boxes of produce and complimented her on how hard she was working. We have since determined that she works at least 8 hours a weekend, most weekends, doing the hard labor at the stand. When asked about this, she said it was none of our business what she did on the weekend and that it had nothing to do with her elbows hurting. We are still trying to get this one off our worker's comp side and over to the medical plan where it belongs.

Whether that happens frequently or is a very rare occurrence, be assured it will happen more frequently under a national workers compensation plan operated under the Department of Labor.

Finally, I want to discuss the vote we will take in a few hours and what it actually means. It would vitiate the effective rule, the underlying premise of the CRA; it would prohibit OSHA from promulgating another rule substantially similar to the effective rule so they could not turn around and put us through this process again. It is what should occur under the aforementioned flaws of the effective rule.

OSHA has admitted that 95 percent of American employers are acting in good faith. Why have an ergonomics rule that has but one purpose, and that is to place an unsustainable burden upon American employers? Why not have a program that works cooperatively with 95 percent and uses the general duty clause to enforce the remaining 5 percent that are deemed bad actors? That is a rational alternative. Our Secretary of Labor has assured us she will address this in a comprehensive manner and in a fair manner.

This has been a proposal that, in my opinion, is not something that was 10 years in the making but is something that has been shotgunned in its present form at the 11th hour. This agency, I believe, has strayed from a commonsense approach. It is the duty upon this Chamber, upon this body, to pass this resolution to ensure that OSHA is placed back on the right track. My colleagues have several sound reasons for voting in favor of the resolution. The effective rule is a $63 billion annual mandate on employers, or more. It circumvents State jurisdiction. It requires small employers to fully understand extremely complex medical conditions, and it will undoubtedly send jobs overseas where there are often very few protections for workers.

I remind my colleagues once again of the statement that I began with, a quotation from Martha Kent, who said, to her, regulating is a way of life, regulating is a thrill, regulating gives her a high.

Our regulatory agencies play an important role, but they threaten liberties when they run amok, when they become a rogue rulemaking agency. There is more at stake than simply a rule in the vote that we have on CRA. It is, at least in my mind, the issue of the separation of powers, the right of the elected representatives of the people to make the laws for the land and when necessary to step in and say enough is enough to a regulatory agency that has gone too far.

OSHA, in this 600-plus-page rule, has gone too far. We must say enough is enough. Here we draw the line. We stop this rule. Start over. I hope that is what my colleagues will do as we vote on this resolution of disapproval.

Mr. President, I thank the Chair and reserve the remainder of my time.

Mr. KENNEDY. Will the Senator yield for a question? As I understand it, is Senator BOND asking to speak after the Senator from California?

Mr. BOND. Mr. President, I have been waiting for about an hour, about 45 minutes, and I would like to speak after the Senator from California.

Mr. KENNEDY. What I would like to ask is if the Senator from Illinois could speak after Senator BOND. We are just trying to give some notice to our Members. We are alternating back and forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have a very different view of this matter than that of the distinguished Senator from Arkansas. This is the first time the Congress of the United States will have removed a worker protection in the history of the United States. So it is really a precedent-setting debate. It is also a debate, I think, about which there is a great deal of misunderstanding.

In this new workforce of higher skills, of greater technology, this issue, ergonomics, encompasses the No. 1 workplace injury. Of course, many of the victims of repetitive stress disorder are women. As a matter of fact, about 70 percent of the victims are women.

As has been mentioned many times, the effort to do something about it began in a Republican administration with Secretary Elizabeth Dole, a very fine woman. I have watched her. I have great respect for her. She began the promulgation of these rules which have just gone into place.

What I have heard is why we should not proceed with this. I am of another opinion. I believe we should proceed with it. If there are changes that need to be made, we should make those changes, but essentially this whole area is a pretty simple one.

Data entry employees use computer keyboards every day. Providing these employees with a wrist pad at the base of the keyboard to reduce strain on the wrist is what we are talking about. That is ergonomics. Furniture movers lift heavy objects and boxes on a daily basis. Providing them with training on how to lift with the legs and providing them with back braces—that is ergonomics.

Today, I watched a young man push water jugs on a dolly, the water jugs for our offices in the Senate. I watched him take out two very large bottles of water. I thought of him lifting these 8 hours a day, 5 days a week, 52 weeks a year, without a brace, without knowing how to lift correctly. You can see the impact this repetitive motion would have on the muscles and skeleton of an individual.

Each year, 600,000 Americans suffer work-related repetitive stress injuries. Businesses spend $15 billion to $20 billion in workers compensation costs alone. It is estimated that $1 out of every $3 spent on workers compensation is related to these injuries. In my State, California, in 1998 more than 80,500 private sector workers suffered from repetitive stress injuries that were serious enough to cause them to lose time from work, and another 20,000 public sector workers struggled also with these injuries.

The program standard states that employers must provide employees basic information about these injuries, common signs and symptoms of these injuries, and how to report them in the workplace. I don't think anything is wrong with that.

The standard requires employers to review jobs to determine whether they routinely involve exposure to one or more of the five ergonomic risk factors: repetition, force, awkward posture, contact stress, and vibration. If a job meets one of these five so-called action triggers, the employer has two options. He or she can provide a quick fix by addressing the potentially harmful situation immediately. An example would be an owner of a furniture company providing his employee who moves furniture with a back brace, or a wrist pad for a data entry operator, or an adjustable chair for an employee who must sit at a computer for 8 hours a day.

If a quick fix isn't possible, the employer must develop and implement an ergonomic program for that job and others like it. For example, an employer could hire someone to come in and offer a training course to teach employees how to sit properly, how to use their arms and legs, how to lift from the legs, how to use a stepladder when lifting objects off a tall shelf, and so on.

The point I want to make is many businesses have already instituted ergonomics programs. I respectfully submit to the speaker who preceded me, that may well be one of the reasons why some of these injury statistics are, in fact, declining. Let me try to make that case.

As a result of labor negotiations with the United Auto Workers, Ford, General Motors, and DaimlerChrysler, an ergonomic program was put in place in 1994. The programs have been highly successful. The Bureau of Labor estimates that in just 1 year, 69,000 work-related injuries were prevented in these companies. Of these, 41,000, or over two-thirds, were repetitive stress injuries.

The number of these injuries reported to the big three automobile manufacturers dropped 12 percent over 1 year, and 33 percent over 5 years. That shows the statistics go down, the claims go down as these programs are in place.

Let me read from a letter from Xerox Corporation:

> Our workers' compensation claims attributable to ergonomic issues peaked in 1992. Since then, we have experienced a steady decline in the number of cases, as well as the costs associated with those cases. 1998 data indicates a 24 percent reduction in the number of cases and a 56 percent reduction in associated direct costs from the 1992 baseline. We attribute this improvement to the reduction of ergonomic hazards in our jobs and improved case management of injured workers. Our ergonomic injury-illness rate in manufacturing is currently 52 percent lower than OSHA's estimated annual incidence.

This is a big company. The rate is 52 percent lower. That should show that these programs are working.

Levi Straus, Coca-Cola, and Business Week are just a few of the companies that have cited cost savings and increased productivity as a direct result of ergonomics.

Silicon Graphics, a computer company in Mountain View, CA, hired an ergonomics consultant in 1994 after the company had 70 work-related repetitive stress injury cases in 1 year. The company redesigned work stations to include adjustable tables, chairs, keyboards, and mouses. The changes worked. Silicon Graphics reduced its work-related stress injuries by 41 percent from 1994 to 1995 and by 50 percent from 1995 to 1996. The program works.

Blue Cross: In 1990, 26 employees of Blue Cross of California were unable to do their jobs because of debilitating pain. As a result, they filed workers compensation claims that cost the company $1.6 million. To combat the problem, the company purchased adjustable chairs and work stations. Blue Cross also launched a training program to teach employees how to use the new equipment and how to identify work-related stress injuries early. Guess what. The investment paid off. The number of these injuries dropped dramatically. Blue Cross of California received a $1 million insurance dividend in both 1992 and 1993.

Let me give you a city in my State—San Jose, a large, growing city. San Jose experienced a large number of ergonomic-related back and neck injuries during the early 1990s. To address the problem, the city analyzed each of its jobs over a number of days to identify high-risk activity. A training session was created to show workers how to work differently and reduce the risk of injury. That is ergonomics. Once again, the efforts paid off. Back injuries fell by 57 percent and wrist injuries fell by 26 percent. Ergonomics works.

Pacific Bell was spending approximately $53 million annually for workers compensation benefits paid to 53,000 employees, 30,000 of whom operated video display terminals. The company developed an $18 million ergonomics program providing education, training, brochures, and interfocal eyeglasses for video terminal operators. The results were impressive. Workers compensation claims dropped 33 percent. Ergonomics works.

The benefits of the standard: The Department of Labor estimates these work rules will prevent 4.6 million repetitive stress injuries in the first 10 years of its implementation, and 102 million workers will be protected at 6.1 million worksites across the country. They estimate companies will save $9.2 billion a year in workers compensation claims similar to what has happened in Blue Cross, in Xerox, in Chrysler, in Ford, in the city of San Jose, and in Pacific Bell. For each repetitive stress injury prevented, the Department estimates a direct savings of $27,700.

If what I think will happen happens when this vote is taken, and the ergonomics standard is overturned, OSHA is barred from introducing any standard that is substantially similar to the rule unless specifically authorized by a subsequent act of Congress. This effectively kills a 10-year effort.

Ironically, under the Congressional Review Act, no one is allowed to filibuster this joint resolution of disapproval, but any future efforts to implement a new program would be open to filibuster.

If the standard is overturned, we are going to have to rely on individual companies to implement their own ergonomics standards. Though some companies have done this, 600,000 people still suffer work-related repetitive stress injuries a year.

The rate of these injuries is falling, but they are still the Nation's biggest and most costly job safety problem. These injuries still make up one-third of all lost work-time injuries suffered by American workers and cost our economy close to $50 billion a year.

In conclusion, Mr. President, I have tried to outline where large companies have implemented ergonomics standards, and all of the statistics coming from those standards have run in the right direction—reduced claims, lower worker compensation payments, insurance dividends, and so on and so forth.

I must say that I am profoundly disappointed by the fact that there are those in this body who would like to do away with worker protection for the No. 1 workplace injury—repetitive stress motions.

I hope very much that this resolution will be disapproved.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to explain why the Clinton administration's OSHA ergonomics regulation is the absolute perfect regulation for the first use of the congressional disapproval mechanism under the Congressional Review Act. This regulation is the poster child of bad regulation. It represents everything that can go wrong in regulatory rulemaking, and it gives us, under the CRA, an opportunity to exercise our responsibility as Congress to strike it down and tell the new administration to do a better job in this area.

Contrary to what has been said by opponents of this resolution of disapproval, this does not prevent the administration from going back and doing the job right. In fact, we expect that they will go back and do the job right.

Repetitive motion injuries are painful. They are debilitating. They are undesirable. They cost employees pain, suffering, lost sleep, and lost wages. They cost employers lost time, lost effort, and lost revenue.

I understand how serious they can be. I have a lot of friends who have suffered these injuries. I know they are a serious problem.

I have talked to employers with small businesses who have lost work from employees. They regard them as members of their family. They have had these repetitive motion injuries and are hurt personally by it, but they are hurt in their business.

The Senator from California described what I think are some very promising actions that have been taken.

I am delighted we are beginning to find ways to lessen the incidence of ergonomic injuries. Businesses have been working with employees—employers and employees working together—to lessen the impact because everybody knows they are bad. Everybody knows these injuries are harmful to the employee. But they also are harmful to the employer.

The Senator from California mentioned a couple things that can be done. She talked about a keypad for somebody who sits at a keyboard all day long. If that works, that is great. This is the kind of information we need to share with businesses, and particularly small businesses all across the country. They want to lessen the impact of ergonomic injuries.

She mentioned back belts. To say back belts are the answer, I am not sure that science is there because one

of the women we contacted, who advises small business, was concerned. She had heard that maybe back belts are more harmful than helpful in lessening injuries for people who have to bend over and pick up things. She spent 5 hours on the phone with different people in OSHA who came up with different answers to her question: Can I tell my small businesses they must require a back belt? They could not give her an answer. They referred her to the general counsel. Unfortunately, under this regulation, if one of her business clients happens to guess wrong, that employer gets hit with the full sanctions of the law.

No, these 608 pages in the Federal Register are not helpful in telling small businesses how they can take meaningful steps to lessen the possibility that one of their workers or several of their workers will have ergonomic injuries. What they outline is a series of penalties if the workers have an injury on the job, or if the workers have an injury that is aggravated on the job, or even if the worker has an injury off the job and comes to work and it gets a little worse.

Five years ago, I introduced the Red-tape Reduction Act—others remember it as the Small Business Regulatory Enforcement Fairness Act—to protect small businesses from overreaching regulations. I am proud to say it was unanimously supported in the Small Business Committee. It came to the floor, and it was overwhelmingly supported. Senator NICKLES added the Congressional Review Act as an amendment for just this type of moment, this type of activity—when an agency has gone so far off course, there is no other remedy left but to force it to abandon its original approach and start over.

This is precisely the kind of regulation for which we overwhelmingly, in this body, adopted the Congressional Review Act because this measure, under review today, is a draconian, punitive measure that is incomprehensible, unfathomable, and ineffective.

Action under the CRA, as I said earlier, as some have tried to suggest, does not try to prevent any other action by an agency in the same area; it merely means the agency cannot make the same mistake twice. By disapproving this version of an ergonomics regulation, under the CRA we will merely be saying that OSHA cannot rely on that same type of regulation again. Indeed, when we strike down the regulation, it will help OSHA by expediting the regulatory process. Instead of the agency having to go through a separate rulemaking to determine whether to make changes to the current regulation, they will be free to begin to develop an approach that will be reasonable for employers, responsive to employees' needs, and based on sound science and the best information available, as soon as Congress completes action on the joint resolution of disapproval in S.J. Res. 6.

The Clinton OSHA ergonomics regulation is truly egregious in both substance and procedure. It will be devastating both to small businesses and their employers because it is incomprehensible and outrageously burdensome. Too many of the requirements are subjective and open-ended. For instance, an employer must implement ''appropriate'' control measures, use ''feasible'' engineering controls, or reduce hazards to the ''extent feasible.'' These requirements are like posting a speed limit on the highway that says, ''Do not drive too fast,'' but you never know what ''too fast'' is until a State trooper pulls you over and tells you that you were driving too fast.

Employers and small businesses simply will not know when they have met the burden of this regulation until they are told by OSHA or sued by OSHA or have to settle a lawsuit brought by a trial lawyer who has seized on this new regulation as a source of specialization.

It is not surprising to me that immediately after this regulation was published, billboards began springing up. I show you one in the St. Louis area, advertising for attorneys who would be willing to bring actions on behalf of employees who think they have carpal tunnel syndrome: ''Such-and-such law center, representing workers with carpal tunnel syndrome. Toll free from St. Louis. Call for help.''

Guess who is behind this regulation. Guess who wants to see it go into force. Never mind the States have set up workers compensation laws that are designed to compensate people without going through lawsuits, to compensate them immediately for workers comp or workplace-related injuries. This is a brand new industry. Carpal tunnel syndrome is the next tobacco industry lawsuit. Never mind that these employees would be eligible for benefits under workers compensation.

This regulation is like setting up a new lottery; somebody is going to strike it rich. Now everybody wants a shot at the pot of gold otherwise known as the employer's liability insurance policy.

What do you think will happen to insurance premiums and workers compensation premiums for small employers? They are going to go up. They are going to go up substantially because they are going to have to pay all these claims. OSHA never took these consequences into account when it was estimating the cost of the regulation.

It is bad enough that this regulation is incomprehensible and vague, but it also requires an employer to go beyond the text of the regulation to understand fully and comply with the regulation.

I held up this Federal Register Code. If you really are interested in it, you can find it, going from page 68262 to page 68870. That is 608 pages of very fine print in the Federal Register. But the fascinating part about it is, there is appendix D. Appendix D says where you go to get the information. You can go to the ''Job Strain Index: A Proposed Method to Analyze Jobs For Risk of Distal Upper Extremity Disorders.'' You can go to the ''American Industrial Hygienists Association.'' You can get another copy of the ''Applications Manual for the Revised NIOSH Lifting Equations'' from the U.S. Department of Commerce Technology Administration. You can get a copy of ''The Design of Manual Handling Tasks: Revised Tables of Maximum Acceptable Weights and Forces'' from Taylor & Francis Inc. in Philadelphia. You can get a copy of the ''Rapid Entire Body Assessment'' from the Elsevier Science Regional Sales Office. You can get a copy of the ''RULA: A Survey Method for the Investigation of Work-Related Upper Limb Disorders.''

The mom or pop operating a small business is going to have enough trouble trying to get through 608 pages of the Federal Register. I doubt if any of us recently have sat down to read 608 pages in the Federal register. I used to have to do that for a living. That is why I changed my line of work. I got out of the practice of law because that did not seem to be a useful idea.

There are an awful lot of people in small business who provide a product, who deliver a service, who probably do not care about reading 608 pages of the Federal Register or applying to all those different people to get all the different manuals they have. That is what they would have to do under this regulation. They are highly technical pieces written by ergonomists for technical and academic journals. They are not the stuff that helps a small business to provide jobs, to provide services, and to provide a contribution to the economy and to the family of the owner.

The final regulation is also a travesty to the rulemaking process. The other side will say it has been in the works for over 10 years. That is true. But the truth is, it was not until OSHA saw the clock running out that it got down to business and cranked out proposals in November of 1999 and moved heaven and earth to get it done 1 year later.

To get it out in such a short time, OSHA cut corners at every opportunity. They padded the dockets with expert opinions bought and paid for with tax dollars, tax dollars designed to get the contractors to trash the opposing comments and to support what OSHA was trying to do. They added materials to the dockets that were not available for review before the comment period closed. They didn't provide adequate time for commenters to develop their responses. They ignored a wide variety of constructive comments

and suggestions they received. The Clinton OSHA even published the final rule with significant provisions that have never been put out for public comment, violating what I have always understood is a fundamental, cardinal principle of the regulatory process.

OSHA went into this rulemaking knowing exactly what it wanted to have and, in the end, didn't let logic, facts, fairness, congressional objections, legitimate concerns from small business, or plain common sense get in the way.

The true disappointment about the ergonomics regulation and all of its surrounding problems is that it could have been avoided. Congress told the Clinton administration in a bipartisan voice the last several years not to proceed with the regulation. Instead, the Clinton administration refused to accept the guidance of this legislative body and extended the negotiations over the final appropriations bills until they could get the final rule out the door on November 14. Not only did they trample on the separation of powers doctrine in so doing, but there were programs waiting for annual funding which did not receive their money—which in many cases were increases—because the administration wanted to be able to push through this flawed process and flawed approach to ergonomics.

In May 1999, I introduced a bill that would have avoided this mess. It was called the Sensible Ergonomics Needs Scientific Evidence Act, or SENSE Act. The bill would have forced OSHA to do something not too unreasonable, not too strange: Simply to wait for the results of a study then under way by the National Academy of Sciences on this subject of ergonomics before proceeding with the regulation.

The study, requested by Congress and agreed to by President Clinton in the appropriations bill of the previous year, reviewed the available scientific literature to determine if sufficient evidence and data existed to support OSHA's promulgating of a regulation on this issue. The report was delivered to Congress on January 16 of this year, the same day the Clinton ergonomics regulation took effect.

Had OSHA waited for the NAS study, they would have had the benefit of some valuable analysis of the data on this most complex subject. The NAS panel concluded that there are a wide array of factors which play significant roles in whether an individual develops an MSD and that workplace issues are only one of these factors and quite possibly not even the most significant one at that. As the panel stated:

> None of the common MSDs is uniquely caused by work exposures.

Instead, the study discussed whether someone will develop an MSD based on the totality of factors that person may face, which is how the scientific literature handled the issue. The panel concluded that a wide range of personal factors played significant roles in determining whether someone was likely to develop an MSD. Included in these were factors such as age, gender, body mass index, personal habits such as smoking, possible genetically determined predispositions, as well as activities outside the workplace such as sports, household work, or exercise programs. These are factors over which an employer exercises no control and we certainly would not want them to exercise control.

The NAS study also concluded that psychosocial factors have a strong association with MSDs. Psychosocial factors include such conditions as depression, anxiety, psychological distress, personality factors, fear avoidance coping, high job demands, low decision latitude, low control over work, low work stimulus, low social support, low job satisfaction, high perceived stress, and nonwork-related worry, tension, and psychological distress. These psychosocial factors, even if work related, are beyond the reach of an OSHA regulation, meaning that OSHA's regulation will do little, if anything, to protect these employees from developing MSDs.

Furthermore, the NAS study was unequivocal in calling for more research into the issues surrounding the assessment, measurement, and understanding of ergonomics and workplace exposures. Among the specific areas in which the NAS recommends more research is the quantification of risk factors.

The Clinton OSHA did have a simple solution for the perplexing problem of how to determine whether a musculoskeletal disorder was caused by workplace exposures. They defined all MSDs as work related. Under this regulation, any MSD in the workplace contributed to by workplace exposures or even a preexisting injury aggravated in the workplace is to be considered work related. That is outrageously unfair. It goes beyond OSHA's mandate to protect workers from workplace hazards. It means that if an employee injures him or herself through recreational activities such as bowling, exercising, using the Internet at home, planting trees, or any other workplace activities, and any workplace activities aggravate these injuries and they meet OSHA's definition of frequency or duration, the employer will be required to implement the Clinton OSHA ergonomics program.

Small businesses that I talk to and listen to as chairman of the Committee on Small Business are absolutely stunned and shocked by this requirement. They are stunned that an agency of the Federal Government could issue such a sweeping and poorly designed rule. They are incredulous and ask questions such as why didn't someone say or do something. The truth is, many people have said the right things. They outlined the difficulties employers would have with the rule, the faulty assumptions, but OSHA was not listening.

The preamble to the final rule cites comment after comment that tried to explain to OSHA why the regulation was a mistake. OSHA seemed to regard these as mere speed bumps on the way to the finish line. This regulation may become the best example yet of the law of unintended consequences. If allowed to stand, OSHA will end up undermining many of the best intentions of thousands of employers, causing their employees to suffer in the process and wind up costing them jobs.

Small businesses can be shut down because of the cost of these regulations. Yes, this regulation may lower the incidence of workplace MSDs, but at least some of that lessening of MSD injuries will be because people will lose their jobs. Then they clearly won't have a workplace musculoskeletal disorder. That is one very effective way to eliminate workplace ergonomic injuries, but it is not what we ought to be seeking.

A woman who runs a small business in Kansas City told me she won't be able to continue to pay 85 percent of her employees' health insurance premiums that she currently pays. She has a Web site and graphics design studio with 30 employees. She has already been buying new ergonomically designed chairs at $800 apiece, along with new furniture to make it more comfortable for her employees. She provides a range of employee benefits, a 401(k), dental benefits, but she told me: The bureaucrats in Washington think we have all this money just lying around to spend for this type of thing. That's is not true. The only place I can get the kind of money to comply with this regulation is taking it out of the benefits I give to my employees.

She said: I asked my friends on the other side, how has the Clinton ergonomics regulation improved these employees' lives?

It isn't going to.

A man who runs a small business metal fabricating shop said this rule will cause him possibly to drop his company's work with the local sheltered workshop, providing jobs for those with mental and physical disabilities, because of the burdens of this OSHA regulation. Is that the result OSHA wants? Certainly not. This is an unintended consequence.

Many people may not realize, if they are not involved in small business, small businesses get by with very tight cashflow. Large businesses can capitalize expenses for compliance. They can have squads of people who are trained to help overcome these, but a small business does not have that luxury. Even a few hundred dollars a

month for a consultant can make a significant difference.

Then there is the question of time. Time is money. Do they have time to read these regulations? Do they have time to go out and get the other books, comply with all the requirements? Adding this regulation and its complexities on top of other duties means less time doing what will make their business grow, expand, and thrive.

Furthermore, many small businesses have never encountered an OSHA regulation like this before, which means it is not just another layer on their safety programs, it is a whole world of OSHA regulations, like starting off to climb Mount Everest on your first climbing experience. Small businesses we hear from simply don't have the resources to expend on this complicated a regulation with as little payoff as this will provide.

The cost estimates of this regulation reveal the utter cluelessness of the promulgators of the regulation. OSHA says it would cost $4.5 billion per year over 10 years. But everybody else who has looked at it says they are off by orders of magnitude. The Small Business Administration Advocacy Council of the Clinton administration found the earliest draft was underestimated by a factor of up to 15 times, even before OSHA added more requirements.

We are possibly talking about regulations costing $60 billion to $100 billion a year. To inflate the benefits and thus make this regulation look less burdensome, the Clinton OSHA assumed, with no supporting evidence, that imposing this standard on businesses would cure an additional 50 percent more MSDs over the next 10 years. As I pointed out earlier, they may cure some of the MSDs by costing people their jobs. No job, no job-related MSDs.

Let me be clear, I raise this discussion about the cost of this regulation not because small businesses are unwilling to spend money on the safety of their employees—every small business my office has talked to, and committee reached out to, already has a safety plan and some level of an ergonomics program in place. They want to do what they can do to stop the injuries of employees, which are costing them money. I raise the issue to make the point that OSHA went forward with this regulation without any reliable idea about what this will cost or what benefits it will generate.

Not only was OSHA unable to say with any credibility what the costs and benefits of this regulation would be, but as has already been pointed out, this gargantuan regulation was also unnecessary: MSD rates have dropped by 22 percent over the last 5 years, according the Department of Labor Statistics. As the Senator from California pointed out, many leading businesses are making great strides in limiting ergonomic injuries because they realize it is good employer-employee relations to do so.

For that small percentage of businesses that may not be motivated to help their employees with ergonomic injuries, there is the OSHA general duty clause to protect employees from employers who abuse them.

The bottom line is that small businesses are in business to stay in business. That means keeping their employees healthy. Employees often are more than mere workers—friends, neighbors, or even relatives. Any regulation from OSHA should first do no harm to both the employers and their employees. The Clinton OSHA ergonomics regulation fails this threshold test. It is regulations such as these that create waves of cynicism and doubt about the Federal Government and that cause them to wonder whether those of us who have been elected to safeguard and to speak up for their interests are asleep at the wheel.

For the first time in this CRA, we can say ''enough''—that OSHA has gone too far and has crossed the line of reasonableness. The Clinton ergonomics regulation doesn't protect employees; it punishes employers. The regulation is not responsive; it is irresponsible; and it must be struck down. I urge my colleagues to support the resolution of disapproval and send OSHA a message that we will not tolerate this joyride of regulatory overreach.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise to add my voice to those of my colleagues who are concerned about efforts to demolish this important worker health and safety standard.

I listened carefully to the remarks of my distinguished colleague from Missouri, and I understand there are many serious concerns being discussed about this regulation and its impact both on our workforce and our employers. But I ask that we remember where this started 10 years ago—in the previous Bush administration, under the leadership of Secretary of Labor Elizabeth Dole. We have held numerous hearings and studies to determine the impact of our 21st-century worksites on people's physical well-being.

OSHA is charged with the responsibility of setting standards for the workplace to help protect citizens from harm. In its 30 years of existence, OSHA has helped to save many lives and prevent countless injuries. Despite such a track record, we know that OSHA faces almost continual opposition from those who do not agree with its mission and who seek to undermine its work. This year, the opposition feels emboldened to strike at the heart of OSHA's latest efforts to protect American workers.

We are, of course, talking about the ergonomics standard, which is designed to help more than 600,000 workers who experience serious workplace injuries every year from repetitive motion and exertion. In enacting this standard, OSHA heard from thousands of witnesses and received the backing of the National Academy of Sciences and the Institute of Medicine.

The report to which my distinguished colleague from Missouri referred is this rather large report that was issued on January 18. I draw our attention to some of the conclusions and recommendations that were arrived at. Let me just quote from it:

> The weight of the evidence justifies the identification of certain work-related risk factors for the occurrence of musculoskeletal disorders in the lower back and extremities. The panel concludes that there is a clear relationship—

I stress that—

> between back disorders and physical load. That is, manual material handling, load momentum, frequent bending and twisting, heavy physical work, and whole body vibration. For disorders of the upper extremities, repetition, force and vibration are particularly important work-related factors.

Mr. President, destroying this standard would put many workers at risk, but today I want to focus on women workers in particular because, as my friend and colleague Senator FEINSTEIN said, women account for 64 percent of repetitive motion injuries, even though we make up only 46 percent of the workforce.

Earlier today, I was joined by a number of women who have suffered from these disorders. One was Kathy Saumier, who was a worker at a plastics plant in Syracuse, NY. Kathy worked on a production line where she had to lift 40-pound boxes every 1 to 2 minutes while twisting and holding the boxes at an awkward angle in order to put the boxes on the conveyor belt.

With relatively small changes to the design of her work station, or with automated assistance in lifting the boxes, she and many of her coworkers could have been saved from such painful and time-consuming injuries.

Kathy joined me and my colleagues from Maryland and California, Senator MIKULSKI and Senator BOXER, at a news conference to highlight our concerns about these issues as they particularly affect women. Also speaking was Dianne Moriarity, who, for 18 years, worked as a school secretary in New York. Because of her years of work in a badly designed work station, both of her wrists and hands are damaged. She showed me the picture of her work station. The computer was bolted in a certain way so it could not be moved. The space for the chair was such that it could not be angled, and there was no place for her to be able to move comfortably to fulfill her obligations at that worksite. She is in virtually constant discomfort and needs regular therapy.

We also heard from Jennifer Hunter from Virginia, who worked for 20 years

in a chicken processing plant. She was required, as the chickens went down the line, to make 1,400 cuts each hour. She spoke specifically about what it took to prepare the filet of chicken breast, which so many of us enjoy and eat at home or order in a restaurant, and how difficult it was at the speed of that line to be able to get those cuts in, and how her wrists had to be constantly moving.

She, too, has suffered serious health effects from that kind of repetitive motion. As she told us today, we really need this standard so that workers are protected.

Heidi Eberhardt of Massachusetts worked at an Internet publishing company, writing, editing, and researching. She is only 32 years old. This was her dream job. She was able to put her college education to work. But because of the repetitive motion that was required over long hours sitting at her computer, she finds it impossible to perform some of the daily functions we all take for granted. She can't turn on a faucet; she can't squeeze a toothpaste tube; she can't twist an ice cube tray or even open mail without severe limitations and pain. As Heidi said, this is not just about the people who are already injured; this is about hundreds of thousands of workers who will become injured if there is no ergonomic standard for the workplace.

One of the reasons women are adversely affected by this workplace hazard is because women hold more than 80 percent of the jobs that involve repetitive motion injuries, jobs such as hotel cleaning, data entry, secretarial positions, sewing.

Those who are here today working to save this worker safety standard understand that our opponents believe it will impose a costly burden on business. But as our distinguished colleague, Senator FEINSTEIN from California, pointed out, those businesses that have already implemented standards have found they save money. They save money by keeping their workers on the job, in good health, and more productive.

Certainly in New York we have found that businesses which have implemented the standards have reaped rewards: businesses such as garment manufacturers, Sequins International in Queens, or Xerox in Rochester, a company that has had ergonomic standards in place since 1988. We have found that these standards and the businesses that implement them are taking not only better care of their workers but better care of their bottom line.

In addition to our concerns about the substance of the standard, we are also deeply concerned about the manner in which the opponents seek to destroy this important worker safety provision. Everyone is willing to work together to change or improve the standard. If there are legitimate concerns that have been raised, there are certainly ways we can go about working to ameliorate those concerns.

As my colleague, the senior Senator from Massachusetts, put it so well, this is an effort that is truly a legislative atom bomb. The Congressional Review Act has never been used before. It does more than rescind the worker safety standard. It does ensure that the Labor Department can never again put forth an ergonomic standard. It is, in effect, a gag rule on worker safety. By dropping this Congressional Review Act atom bomb, opponents will completely eliminate 10 years of bipartisan effort in two administrations, many hours of public review and witness testimony, and extensive research in less than 10 hours of debate—10 years versus 10 hours.

I can appreciate the desire by some to make changes to the standard. But I hope we can talk about ways that such changes would be considered, give the public a chance to be heard, and any changes would be based not upon anecdote, not upon story after story but on science and on the legitimate concerns of both workers and businesses.

We should simply not bow to pressure groups and wipe this worker safety standard off the face of our regulatory planet. We are here today to send a clear message that this is not the way to go about creating a safe workplace or working with businesses to make it safer for them to employ people across the vast sectors of the economy that use repetitive motion. We particularly are concerned about the impact this will have on women in the workplace.

We are also concerned this could mark the beginning of an erosion of protection for workers in America; if you will, a legislative repetitive motion that will undo safeguards that save lives.

In the 20th century, we made great advances in protecting workers. Often those advances came because of a tragedy, a terrible fire, a mine collapse, a factory assembly line run amok, when all of a sudden it became clear that we were putting people's lives and well-being at risk. This is a silent epidemic. There will not be a big newspaper headline about a crash of ergonomics. We will see just the slow but steady erosion of people's health and their productivity and their capacity to get up and go to work and to go home and do what they need to do for themselves and their families.

This is an issue that goes to the heart of the new economy. How do we provide for 21st century workers the protections we did finally work out after lots of effort? We should not go back. We should not turn our backs on America's working families. We should, instead, defeat this effort to kill this vitally important standard and then utilize the procedures available to us to go ahead and consider whatever the concerns on the other side might be.

I ask our distinguished opponents to think hard about using this legislative atom bomb and, instead, consider how we can, through existing procedures, petition the administration to stay the regulation while further work is done. We can also petition the agency to modify or repeal the standards, and we can have OSHA initiate rulemaking procedures to modify the rule in accordance with the Administrative Procedures Act. If the real point here is to protect small business and protect workers, there are ways of going about that which are already provided for. It is hard to understand why we would need to blow away 10 years of work, the findings of nonpartisan, objective scientists, and the stories that flood many of our offices from workers who are endangered, in order to deal with what could be legitimate questions.

I certainly hope we are able to disapprove this resolution so we can, together, work on behalf of the American worker.

Mr. ENZI. I yield such time as he desires to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. I thank the Senator from Wyoming.

Mr. President, I rise today in support of S.J. Res. 6, the resolution to disapprove the Department of Labor's regulations on ergonomics standards. This isn't a new issue. Congress wrestled with ergonomics regulations for a decade. This isn't the solution we need. We can and must do better.

Right off the bat, let's remember we all want a safe workplace for the American workers. That is just common sense.

The debate today isn't about who is for or against workers or who is for or against a safe place to work. It is, instead, about the most effective way to achieve the goal of workers, employers, and our entire economy.

The Department of Labor regulation that we are voting on today has a number of problems. It is too regulatory, too burdensome on business, and it is not backed up by sound science. It needs an overhaul. We need to pass this resolution today to make sure that if and when the Federal Government passes a final ergonomics rule, it gets it right.

For years, Congress and the Department of Labor have been talking about writing an ergonomics rule. This is nothing new. All of my colleagues are familiar by now with this issue. But these regulations that are about to go into effect are the product of a hurried, sloppy rulemaking process. After years and years of debate and study, it was rushed through at the 11th hour by President Clinton, just before he left office.

I know everybody has seen this, but it is 608 pages—608 pages. It is not even

the same rules and regulations that were originally proposed.

We need to know that President Clinton was busy as a beaver before he left the White House, working right up to the last minute trying to pass as many new big Government regulations and to pardon as many fugitives as possible. The ergonomics regulations are just another example of the frenzied last-minute push by the President to build a legacy. It is not about getting the best workplace safety rules; it is about President Clinton trying to pass as many new rules as possible before he had to leave town. That is not the right way to write regulations, and Congress has the oversight responsibility to do the right thing and take a hard, cold look at what he did.

What the President did just does not make sense. After years of discussing and debating, the worst thing he could have done was to finally pass a new rule just for the sake of doing it. The Small Business Administration estimates that the ergonomics rule is going to cost American businesses $60 billion to $100 billion a year. That is too much money not to make sure that every ''i'' is dotted and every ''t'' is crossed.

It is hard to pass a law and it is hard to pass a rule. Congress has set up that procedure on purpose to make sure things are done thoroughly and thoughtfully and sensibly, and new regulations that could have a tremendous impact on employers and employees are not slapped together at the last minute. But that is exactly what happened with the ergonomics rule, and the results could be disastrous for our economy. Besides the sloppy process, one of the biggest problems with this mad rush to pass a rule was that it ignored sound science. OSHA and Congress have been working on an ergonomic standard for the better part of a decade, and in 1998 we asked the experts at the nonpartisan National Academy of Sciences to study the medical and scientific evidence to help determine what, if any, regulations were needed.

They finished that study in January and determined that more detailed research was needed before we write a final rule. Among other things, the Academy said many factors such as age, gender, personal habits, or even job satisfaction could all play a part in workplace injuries, and that we have to be careful to take everything into account in writing an ergonomics rule.

One size does not fit all. That is probably another reason why President Clinton was in such a hurry to pass the ergonomics rule last November. The new study was going to come out soon and he was worried about what it was going to say. So instead of waiting for all the evidence, instead of waiting for the experts, he tried to jam the ergonomics regulations down the throat of American business before all the facts came to light. That is no way to run a Government or a railroad.

But the biggest concern I personally have with the new regulations is not about process, and it is not about science. It is about what the new rules would mean in terms of dollars and cents out in the real world. Before we do anything else, we have to be realistic and take a hard look at the bottom line and how this rule is going to hurt our economy; how it could close businesses and lead to layoffs of real people.

As I just said a few minutes ago, the SBA has already told us these new regulations could cost up to $100 billion every single year. According to the Employment Policy Foundation, businesses in Kentucky could expect to pay $1.3 billion annually. In my part of Kentucky, that is serious money. For a business that operates on the margin, where the owners and workers struggle every day to keep the doors open and the lights on, this sweeping new regulation could be the difference between life and death—staying open or closing.

Over the years, I have heard many of my constituents speak about this issue, and many are afraid these new regulations could lead to layoffs or increased prices for products or to jobs moving overseas. That is simply not acceptable.

I recently received a letter from Joe Natcher, who is President and CEO of Southern Foods in Bowling Green, KY. Southern Foods is a small business that sells food, cleaning supplies, and other products to area businesses. He told me about these regulations and how they could affect his company. Mr. Natcher wrote:

> As we begin our compliance efforts, it is clear that the rule will severely impact productivity and profitability, putting jobs at risk and increasing prices to our consumers without providing any additional health and safety benefits.
>
> Southern Foods does not just talk about safety and health habits. We practice it every day. Additionally, we provide training to all co-workers and have an active safety committee. . . . The ergonomics rule threatens our company's future and the jobs of the co-workers who depend on us.

Southern Foods is just one example from the thousands of Kentucky businesses that would be affected by these new regulations. As they are written now, the new regs would affect almost every single employer in America, even if they had just one employee. No matter what their situation, businesses will be forced to implement a complete ergonomics program if there is only one complaint. The cost and effort could be staggering.

It is simple. More burdensome rules and regulations mean more time spent on paperwork and less time on business. Less work on business means less gets done, the bottom line shrinks. We know who is going to pay—workers, in lower wages, fewer benefits, and layoffs.

I know many in the labor movement really want the new regulations, but I am afraid they are looking at the regulation rules in a vacuum. They might think this sweeping new rule is the answer to their prayers, but in the end it is just going to hurt those they claim they want to protect.

Finally, let me say if this resolution passes, it is not the end of the discussion about ergonomics and improving the safety of the American workplace. Instead, it leaves the door open for the Bush administration to continue studying this issue and to come up with more practical and creative ways to accommodate workers and employees. Any new regulations have to be something with which we all literally can live. The pending regulations we have now are not.

I urge support for the resolution before us today and I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, about 10 years ago—during the first Bush Administration—Labor Secretary Elizabeth Dole heard the stories and saw the statistics about the serious ergonomic injuries that American workers suffer.

For 10 years, the Department of Labor—in consultation with business, labor, and Congress—has worked to enact a fair, enforceable rule to protect America's workers from the real harm caused by ergonomic injuries.

Now, with just a few hours of debate, some in this body are trying to undo a decade's worth of work.

In fact, their actions would preclude the Department of Labor from enacting a similar rule.

That sends a horrible message to America's working men and women. It says—we know you're breaking your back—literally—day-in and day-out to put food on your table, but this Congress won't do anything to protect you from a serious injury.

Today, many people wear down their tendons and their joints on the job. They go home after a long day of work and just want to pick their kids up and hold them. But they can't because of ergonomic injuries.

To them, this resolution that is before us says, ''Too bad. This Congress won't help you.''

Yes. This rule will have an economic impact on business in America. But we must also consider the economic impact of injured workers.

If a family's primary breadwinner can't work because of an on-the-job ergonomic injury—there is a serious economic impact to that family, that community, and our country.

The human body has its limits, and this rule recognizes those limits and helps us become a safer, more productive workforce.

Last week, I received a letter from a constituent, Frank Lehn, from Washougal, Washington. Washougal is a great town—the kind of town that any parent would want to raise their kids in.

The gentleman who wrote me was a mill worker for 27 years—''performing extremely physical, manual-type labor''—as he describes it. In his email to me, he says:

> The constant stress of my job on my body resulted in a degenerative spinal disease, creating painful bone spurs where the nerves exit my spine.
>
> When I was finally unable to do my job, I was given a disability retirement, and now live on an $800 monthly pension.
>
> The ergonomics standard now in place came too late to help me, but I am greatly concerned about the future of the young workers who are performing the same tasks I did day after day for many years.
>
> It is crucial that we do not allow this vital standard to be weakened in any way.
>
> During my years on the job, many of my co-workers suffered painful injuries to their joints and muscles through no fault of their own. They were all simply doing their jobs.
>
> The many whose sweat and toil form the backbone of this nation need strong laws to protect their safety and welfare. Please oppose any effort to weaken or take away this nation's ergonomics standard.

We should heed Frank's words, and the millions of other workers who have stories just like his. In fact, ergonomic injuries are the single-largest occupational health crisis faced by America's working men and women today.

This resolution, if enacted, turns our backs on the people who build America, assist us at the grocery store, sew our clothes—the people who keep our country running.

Let's be clear: Today's debate is just the latest step in a larger attempt to by some to deny progress on this issue.

Many Americans will ask: Who could be against such a common sense measure?

The answer: The current administration and many here in Congress.

They are trying to use the Congressional Review Act to undo a rule that was called for by a Republican, and finalized by a Democrat, based on 10 years of work.

Today, they are trying to undo this vital safety rule because they've been losing this debate on its merits for the last 10 years.

I hope that gives my colleagues pause as they consider how they will vote on this measure: a ten year, bipartisan effort versus a highly-charged, highly-partisan debate for 10 hours.

The action we are contemplating today would strip the ergonomic standard off the books forever, and require a further act of Congress to implement another one.

Let's look at one claim made by those who oppose this standard: The opponents claim we don't have enough facts.

Just two months ago, the National Academy of Sciences finished its second comprehensive study on ergonomics.

Their conclusion: Workplace practices do cause ergonomic injuries, and ergonomics programs can effectively address those practices that cause injury.

This was the second Academy study on ergonomics that upheld this conclusion.

In addition to the two studies by the Academy of Sciences, the National Institute for Occupational Safety and Health studied ergonomics.

It found there is ''clear and compelling evidence'' that musculoskeletal disorders—or MSD's—are caused by certain types of work. And it found that those injuries can be reduced and prevented through workplace interventions.

The American College of Occupational and Environmental Medicine—the world's largest occupational medical society—agreed with those findings and saw no reason to delay implementation. The studies and the science are conclusive.

Other opponents claims that this isn't a significant problem. The facts prove otherwise.

Each year, more than 600,000 private sector workers in America are forced to miss time from work because of painful MSDs.

These injuries hurt America's companies. Employers pay more than $20 billion annually in workers' compensation benefits due to MSDs, and employers pay up to $60 billion in lost productivity, disability benefits and other associated costs.

The impact of MSDs on women in the workplace is especially serious. Women make up 46 percent of the total workforce. They account for just a third of the total injured workers, but women account for 63 percent of all lost work time due to ergonomic injuries, and 69 percent of lost work time because of carpal tunnel syndrome.

Women in the health care, retail and textile industries are particularly hard hit by MSDs and carpal tunnel syndrome.

Women suffer more than 90 percent of the MSDs among nurses, nurse aides, health care aides and sewing machine operators.

Women also account for 91 percent of the carpal tunnel cases that occur among cashiers.

Despite the overwhelming evidence of the impact of MSDs due to a lack of workplace standards, we are still debating the need for this rule.

The states are getting this right. Last year, my home state of Washington became the second state along with California to adopt an ergonomics rule.

The rule in Washington state is helping employers reduce workplace hazards that cripple and injure more than 50,000 workers a year at a cost of more than $411 million a year.

It is estimated that it costs employers about $80 million a year to comply with the standards. But when they comply, employers save about $340 million per year. Clearly, this is a cost-effective program.

Nationwide, the ergonomic rule is estimated to save businesses $4.5 billion annually. That's because workers' compensation claims will fall and production will increase.

I urge my colleagues to oppose this resolution. We should allow OSHA to get on with its job of protecting American workers from ergonomics injuries. If individuals have problems with the rule, I suggest they seek to modify it through the administrative process or craft legislation. Trying to use the Congressional Review Act, however, is a drastic action by desperate people.

We should not allow 10 hours of debate to permanently invalidate a rule that took 10 years to implement and is clearly supported by credible science.

Let's give America's workers the protections they need instead of misusing this process to eliminate the safety standards that workers and their families rely on.

I yield the balance of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Oklahoma, Senator NICKLES, for yielding to me. He was next in line.

I have sought recognition to comment on the pending issue on the Congressional Review Act as it relates to the pending ergonomics rule. The issue before us at the moment has been a long, contentious one that I have had considerable contact with in connection with my responsibilities as chairman of the Appropriations subcommittee, which has jurisdiction over the Department of Labor.

The issue of rulemaking on ergonomics has been around since a study was ordered more than a decade ago by then Secretary of Labor Elizabeth Dole. There have been a number of delays, as the issue has come before the subcommittee on appropriations for the Department of Labor where efforts have been made to withhold funding, and then to seek additional studies. There have been many studies, and there have been very substantial delays.

I am concerned about the need to provide further protection to America's workers on repetitive motions and the other kinds of physical activity encompassed by this ergonomics rule. But I am also concerned about the complexity of the rule which is at issue here.

In an effort to try to get additional factors which would bear on the question of cost and on the question of complexity, I convened a hearing which was held this morning—late notice on the hearing, but this matter has just

been recently scheduled to be on the floor today.

We heard from three witnesses who provided a fair amount of insight into the issue. We heard from Joseph M. Woodward, Esq., Associate Solicitor for Occupational Safety and Health at the Department of Labor; from Lynn Rhinehart, Esq., Associate General Counsel of the AFL–CIO; and Baruch A. Fellner, Esq., a partner at Gibson, Dunn & Crutcher—where his practice centers on employment law, with an emphasis on occupational safety and health; and he spoke, in essence, for the Chamber of Commerce and the business interests.

In the course of this morning's hearing, I think it is fair to say there was generalized agreement on the need for regulation. But, there was total disagreement on the issue of what the cost of this regulation would be and whether the regulation needed to be as complex as it is.

Mr. Woodward testified that the OSHA calculation was that the regulation would cost $4.5 billion, and there would be benefits of some $9.1 billion. Mr. Fellner testified that the cost could range from somewhere around $100 billion to as much as $1 trillion. When I asked Mr. Fellner what the benefits would be, if any, on the figure advanced by Mr. Woodward of $9.1 billion in benefits, contrasted with $4.5 billion in cost, Mr. Fellner said there were no real benefits; and if any did exist, they would be subsumed by the enormous amount of cost.

In listening to these two witnesses testify, and in focusing on what the role of the Congress is, the Senate is—and my role as a Senator in trying to evaluate congressional review on agency rulemaking—I must say that I did not get a whole lot of guidance from these witnesses, as they testified as to what the cost factor would be.

When we got into the issue of the complexity of the rule, again, it is a very complicated matter. We focused on a couple of the rules in particular—one, which was set forth on page 68848 of the Federal Register, Volume 65, No. 220, Tuesday, November 14, 2000, specifying a repetition rule:

> Repeating the same motions every few seconds or repeating a cycle of motions involving the affected body part more than twice per minute for more than 2 consecutive hours in a work day.

There was considerable debate in the hearing this morning, but, again, not a whole lot of light shed as to what the real import was.

Mr. Fellner made a suggestion that there ought to be experts convened—between 6 and 12 on each side—who would debate and discuss just exactly what this repetitive motion meant, to have some better appraisal and better understanding as to what the impact was on the individual who is subjected to that kind of work.

Another rule which we considered at some length involved the force issue on the same page:

> Lifting more than 75 pounds at any one time; more than 55 pounds more than 10 times per day; or more than 25 pounds below the knees, above the shoulders, or at arms' length more than 25 times per day.

The analysis again leaves me somewhat in a quandary as to really the import of the rule or exactly what its impact is and how important that is for the well-being of the employee, so that it is not an easy matter to make a calculation as to the import of those rules in terms of workers' safety contrasted with what the cost of those rules would be.

I was concerned with the information heard this morning. We had an extensive informal meeting before going to the formal hearing, when the point was made that there had been no public comment on the specific rule which related to the action level, which means the repetitive motion for a period of time, and there had been no public comment on the hazard resolution.

All of this, candidly, left me with the conclusion that there was a need for promoting worker safety; but a concern as to whether the entire matter ought to be substantially simpler.

When we talk about the enormous volume, the regulations themselves cover 9 pages only, with 16 pages of factual backup, and then the balance of several hundred pages on analysis and hearings.

The representation was made that if an employer is to really understand the rules to find out what has to be done, that employer is going to have to read the full text in order to have some real understanding.

An additional concern I have turns on what will the effect be if this resolution of disapproval takes effect with respect to any later rulemaking. The statute in question, the congressional review of agency rulemaking has a provision:

> A rule that does not take effect or does not continue under paragraph 1 may not be reissued in substantially the same form. And a new rule that is substantially the same as such a rule may not be issued unless the new rule is specifically authorized by law enacted after the date of the joint resolution disapproving the original rule.

From this language, I am concerned that a new rule may be subject to being invalidated if it is determined to be ''in substantially the same form.'' And I am concerned about the mischief that could come from virtually endless litigation, with what whatever any new rule may be, if it conflicts with that statutory provision on interpretation that it is substantially in the same form.

I have conferred on this matter with my colleague from Oklahoma, Senator NICKLES, who referred me to a joint statement which was made on the enactment of the Congressional Review Act back on April 18, 1996, a statement made by Senators NICKLES, REID, and STEVENS, which constitutes the managers' interpretation. On page 3686 of the CONGRESSIONAL RECORD for April 18, 1996, the following language is set forth:

> If the law that authorized the disapproved rule provides broad discretion to the issuing agency regarding the substance of such rule, the agency may exercise its broad discretion to issue a substantially different rule.

Then continuing somewhat later:

> It will be the agency's responsibility in the first instance when promulgating the rule to determine the range of discretion afforded under the original law and whether the law authorizes the agency to issue a substantially different rule. Then, the agency must give effect to the resolution of disapproval.

The substance of this appears to state that where the agency has broad discretion, the agency can issue a new rule without falling under the prohibition of being substantially the same; that it is the agency's determination as to what discretion they have.

I contacted the Secretary of Labor, Elaine L. Chao, about this matter yesterday and received a letter from her today saying in part:

> Let me assure you that in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics which may include new rulemaking that addresses the concerns levied against the current standard.

The key word there, of course is ''may.'' So that it is within the discretion of the Secretary of Labor and that, of course, would remain to be seen. The letter does signify, in addition to the conversation I had with Secretary Chao, her concern about the entire issue and her determination to take a very close look at it, which is some assurance but obviously not totally dispositive.

I ask unanimous consent that the full text of the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, at a caucus discussion earlier today, I had a brief colloquy with my distinguished colleague from Oklahoma, Senator NICKLES, which I would like to repeat the essence of now. That went to the issue of whether this legislative prohibition against issuing substantially the same rule would be an effective bar or, as one of the authors and having coauthored the statement of legislative intent, a new regulation would pass muster without a likely bar from the limitation of substantiality or substantially the same.

Mr. NICKLES. To respond to my colleague, I remember when we put in that language in the Congressional Review Act, we did it specifically because we didn't want to have Congress go to the trouble of overturning a regulation

and then have the regulatory agency just basically come back and rewrite the same reg. That is the reason we included that language.

I have no doubt, after reading Secretary of Labor Chao's statement, that she is very concerned about ergonomics. She leaves the option open to reissuing another rule.

There are different ways of combating ergonomics without coming up with a regulation of 835 pages. If she comes up with a different approach, it will be more cost effective. It will be more effective. I have great confidence that it will be substantially different than the proposal we have before us today.

Mr. SPECTER. So the essence of the Senator's position is that the prohibition against reissuing a rule ''substantially in the same form'' is not a real impediment to the Secretary of Labor and of the current administration picking up the issue and coming out with a new regulation.

Mr. NICKLES. The Senator is exactly right. I have great confidence that when she addresses this, whether she uses the rulemaking process or uses other tools in the Secretary's office to address work-related injuries, including ergonomics, it will be substantially different than this. I certainly hope and expect that it wouldn't have a new workers compensation, Federal workers compensation system that would be superior to almost every State's worker comp rules.

Mr. SPECTER. I thank my colleague from Oklahoma for his response.

I have taken a few moments of the Senate's floor time today, having reserved actually some 15 minutes, to express my concerns. I am continuing to listen to the debate. I have received, as one might expect with a constituency such as mine in the Commonwealth of Pennsylvania, a great many calls. I am continuing to weigh the issues.

I note the presence on the floor of the Senator from Massachusetts, who had an idea about the potential for a 2-year delay, which might be accomplished with an amendment to another bill, such as the bankruptcy bill. These issues are complicated. Trying to balance the interests of the working men and women of America with the interests of the employers of America, especially small businesses, trying to figure out how to have rules which are fair and just to all sides, is not an easy matter.

I have expressed the concerns I have today. I continue to weigh this matter as I listen to the floor debate.

EXHIBIT 1

SECRETARY OF LABOR
Washington, DC, March 6, 2001.

Hon. ARLEN SPECTER,
Chairman, Subcommittee on Labor, Health and Human Services, Education
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SPECTER. It is my understanding that the Senate will soon consider a Joint Resolution of Disapproval pertaining to the Occupational Safety and Health Administration's (OSHA) ergonomics standard. As you are aware, the Congressional Review Act of 1996 gives Congress the authority to vitiate this standard and permanently prevent OSHA from promulgating a rule in substantially the same form.

Let me assure you that, in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics, which may include new rulemaking, that addresses the concerns levied against the current standard. This approach will provide employers with achievable measures that protect their employees before injuries occur. Repetitive stress injuries in the workplace are an important problem. I recognize this critical challenge and want you to understand that the safety and health of our nation's workforce will always be a priority during my tenure as Secretary.

I look forward to working with you throughout the entire 107th Congress.

Sincerely,

ELAINE L. CHAO,
Secretary of Labor.

Mr. WARNER. Mr. President, if I might reply to my distinguished colleague. Earlier today I listened to him and I think he approached this issue in a very realistic and pragmatic way, particularly with his State having so much heavy industrial work in it. I am strongly in favor of the resolution.

But I am concerned about the proposition of a 2-year delay. There are a lot of people—and I will address that—who are actually at this moment suffering a consequence of their repetitive physical action. Do we really think 2 years would give Congress the time necessary to address this problem? I think we can reach an accommodation with our new Secretary of Labor addressing this and quickly get to a more realistic set of regulations to promote worker safety from these injuries.

Mr. SPECTER. Mr. President, if I might respond, I do not think it was the intention to have any delay but only an intention to keep the current rule in effect until a new rule could be promulgated or this rule might be revised. I would be very interested to work with my colleague from Virginia on an expedited process. One of the suggestions I made with the witnesses I had this morning was to have the experts come in to a hearing on my subcommittee and let's have at it. Let's have it out. I would be interested to know what the Senator from Virginia thinks might be a timetable for getting a new rule.

Mr. WARNER. Mr. President, I thank my colleague for that offer. I accept it. I am proud to represent the largest shipyard in the world. It has enormous amounts of heavy construction going on daily.

Mr. SPECTER. The Philadelphia Navy Yard was about to top you until some disaster occurred there.

Mr. WARNER. Well, until I became the Secretary of the Navy, and we began to bring that down to size.

I say to my good friend, I believe the value of this colloquy and delivery of the statements by Senators today is focused on the imperative need to stop the current promulgation of these regulations. I commend our distinguished colleague from Wyoming and our distinguished colleague from Oklahoma for taking the lead on this. I will support the resolution. I shall vote unhesitatingly today, whenever the vote is arranged. We have to commit to the workers in America that we will go to work with our current Secretary of Labor to do our very best to come up with a realistic, commonsense set of regulations. You can count on this Senator for joining in that.

Mr. President, I rise today in strong support of S.J. Res. 6 to preclude OSHA from enforcing ergonomics regulations advanced during the Clinton Administration.

This Rule is likely the most far reaching and intrusive regulation ever promulgated by OSHA. Unless Congress acts, employers will be forced to sift through over 600 pages of new and complex ergonomics standards.

The rule is full of flaws and ambiguities. As currently written, fair and just enforcement of these regulations would be near impossible for OSHA.

By disapproving this most recent OSHA regulation, it does not mean that I discount initiatives to improve conditions for workers.

I know from personal experience and Americans know from their personal experience that there are people in some workplaces who may suffer simply because of the repetitive nature of their physical work.

Those people watching this debate know there is a problem. I concur that there must be some corrective action to help these workers. I join my colleagues in asking the Secretary of Labor to review this situation and work with Congress to develop a realistic and attainable ergonomics regulation. We have this obligation.

An ergonomics rule that is based on sound science. OSHA bases its new ergonomics standards on the assumption that all repetitive motion injuries are a result of work related factors. In fact, outside, non-work related activities often contribute to repetitive motion disorders. The necessary scientific research needed to develop effective standards is incomplete.

It is in the best interest of business owners to protect their employees and maintain a safe and healthy work environment.

Mr. President, while I believe the government has a valid role in protecting American workers, this rule is too large, assumes unrealistic thresholds, and will in the long run hurt American businesses and their workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. While the Senator is on the floor, I want to inquire whether

he, or perhaps the Senator from Oklahoma, or Senator ENZI, who has done such an outstanding job working in the subcommittee, would have any suggested timetable to which we might look on a new rule.

Mr. WARNER. I think that would be very helpful if we could have a thought from the managers of this.

Mr. ENZI. Mr. President, I want to comment on that because I am the subcommittee chairman for employment, safety, and training. I have held some of the hearings and have said repeatedly—particularly this morning—that something needs to be done on ergonomics. I am willing to work on it.

I mentioned that one of the highlights of mine last week was an award I received from the Service Employees International Union. I think that is the largest division of the AFL–CIO. The reason I got that award is that I worked with Senator KENNEDY on a needle-stick bill. Employees of this country were injured by accidentally being stabbed by needles, and janitors when emptying trash were stabbed. The worst part isn't the fact that they got stabbed but all of the time it takes before they understand whether they are really infected or not.

We got together and did a reasonable bill that provided some incentives for people to do that—a different way of doing recordkeeping and it passed by unanimous consent through both bodies. In a very short period of time, we were able to do that.

In light of your question about some kind of a mechanism here for postponing this rule for 2 years, the option is, under the CRA, of eliminating it now or staying with it. It is an up- or-down vote on that proposition, not an amendable motion. It is impossible to say we will put that in place.

I recommend that you do not keep the present one in place because some people say it is not a perfect fit and we ought to trim it back. If you have a tree that is rotten to the core, you don't try to prune it; you chop it down and you plant a new one. If you have a house built on a bad foundation—and that is what the testimony shows—you don't try to build the top part of the house up again; you start at the basement. I think it can be done in a relatively short period of time because there has been all of this collection of information and there are people out there who are hurting.

I have said a lot of times if we actually talk to the people who have the problem, we can get a solution. We are always talking to the experts who talk to the people who have a problem. Somehow they seem to complicate those problems considerably. We haven't put in place—well, we have put in place incentives for the employers already. It was mentioned in the Senator's hearing that some of the people had a net gain by doing these things. Of course, I don't know of a businessman in this country who, if he couldn't get a net gain out of doing something good, would not do it. So already in this country people are bringing down the number of accidents. They are doing it because it is the right thing to do.

So we have a lot of support from the business community to come up with the right way to do it. As I pledged this morning, I will be happy to work with everybody on the Health, Education, Labor, and Pensions Committee, everybody who deals with appropriations—you carry a big stick in dealing with appropriations—to come up with a solution for this. We have to do it the right way.

Mr. WARNER. If the Senator will yield, Mr. President, that is the basis on which I am committed to him to do this. I am very encouraged by what you have advised. It is eminently fair. That type of attitude is one that can succeed in this Chamber and will help get through a piece of legislation which I think is needed now. We should not postpone its consideration, I think, for 2 years.

Mr. SPECTER. If the Senator will yield, I think it might be useful, if possible, to have a suggested timetable to carry to the Secretary of Labor to try to have a target date to get this done.

Mr. ENZI. While I think it is an excellent idea to have a target date, there are a lot of staff who are very competent on this who ought to be involved in putting something together so we have a work plan, and there is need for basic time for Senator KENNEDY and me and other people to spend some time talking. I don't think that putting a date on it in the pressure of a debate that is time limited is a good idea.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, our agreement is to go back and forth. I would like to be able to respond without my colleague and friend from Massachusetts losing his right to speak—to be able to respond to the questions from the Senator from Pennsylvania. Would I be permitted to speak for 4 minutes on this subject matter and then ask unanimous consent that my colleague may speak?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, while the Senator from Virginia is here and the junior Senator from Massachusetts, let me point out what a logical response would be to the Senator from Virginia. All we have to have is the President of the United States file in the Federal Register now an objection to this particular rule and in 60 days this rule is effectively suspended.

There would be the opportunity then, if the Secretary of Labor working with the chairman of the committee had particular objections, that they would be able to make those recommendations; it would be in order. That is not what is being asked here in the Senate. We are being asked to give the death knell to this whole proposal. Under the CRA, they cannot come back with a substantial equivalent rule.

It is fair to ask what the history has been with regard to ergonomics. The fact is, since 1994 and 1995, there has been wholesale opposition to any ergonomics rules, under Republican and Democratic administrations. If you can demonstrate to me a single example where, at the Federal level or the State level, there has been any kind of support for those particular proposals from the business community that is leading the charge against it, your comments would make some sense. But it doesn't happen to be that way, and you can't show it. I won't take the time now away from the Senator from Massachusetts, but later I will take the time to go over what the history has been in opposition to this particular rule. It is right there, going back since Elizabeth Dole said there was a problem—day in and day out, battle after battle.

My good friend from Wyoming said California has a 1-page ergonomics standard, and the industry opposed that one. The Senator from Wyoming can't give us a single example of an ergonomics standard that has been supported—not one. And to think we are going to lead the American people on the basis of that exchange, that all we have to do is knock this down and in a very short period of time we will have some opportunity to consider a good, effective program that is going to protect the millions of Americans who tonight are at risk is asking too much of logic and understanding, I believe, from the American people. It ''ain't'' going to happen.

Mr. WARNER. Mr. President, we have a new President, a new Secretary of Labor.

Mr. KENNEDY. Then why not give it a chance? Where is this bipartisanship? We are trying to work out education, bipartisanship on a Patients' Bill of Rights; but suddenly, 2 days later, we read in the newspaper that this is the death knell for this particular rule. Why not go back and say let's work that out? Why not withhold this particular resolution, give us, say, 60 days, 90 days, a chance to work it out, and then, if we can't, go ahead with the resolution?

You haven't even given the opportunity or the respect or the courtesy to those who support that proposal to try to even work this out. And it is putting at serious risk the well-being, the health, and safety of workers. Why not try it? OK, let's work out the minimum wage, work out a Patients' Bill of Rights. You can work out everything,

but protecting American workers, that is the question we ask. Why not withhold this and give us 90 days to try to work that out? We will accept that challenge.

Mr. WARNER. Mr. President, the distinguished Senator from Wyoming—

Mr. KENNEDY. I ask unanimous consent that this not be on my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We point out that the distinguished Senator from Wyoming, who spent so much of his career over the last year or so on this subject, clearly says it is like a house: We have to take it down to its very foundation and build it back up again. We have committed on the floor to do just this, if I understand my colleague from Wyoming. Am I correct in that?

Mr. ENZI. Mr. President, the Senator is correct. The reason we can't wait 60 or 90 days is that the CRA is time limited. Sixty working days from the time the thing was published is how long we have to reverse this rule. So we are put under the rule that was passed by everybody in this Chamber—not me, I wasn't here at the time, but everybody voted to do it that way, so that we would have the right to jerk agencies back that didn't listen.

They did not listen to anything said in the committee hearing that I held, that the Senator attended. Without cooperation, with that club of the President over his head, it was easy to see they didn't need to concede any points. That is not cooperation. That is not civility. We can get together and work on these things but not when one side thinks they hold all of the ammunition.

Mr. KENNEDY. Mr. President, if Senators wanted to have good-faith bargaining, we are glad to do it. We are glad to do it.

These recommendations represent the best in terms of the National Academy of Sciences and the other scientific organizations that have knowledge and understanding. This is special interest legislation. This is a political payoff. Make no mistake about it.

The business community has the same groups opposing this tonight on the floor of the Senate that have been opposing it since 1994—the National Coalition of Ergonomics, Industry Front—organized to oppose ergonomics standards with a war chest of $600,000.

In March 1995, business groups tried to stop OSHA from developing a proposed rule for ergonomics standards; in 1995 again, National Coalition on Ergonomics opposed OSHA.

Please give an example of what you are for, Senator. Give us an example of what you are for.

It is silent over there. You haven't got an example of it. That is a reflection of the bankruptcy in their argument. They haven't had any examples of what they are for. Give us an example of what State has voluntary programs you would accept. Give us an example of an American business. We have examples of programs in ergonomics. We have not heard one statement of support for any one of them since this morning at 10 o'clock, and you will not hear it when the time comes to vote because they are not for it.

I take 15 more seconds to commend and thank my colleague and friend from Wyoming for his generous references—I think they were generous references—for our work on the needlestick legislation. I pay tribute to him because he was the leader, in the Senate on that particular issue, and I welcome the chance to work with him.

Mr. KERRY. I thank my colleague from Massachusetts for the force of his arguments which underscore the bankruptcy of the position of those who are in opposition.

I listened to my colleague from Wyoming a moment ago, and he suggested we have to do this because of the CRA. If my colleagues are serious about improving the ergonomics rule, they have a number of different options available to them. They could have a review and revision of the regulation if they wanted to. They could call on the administration to grant a stay against the regulation while further work is done to assess their concerns. They could petition the agency to modify or repeal the ergonomics standard and the Department of Labor could initiate a rulemaking procedure to modify the rule.

None of those things are being engaged in here. We have all heard of crocodile tears. What we are hearing are crocodile promises about a willingness to come back and revisit this issue when it has been visited for 10 years. At every step along the way the record is absolutely replete with examples of how they have stood in opposition to any kind of rule. So when we hear them talk on the floor of the Senate today that they are prepared to come back with some kind of a rule, it is directly contrary to every part of the record of past years.

In March of 1995, the House passed a 1995 rescission bill prohibiting OSHA from developing or promulgating any proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for that measure.

In August of 1995, again, following intense industry lobbying, the House passed an appropriations bill prohibiting OSHA from issuing or developing any standard on ergonomics. They had ample opportunity in 1995, 1996, 1997, 1998, 1999, 2000, and even now to come up with some notion of what they are willing to accept.

As my colleague from Massachusetts pointed out—silence, absolutely no offer whatsoever. There is no need to move in the way they are moving now except, I suppose, that it is entirely in keeping with their approach to labor over the course of the last weeks.

President Bush has been in office for 7 weeks. Already he has had a pretty profound impact on the lives of workers in this country. On February 17, he signed four antiworker Executive orders that would, among other things, repeal project labor agreements which are employed at the discretion of States, repealing those so that contractors would not be required under any circumstances in many federally financed projects to be unionized—a blatant, fundamental assault on union labor.

He also dissolved the National Partnership Council which sought to get government agencies and unions to resolve their differences. Not a bad way to try to resolve the differences. That was a program we thought was working and offered a capacity to reduce the tensions. But, no, that is eliminated—revoked job protections for employees of contractors at Federal buildings when the project is awarded to another contractor. And now we are on the cusp of overturning yet another critical worker protection that would help alleviate suffering for hundreds of thousands of people.

I believe this is an assault on the fundamental rights of workers, and their fundamental right is obviously to have a safe workplace.

Twenty-one thousand people in Massachusetts were injured last year as a consequence of repetitious work motions or severe overstress as a consequence of the kind of work and movement they have in their work. It seems to me we are owed at least a good-faith offer of some outline in which our colleagues would feel this might be acceptable. What do we hear? We hear them say this law is too complicated.

Too complicated? The rule is about as simple as a rule could be. The employer has enormous leverage in this rule. The employer gets to decide whether or not a complaint by a worker is job related. The employer makes that decision. How complicated is it to empower a worker to come to the employer in a specific amount of time, draw to their attention the signs and symptoms of an ergonomic injury, the responsibility of reporting it, the employer has absolutely no further responsibility under the rule unless the employee reports that ergonomic injury and that injury lasts for 7 days after being reported.

If the employer then determined it was work related and they were exposed to a serious hazard, they craft an appropriate remedy.

That is precisely what our colleague from Wyoming just said he thought any employer in the United States would do. He just said if somebody sees a worker is hurt or if somebody saw they were going to reduce their own

costs and expenses as a result of reducing their employees' exposure to danger, they would do it. That is literally what this very simple law asks them to do. Instead, we are going to go on with a situation where they could continue to delay and leave countless workers in the United States exposed to danger with a cost of injuries at about $17 billion annually and a total cost to the economy of over $50 billion when we measure it by the compensation costs, the workers' medical expenses, lost wages, and lost productivity.

We all understand what ergonomics are. We understand it is a fancy name for what happens to people who do certain kinds of jobs in our country that require multiple repetition of movement. We understand you can avoid these risks.

On January 18 of this year, the National Academy of Sciences and the Institute of Medicine released a report talking about these disorders. It talked about the scientific evidence that documents what these kinds of injuries do. They also pointed out the extraordinary cost to our economy.

One would think most of the businesses in the country would welcome an opportunity for a worker to simply walk up to them, explain that they believe a particular injury they have is related to the work they are doing, that it has lasted for longer than 7 days, make an evaluation about it, and then determine what they are going to do. That is all this law requires. It is not complicated.

They have also compiled a report entitled ''Work Related Musculoskeletal Disorders'' which summarized 6,000 scientific studies on ergonomics-related injuries, and it concluded that the current state of science shows that the people who are exposed to ergonomic hazards have a higher level of pain, injury, and disability; that there is a biological basis for these injuries, and that there exist today interventions that can protect against those injuries.

There have been 10 years of effort to try to come to the point of conclusion with respect to those kinds of injuries. Yet we are finding the resolution is not a bipartisan effort to try to pull people together and agree. It is not a bona fide effort to try to resolve the differences that may or may not exist. It is an effort to go ahead and literally kill the capacity of the agency to issue this or to revisit it.

I would like to share very quickly a couple of stories of real people in my State. At the Cape Cod Hospital, Beth Piknick was a registered nurse with a 21-year career as an intensive care unit nurse. That career was cut short because of a preventable back injury that came from the responsibilities she was carrying out. The injury required major surgery, a spinal fusion, and 2 years of major rehabilitation before and after injury. That injury was devastating to Ms. Piknick, both professionally and personally.

Prior to her injury, she had led an extraordinarily active life. She enjoyed competitive racquetball, water skiing, and whitewater rafting, but, most importantly, she wanted to do her work and loved her work as an ICU nurse. That had been her career since 1971. The loss of ability to take care of patients led to clinical depression which lasted 4½ years. She now administers TB tests to employees at the hospital, and her ability to take care of patients, the very reason she became a nurse, is gone.

Her injury could have been prevented. So can the crippling injuries suffered by hundreds of thousands of other workers every year.

Another example—this story actually comes from Business Week, December 4, 2000. I quote from Business Week:

> Sheree Lolos will never forget the night 5 years ago when her arms went numb. She had spent her 8-hour shift as usual, pouring a total of 12,000 pounds of plastic scrap onto a conveyor belt at a windshield factory in Springfield, MA. That night her arms tingled and burned. The next day she and her supervisors shrugged off the injury as temporary and she continued to work in coming months—until she could work no more.

This was not somebody looking for an excuse or a way out. She worked until she could work no more.

> Doctors later told her that lifting and pouring for up to 60 hours a week, week after week, had damaged the nerves in her arms. So, today, at 44, Ms. Lolos says she can't even wash her hair without pain. ''I cry in the shower because I can't keep my hands over my head to wash out the soap.''

That injury also was avoidable. That injury at least ought to properly be reportable to an employer, for the employer to make a judgment about whether or not there is a relationship, a judgment that could very easily be made by a caring employer by simply listening to the employee, contacting the doctors, and making a legitimate attempt to determine whether or not there is a cause and effect between the injury the doctor has determined and that person's work.

What you have here is a message being sent that these kinds of injuries and the lives of these workers and their ability to get redress are not as important as the interests that are being served on the Senate floor in trying to defeat this effort.

An awful lot of businesses and trade associations have already implemented these kinds of programs, and they have seen productivity rise as fewer hours on the job are lost. When businesses ensure that their workplaces are safe and they protect workers from these types of injuries, the productivity across the board rises. When workers are healthy, employers lose far fewer hours in their jobs. Programs implemented by individual employers reduce the total job-related injuries and illnesses by an average of 45 percent and lost work-time injuries and illnesses by an average of 75 percent.

These numbers mean something because they indicate results and they prove that making the workplace safe is crucial not only to increasing worker safety but also to increasing the capacity of a business to flourish.

I would like to give another example of that. A company in western Massachusetts that makes most of the paper we use to print the American dollar, Crane and Company, located in Dalton, MA, signed an agreement with OSHA to establish comprehensive ergonomics programs at each of their plants. According to the company's own report, within 3 years of starting this program, the company's musculoskeletal injury rate was almost cut in half.

Lund Silversmiths, a flatware manufacturer in Greenfield, MA, was troubled by very high workers compensation costs. One OSHA log revealed that back injuries were the No. 1 problem in three departments. By implementing basic ergonomic controls, lost workdays dropped from more than 300 in 1992 to 72 in 1997, and total workers compensation costs for the company dropped from $192,500 in 1992 to $27,000 in 1997.

So all this talk about workers compensation costs or the cost to business going up simply does not stand up against the measured examination of what has happened in those companies that have seen fit to try to raise their standards and respect the injuries that are done to workers through certain kinds of work.

The changes envisioned by the law we are voting on actually increase productivity. It saves businesses money and makes more money for our economy overall. This standard is a win-win for workers and for management. The fact is, it is almost common sense, if you examine the experience of most of those companies that have engaged in a reasonable approach to it.

I have heard some complaints on the floor by some people who try to suggest this supersedes workers compensation laws. The fact is, the provisions of this standard are not compensation, they are assurances that workers are not going to face financial disincentives to report muscular disorders. Work restriction protection, in stark contrast to workers compensation, is only a preventive health program, and the criteria for restrictions under the ergonomic standard have no relationship to the criteria for compensation, nor do they have any bearing on whether an injury or an illness is compensable.

OSHA has been including work restriction protection in its health standards for more than 20 years, and we know, as others have pointed out, the attorneys general of some 17 States—

Arkansas, California, Colorado, Connecticut, Georgia, Indiana, Iowa, Kentucky, Maryland, Minnesota, Mississippi, Missouri, New Mexico, New York, Oklahoma, Washington, and Wisconsin—have all filed comments with OSHA stating that worker restriction protection provisions of the ergonomics standard would not affect or supersede the workers compensation laws in their States.

To the best of my knowledge, there is no attorney general on record saying that it will.

The ergonomics regulation is not a new phenomenon. And it is not somehow the latest fad that represents some effort to try to enlarge rights beyond what they ought to be in the workplace.

Ten years ago, as we have heard, under a Republican President, Secretary of Labor Elizabeth Dole committed the Department of Labor to begin working on this standard. That was in response to a growing body of evidence at that point in time which showed that these repetitive stress disorders, such as carpal tunnel syndrome, were the fastest category of growth in occupational illnesses. Ten years now, and all of the records show countless numbers of efforts to prevent a legitimate initiative to make progress on this issue with any kind of alternative, any acceptable language, anything that suggests legitimacy in an effort to work out a compromise.

So many of us are, indeed, extraordinarily skeptical when we hear in the Chamber today that somehow what has not taken place for 10 years, what has been shown to be exactly the opposite of what is promised, which is an outright effort to kill any kind of standard whatsoever, is suddenly now going to be replaced by some act of good faith.

I repeat, if there was a legitimate effort to try to avoid the sort of draconian measure of the Congressional Review Act, which is an all-or-nothing, or an up-or-down vote, with this limited amount of debate, we could have done something else. If we were serious about improving the ergonomics rule, we could have simply taken action to review and somehow revise the regulation in a reasonable way. We could see the administration say we are not going to ask for this draconian effort on the floor. Why don't we have a stay? Or, as my colleague from Massachusetts pointed out, we could have, I think, a 60-day period before the implementation by merely putting a protest in place.

There are any number of ways in which we could approach this question. We could petition the agency itself to modify or repeal the standard.

But, once again, there has been no showing whatsoever about why the simple standard of a worker going to an employer and suggesting that the particular illness or problem they have is work related should not initiate from this benevolent employer that the Senator from Wyoming is referring to, a legitimate effort to find out whether what they asked that employee to do in that plant is somehow causing them injury. If it is causing them injury, as they ought to be able to determine by a fair analysis from medical reports as well as an analysis of the work itself, they could make the determination to do what they think is appropriate.

There is no order to them of what to do. There is no mandate from Washington. There is no requirement of the long arm of government telling them with specificity what their options are. There is just a legitimate, commonsense, decent approach to the problems of a worker in a workplace that, as my colleague from Wyoming said, any decent employer ought to engage in.

What is happening here is an effort to deny decency to tens of thousands in Massachusetts, 600,000 on a national basis—maybe a million workers—who suffer annually. We could avoid that if we were to vote properly on the floor of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to the Senator from Louisiana 7 minutes, and then I ask unanimous consent to recognize the Senator from Ohio, Mr. VOINOVICH, for 7 minutes following Senator BREAUX's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I thank my colleague for yielding me some time.

I rise as one who is going to support the resolution of disapproval but at the same time also speak to the fact that I think there are problems in the workplace that justifiably call for us to be involved in crafting solutions which would reduce or even eliminate those problems.

I am impressed by the study of the National Academy of Sciences which, incidentally, came after some final regulations were already promulgated, which point out that it is a problem that affects as many as 1 million people a year losing time and costing as much as $50 billion annually in lost productivity.

Yes, there is a problem out there. Yes, there should be something we can do to address it. I suggest that while there is something we could do, this is not the right approach. It is the reason why I am going to support the resolution of disapproval.

My colleague mentioned that this rule is very simple and easy to understand. I would suggest that is not correct.

I was reading it. It is always dangerous when you actually read these regulations. I read the regulations, and I got to one part where it said, ''Industries and jobs this standard does not cover.'' That will be interesting. Let me read that. It says, ''Industries and jobs this standard does not cover. Agricultural employment and operation.''

I said: My goodness, we are exempting agriculture from the regulations.

I went to another section, and it said, ''Industries and jobs this standard covers.'' Lo and behold, it covers agricultural services, soil preparation, and crop services, including crop planting, cultivating, and protecting the crops. It also improves crop harvests. Those things sound an awful lot like agricultural practices to me. Yet in the other panel it says, agricultural employment and operations are not covered. But everything you have to do to plant crops and harvest them and protect them is, in fact, covered.

I went down and read some more. It says, ''Maritime employment and operations are not covered.''

Then I looked over to the other column. It said, ''Boat building and repair is covered.'' That is sort of a maritime type of industry if there ever was one.

So I read it again. It said, ''Maritime employment and operations are not covered.'' Commercial fishing in the other column is covered. That is sort of a maritime endeavor when you are commercially fishing in the ocean.

I get confused when it says shipbuilding and repair is not covered but, on the other hand, boat building and repair is covered. If it is a ship, you are not covered, but a boat is covered.

If you are an agricultural worker, you are not covered. But if you are engaged in crop harvesting, planting, and protecting a crop, then you are covered.

By any measure, I think this is not clear. It is not simple; it is very confusing.

More than that, I am concerned about an administrative procedure or process where we can do by administrative decision what legislators who are called upon to legislate cannot do to see how what we do affects people because I think it clearly affects a State's workers compensation laws. I am very concerned about that.

If you go to the back of the rules that we are looking at, it very clearly says something I think is understandable. It says, ''Work restrictions protection: Employers must . . .''—not may, not can, not should but ''employers must provide work restrictions protection to employees who receive temporary work restrictions.''

This means maintaining 100 percent of earnings and full benefits for employees who receive limitations on their work activities in their current jobs or transferred to a temporary alternative duty job, and 90 percent of the earnings and full benefits to employees who are removed from work. That is good for 90 days or less, whichever comes first.

That tells me they may not replace your State workers compensation rules, which, in my State and most States, provide about two-thirds compensation for injuries in the workplace, which I strongly support, but it certainly is in addition to it. It is a supplement. It is more than the workers compensation laws provide. You have the workers compensation laws taking care of certain types of problems in the workplace. Then you have an entirely new program that States are going to have to implement. And who is going to pay for it? Is the State going to be required to put up their share for the new program? Do the States have the money to do that? How much is it going to cost Louisiana, which is struggling to find enough money to participate in the Federal Medicaid program, because we did not have enough State funds to meet or match this? They look at an unfunded mandate, an additional supplemental benefits package that we have not enacted in Congress but that has been allowed to go forward because of an administrative rule process which I think is the wrong way to do it.

I differ from some who say, we don't want to do anything. I think we should do something to address these rules. I will be addressing legislation tomorrow in a bipartisan fashion which will say that, notwithstanding any other provisions of law, the Department of Labor may issue a new rule relating to ergonomics, so long as there are affirmative requirements and the new rule does three things: First, that it is directly related to injuries that occur in the workplace. That is what we are trying to effect.

I do not want someone who is injured in a water-skiing accident on Sunday to go to work on Monday and complain that the back problem was generated in the workplace. If it was in the workplace, fine, but if it was from something outside the workplace, and not directly related to the injury, I question whether it should be part of the process.

The second requirement of the legislation will be that the agency responsible for enforcing this new rule must have some type of mechanism to certify when an employer is in compliance. Right now, one of the big concerns is that employers do not know whether they come under the rules or not. There should be some mechanism to ensure that when they are in compliance, they can get certified by the appropriate agency that they have met the standards and should not be subjected to any other action because they have been certified as being in compliance.

The final thing it does is it says simply that in issuing a new rule, the Department of Labor shall ensure that nothing in the rule expands the application of State worker compensation laws. This goes back to the question of putting in new provisions, new monetary provisions, for workers without having the Congress take an action in that regard.

This is a new supplemental workers comp program that this rule establishes. I do not think we ought to do that without an act of Congress. We can argue whether it should be done or not.

I think this legislation really answers the question of whether we do all of this or whether we don't do anything. I am suggesting we do something that makes sense. I think the way to get to this legislation is to pass the resolution of disapproval of what I think has been a rule that has been brought to this body but without the proper attention to detail that I think is so important.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senator from Ohio is recognized.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. VOINOVICH. Yes.

Mr. NICKLES. I thank my friend and colleague, Senator BREAUX, for his analysis, and also for his well-thought-out position. Also, I thank Senator DORGAN for his cooperation in scheduling the speeches.

I now yield to the Senator from Ohio as much time as he desires—7 minutes.

Mr. VOINOVICH. Mr. President, I thank the Senator from Illinois for his consideration.

I might say that my remarks were not done in conjunction with Senator BREAUX from Louisiana, but they are similar to the points he made today.

On November 14 of last year, OSHA published one of the broadest, most far-reaching regulations ever put forth by that agency. OSHA and other supporters of the ergonomics regulation have indicated that implementing this regulation is necessary to protect the health and well-being of the men and women of our Nation's workforce. This would be accomplished by establishing procedures designed to lessen the incidence of repetitive-motion injuries and other musculoskeletal disorders, or MSD's, in the workplace.

In my view, OSHA's efforts to safeguard the workplace against these kinds of injuries ultimately will prove more harmful than helpful to hard-working men and women throughout the Nation. In addition, this new rule could actually have the unintended consequence of hurting the people it is designed to help.

When one takes a closer look at how the regulation was developed last year, and at the provisions of the regulation itself, it is not surprising to see that the Senate is poised to vote to disapprove this regulation.

To be sure, OSHA has never finalized a rule of this magnitude in just 1 year's time. This final regulation is over 600 pages in length, and its impact covers more than 100 million employees and 6.1 million businesses in the United States. Even prior to its final publication, many employers had complained to me and to OSHA about the draft regulation's excessive length, confusing language, and potentially onerous mandates.

Despite having generated more public comments than any prior OSHA rule in history, the Clinton administration's OSHA appointees rushed through the rulemaking process. There has been some speculation that these appointees believed that quick action was the only choice they had to get the rule finalized.

These individuals at OSHA even managed to thwart the will of Congress, which approved an amendment last year delaying implementation of the regulation for 1 year. This ''in-your-face'' attitude was deliberately confrontational. It was as if the previous administration said: We don't care what Congress wants, we are going to do what we want anyhow, and that's the way it goes. In their undertakings, they ignored legitimate concerns voiced by Members of Congress and the business community and ram-rodded this controversial, burdensome and exceedingly costly regulation.

On the subject of cost—I think this is an important issue—we have no real ''hands-on'' figure. OSHA estimates the cost of complying with the regulation will be $4.5 billion annually. The U.S. Small Business Administration—not the NFIB or the U.S. Chamber of Commerce, but the Federal Small Business Administration—has estimated the true cost of the regulation could be about $60 billion per year. And other analyses puts the figure as high as $100 billion annually.

Why has this rule caused so much controversy? Well, under this new rule, an employer would be required to implement a full-fledged ergonomics program if an employee were to report a symptom—a symptom—of an musculoskeletal disorder, as long as the symptom is aggravated, but not necessarily caused by workplace tasks.

In other words, if an employee comes to work with a sore neck from playing sports over the weekend, and his or her work ''aggravates'' the symptom, then an employer would have to develop a whole ergonomics program.

This could require employers to change an employee's workstation, change his or her equipment, shorten shifts, hire additional employees, or alter work practices. So, the employer is responsible for all of these changes and their costs even if the symptom is caused by factors or activities that exist outside of the workplace.

But there is more. In responding to a symptom of a muskuloskeletal disorder, the employer must pay for visits

to up to three separate health care professionals by the employee complaining of the symptom. However, the rule prohibits the diagnosis from including any information about the condition that may have been caused by factors or activities outside the workplace.

In fact, an employer can't even inquire about an employee's outside risk factors. That is absolutely incredible.

I am especially concerned about the regulation undermining a State workers' compensation systems, which is prohibited under the Occupational Safety and Health Act. For instance, if a condition is determined to be work-related, the employer must provide full benefits and 100 percent of an employees pay for up to three months while he or she is in a light-duty job, or 90 percent of pay and full benefits while not working. This is known as the regulation's Work Restriction Protection provision. This provision completely overrides the state's right to make its own determinations about what constitutes a ''work-related'' injury and what level of compensation injured workers should receive. What's more, it establishes a federally-mandated workers' compensation system for ergonomics only.

Ergonomics remains an uncertain science. While a recently completed National Academy of Science study reveals that musculoskeletal disorders are a problem in the workplace, much remains to be learned about the causation and potential remedies associated with repetitive-motion injuries. In fact, the National Academy of Sciences' study indicated that a number of non-work related ''psychosocial'' conditions, including stress, anxiety, and depression, could cause these conditions.

The tendency I see in Congress and in Washington is the belief that no one but Washington cares about the citizens of this Nation—not the local governments, not the State governments, and most definitely not the businesses. I think that is insulting.

It is ludicrous to think that State and local governments do not care, and any employer worth his or her salt is going to go out of their way to create the best working conditions for their employees. These individuals will do whatever possible to cut down the costs associated with work-related injuries and absenteeism.

As Senator KERRY from Massachusetts said, many businesses have gone forward with ergonomics programs. They know it is good for their employees, and they know it is good for the bottom line.

In fact, prior to the regulation's publication, many employers had voluntarily implemented workplace ergonomics programs. These programs are having an effect; OSHA itself has reported a 22 percent decrease in ergonomics injuries in the last five years. But what supporters of this regulation are saying is, even though more and more businesses are realizing that ergonomics is a good thing to do, we need to mandate a ''heavy-handed'' set of rules on the entire Nation and not think about the consequences of these actions. In my view, if they had, they would not have rushed through a regulation that will admittedly cost billion and billions of dollars to implement.

Instead, Congress and the administration need to take a more careful and balanced consideration of ergonomics in the workplace. We should be working with all parties—American businesses, labor, and State and local governments—to develop a workable ergonomics standard that considers all costs and benefits and protects the health and welfare of the American workforce. I believe such an approach would be the most effective solution to the situation that Congress is faced with today.

Passage of the resolution before the Senate will give us the opportunity to proceed with a clean slate instead of letting-stand a regulation that is burdensome, confusing and unsound.

I'm confident that, working with our new Labor Secretary, Elaine Chao, with the Bush administration, with my Congressional colleagues and other interested parties, we can come up with a better way to approach this issue.

Mr. President, I urge my colleagues to vote in favor of this resolution of disapproval.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the resolution before us related to ergonomics.

First, about the word ''ergonomics.'' It sounds like a course that one intentionally skipped in high school, but it is much more serious. It relates to a worker's injury on the job, a worker's injury that, unfortunately, affects in America every year a million people who take time away from work to treat and recover from these work-related ergonomic injuries.

I come to this debate perhaps in a little different position than some of my colleagues because I come to it with some work experience in my life that has familiarized me with this problem as well as experience as an attorney representing people who have been injured on the job. When I was a college student, I worked in a slaughterhouse in East St. Louis, IL, Hunter Packing Company. It was a great job for a college student because it paid pretty well, but it was a tough job. It was dirty. The hours were long. I went to it every day realizing I was saving enough money to get through school.

In the 12 months that I worked in that slaughterhouse, I came to understand what it means to work on an assembly line. It was a hog production facility. The hogs that were brought forward for slaughter and processing were on a chain. The union I belonged to, the Meat Cutters and Butcher Workers, had negotiated a contract with the packing company. The contract said that 1 hour's work equals 240 hogs. During the course of a day of 8 hours, we were expected to process 1,920 hogs. Of course, if we could speed up the line, we might get off work in 6 hours. Every day we tested ourselves, or someone did, to see how fast we could process those hogs to go home.

The line would break down. We never quite knew what would happen. Day after day I would stand there on this line and watch these animal carcasses come flying by as I did a routine job on every single one of them. I was one of many employees in that facility.

I came to respect a hard day's work, the men and women who got up every day and did this. I also came to respect the danger of that job. Some of the dangers were obvious. On that line one day a man I was standing next to passed out and was taken away; he died of a heart attack. Other people cut themselves with knives. Others suffered back injuries, neck injuries, and injuries to their hands. I would see this every single day. I came to appreciate a little more than some that working for a living in America can be dangerous unless there are people to protect you. In this case the protection came from a labor union doing its best to make the workplace safe.

It also came from Congress and the State legislatures that were responsible for a safe workplace. I came to appreciate that responsibility when I was elected to Congress in 1982 and to realize that I have a burden and a challenge, as a Congressman and a Senator, to make certain that the laws we pass are consistent with maintaining the safety of the workplaces across America.

My second experience, as an attorney in Illinois, was on workers compensation claims. I have listened to some of the statements made on the floor of the Senate today. I have to shake my head. Some of the people who are arguing against this bill have literally never tried a workers compensation case. For instance, there have been arguments made that under this ergonomics rule, it is not necessary that one is injured in the workplace to recover.

Time out. One of the first premises, when you go to a workers compensation case for someone injured on the job, is whether or not you were an employee. That is the first question. The second question is whether or not your injury was work related. If you can't get past those two hurdles, your case is thrown out, period.

Many of the employers on the other side of these worker injury cases tried

to argue that the person wasn't an employee or doing an employee function at the time of the injury or, if he had an injury, it happened someplace other than the workplace.

That is not going to be changed by this ergonomics rule. What this rule will do is establish a standard of care for employees across America. A million American employees each year lose time from work to treat or recover from the injuries we are discussing. These injuries account for fully one-third of all workplace injuries that are serious enough to keep workers off the job—more than any other type of injury.

Those who oppose this rule and will vote for this resolution of disapproval are ignoring this reality. They are saying that regardless of the injuries to American workers, we should do nothing about it, nothing. The net result of voting for this resolution of disapproval is to put an end to the debate over whether we will continue to protect workers at America's workplaces.

That is a sad commentary. It is a sad commentary on this Congress—which started off with all sorts of promise, an evenly divided Senate that would work in a bipartisan fashion—that here, in one of its very first actions, it has decided to remove a protection in the workplace for millions of American workers.

The cost of these injuries is enormous. Many companies come by my office and argue that they just can't afford to make the changes necessary to make their workplace safer. We estimate it would cost about $50 billion a year, these employers are currently paying out, for people who are injured in the workplace. There is no money being saved in an injured employee. Not only does it damage or even destroy the life of the worker, you lose the productivity, skill, and experience of that worker, and you pay for attorneys and for doctors and for compensation for that injured employee. It is penny wise and pound foolish for business to ignore the fact that safety in the workplace is profitable, profitable not only for the business but for all the people who work there.

Yet the business interests that have lined up today to defeat this have, frankly, turned their back on that reality. I am not surprised, when I look at what has happened over the last several weeks with the new administration, that this attack on the protection of workers in the workplace is coming to us today for consideration. We have already had a number of decisions made by the new Bush administration which have been clearly against the best interests of working men and women.

On January 31, the Bush administration suspended for at least 6 months the contractor responsibility rule. This was a rule finalized at the end of the Clinton administration and already in effect which required Government contracting officers to take into consideration a company's record of complying with the law—civil rights laws, tax laws, labor laws, employment laws, environmental laws, antitrust laws, and consumer protection laws—before awarding a Federal contract.

I introduced a bill in the 106th Congress that would have done essentially what this rule did. I believe if you break the law with regard to someone's civil rights, if you harm the environment, or if you defraud the Federal Government, you should not be able to compete for Federal contracts.

It is curious to me that one of the first acts of office by President Bush was to literally suspend this law for 6 months. With a stroke of the pen, President Bush has said it is OK to defraud the Federal Government, to pollute our Nation's streams, and then go on and bid for Government contracts, to be considered a good corporate citizen when it comes to awarding contracts that pay tax dollars.

Along with my colleagues, Senators KENNEDY and LIEBERMAN, I sent a letter to OMB Director Mitch Daniels asking him why the administration took this action. I have not received a response.

This points out the mindset of this administration; that when it comes to businesses that break the law, they are prepared to look the other way. Sadly, this is part of the argument being made today. If a business decides to have an unsafe workplace and employees are in fact injured, it is the belief of some that it is none of the Government's business; that we should somehow absent ourselves from the discussion. I believe otherwise.

Let me tell you about a couple other things that have been done by the Bush administration in the early days. One of them relates to project labor agreements. Project labor agreements are nothing new. They have been around since 1930. They are negotiations at the outset of a Federal, State, or local construction project between contractors, subcontractors, and the unions representing the crafts that are needed on the project. Under a project labor agreement, or PLA, they try to reach an agreement on the terms and conditions of employment for the duration of the project, establishing a framework for labor management cooperation.

These project labor agreements have been around for 70 years. They benefit the Federal Government and the taxpayers because they dramatically lower the cost of construction projects for these taxpayers.

So what did President Bush do about these project labor agreements? He repealed them. Gone. With the stroke of a pen, President Bush eliminated project labor agreements. He even received a letter from a Republican Governor, John Rowland of Connecticut, urging him not to repeal it. Let me quote John Rowland's position on project labor agreements:

> Public sector labor agreements have been in use for over seventy years and have proven to be extremely valuable tools used by public entities to manage large construction projects.

President Bush ignored the Governor of Connecticut. He ignored 70 years of precedent. He decided that instead of pushing for labor-management cooperation for the benefit of taxpayers, he would eliminate these project labor agreements.

Mr. President, I ask unanimous consent to have the letter from Governor Rowland printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEAR PRESIDENT BUSH: It is my understanding you are considering issuing an Executive Order that may impact project labor agreements on federally financed or assisted construction projects. Public sector project labor agreements have been in use for over seventy years and have proven to be extremely valuable tools used by public entities to manage large construction projects. The State of Connecticut has successfully implemented project labor agreements for many public projects that came in ahead of schedule and under budget.
>
> Project labor agreements provide many economic benefits to the government owner. PLAs eliminate any uncertainty with respect to the supply of and cost of labor for the life of the project. This can generate significant cost savings and is especially important at the present time when there are substantial shortages of skilled construction workers. PLAs set standardized conditions and predetermined wages for all crafts on the project. This allows contractors to bid the work with labor as a constant.
>
> With the greater certainty of estimated costs, cost overruns and change orders are reduced, keeping final expenses closer to the estimated cost of the project. Access to an immediate supply of skilled craft workers results in the likelihood that jobs will be completed on schedule. In addition, PLAs are negotiated to reflect the special needs of a particular project, including specific hiring requirements for local residents and minority and female employees.
>
> Past experience supports the use of PLAs. Huge federal projects such as the Grand Coulee Dam in Colorado, the Shasta Dam in California, the Oak Ridge Reservation in Tennessee, Cape Canaveral in Florida and the Hanford Nuclear Test Site in Washington State were all built under project labor agreements. More recently, the PLA used on the Boston Harbor Project is credited with helping reduce costs from $6.1B to $3.4B, with 20 million craft hours worked without time lost to strikes or lockouts.
>
> I hope you will see the benefit of implementing project labor agreements in our nation's large construction projects.
>
> Thank you for your consideration of this important issue.
>
> Sincerely,
>
> JOHN G. ROWLAND,
> *Governor.*

Mr. DURBIN. The President also, in the first few days he was in office, on

February 17, signed an Executive order requiring Government contractors to post notices stating that employees cannot be required to become union members in order to retain their jobs, and that those who don't join the union may object to paying the portion of agency fees that aren't related to collective bargaining. Contractors who fail to comply with this Executive order and fail to post these notices can be barred from bidding on Government contracts.

Interesting, isn't it? The President has said if you violate environmental laws, civil rights laws, or employment laws, we will still want you to do business with the Federal Government. But if you fail to post a notice in the workplace advising people they don't have to become union members to work on the job, you can be disqualified from Government contracts.

Another Executive order—the third one—rescinds a 1994 Clinton administration order requiring building service contractors in Federal buildings who have taken over work previously performed by another contractor to offer continued employment in the same jobs to qualified employees of the displaced contractor. Typically, we are talking about low-wage workers, janitors, or cleaning crews who will now lose jobs on Federal worksites when the Federal Government changes contractors.

The list, I am afraid, goes on. The message is clear for working men and women: This new administration takes a totally different view on protecting workers in the workplace than the Clinton administration of the last 8 years. Whether it is holding contractors of the Federal Government to the standard of obeying the law, whether it is making certain that we protect low-wage workers in the workplace, these sorts of things are not going to be held sacred nor protected by the Bush administration.

Here we come today to the floor with this whole question about safety in the workplace. This question of ergonomics is one that has been debated at length. It pains the Republicans, who by and large oppose this ergonomics rule, to realize that the first Secretary of Labor to point out this national problem that needed to be solved was none other than Elizabeth Dole, the wife of former Senator Robert Dole, and certainly a loyal Republican. She understood, as Secretary of Labor, that these injuries were important enough to merit study by the Federal Government in the promulgation of rules and standards to protect workers in the workplace.

But no sooner did she make this proposal than the business interests who were opposed to this protection of workers started a crusade against them. A crusade usually resulted in delaying the rule going into effect or demanding a study to justify the rule in the first place.

These ergonomic injuries, to date, have injured over 6 million workers in America. They range from such things as carpal tunnel syndrome, which many people have suffered from, to severe back injuries and disorders of the muscles and nerves. According to the Bureau of Labor Statistics, ergonomic injuries account for 34 percent of the injuries that caused employees to miss work in 1997. Truck drivers had the highest median days—10—away from work. Electricians, plumbers, pipefitters, and transportation attendants, each had 8 days.

Women are disproportionately affected by ergonomic injuries. In 1997, women made up 46 percent of the workforce and accounted for 33 percent of workplace injuries. Yet they accounted for 63 percent of repetitive motion injuries that resulted in lost time. Eighty-six percent of the increase in injuries due to repetitive motion are borne by women; 78 percent of the total increase in tendinitis cases were suffered by women.

I have one example, the nursing profession, a profession in which we are having a difficult time filling vacancies, which alone accounted for 12 percent of all of these types of injuries reported in 1997.

It is estimated that 25 to 50 percent of the workforce are Hispanic and African American workers. So minority workers will be particularly disadvantaged by the passage of this resolution ending this workplace safety. Who has endorsed this ergonomics standard? Former Labor Secretaries Elizabeth Dole, Robert Reich, and Alexis Herman; the American Nurses Association; the American Academy of Orthopedic Surgeons; the National Academy of Sciences; the American Public Health Association; the National Advisory Committee on Occupational Safety and Health; and many others.

Tom Donahue is currently the President and CEO of the U.S. Chamber of Commerce. It is no surprise that he opposes this ergonomics rule. He said in his quote that the rule is ''one of a flurry of onerous midnight regulations hastily enacted by the outgoing Clinton administration.''

I disagree with Mr. Donahue. To say this rule just arrived on the scene at the last moment is to ignore 10 years of history.

I guess, beyond that, back in 1979, President Jimmy Carter appointed a person at OSHA to look into these types of injuries. It has been said by Mr. Donahue and the Chamber of Commerce that the ergonomics standard is not supported by sound science. But after thousands of studies, literally 2,000 studies, including two by the highly respected National Academy of Sciences, the numbers are in; the data is there. The real life stories weren't just flukes. We can't ignore the fact that there is strong scientific evidence that certain activities in the workplace lead to injuries that cause pain, suffering, and loss of work.

Let me also point out the Chamber of Commerce says the standard in this rule is impractical; that it applies ''to any job that requires occasional bending, reaching, pulling, pushing, and gripping.'' That is not the case. This ergonomics standard does not apply to agriculture, construction, and maritime industries, as well as most small businesses across the country. Also, the Chamber of Commerce has grossly exaggerated the cost of compliance with this ergonomics standard, saying it could cost as much as $886 billion over 10 years.

This is not the first time the Chamber has inflated the cost of a Federal standard to protect workers in an effort to defeat it.

It appears today they may have the votes to get the job done based on dubious statistics. The real average cost for an employer to change the workplace to make it ergonomically correct and safe is $150. A single injury claim by a disabled or injured employee can be approximately $22,000. Penny wise or pound foolish? Will we protect workers by sending them home safe and healthy at the end of the day by making a slight change in the workplace or will we invite injury and say we will pay the lawyers and the doctors and let the workers' lives be forgotten.

This Congressional Review Act, which brings us here today, was one of the vestiges of the so-called Contract ''on'' America that was promulgated by former Speaker of the House Newt Gingrich in his glory days. It appears that the Gingrich ghost is still rattling around the U.S. Capitol because if the components of this ergonomics rule have been waived, we will with one fell swoop put an end to this rule for perpetuity, or at least during the duration of the Bush administration.

This resolution cannot be amended or filibustered. A Senator can't put a hold on the resolution. No more than 10 hours of debate are allowed and it passes with a simple majority. You wonder where the Republicans in the Senate and President Bush will turn next.

In the past, they have said they want to eliminate overtime. They think the 40-hour workweek is not sacred. People should work more than that and not be paid overtime. They have come up with the Team Act which basically allows those who are antagonistic to organized labor to organize around them. They have called for something called paycheck protection to take away the power of individual members of labor unions even to contribute to political campaigns to support the candidates of their choice.

I am afraid this resolution and this debate really tells us that working people in America are in for a tough time over the next 4 years. It certainly reminds us that elections have consequences, and that if a President who is elected has no sympathy for the working families; that the election of the President can change the course and direction of our policies in protecting workers in the workplace.

It is a sad commentary that we have forgotten how important it is that we who enjoy the benefits of a great economy must always realize that there are hard-working men and women who get up every single day and go to work, do a good job, and only expect the basics—fair compensation for hard work, no exploitation in the workplace, and a safe place to work.

The Republicans on the floor—a few Democrats will join them—have forgotten the third one, the requirement for safety in the workplace. For them, these are faceless people who are just statistics. They are ''business costs'' to be borne. I think it is much more. It is a question of whether, in fact, we value labor.

In my own home State of Illinois and some of the cases I am aware of we have had workers—mothers, for example, with small children—who worked for a company for many years, lifting things from one place to the other, different sizes and weights of boxes, including Madeleine Sherod of Rockford, IL. At Valspar Corporation, which makes paint, she was lifting cartons of paint back and forth with a weight of 20 to 90 pounds each. She performed this job for at least 13 years. Her first injury occurred about 15 years ago, and she was diagnosed with carpal tunnel syndrome. She had surgery to relieve the pain.

As a mother of five, her ability to perform the normal tasks as a parent were hindered. She was unable to comb her daughter's hair, wash dishes, sweep floors, and other day-to-day tasks working moms must perform.

A few years after working there, she had another injury and was diagnosed with tendonitis and had tendon release surgery. And even today, she wears a wrist brace to strengthen her wrist. Being extra cautious is part of her everyday life.

She recently found a lump on her left wrist and is preparing for a third surgery.

The reason I raise this is that the workers at Valspar, and at companies across America, deserve protection in the workplace.

Another business very near Rockford, IL, in the town of Belvedere, is an assembly plant for the Neon automobile owned by DaimlerChrysler. I visited that plant several years ago. I was impressed with all the robots, shiny cars, and the good work ethic in the plant. I came back a few years later and was impressed even more to find they had changed the workplace to make it easier so workers would not have to bend down to pick up a fender for construction of a car, and they would not have to jump into an automobile on the assembly line and try to wrestle an instrument panel in place. Things had changed in the workplace. A few simple machines resulted in a much easier workday for the men and women who work there.

I salute DaimlerChrysler and other such companies that have made changes in the workplace that are in their best interests, too. Healthy, productive employees are the best thing a company can have. To ignore that reality, as was the case with Valspar, is to invite injury and pain for the workers, less productivity, more cost for medical bills and for worker compensation claims.

Perhaps the Republicans who are opposing this work safety rule don't realize it, but they are increasing the costs of business. They are making workers' injuries a compensable charge against any visit that will cost them in terms of how much they have to spend to be successful.

I salute not only DaimlerChrysler but also Caterpillar Tractor, the largest manufacturer in my State, which from 1986 to 1989 started noticing a high incidence of back injuries. They went into their plants at a worker training program, made changes in the height of worktables and fixtures and eliminated excessive employee bending and twisting. New tool designs were put in place, new materials to reduce lifting and repetitive motions. As a result of that decision and that effort by Caterpillar Tractor in 1990, the incidence of back injuries decreased by 27 percent.

DaimlerChrysler, as I mentioned earlier, over a 3-year period during which one million instrument panels were installed, had no workers compensation claims reported. Installation of the panel can now be performed by two employees instead of five or six.

A pharmaceutical operation changed their work processes and found out by 1994 that lost time accidents had decreased from 66 to 4, and recordable injuries decreased from 156 to 60. Workers compensation losses decreased tenfold. A safe workplace is a good investment. It is not only the moral thing to do; it is an economically smart thing to do.

The President, with his Executive orders, and the efforts by my Republican colleague here to eliminate this ergonomics rule, basically try to turn their backs on this reality.

I will vote against this resolution. I feel I have an obligation to the men and women working in my State to make sure their workplace is safe, that they come home from that workplace after a hard day's work well compensated and well regarded. I don't believe employees in this country are disposable items. These are real live men and women trying to raise families and make this a great nation. For us to ignore that on the floor of the Senate and to repeal this ergonomics rule is to turn our backs on worker safety. It may be the first time in the history of this country since the days of Franklin Roosevelt we have decided to take a step backward in protecting the men and women who go to work every day.

If you value work, you should value workers. If you believe a safe workplace is a good standard in a country as good as America, you should vote against this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BURNS. Mr. President, I have been listening to this debate most of the afternoon. I have heard three or four of the speeches on the floor this afternoon and listened to those who oppose what we are doing with this rule, as if they are the only ones who worked in their lives.

When I was a young lad on the farm, I would have loved to have had this rule that says you can only lift 25 pounds 25 times a day. I would get my hay work done pretty quickly. Those bails weighed 75 pounds, and if I only had to move 25 of them a day and the day was ended, you were done, I would have gone for this in a big way.

I pay special recognition to my friend from Wyoming, Mr. ENZI. His work on the Small Business Committee and his work in this issue has been stellar. Ergonomics and this rule caught the scrutiny of a lot of folks who serve in this Congress. It would have gone on had it not been for one thing: the disingenuous approach by the previous administration to put this rule into place.

These rules and regulations are being enforced and were put in place by Presidential fiat, not by legislation passed by a national Congress. In the principle of self-government, this is exactly the wrong way we represent the people of this Nation. This particular rule is being objected to by so many in Congress not over whether it is basically bad or basically good. It is because of the way it was done.

The Labor Department put out a rule for comment. We remember that rule. But when the rule was finally put in and after the comments were received, after all that was done, what went into the Federal Register was a bill or rules and regulations of a different order.

It was written by unelected Federal employees who were accountable to no one. Everybody says it is 10 years of work, and 9 weeks of taking comment, and then on to the Federal Register. The problem is there are 600 pages issued on a rule that probably will in some way or other be amended to take care of ergonomics in the workplace.

My State of Montana just came out of an era of 15 years of a workers compensation fund that was under attack.

It was costing the citizens of Montana an unreasonable amount of money because of lump sum settlements. Eight years ago, a new Governor took over and did some things to make it right, to make it affordable.

I was a county commissioner. We had a nursing home that was under the authority of the commissioners of Yellowstone County, MT. There is no doubt about it, keeping employees, and especially nurses and those skilled people it takes to take care of our elderly, was tough to manage. It was a hard job but also very expensive as far as the operators of that facility are concerned, for the simple reason workers compensation rates were just going through the roof. We finally got that under control, and now it is operating where employees and employers are satisfied with the workers comp fund in the State of Montana.

Basically, this rule and this regulation on ergonomics nationalizes workers compensation. It overrides States rights and the funds that are found in those States. In fact, an employee, even one hurt off the job if the job contributes to the pain of that injury, could be almost a double dipper. The rule is very vague. And of course it takes an attorney to figure it all out. So we could have a field day here.

No employer wants to permit an employee to work in an unsafe place or under unsafe conditions. It doesn't make a lot of sense for an employer to train an employee, make him a valuable part of that company or corporation or that team, and then allow him or her to work in a workplace where ergonomics would limit the employment life of that employee. It does not make sense at all. That is not good management, and I think American corporations understand that.

So I rise today in support of the enforcement of this particular law, especially one that was put in place in 1995 and supported by all. Those who support the law will tell everybody, but they will not support the enforcement. That doesn't make a lot of sense to me either.

I think on this particular issue it is time for those who supported the administration, which did the majority of its work by rule and fiat, to do their work and write a rule on ergonomics that makes sense, so I support S.J. Res. 6.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Iowa is going to be here shortly to be recognized. We had two Senators from that side go on. I would like to take maybe 4 minutes, and then by that time the Senator from Iowa will be here to make his comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there have been a great many statements that, when this rule was promulgated, it didn't take into consideration any of the points that were being raised by business. That, of course, is completely hogwash. We know there is an ergonomics crisis in the country. Most of the time, the ergonomics rules would go into effect in order to try to protect workers; right? Not these rules and regulations though. Even though the employer need not act under the rule until there is, first of all, an injury. An injury has to trigger it. That is a major difference, and that was a tip in terms of business.

What was the second tip in terms of business? The second tip in terms of business is, who makes a judgment whether the injury is work related? Is it the employee? No, it is the employer. The employer makes the judgment whether the injury is work related.

Who makes a judgment, once we find out there is an injury, and it is a result of ergonomics, and it is work related, about whether that particular individual is going to continue to be employed or whether their work will be shifted in a way so they do not suffer continued, ongoing additional injury? Is it the employee? No, it is the medical officials of the employer.

My goodness, you could not ask for an ethic or rule that bent over further to take into consideration the interests of the employer. We don't hear any discussion on the floor of the Senate of the particulars of the rule. All we hear is, ''We are not going to cede the power of elected officials to bureaucrats.'' We do it every day. We do it every day in the Food and Drug Administration that has requirements to make sure pharmaceutical drugs are going to be safe and efficacious. If they are not safe and efficacious, they are not approved, they don't get the approval of the regulators.

When was the last time we elected a chair of the FDA? We do not do it. They are appointed by the President. We confirm them, but they are not elected officials.

Who looks out after health and safety in other inspections that take place? It is not elected officials. It is those who are appointed. We have heard that same speech eight times today. We heard eight times how these officials at OSHA are not elected. I hope we can come, as we are going into the final hours, to have a different view.

I see my friend from Iowa on the floor. I yield the floor.

Mr. HARKIN. Mr. President, I add to what the Senator from Massachusetts just said, how about the U.S. Department of Agriculture, the Food Safety and Inspection Service that inspects all our meat plants and processing plants? These are not elected either, but we trust them to maintain a safe and wholesome food supply in America.

I have been working on this ergonomics rule in the appropriations process since Elizabeth Dole first addressed the issue 10 years ago. One of the reasons I worked on it is that I have seen it firsthand. I have seen people I know, close friends of mine, who have suffered these kinds of injuries because of the kind of work they do. I remember what the former Republican Labor Secretary said when she first ordered the ergonomics studies. She said repetitive strain injuries are ''one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990s.''

She was right. We have study after study that shows 1.8 million of America's workers suffer from repetitive strain disorders each year; 600,000 of them suffer from injuries so serious they lose time from work. These injuries drain $45 billion to $50 billion a year in human and economic costs.

Some employers have ergonomics programs in place because they are good employers and they are smart. They know what the bottom line is. They know ergonomics is a good business practice. But 60 percent of all general industry employees work in places that have not yet addressed ergonomics risk factors.

Who are those workers? They are cashiers, nurses, nursing home attendants, cleaning staff, assembly workers in manufacturing and processing plants, computer users using keyboards on a daily basis, clerical staff, truck drivers, meat cutters—these are the people who are affected. Nearly a third of all serious job-related injuries are musculoskeletal disorders, and women workers are the hardest hit. Women make up 46 percent of the workforce, but in 1998 they accounted for 64 percent of repetitive motion injuries and 71 percent of those reported carpal tunnel syndrome cases. So voting to repeal the ergonomics rules means turning our backs on America's working women who are trying to provide for their families. Wiping this rule out with no amendments and with limited debate is a blow to the working women of America.

This bill before us, this measure we have before us that we are about to vote on today—make no mistake about it—is an anti-women bill, because it hits the women of America the hardest, and because they are the ones who are doing the kind of jobs that are most affected by repetitive motion injuries.

That is what the Congressional Review Act would do. It would affect the women of this country. The Congressional Review Act resolution is an extreme measure that has never been used before. It passed in 1996. We all know what the congressional intent was, which was to repeal rules that

were either hastily issued without scientific basis, or that clearly overreached an agency's mandate. That was the intent of it.

The ergonomics rule doesn't fit into either category. It is based on hundreds of scientifically backed studies, including two major studies by the National Academy of Sciences. In fact, our Republican friends—the opponents of this rule—kept calling for more studies of ergonomics and these repetitive stress disorders. What did we do? We authorized another National Academy of Sciences study in 1997. Then the Republicans wanted to delay the rule until the study came out. The study came out in January. Once again, the National Academy of Sciences found that there was scientific evidence that workplace exposures cause MSDs, and that the kinds of measures required by the OSHA's mandate are the most effective means to prevent these injuries. This rule falls under OSHA's mandate to protect America's workers from workplace injuries.

We always want to have studies done. Usually I hear my Republican friends say we can't do this or that until we have a good scientific basis. That is fine. I think we should have a good scientific basis for what we do. Here we have the scientific study. We have hundreds of scientific studies that have found the same thing. Now—with this measure—they're saying the studies don't matter.

I don't understand why we're even using this extreme measure that we have before us when opponents of ergonomics have two other avenues they can use to modify or even repeal the rule. They could request this administration—the Bush administration—to review the rule to modify or even repeal it. Of course, they also have the court system. They have already filed 31 petitions contesting the rule in the U.S. Circuit Court in Washington, DC.

Mr. REID. Mr. President, could I ask the Senator from Iowa to withhold for the purpose of a unanimous consent request.

Mr. HARKIN. Yes. I would be glad to withhold.

Mr. REID. I have been told by the Senator's staff that he may have 4 or 5 minutes more. Is that right?

Mr. HARKIN. Not more than that.

Mr. ENZI. Mr. President, I thank the Senator from Iowa.

Mr. President, I ask unanimous consent that the vote occur today on adoption of S.J. Res. 6 at 8:15 p.m., and that paragraph 4 of rule XII be waived, and the time between now and then be divided as follows: Senator KENNEDY or his designee in control of 80 minutes; Senator NICKLES or his designee in control of 40 minutes.

Mr. REID. I ask it be 80 minutes plus the Senator from Iowa being able to complete his statement because we interrupted him. It would be a couple more minutes. But it would be close.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I wonder why we are jumping the gun with this resolution when there are already other avenues open to repeal a rule which took a decade in the making. Why are we using a measure that would in a sense prevent any similar rule from even being issued unless Congress mandated it? It is an extreme measure. We should oppose it. It violates the original intent of the CRA. It violates the spirit of how we do business in the Senate with amendments and timely debate.

The eight-page ergonomics rule is complaint based and flexible according to each workplace and job. It will save employers billions of dollars every year by preventing the debilitating injuries to their workers.

As has been said, this is a preventive measure. What is wrong with prevention? We ought to be more involved in both preventing illnesses and in preventing injuries. But no.

I understand the votes are on that side of the aisle, plus a few on this side, I understand, to overturn this. So what we will do is continue to spend billions and billions of dollars every year patching, fixing, and mending; spending billions of dollars in workers compensation, spending billions of dollars in Medicaid and perhaps Medicare later on to take care of people who have suffered musculoskeletal disorders, carpal tunnel syndrome, and repetitive motion disorders.

We are penny wise and pound foolish around this place.

Again, if businesses think this is onerous—and I have looked at the rule and it is not—we are going to have a big tax bill coming through here.

Why don't we provide businesses tax relief if they have to comply with this, if they can show it costs money? I would be in favor of giving them whatever tax writeoff they need to comply with the ergonomics rule because again it would be money better spent than trying to patch, fix, and mend lives later on, not to mention the human suffering that comes along with this.

This is an unwise move we are making in the Senate. I have been listening to the debate off and on during the day. Of course, I followed some of the reports in the media about this. I got to thinking to myself that if OSHA issued a rule today that mandated that workers in the construction industry had to wear hard hats, it would never get through the floor of the Senate. If they issued the rule to say that construction workers will wear hard hats, we would have opponents ready to repeal it.

No one would think of going on a construction site without wearing a hard hat, least of all the workers, because both the industry and the laborers know how much it has done to save lives, save injuries. And, yes, save money.

This is the same with ergonomics.

Talk about shortsightedness. This is something that will save lives and save human suffering. It will prevent injuries, cost us less money, be good for business, good for America, and especially good for our working women.

I guess the railroad train is on the track. They are riding the horse. As I understand it, they have the votes to repeal it. But I say it is a dark day for the working people of America, and especially a dark day for the working women in America who are going to continue to suffer in the workplace the kind of injuries that will cause them a lifetime of suffering and a lifetime of not being able to fully use their abilities in the workplace.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield to my chairman.

Mr. KENNEDY. Could the Senator review for the membership again why this has to be all or nothing? As I understand the current situation, all the President would have to do, if he wanted to change the rule, is file in the Federal Register and wait 60 days. There would be notice that there were going to be changes in the rule and the process would move forward with public comment and the administrative practices and procedures would move ahead. There could be adjustment and changes, and OSHA could take account of the 9 years of rulemaking, the study by the National Academy of Sciences, the months of hearings, and the scientific reports that have been accumulated. Why not follow that route in a sense of bipartisanship?

Is the Senator not troubled, as I am, with this take-it-or- leave-it attitude? We thought we were going to have a bipartisan effort in order to work through some of our differences. The Senator is a member of our education committee. We are working in a bipartisan way.

He was there early this morning at 9 o'clock, talking with the representatives from the White House on these issues.

Mr. HARKIN. Right.

Mr. KENNEDY. We were trying to work out, on the Patients' Bill of Rights, a bipartisan effort. Now, when it comes to protecting workers, we have to take it or leave it—no effort to accommodate, no effort to compromise, no effort in the area that has been identified as the most dangerous for workers in this country from a health and safety point of view. And they say: ''Just take it or leave it.'' Ten hours of debate, and we go out of the Senate with an effective ''trophy'' for the Chamber of Commerce on this.

Can the Senator express his own view about this dilemma we are in?

Mr. HARKIN. I think what the Senator has said is absolutely correct. That approach makes too much sense. For example, it does seem to me that if we are rational, reasonable, human beings, and that we do want to work in a bipartisan fashion, which is the only way we are really going to be able to accomplish anything this year—except something such as this, which is rammed through on account of a fast-track procedure—if we truly want to work in a bipartisan fashion, then we ought to be talking about, if there are problems some people have in the ergonomics rule, well, then, the logical, reasonable, responsible way would be, as Senator KENNEDY has said, to let the administration propose some modifications that would be published in the Register.

There would be a 60- or 90-day—I forget which it is—hearing period in which outside interests could come in and testify as to whether they thought that part of the rule was bad or good or should be modified. At the end of that hearing process, the administration could then propose changing that, modifying that, to meet the objections some people may have.

That seems to me to be the responsible way to proceed, not this kind of fast-track Congressional Review Act that we have on the floor of the Senate today whereby we have 10 hours of debate with no chance of amendment.

Maybe there are some reasonable modifications that might be made to the ergonomics rule. Maybe there are. I do not know every little item in the rule. I do not pretend to know every little item in the rule. Maybe there are some. But if there are, this is not the way to proceed—to just say: its all or nothing. Let's just throw it out the window—after more than 10 years of work.

When these kinds of things happen on the Senate floor, and in the Congress, I can begin to understand more and more why the American people are losing faith in us, why they do not think we really pay attention to them and their needs, why they believe we may be out of touch with the common people of America. Because I think the average American would understand that there is a reasonable, responsible way of approaching this. And what we are doing here today is unreasonable, irresponsible, illogical, and harmful—harmful to perhaps some of the least powerful people in this country.

Is this rule going to affect Members of the Senate or the House? No. It will not affect our staffs. It is not going to affect people of higher income. Let's face it, most of the people who suffer from these injuries are some of the lowest paid people in America. They are the people who are working in our meatpacking industries, our poultry plants, who are making low wages, working at tough jobs. They are our cashiers and our clerks and our keyboard operators, our cleaning women—the people who clean the buildings at night, our janitors. They are our nursing home people. These are some of the lowest paid and some of the hardest working people in America. This is who it affects.

That is why we should not support this resolution to repeal the rule. That is why we should proceed in a responsible, reasoned manner. Let the President suggest some modifications, have the hearing process, and move ahead that way. What we are doing here today is unreasonable and should not be done.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. KENNEDY. I thought I was next. Parliamentary inquiry.

Will the Senator yield for a parliamentary inquiry?

Mr. ENZI. Yes, if it counts against your time.

Mr. KENNEDY. We have tried to accommodate a timeframe here for this for other Members. The other side has used 40 minutes longer than we have. My understanding is that the 80 and 40 minutes were going to be at the end of Senator HARKIN's statement. That is what I agreed to. Now I am told by the Parliamentarian that the latter part of his statement is all being taken out of my time because it is in response to a question.

I had a limited amount of time left. I have been here all day, and I am quite prepared to accommodate those who want to set the time, but I object strenuously to that interpretation.

I would like to just renew the request that has been made by the Senator from Wyoming that we have the 80- and 40-minute allocation that was meant earlier.

The PRESIDING OFFICER. Is there an objection?

Mr. ENZI. We talked about doing that as of 6:15, which would have made the vote at 8:15, which is what the hotline has gone out for. How about on that 10 minutes used, if each of us put up half of it and we still have the vote at 8:15?

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I was not part of that discussion. I have not used a lot of time. I have some strong feelings on this subject, but clearly I have not been here on the floor because there has been a great debating team on both sides.

Mr. President, I first ask unanimous consent that an editorial of November 21, 2000—that was a Tuesday—in the largest paper in New Mexico, the Albuquerque Journal, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Nov. 21, 2000]

OSHA DETERMINED TO RUSH RULES INTO EFFECT

Employers are sweeping the corners for workers in a tight labor market and striving to increase productivity levels that already are the envy of the world.

Does this sound like the sort of business climate in which employers would ignore ergonomic problems that sap productivity or create hard-to-fill vacancies?

The U.S. Department of Labor, which still subscribes to an antique notion of proletariat oppressed by capitalists, seems eminently capable of disregarding the present reality even as it acknowledges it.

Charles N. Jeffress, head of Labor's Occupational Safety and Health Administration, says companies in the United States and abroad have developed policies on ergonomics that have reduced injuries caused by repetitive tasks.

Of course they have and done so without being hammered by OSHA because it makes good business sense. Such injuries cost employers in terms of lost productivity, lost experience and training when workers leave a job, and higher worker's compensation expenses.

But companies figuring out what works best in their particular operation is not good enough for OSHA, which is preparing to throw a one-size-fits-all regulatory blanket over workplaces from sea to shining sea. And not to be outdone by private-sector productivity doing it just as fast as is bureaucratically possible over the objections of elected members of the legislative branch.

Last winter, congressional leaders like Sen. Pete Domenici, R–N.M., had to fight to get businesses time to review the proposals and submit public comment that supposedly is taken into consideration by OSHA in the final drafting of rules.

The controversial prescription for U.S. industry was pivotal in the pre-election posturing over the spending bill covering labor, education and health. Although that package awaits post-election action by Congress, OSHA plans to hustle the new rules into effect Jan. 16. That's before the National Academy of Sciences completes a workplace ergonomics study less likely to be biased by ideology or constituency loyalties. It is also just days before a new administration that might have a different perspective takes the reins of office. Must be a coincidence.

Mr. DOMENICI. Mr. President, I think the Senator from the State of Iowa has it all wrong when he cites this as one of the reasons the American people are discouraged with what we do here—that if they watch this process, they will be discouraged. Quite to the contrary, if the American people knew what was going on in this set of regulations 600 pages long, issued just before the President walked out of the White

House, dramatically affecting thousands upon thousands of small businessmen, who do not have the wherewithal to even look at these 600 pages' worth of regulations, they would ask: What was going on in the White House that just left?

They had hearings, they had proposed regulations, and all of a sudden they drew up a new set as they walked out the door that has a dramatic impact on every single small business in my State, hundreds and hundreds of them, perhaps a few hundred million dollars' worth of impact on them. And they had no hearings in Congress, no statutory proposal to change the law that is changed by these regulations. And all of a sudden, they wake up and they are supposed to be subject to these regulations through OSHA, a department of our Federal Government that at least in the last 8 years has been seen by most small businesspeople in the United States as against their interests without doing any good for the public. That is how they see OSHA most of the time.

So having said that, I want to say that what we are doing now, under this very interesting statute—that got passed up here because I do not think those on the other side of the aisle thought we would ever be to a point where we would use it and have a President in the White House who would sign the resolution we adopted—I think they thought it is just a giveaway, just a throwaway; that is, this legislation providing for review in Congress, and the submission to the President, of a rule that would set aside the regulations.

I think it is a reality check. I think it is saying to OSHA, and the former President, and the Department of Labor: Take some more time. We want the job done right. We do not want it one-sided. We want it fair.

Frankly, in the typical bureaucratic fashion that so much besets OSHA, they issued this rule on November 14—600 pages long, weighing more than 2 pounds. That is not a very typical document that small businesspeople have the opportunity, the time, or the resources to evaluate. But you can count on it, they will be in some major class action lawsuits, or who knows what else the trial lawyers will find as a nest egg within the 600 pages of this regulation.

Having said that, I will read a few paragraphs from an editorial in the Albuquerque Journal. It is considered a fair newspaper and this is what they said in their editorial:

> Employers are sweeping the corners for workers in a tight labor market and striving to increase productivity levels that already are the envy of the world. Does this sound like the sort of business climate in which employers would ignore ergonomic problems that sap productivity or create hard-to-fill vacancies?

A very good question in this editorial.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I yield the Senator 2 more minutes.

Mr. DOMENICI. Continuing from the editorial:

> The U.S. Department of Labor, which still subscribes to an antique notion of a proletariat oppressed by capitalists, seems eminently capable of disregarding the present reality even as it acknowledges it. . . .
>
> [OSHA] says companies in the United States and abroad have developed policies on ergonomics . . .
>
> But companies figuring out what works best in their particular operation is not good enough for OSHA, which is preparing to throw a one-size-fits-all regulatory blanket over workplaces from sea to shining sea.

That is the relevant part of their editorial. It had some more in it that is in the RECORD. I suggest, in addition to what I have just described about the regulation, it is very expensive. We seem to pass these kinds of rules and regulations thinking there is no end to what the American economy can pay, whether it is $4 billion or $200 billion or $500 billion or $100 billion. The American economy will just hum along and continue paying. Frankly, I think we will see tonight that those who represent the people, in particular, small businesses, are going to say that is not true. Enough is enough. I hope we use this new law tonight and then I hope the Department of Labor and those interested in ergonomics regulations will proceed with due caution to adopt a more fair and better set of regulations that will protect everybody, not just those who want to make onerous regulations.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank our leader on this and so many other issues, the Senator from Massachusetts, for yielding the time to me.

I rise today to join my colleagues, Senators KENNEDY, DURBIN, WELLSTONE, and HARKIN, and so many others, to state my opposition to S.J. Res. 6, which uses a novelty, the Congressional Review Act, to halt the Department of Labor's final rule on ergonomics.

S.J. Res. 6 states:

> Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics and such rule shall have no force or effect.

Not compromise, not just one size should not fit all, but no effect, no rule. Many of my colleagues have come to the Chamber and spoken about how this CRA resolution is not aimed to kill the ergonomics rule; rather, it pulls the rule to allow for additional time to further study the issue. Maybe my friends who have made that point haven't carefully read the congressional review of agency rulemaking, title 5, chapter 8 of the United States Code, or perhaps they hope we haven't. Let me take this opportunity to read it aloud for everybody now. Section 801(b) states:

> (1) A rule shall not take effect or continue if the Congress enacts a joint resolution of disapproval, described under section 802, of the rule. (2) A rule that does not take effect under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

This is not a review. This is a killing. If the opponents of the resolution wanted a review, they could, as the Senator from Massachusetts said a few minutes ago, in questioning the Senator from Iowa, call on the Secretary of the Department of Labor and request a review under the Administrative Procedures Act. That would mean that ergonomics would still breathe life. That would mean that we might modify certain provisions of which we might not approve. It would not end it.

The truth is, some of my colleagues are hoping that 10 hours of debate and one 15-minute rollcall will abolish over 20 years of research and nearly $1.5 million of taxpayer money to fund congressionally mandated studies on ergonomics.

I have heard the arguments my colleagues have made this afternoon. First, that we need more study of ergonomics. Ergonomics is not a new issue. Between the Government and the private sector, there have been over 20 years of research aimed to better understand worker injury and workplace safety. It is 2001, and I am hearing my colleagues on the other side of the aisle say these regulations are premature. But in 1990, then-Secretary of Labor Elizabeth Dole directed the Department of Labor to examine the repetitive stress injury category of occupational illnesses, which statistics showed were the fastest growing type of worker injury.

That was back in 1990. They were then the fastest growing type of injury because of changes in the workplace.

In the 1980s, 20 years ago, there were articles and studies in medical journals that addressed ergonomics. The New York Times ran an article on September 4, 1985, which discussed the widespread growth of carpal tunnel syndrome and repetitive stress injury. New? These are not new. In fact, businesses from my State came in my office last week and explained to me they began studying repetitive stress injury as early as 1979, 21 years ago.

In truth, to many who work, who suffer these injuries, the final ergonomics rule has come too late. This standard could have been implemented many

years ago and helped hundreds of thousands of workers if it were not for the numerous attempts by Congress to halt Department of Labor action on this issue.

Opponents also argue it will cost employers $100 billion a year. Not true. OSHA estimates the cost at $4.5 billion and predicts savings to employers of $9 billion a year in productivity loss and workers compensation.

The Bureau of Labor Statistics in my State of New York reported that more than 48,000 workers had serious injuries from ergonomic hazards in the workplace, and that was only the number of private sector employees. There were an additional 18,444 public sector workers who had injuries serious enough for them to lose time from work. Here we are, in this—thank God—productive 21st century, we are trying to find ways to make workers more productive. We have millions of person days lost in terms of working because of ergonomic injuries, and we shy away from dealing with the problem.

Speaking of workers compensation, opponents of ergonomics claim this new standard will supersede workers compensation law. Not according to the attorney general of my State. Eliot Spitzer has joined with 16 other attorneys general to file comments with OSHA saying the new ergonomic standards will not affect or supersede the worker compensation laws in their States. If we allow this resolution to pass, all we will really have accomplished is saddling American workers, American businesses, American citizens with a huge burden: the cost of lost wages and productivity for hundreds of thousands of individuals who report work-related MSDs each year.

Change is never easy. It is always simple to get up there and say: Let it continue as it is. Yes, there are some businesses that are doing this work now. Most are not, to the detriment not only of themselves but to the detriment of America. Change is difficult, but if we didn't change, we would not be the leading economy and the leading country of the world.

Modify? Why not. Eliminate, put a dagger through the heart of ergonomics after 20 years of study? We shouldn't do that.

I hope my colleagues will oppose this ergonomics standard, will reconsider their position, and not undo 20 years of effort to help safeguard the health and safety of American workers, which is undoubtedly our most precious resource.

I yield the remainder of my time.

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, on November 14, 2000, the Occupational Safety and Health Administration (OSHA) issued its final ergonomics program standard. This program will spare 460,000 workers from painful injuries and save approximately $9.1 billion each year. This new standard took effect on January 16, 2001, and will be phased-in over four years.

While OSHA has issued its final ergonomics program standard and this new standard has taken effect, some of my colleagues are still trying to eliminate this rule. They may claim that it is unwise to issue such a standard because it is based on unsound science and has been rushed through the regulatory process. Nothing could be further from the truth.

Mr. President, I am here today to remind my colleagues that OSHA worked on developing ergonomic standards for over 10 years. It is not something new. It has been around since world War II, where the designers of our small plane cockpits took into consideration the placement of cockpit controls for our pilots.

We, in Congress, must not forget our commitment to America's workers. We must reduce the numbers of injuries suffered by our workers. We cannot continue to look the other way when each year more than 600,000 workers suffer serious injuries, such as back injuries, carpal tunnel syndrome, and tendinitis, as a result of ergonomic hazards. In 1999, in the State of Hawaii, more than 4,400 private sector workers suffered serious injuries from ergonomic hazards at work. Another 700 workers in the public sector suffered such injuries. These injuries are a major problem not only in Hawaii, but across the nation. It affects truck drivers and assembly line workers, along with nurses and computer users. Every sector of the economy is affected by this problem. The impact can be devastating for workers who suffer from these injuries.

This Resolution of Disapproval is not the right approach. It would bar OSHA from issuing safeguards to protect workers from the nation's biggest job safety problem. I remind my colleagues that there are normal regulatory procedures that can be utilized if the Administration has concerns over the existing program standards. The Resolution of Disapproval is not necessary.

American families cannot afford the repeal of this long awaited regulation. More importantly, American workers cannot afford losing this important worker protection. Injuries that result from ergonomic hazards are serious, disabling, and costly. Carpal tunnel syndrome results in workers losing more time from their jobs than any other type of injury. It is estimated that these injuries account for an estimated $20 billion annually in workers compensation payments.

Many of these injuries and illnesses can be prevented by allowing this standard to be fully implemented. In fact, some employers across the country have already taken action and put in place workplace ergonomics programs to prevent injuries. However, two-thirds of employers still do not have adequate ergonomic programs in place.

We have an opportunity to prevent 460,000 injuries a year and save $9 billion in workers' compensation and related costs by voting against this resolution. This resolution is unnecessary and unwarranted. Congress should remember and honor the commitment made to the nation's workforce when it established OSHA in 1970 and vote against the Resolution of Disapproval.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I wanted more time, but I think almost everything has been said, except only in Washington can we have the opinion that no good decision is made unless it is made in Washington, DC. We had a news conference some time ago—in October—about what the regulations cost the American people. The average family of four right now pays $6,800 a year just for these regulations.

In the Clinton administration, the average number of pages of regulations per day in the Federal Register was 319. The previous record was 280 pages.

I remember when OSHA first started. I was in the State senate at that time. I remember when I was in Michigan and I held a book up and said—I was going to talk to the National Association of Manufacturers. I said: I bet I can close down anybody in here just with these regulations.

One guy called me on it and we went out and closed him down. Overregulation is an extremely burdensome thing.

I think as far as the extreme broad reach of this program, single incident trigger—all these points have been made. I want to just bring it closer to home and share with you a couple of things and ask that they be put in the RECORD. We have had over 1,000 letters from the various businesses and others who believe their businesses have been threatened.

I ask unanimous consent these excerpts of letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The OSHA ergonomics rule threatens our company's future and the jobs of the employees who depend upon us. It will result in increased food prices for Oklahoma consumers.—Ron Cross, Stephenson Wholesale Company, Inc. Durant, OK.

Please support the CRA to repeal the OSHA Ergonomics Regulations. The rule may have had good intentions, but the way it was executed was terrible. I own a small business and do not need much more government weight on my back to induce me to

just pull the plug and shut it down.—Jeff Painter, Claremore, OK.

It would greatly increase costs in my practice.—Dr. Bob Barheld, McAlester, OK.

And if I am forced to pay 100% of employees' pay and benefits while they're on ergonomics leave for three months aka the 'work restriction protection' requirement, I'll be out of business. Doris Lambert, Quick Lube, Lawton, OK.

We are greatly concerned by OSHA's final ergonomics regulation. If fully implemented in its current form, this regulation will likely impose huge administrative burdens, require the purchase of expensive new equipment, and dictate the reconfiguration of many of our facilities. It may actually cost jobs—while not ensuring that a single workplace injury will be prevented.—V.E. Hartnett, Con-Way Southern Express, Oklahoma City, OK.

Mr. INHOFE. Mr. President, I urge my colleagues to vote in favor of this Congressional Review Act. This was put together back in 1996 at a time when we decided that maybe it was time for Congress to get a handle on the bureaucracy and time that we had a successful trial of this CRA, and I ask you to support it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes. We have heard a good deal of rhetoric on the part of those who have opposed this regulation.

We have heard that the rule is 600 pages long. This is eight pages. It can be found in the November 14, 2000 Federal Register starting at page 68846.

Mr. President, in reviewing this, I daresay it might take someone 15 or 20 minutes to read through it. We have heard a great deal about how can any business in this country be able to understand what is expected of them. I daresay anybody who has been watching this debate and has the opportunity of looking through the CONGRESSIONAL RECORD tomorrow will be able to get through these in very quick order.

I just looked, for example, at the basic screening tool which is the standard which would be used by employers. It is very clear. It sets forth the risk factors the standard covers. It talks about repetition and about the amount of repetition that might be evidenced in an ergonomic injury. Then it goes down to the issue of force. Most people, small businessmen or large businesses, are going to be able to understand these standards, which cover lifting more than 75 pounds at any one time, more than 55 pounds more than 10 times a day, or more than 25 pounds below the knees and above the shoulders or at arm's length more than 25 times a day.

I think most people with a high school education could understand whether their workers were at risk. The rule also addresses awkward postures. They have three different illustrations, such as repeatedly raising or working with hands above the head or elbow, above the shoulders, more than 2 hours total per day; kneeling or squatting more than 2 hours total per day—kneeling and squatting are not very difficult to understand; working with the back, neck, or wrist, twisting more than 2 hours total per day. Those are the three criteria for awkward positions.

Most people can understand that. It is very readable and understandable. Then the rule goes back to contact stress, using the hand or knee as a hammer more than 10 times per hour, more than 2 hours total per day. It just goes on, and it is very understandable, Mr. President, and that is really what this whole proposal is all about.

All we have to do is ask the more than 1 million workers in our society, the great majority of whom are women, who have trouble using their fingers, wrists, arms, shoulders, backs, and lower backs. They understand what is happening to them in the workplace. This is no great challenge. How can we ever expect anybody to understand what is happening? Very simple. As we have seen from every report, it is happening and putting more than 100 million Americans at risk every day in more than 6 million workplaces. It is happening to at least 1 million Americans, according to the Academy of Sciences, who are losing work every day. They understand it.

This idea that we have to go through 700 pages is just baloney. Here are the regulations. They are understandable, they are comprehensible, they are clear, and they are reasonable. They are completely opposed by the Chamber of Commerce that has spent millions of dollars trying to defeat the rule because they would put at risk American workers in the workplace, and that is wrong.

I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Massachusetts for the time and especially for his tremendous leadership and eloquence on this issue.

Mr. President, I rise today to express my support for the Occupational Health and Safety Administration's final ergonomics standard, and to express my opposition to the attempt to overturn this standard by using the Congressional Review Act.

After more than 10 years of research, public hearings, and public comments, OSHA's final ergonomics standard was published in the Federal Register on November 14, 2000. The standard took effect on January 16, 2001, extending basic protections to workers across our Nation.

Each year, more than 1.8 million American workers suffer from workplace injuries caused by repetitive motions including heavy lifting, sewing, and typing. These injuries have an impact on every sector of our economy, and are particularly prevalent among women because many of the jobs held predominately by women require repetitive motions or repetitive heavy lifting. These preventable injuries cost more than $60 billion annually, $20 billion of which is from workers' compensation costs.

In addition to costing American businesses millions of dollars, repetitive stress injuries are costing American workers their health and, in some cases, their mobility. This means that some workers will lose the ability to do certain activities—activities ranging from simple tasks like fastening buttons to more meaningful things including picking up a child or participating in sports.

In past Senate debates on this issue, one of the chief arguments against an ergonomics standard has been that more scientific research was needed to prove the connection between repetitive motions and the physical injuries being suffered by hundreds of thousands of workers each year. Even though there was already a significant body of research outlining the need for national ergonomics standards from sources including the National Academy of Sciences, the National Institute for Occupational Safety and Health, and the General Accounting Office, opponents of a Federal standard argued that the standard needed to be delayed until another NAS study was issued.

That NAS study is out, and its conclusions are clear: There is a connection between repetitive motion and physical injury, and these injuries are preventable. According to the study:

The weight of the evidence justifies the introduction of appropriate and selected interventions to reduce the risk of musculoskeletal disorders of the low back and upper extremities. They include, but are not confined to, the application of ergonomic principles to reduce physical as well as phychosocial stressors. To be effective, intervention programs should include employee involvement, employer commitment, and the development of integrated programs that address equipment design, work procedures, and organizational characteristics.

Further proof can be found in existing ergonomics programs. Companies across the country have reduced the instances of preventable workplace injuries by designing and implementing their own ergonomics programs. In my home State of Wisconsin, the popular maker of children's clothing, OshKosh B'Gosh, redesigned its workstations. This commonsense action cut workers' compensation costs by one-third, saving the company approximately $2.7 million.

Another Wisconsin company, Harley-Davidson, cut workplace ergonomics injuries by more than half after implementing an ergonomics program.

An employee of a health care facility in my hometown of Janesville, WI, said

the following about the joint efforts between her management and fellow employees to design a program to combat the back injuries that are all too common among health care workers:

I am here today to tell OSHA that working in a nursing home is demanding and hazardous work. Those hazards include back injuries as well as problems in the hands, arms, shoulders, and other parts of the body . . .. I am also here to testify that the injuries and pain do not have to be part of the job . . .. Together [management and labor] have identified jobs where there are risks of back injuries. After getting input from employees, the employer has selected equipment that has improved the comfort [and] the safety of patients as well as the employees.

. . . What we are doing at the [nursing home] is proof that it is possible to prevent injuries with a commitment from management and the involvement of employees. Our injury prevention program is a win-win for everybody: Management, labor, the patients, and their families. I urge OSHA to issue an ergonomics rule so that nursing home workers across the country will have the same protection that we have at the health care center.

There are many other success stories in Wisconsin and around the United States.

I commend the efforts of those companies which have proven that responsible ergonomics programs can—and do—prevent injuries resulting from repetitive motions. Unfortunately, though, not all American workers are protected by ergonomics programs like those I have described.

For example, one of my constituents who testified at an ergonomics event in my state has endured three surgeries over a ten-year period to repair damage to his spine caused by repetitive motions at his job. In his testimony, this man said,

Pain is my constant companion and I still need pain medication to get through the day. It is an effort just to put my socks on in the morning. I will never be healthy and pain free.

Another one of my constituents described the impact that an injury he sustained at work—while lifting a 60–80 pound basket of auto parts—has had on his once-active lifestyle:

This pain has limited me in many ways . . .. I used to teach soccer to kids. Now I can't walk more than half an hour without pain in my legs and spine. I have to prepare myself for fifteen minutes in the morning just to get out of bed.

Injuries such as those suffered by my constituents—and indeed by workers in each one of our States—will be prevented through OSHA's ergonomics standard.

What we are talking about is an impact on real people. They are our constituents, our family, our friends, our neighbors. We should not overturn a standard that will help to stop preventable injuries from forever changing the lives of countless Americans who are working to provide their families and themselves with a decent standard of living.

I recognize that some industries and small businesses are concerned about the impact, financial and otherwise, that this standard will have on them. I have written to OSHA on behalf of a number of my constituents to communicate their concerns, and I will continue to communicate their concerns regarding the implementation of this standard.

Overturning this standard under the Congressional Review Act is not the answer. This resolution does not simply send this standard ''back to the drawing board'' as some have suggested. If we adopt this resolution of disapproval, we will be stripping away all the protections that went into effect on January 16, 2001. It will be as if the 10 years of research, public hearings, and public comments that went into the drafting of this standard had never happened, and OSHA will not be permitted to work to promulgate another ergonomics standard until specifically and affirmatively told to do so by the Congress.

Let's be clear what a vote on this issue is. A vote for this resolution is a vote to block any Federal ergonomics standard for the foreseeable future. It is a vote to erase protections that will help to prevent hundreds of thousands of workplace injuries this year alone. It is a vote to require businesses to continue to spend millions of dollars in workers compensation and other costs resulting from senseless injuries that could have been prevented.

The Congressional Review Act, which allows no amendment, and which allows only limited debate, is no way to legislate. We should not be doing business this way in the Senate, but we do, and we all know part of the reason why—the wealthy interests who seek to influence the decisions we make on this floor. Thanks to the soft money loophole, wealthy interests with legislative agendas can donate unlimited amounts of soft money to both of our political parties. The results are an undeniable appearance of corruption that taints the work of this Senate, and the ergonomics debate is a perfect example. There are certainly plenty of wealthy interests weighing in on the ergonomics issue. So I think it is time I called my first bankroll of 2001 by sharing with my colleagues and the public some of the unregulated soft money donations being made by interests lobbying for and against overturning the ergonomics rule.

Take the American Trucking Association, which has also been a generous soft money donor to the political parties. Along with its affiliates and executives, the American Trucking Association gave more than $404,000 in soft money in the 2000 cycle.

They have weighed in against the ergonomics rule, and they do so with the weight of their soft money contributions behind them. The same is true for a host of other associations fighting to see the rule overturned: in the last cycle, the National Soft Drink Association and its executives gave more than $141,000 in soft money, the National Retail Federation doled out more than $101,000 in soft money, and the National Restaurant Association ponied up more than $55,000 in soft money to the parties.

To be fair, I will also mention the other side of the soft money coin, the unions that have lobbied to keep the rule in place. They include the AFL–CIO and its affiliates, which gave more than $827,000 in soft money in the last election cycle, and the Teamsters Union and its affiliates, which gave $161,000 during the same period.

Repetitive motion injuries can and should be prevented. I strongly believe that we should have a national standard that affords all workers the same protections from these debilitating injuries. We should not overturn this standard. The health and mobility of countless American workers is at stake.

I urge my colleagues to support the hundreds of thousands of workers who suffer from repetitive motion injuries each year by opposing this resolution of disapproval.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise to oppose this resolution which seeks to overturn OSHA's new standard that protects workers from workplace injuries. It is bad for American workers and bad for our economy.

This resolution would prevent OSHA from implementing an ergonomics standard that would establish basic safety standards for American workers. This standard would protect workers from on-the-job injuries caused by working conditions that involve heavy lifting, repetitive motions or working in an awkward or uncomfortable position.

American workers deserve a safe workplace, yet each year more than 600,000 people suffer ergonomics injuries. Who suffers most from ergonomic injuries? Women. Women represent only 46 percent of the workforce, but they suffer 64 percent of the repetitive motion injuries.

Who are these women? They're the caregivers—like the home health care worker who bathes a housebound senior or the licensed practical nurse who cares for us when we are hospitalized. They are the factory workers who build our cars and process our food. They are the cashiers and sales clerks who are the backbone of our retail economy. And they are the data entry clerks who keep our high-tech economy moving forward.

There are terrible human costs to these injuries. Women account for nearly 75 percent of lost work time due to carpal tunnel syndrome and 62 percent of lost time due to tendinitis.

These are painful, debilitating injuries that prevent you from doing even simple activities like combing your hair or zipping your child's jacket.

We can't measure the pain and suffering of workers who are injured at work, but we can measure the economic costs. These injuries cost our economy over $80 billion annually in lost productivity, health care costs and workers compensation. In fact, nearly $1 out of every $3 in worker's compensation payments result from ergonomics injuries.

OSHA's ergonomics standard wasn't slapped together at the last minute or in the dark of night. The effort was initially launched by Labor Secretary Elizabeth Dole in 1990 and the standards have been in development over the past 10 years. During the development phase there were 10 weeks of public hearings and extensive scientific study, including the National Academy of Science's study which concluded that workplace interventions can reduce the incidence of workplace injuries.

The result of this long and careful study is the OSHA ergonomics standard issued last November. These standards would require all employers to provide their workers with basic information on ergonomic injuries—including their symptoms and the importance of early reporting. These standards would take action whenever a worker reports these activities and employers would be required to correct the situation. Correction could mean better equipment or better training.

What will OSHA's new rule mean? It would prevent 300,000 injuries per year and it would save $9 billion in workers compensation and related costs. It's outrageous that the first major legislation considered by the Senate this year would turn the clock back on worker safety. This would be the first time in OSHA's 30 year history that a worker health and safety rule has ever been repealed.

As a great nation, it is our duty to protect our most valuable resource—our working men and women. I urge my colleagues to join me in opposing this resolution.

Mr. CORZINE. Mr. President, I rise today in strong opposition to the resolution that would overturn worker safety regulations designed to prevent ergonomic injuries. OSHA's new ergonomic standard addresses the nation's most serious job safety and health problem—work related musculoskeletal disorders. According to the Bureau of Labor Statistics, in 1999 more than 600,000 workers suffered serious workplace injuries caused by repetitive motion and overextension. These injuries can be painful and disabling, and can devastate people's lives. Workers in a wide variety of jobs and locations are affected, from textile workers in New Jersey to white collar workers throughout our nation. These are real people and their lives are being affected in very real ways. At the same time, their injuries impose huge costs on our economy as a whole, roughly $50 billion a year.

Mr. President, OSHA has been working to address ergonomic problems for 10 years, under both Republican and Democratic administrations. In fact, the agency first began its involvement under Labor Secretary Elizabeth Dole. At the time, Secretary Dole called repetitive strain injuries, and I quote, ''one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's.''

Unfortunately, after going through a very lengthy rulemaking process, critics of OSHA's efforts have continually put roadblocks in the agency's path. These critics have questioned the seriousness of the ergonomics problem and called repeatedly for additional scientific studies. It's been a strategy of denial and delay.

Now, however, there's no longer an excuse for inaction. This January, the National Academy of Sciences and Institute of Medicine released a report documenting the severity of the problem. The report confirmed that workplace exposures do, indeed, cause musculoskeletal disorders and that OSHA's approaches to the problem are effective. This should not have been a surprise to anybody, but now its undeniable.

Mr. President, I realize that many businesses are concerned that OSHA's regulations will impose costs. And it's true that, according to the Department of Labor, employers will pay roughly $4.5 billion annually. Yet, Mr. President, employers also will reap significant savings when employees avoid repetitive motion and other injuries—savings that are estimated to exceed $9 billion annually, more than twice the up-front costs.

Mr. President, let me be clear: I am not ready to endorse every dot and comma in OSHA's regulations. But even if some of the burdens of OSHA's regulations are excessive, the answer is not to completely eliminate the regulations. It's to fix them, either administratively or, if necessary, through appropriately crafted legislation. By contrast, this resolution adopts a sledge hammer approach. It will kill the entire OSHA regulations and effectively block the agency from pursuing any other regulation that is substantially similar. That just goes too far. I am new to the Senate and have spent most of my adult life in the private sector. So I want to emphasize that I know most businesses, or at least most successful businesses, do care about their employees. They want to do the right thing. And they realize that businesses do better when employees are healthy.

Unfortunately, some businesses are less responsible. And it's our job to protect their workers. Because if we don't do it, nobody will. And the result will be more injuries, and more needless suffering. I urge my colleagues to oppose this resolution. And I want to thank Senator KENNEDY and many of my other colleagues for their leadership on this important issue.

Mr. SHELBY. Mr. President, I rise today to address the Occupational Safety and Health Administration's, OSHA, recent rule on ''Ergonomics.'' I have said in the past and I will say again, this rule falls short of sound science and good policy. In fact, this ergonomics rule is a poison pill for American industry and its workers in the midst of a slowing economy.

In theory, an ergonomics regulation would attempt to reduce musculoskeletal disorders, such as Carpal Tunnel Syndrome, muscle aches and back pain, which, in some instances, have been attributed to on-the-job activities. However, the medical community is divided sharply on whether scientific evidence has established a true cause-and-effect relationship between such problems and workplace duties. We need to understand the sound scientific basis to support such a costly and burdensome rule. It is in the interest of employers and employees to reduce, to the greatest extent possible, the painful, time-consuming and profit-consuming impact of ergonomics injuries.

Unfortunately, the regulation assumes that employers aren't already doing everything possible to take care of the health and well-being of employees. In fact, recent data seems to indicate that the number of work-related injuries is declining. In the last seven years, the incidence of injuries attributed to ergonomics has gone down by a third, 26 percent in carpal tunnel syndrome and 33 percent in tendonitis.

OSHA finalized this rule during the 11th hour of the Clinton administration. As a result of OSHA's last minute actions, small business owners across the country have faced unnecessary confusion, fear and misunderstanding regarding their explicit responsibilities, the compliance standards and the liability that they may face as a result of the new rule.

It is still unclear how these new regulations will be viewed in light of State workers compensation laws. Most believe that it overrules these state laws and as a consequence, workers claiming ergonomics injuries will be allowed to collect more than what would traditionally be allowed under the workers compensation laws in their States. In addition, the regulations are extremely unclear as to what must cause the onset of the injury. For example, if you are a member of a softball league on your own time and you develop a repetitive motion injury from swinging the bat that is further agitated by your work as a computer programmer, you could conceivably claim that you have suffered an ergonomics injury.

This ergonomics rule is conservatively estimated to cost Americans $4.2 billion a year. Hundreds of small businesses will surely fold under the weight of this burdensome regulation. Too often the people who suffer the most from unfettered government regulatory actions are not only the small business owners, but their employees, the very people that OSHA purports to protect by this rule.

We do have a recourse. Under the Congressional Review Act, Congress has the final say. I would like to encourage my colleagues to weigh the options and hopefully come to the same conclusion that I have: These regulations are a poison pill for American industry and American workers.

Mrs. CARNAHAN. Mr. President, repetitive stress injuries are a serious problem in the workplace of the 21st century. Workers affected by repetitive motion injuries range from poultry employees to nurses to the growing number of employees who spend their day in front of the computer.

Repetitive stress injuries are not only extremely painful to workers, they also strain our economy due to lost productivity. According to the National Academy of Sciences, approximately one million workers a year suffer severe repetitive stress injuries that cause them to miss time at work. Given the widespread occurrence of these debilitating injuries and their impact on the economy, it is appropriate for the government to take steps to protect workers.

In January, the previous Administration enacted a regulation to help prevent repetitive these injuries in the workplace. The issue before the Senate is whether Congress should enact a ''disapproval resolution'' to invalidate this new regulation.

Over the course of the past few weeks, numerous Missouri workers have expressed their desire for protection from repetitive motion injuries in their workplaces. Likewise, many business leaders are concerned that the current regulation is overly broad, and that the cost of implementation will be prohibitively expensive.

This is obviously a complex and difficult issue. It deserves a thoughtful approach by which all interested parties can express their views and the full range of expert opinion can be evaluated.

This issue comes to the Senate under a procedure that does not allow for the type of careful and detailed decision making required for such an important topic. Under the Congressional Review Act, a vote in favor of a ''disapproval resolution'' will cancel the ergonomic regulation. Such a resolution would also prohibit the Department of Labor from developing new ergonomic regulations in ''substantially the same form'' as the current regulation.

Since this is the first time the Congressional Review Act has been used, I asked Labor Secretary Chao for assurances that the Department of Labor would take steps to provide legal protections to workers from repetitive stress injuries if Congress canceled the ergonomics regulation. Secretary Chao could not provide such assurances.

Secretary Chao did not assure me that the administration would issue legal protections, commit to a timetable for addressing this issue, or provide a description of the changes in policy that would be sought.

Furthermore, it is clear that if Congress does not cancel the regulation, the Department still has many options at its disposal. It could suspend the current rule, conduct an administrative review, and make appropriate changes.

Since this is such an important issue, the prudent course is for both workers and employers to engage in an open and full dialogue in an effort to reach consensus. I do not believe that overturning the current regulation would contribute to this process. In fact, it could prematurely end the government's efforts to protect workers from serious injuries. Consequently, I will vote against the resolution.

Mr. BAUCUS. Mr. President, today I rise to express my frustration with the OSHA ergonomics standard.

Let me be clear that I am not frustrated with this rule because it attempts to improve workplace safety. Musculoskeletal disorders, MSDs, are clearly a serious problem. They account for nearly a third of all serious job-related injuries. As this issue has come before the Senate, I have been a consistent supporter of finding a workable solution to the ergonomics issue. I have voted to let the Administration move forward with the rule-making process while new scientific evidence is brought to light.

I believe, however, that this OSHA Ergonomics Standard is not the solution we've been looking for. This rule is constructed in a way that places a potentially heavy financial burden on many small businesses in Montana at a time when those businesses are struggling to keep their doors open. Instead of issuing a rule that places the burden primarily on businesses, let us work to establish a rule that works with the business community, that helps provide both a better work environment for workers and assists businesses in making necessary adjustments.

Let us also level the playing field. The OSHA Ergonomics Standard does not apply to employers covered by OSHA's construction, maritime or agricultural standards, or employers who operate a railroad. These exemptions could create unfair advantages in certain industries. That is not right.

Additionally, the OSHA Ergonomics Standard supercedes state worker's compensation plans, against OSHA's own provision that it not ''supercede or in any manner affect any workmen's compensation law.'' Clearly, any standard should be coordinated with state worker's compensation provisions.

Finally, let us address MSDs proactively. The OSHA Ergonomic Standard is a reactive rule. Workers must explicitly wait for symptoms to occur before they can voice a complaint. Let's instead take what we already know about MSDs in the workplace and work to prevent MSDs altogether.

My vote is not a vote against health and safety in the workplace. I will remain a strong proponent of efforts that protect workers from workplace risks. My vote is a vote for finding a better way to balance the needs of business and labor, and a vote to keep undue financial pressures off of Montana's already struggling economy, especially our small business community.

Mrs. LINCOLN. Mr. President, I want to state at the outset that I support Federal workplace safety regulations to ensure that all employees are protected against hazards that exist in their place of employment.

I also believe that OSHA should be permitted to impose an ergonomics standard on employers to reduce the number of muscular skeletal disorders, MSDs, that can be linked to repetitive motions that workers perform as part of their job. However, to be effective such a standard must be reasonable in scope and proportional to the number of reported muscular skeletal disorders that occur in a particular workplace.

I do not support the ergonomics rule we are debating today because it falls short of that standard. After talking to literally hundreds of constituents and touring dozens of factories and plants in my state, I am convinced that the current ergonomics rule is unreasonable in terms of the requirements it imposes on businesses and unworkable with regard to the vagueness of the standards with which employers are expected to comply.

The complaints I hear the most are that the cost of compliance is virtually unlimited and that even employers who make good faith efforts to meet the standard can never be certain they've done enough because the rule is unclear about when compliance is met. It will take months, maybe years, for the courts to unravel the true meaning of this rule. And it is my belief that rule making should not be left up to the courts. Frankly, I think those who oppose this rule have a valid argument and therefore I intend to support the Resolution of Disapproval.

I do not think, however, that the debate on a Federal ergonomics standard should end with this vote. The vast majority of business owners I've spoken to about this issue are taking genuine, affirmative steps to facilitate a safe and productive working environment for their employees. After all, it's in their

best interest not to have workers who are injured and unable to perform capably.

I intend to hold them to their word by introducing legislation that will require OSHA to draft a new ergonomics standard within 3 years. If the current standard is not workable, and I do not think it is, then I believe OSHA has an obligation to work with employers and employees to write a revised rule that will reduce the number of MSDs in the workplace without penalizing businesses that want to do the right thing.

In closing, I want to express my disappointment with the take it or leave it approach pursued by the Senate Leadership in this matter. In recent weeks we've heard a lot about working together in a bipartisan fashion from the President and Senate leaders, but we certainly have not followed that course of action today. I wish my colleagues on the other side had demonstrated a willingness to find a middle ground in this debate but the only option we have been given is an all or nothing vote with no alternatives. That is not my definition of bipartisanship and I do not think it is a productive way to build trust across the aisle. I hope my colleagues will work harder in the future to make their pledges of bipartisanship a reality.

Mr. NELSON of Florida. Mr. President, I approach the debate on this resolution with a considerable degree of disappointment. To put it bluntly, it should not have come to this.

It is absolutely clear that there is a need for workers to gain protection for ergonomic injuries. All one has to do is spend time in any workplace environment to see the stresses that can lead to serious back, shoulder, arm, and wrist injuries. These injuries are just as real, and in many cases just as debilitating, as more obvious injuries that are more likely to be covered under state worker's compensation laws.

In 1990, then-Secretary of Labor Elizabeth Dole recognized the need to provide protection from these injuries and directed the Occupational Safety and Health Administration, OSHA, to issue a rule. After ten years of research, debate, and comments from the business community, labor, and Congress, that rule was issued last November.

The rule has many virtues. One of its most prominent advantages is that it focuses on prevention. For the first time, it requires employers to take measures to educate and train their employees on how to avoid ergonomic injuries. It is backed up by sound science that demonstrates how ergonomic injuries occur, and helps provide the means to prevent them. These provisions alone will help keep millions of injuries from occurring, sparing workers pain and suffering, and their employers lost productivity. In addition, workers who suffer these injuries finally would receive compensation while they receive treatment and, according to 17 state Attorneys General, this does not interfere with their existing worker's compensation laws.

I also would concede, for all the virtues of this rule, that it has some serious problems. It places a particularly onerous burden on small businesses, which may not have the resources to fulfill all of the rule's requirements. A better crafted rule would provide some relief for small businesses. The rule also is highly ambiguous with respect to its application to agricultural workers. While it says that agricultural workers are exempt from the rule, it is not at all clear who that includes. Are workers in nurseries, on-farm packaging and processing plants, or other jobs done in a farm setting covered by this rule? I am told by those in the agriculture community that there is great confusion on this question. A better crafted rule would provide clarity on this point. There is also confusion about how a particular injury may be classified as ergonomic, if there is a dispute between a worker and an employer. I agree with those in the business community who have expressed these and other concerns.

So the rule has virtues, and it has problems. My sense is that we need a rule, but that the rule needs improvement. Unfortunately, the choice we face on this vote is not whether we should improve the rule, but whether there should be such a rule at all. Under the Congressional Review Act, we are given only one choice yea or nay on the rule. And if we vote to disapprove the rule, we have effectively killed any chance of ever providing workers with the protection they need. That is because once we kill it, OSHA is prohibited from ever coming forward with a rule that is deemed to be "substantially similar." This is a highly flawed process for evaluating a somewhat flawed rule. It leaves us no option to make recommendations on how this rule can be made better.

Given our options, the best approach, in my view, is to vote to sustain the rule, and then work with the Administration to issue new guidelines to revise, clarify, and tighten up imperfections. I understand that Secretary of Labor Elaine Chao already has indicated a willingness to work with Congress to address ergonomic injuries. The best way for us to do that is by improving the existing rule, not blowing it up.

Given the choice that we are presented with by this resolution, I cannot in good conscience cast a vote that will effectively eliminate the possibility of ever protecting workers from ergonomic injuries. I will vote against this resolution and, if it is defeated, I will commit to work with my colleagues and the administration to correct the flaws.

Mr. LIEBERMAN. Mr. President, I rise in opposition to this joint resolution introduced under the Congressional Review Act to overturn the Occupational Safety and Health Administration's ergonomics rule. It is truly unfair and unjustified, after 10 years of study and delay, to eliminate this regulation which will bring needed protections to America's working men and women, tens of millions of them.

It was more than a decade ago that increased numbers of injuries and worker compensation claims led Labor Secretary Elizabeth Dole to ask for a rulemaking on an ergonomics standard. At the time, Secretary Dole, a member of the previous Bush administration, insisted on, and I quote, "the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis."

We are not talking here about an imagined problem or phantom injuries. We are talking about the nation's most vexing workplace health and safety crisis. We are talking about the very real back, wrist and other musculo-skeletal pain and injuries that force a million people to lose time from work each year and that send 600,000 of them in search of medical treatment. We are talking about workplace injuries that sap an astonishing $50 billion from the economy each year in lost wages and productivity. In Connecticut alone, 13,500 private sector employees and 2,200 public sector workers suffered from musculo-skeletal disorders in 1998, the last year for which statistics are available.

Just two months ago, the National Academy of Sciences and the Institute of Medicine published the comprehensive and definitive study Congress had asked for two years ago. It concludes unequivocally, and I'm quoting here: ". . . there is a relationship between exposure to many workplace factors and an increased risk of musculo-skeletal injuries . . ." and "the evidence justifies the introduction of appropriate and selected interventions to reduce the risk of musculo-skeletal disorders."

It just doesn't get any clearer than that. And yet, supporters of this resolution are still resisting implementation of an ergonomics standard, as they've consistently done since Secretary Dole's call for a regulation that would protect workers 10 years ago. Despite convincing scientific evidence, from the Department of Labor, the Bureau of Labor Statistics, and the National Academy of Sciences, a vigorous campaign that for years denied millions of workers common-sense relief from their suffering still persists, five months after the standard has been issued. The buzzer has sounded. The game is over. We should all now be getting together to make this common-sense regulation work.

This ergonomics rule is a reasonable one. It does not prescribe controls. In

fact, an employer need not make any workplace changes until a worker suffers an injury and the employer concludes it is work related. The kind of changes we are talking about include low-cost solutions such as raising or lowering a work station or chair to eliminate awkward postures, putting wider grips on hand tools, or modifying work schedules to include rest breaks or job rotation.

We know these kinds of adjustments work because many employers have successfully experimented with them voluntarily. In 1992, for example, a grocery store chain headquartered in Connecticut projected $2 million in worker compensation costs at its east coast stores. The safety manager estimated that work-related musculo-skeletal disorders cost from $9,000 to $18,000 per claim and accounted for 54 percent of illnesses at the company. After the company implemented an ergonomics program to purchase adjustable work tables, semi-automatic wrapping machines, vertical scanners and special training for warehouse workers, claims decreased by 50 percent. Workers are protected and money is saved. Incidentally, such voluntary employer-initiated ergonomics standards are ''grandfathered in'' by the OSHA rule.

The problem is, many employers have done nothing, despite a 10-year-long public process, including weeks of hearings and testimony from thousands of witnesses, and final issuance of the rule last November. I know that some of my colleagues think the common-sense protections contained within this rule are too costly for business, or too burdensome, administratively. But my own close examination convinces me that the cost-benefit analysis tips clearly to the benefit side. Although OSHA estimates implementation of the regulation will cost employers $4.5 billion a year, that is outweighed by the estimated $9.1 billion in estimated savings in compensation, medical expenses, and added productivity. OSHA estimates the average cost of fixing each problem job will be just $250—a small price to pay to relieve the constant physical pain so many workers suffer and to keep those workers productive. Keep in mind, these official calculations don't even take into consideration the intangible benefits that will accrue to healthy employees and their families.

I'd like to add a final word about the process which brings the rule back before us today. The Congressional Review Act, approved in 1996 as an alternative to more onerous regulatory reform legislation, gives Congress the power to pass resolutions disapproving of recently adopted federal regulation. Here in the Senate, it establishes fast track procedures limiting committee consideration and floor debate.

But the CRA has never actually been used to strike down a rule and I don't think we should set that precedent today. Not only are we being forced to make a hurried decision, without benefit of committee hearings and reasoned judgment. This resolution of disapproval contains a sweeping termination of the entire rule, with no exceptions or direction on how to fix it. In other words, OSHA's hands would be tied in the future, forbidding the issuance of any rule ''substantially the same.''

There is a more appropriate forum for the technical, scientific, economic or legal arguments opponents wish to make against the rule and that's the U.S. Court of Appeals for the District of Columbia Circuit, where 31 petitions brought by opponents of the rule are pending. Furthermore, opponents may petition the Bush Administration to stay, modify or even repeal the rule, which OSHA can do through a new rulemaking, if it concludes such an action is warranted.

So, I'd say to my colleagues, even if you have concerns about the terms of the ergonomics rule, you should oppose a disapproval resolution under the Congressional Review Act. There are other, better ways to protest this regulation, if protest you must. This resolution opens a procedural door under the CRA that a lot of us should want to keep closed.

OSHA has listened hard to both sides of the debate and adjusted, accommodated and readjusted for 10 long years. Last year, the federal government finally fulfilled its responsibility to protect millions of American workers by approving OSHA's ergonomics rule. We must not undermine the progress we have made and jeopardize the safety and well-being of the millions of Americans who rely on us to do the right thing. I ask that each of my colleagues carefully consider the facts on workplace injuries and their debilitating toll on both workers and employers. Then consider the hurt and pain we can so easily prevent by upholding this ergonomics rule and defeating this unfortunate resolution.

Mr. NELSON of Nebraska. Mr. President, I rise today to express my opposition on procedural grounds to the resolution of disapproval of OSHA's ergonomics standard. This worker protection measure, initiated by then-Secretary of Labor Elizabeth Dole in 1990, is aimed at helping diminish the roughly 600,000 repetitive motion and overexertion injuries incurred each year in the workplace. Using a resolution of disapproval to erase the standard is unnecessary and severe. Revisions to the existing standard are needed, but they will not be realized by the passage of this measure.

While many businesses have taken steps to remedy repetitive motion and overexertion injuries, the problem persists and needs to be addressed. The measure currently under consideration, the resolution of disapproval, does not offer much in the way of sensible solutions. In fact, it is a resolution that resolves nothing, it may actually exacerbate the problem by prohibiting OSHA's ability to issue similar measures in the future to address problems caused by repetitive motion. In my view, it is a misuse of the process to force a vote that will short-circuit these regulations. At the very least, it is an unusual delegation of responsibility to the legislative branch by the executive branch when administrative responsibilities are available.

While I plan to vote against the resolution of disapproval, I do have a concern about OSHA's current ergonomics rule, and I have asked Secretary Chao to initiate as soon as possible the administrative options available to her to revise the current rule. Businesses have raised concerns about a number of aspects of the rule, such as its scope; its impact on ergonomics programs businesses already have in place; its effect on state workers' compensation laws; and the cost of compliance. I am particularly concerned about the impact of compliance on small businesses in Nebraska and elsewhere.

However, it is my experience that administrative options provide greater opportunity to reach reasonable consensus on issues addressed through federal regulation. This is why, rather than supporting the extreme measure before us today, I have asked for the Administration to exercise its administrative authority.

By supporting the resolution of disapproval, Congress ignores administrative measures which could produce a more reasonable response. These concerns can be addressed most effectively by an administrative rather than a legislative approach. Both businesses and their workers would benefit from a sensible administrative solution.

Mr. NICKLES. How much time remains on both sides?

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Wyoming has 26 minutes, and the distinguished Senator from Massachusetts has 48 minutes.

Mr. KENNEDY. Mr. President, we have had some comments about the importance of the kinds of protections being debated in the Senate this evening; that is, the ergonomics protections. These are the regulations to protect against ergonomic injuries.

We have had a good deal of criticism of OSHA in the past, criticism of regulations that have been issued to try to protect American workers. I know there are many who have spoken in support of this resolution, in opposition to the ergonomics rule, who have been strongly critical of OSHA over a long period of time.

Let me mention a few facts. According to the National Safety Council and the Bureau of Labor Statistics, the job

fatality rate has been cut by 75 percent since 1970. That is 220,000 lives saved since the passage of the Occupational Safety and Health Act. Injury rates have also fallen. According to the Bureau of Labor Statistics, there were 11 injuries and illnesses per 100 full-time workers in 1973; by 1998, it was 6.7 per 100 workers.

Declines in workplace fatalities and injuries have been greater in those industries where OSHA targeted standards and enforcement activities. In manufacturing, the fatality rate has declined by 66 percent and the injury rate by 37 percent since the passage of the Occupational Safety and Health Act. Similarly, in construction, the fatality rate has declined by 78 percent, the injury rate by 55 percent.

Now some examples of rulemaking and what the results have been. We know now there is a problem. Secretary Dole, more than 10 years ago, pointed it out. We have the Academy of Sciences that accumulated the facts to demonstrate it, and we have millions of Americans who have the ergonomic injuries that reflect it.

Look at what has happened other times OSHA has taken action. After OSHA issued a standard on grain handling, the number of fatalities in this dangerous industry dropped from a high of 65 in 1977, before the standard was in place, to 15 in 1997, a 77-percent decline.

OSHA's lead standard has prevented thousands of cases of lead poisoning in lead smelting and battery manufacturing. Since the lead standard was issued, the number of workers with high blood-lead levels has dropped by 66 percent.

Thousands of construction workers were buried alive in trench cave-ins before OSHA strengthened the trenching protections. Fatalities have declined by 35 percent, and hundreds of trench cave-ins have been prevented.

Before OSHA issued the cotton dust standard, several hundred thousand textile industry workers developed brown lung, a crippling and sometimes fatal respiratory disease. In 1978, there was an estimate of 40,000 cases amounting to 20 percent of the industry's workforce. By 1985, the rate dropped to 1 percent.

This is the record. This is what happens when you issue sound regulations to protect American workers in the workforce and in the workplace. Thousands of lives have been saved. Millions of Americans have been helped. This is the record. That would be the case with regard to ergonomics if the regulations went into effect. But we are told no, no, no.

What price are you going to put on 220,000 American lives? What price are you going to place?

According to the Academy of Sciences, we are spending $50 billion a year on ergonomic injuries. They are not Democrats. They are not Republicans. They are looking at the facts. Mr. President, $50 billion a year is what we are spending at the present time.

Here we have Business Week—not a Democratic magazine, maybe a Republican magazine—that says it is common sense to put in the ergonomics regulations and the financial savings will be considerable. Business Week talking about the same regulations we have had promulgated as a result of study after study by the National Academy of Sciences and others.

Yet we are being told tonight we cannot have them, they are too complicated—too complicated. We just reviewed them. They are simple, understandable, and they will save American lives.

I see the Senator from New Jersey on the floor, and I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. I thank the Senator from Massachusetts for yielding and commend him for his leadership on this issue.

So many millions of Americans have only us between their work, the labor that they may love or do, a necessity to feed their families, and the inevitability of injury if we do not act.

The Senator from Massachusetts has noted, indeed, the irony that 10 years ago it was Secretary of Labor Dole who, responding to reports of increased repetitive stress injuries in the workplace, responded by initiating the development of these standards. Secretary Dole called the issue ''one of the Nation's most debilitating across-the-board worker safety and health issues.'' Good for her. She was right then, as we are right now.

Opposition by industry and their allies in the Congress has at various times stopped, delayed, forced needless studies—anything—to stop the development of a standard designed only to protect the health and the safety of working Americans.

During these delays, the Bureau of Labor Statistics issued reports showing that the number of work-related ergonomic injuries was increasing. Senator KENNEDY just cited these numbers. In 1997, they reported that ergonomics-related injuries accounted for one-third of all lost workday injuries and illness—one-third, amounting to thousands and thousands of people unable to perform their labors, sustaining serious injury.

Finally, last year while the National Academy of Sciences worked on its own second congressionally ordered study, Congress allowed OSHA to develop and issue an ergonomic standard. After 9 weeks of public hearings, 1,000 witnesses, 7,000 written comments, 10 years of study and debate, OSHA issued the standard this past January. How many studies, how many more years, how many more consistent conclusions? The Congress had a right to ask for the studies. Maybe it was proper to be deferential, to let time pass until we understood the issue better. But can there be anyone in the Senate, after 10 years of debate and all these studies, through Democratic and Republican administrations, who genuinely doubts any longer the health impact on the American worker?

It leads one to believe it is not a doubt about the health of our workers. In my judgment, it is a question of fidelity with their cause. The nonpartisan National Academy of Sciences twice reported a clear relationship between work-related activities and the occurrence of injuries such as back strains. According to the National Academy, workplace ergonomic injuries have led to carpal tunnel syndrome, back injuries, permanent nerve damage in the hands, neck pain, and tendonitis. Many of the workers who suffer from these injuries are crippled by debilitating wrist, shoulder, and back pain. Some have had to change jobs or even stop working.

This, obviously, is not good for workers. But can anyone actually argue this is good for business? Workers needlessly crippled, missing thousands and thousands of hours of work, needing replacement, costly medical treatment? If you didn't care about the workers, why would you still be here arguing this? This isn't good for the workers. This isn't good for business. This just isn't good for the country.

There should be no constituency for those opposing these standards. The NAS studies provide us with the science to show just how important this issue is. The point is, if you didn't have the studies, if you hadn't studied it again, the injuries and the way they affect lives and these businesses—we are replete with examples.

After 14 years as an information technology analyst for the New Jersey courts, Susan Wright started to develop numbness and tingling in her fingers. Here is my study: When she turned a doorknob, Susan would feel something akin to an electric shock in her hands. By 1998, she had undergone two operations. Susan's operations were a success and her office has recently had ergonomics training to prevent future injuries such as Susan's.

But not every story ends with a success. Another constituent of mine, Pattie Byrd of Trenton, has a permanent disability in her right hand from constant work-related computer use.

Susan's and Pattie's injuries could have been prevented. The loss of their labors in their place of employment was not necessary. The cost of training replacements was not necessary. The lost efficiency was not required. Their pain and their medical expenses were not necessary. It all could have been avoided, and that is what these standards are for.

They are not limited to computers or office workers. It is a problem for every sector of the economy. They affect industries ranging from meat packing to nursing to truck driving to construction.

In the Nation, 1.8 million people report work-related injuries such as carpal tunnel syndrome, tendinitis, and back injuries each year; 1.8 million. Last year more than 600,000 of those injuries were serious enough to cause them to miss work, which is why we stand here, not just for the workers—as if that were not good enough—but this is a massive problem in the economy, for the functioning of our businesses, our offices in every sector of the economy.

The new OSHA standard is expected to prevent hundreds of thousands of these injuries. After 10 years and 6 million unnecessary ergonomic-related injuries, it is now time. Critics still argue that the OSHA standard is based on bad science. Others fear the standard will cost too much for business. The facts simply do not bear out these concerns. The National Academy of Sciences report requested by this Congress reaffirmed the scientific evidence underlying the standard is strong.

If you weren't going to accept the results of the study, why did you ask for it? If you don't believe in the National Academy of Sciences, why do we fund them? If you were not going to accept all these years of analysis, all these independent and objective reviews, why did we wait?

One gets the impression that it is not the evidence, it is not the credibility of the studies, that nothing is going to meet the threshold where this Congress will act to protect American workers. Maybe that is the worst commentary of all.

It is estimated this standard will cost $4.5 billion annually. Maybe. But it can also save $50 billion a year in compensation payments, lost wages, and lower productivity. The costs associated with the OSHA standard will be minimal compared to the savings.

It is right for these workers. It was a good commentary on this Congress and the previous administration that we acted. It will similarly be a bad commentary on our sensitivity to our people, the workers of our country, and a bad commentary on this Congress if now we act to undo that which we did, which was right, after so many years of waiting, after such overpowering evidence.

The workers of this country deserve an advocate. It is said that every powerful special interest in America has some advocate in this Congress. On this night we determine who are the advocates—who will stand for the average American worker who faces these injuries, this loss of wages, this pain and suffering? Let me make my position clear. There have been enough studies, enough time has passed, enough people have suffered. Let the standards stand.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment and congratulate my colleague, Senator ENZI from Wyoming, for his leadership on this issue. He has been shepherding the floor, along with Senator HUTCHINSON from Arkansas, and they have done a great job. I think there has been illuminating debate. I also wish to congratulate my friend and colleague, Senator KENNEDY, on this issue. We do disagree on a couple of issues, but he is still my friend. I respect him.

I feel very strongly that we as Senators should protect the legislative functions of Congress and the constitutional division of powers between the legislative branch and the executive branch. Congress, according to the Constitution, is supposed to write the laws. In fact, article I of the Constitution says that Congress shall write all laws. The tenth amendment of the Constitution says all other laws are for the States and for the people. Nowhere in the Constitution does it say the executive branch, the branch that was charged with enforcing laws, is to legislate.

I tell my colleagues and I urge my colleagues who are maybe predisposed to vote no on this resolution of disapproval to consider this very carefully. In a free democracy, a democracy where we have elected representatives to represent our constituents, we do not have and we cannot allow unelected bureaucrats to pass laws.

The law of the land, the bill that created OSHA, the Occupational Safety and Health Act of 1970, is still the current law of the land and it states—this is the conference report:

> The bill does not affect any Federal or state workmen's compensation laws, or the rights, duties or liabilities of employers and employees under them.

That is still the law of the land. Very clearly in the statute it says we are not passing workers comp. It says we are not creating a Federal workers compensation system. It says we are not superseding or changing the State workers comp laws.

I refer my colleagues to this regulation. It states:

> You must provide that the employee with work restriction protection which maintains the employee's employment rights and benefits in 100 percent of his or her earnings—

That is compensation. It goes on—

> You must provide [talking about employers] that the employee with work restriction protection which maintains the employee's employment rights and benefits in at least 90 percent of his or her earnings.

That is compensation. That is workers compensation for not working. That has only been done at the State level. Now we have a Federal workers comp law. That is not consistent with the existing act. In other words, the Clinton administration's department of OSHA is breaking the law. They are exceeding the law. They do not have the constitutional authority to enact a Federal workers compensation system.

I heard one of my colleagues say that is not a Federal workers compensation system. The heck it is not. You are paying people not to work. You are paying people for injuries. That is workers compensation. That is covered by State laws. That is covered, for every single State in the Nation has worker compensation laws.

This one, it just so happens, has compensation that has higher levels than any State in the Nation.

Those are the facts. How in the world can we as a legislative body delegate that to some unelected bureaucrat in the Department of Labor? We did not. We have never done it. As a matter of fact, we prohibited it. But the Clinton administration tried to do it anyway. They tried to jam it through on January 16.

I heard some people say you are using this Congressional Review Act as, I believe Senator CLINTON said, a legislative time bomb to undo this legislation that people have been working on for 10 years. The CRA was written and was supported, I might mention, by every person in this body because it passed by unanimous consent, so that Congress would have a chance to review these laws.

If there is an economic impact of $100 billion, Congress had better have an input so it can prevent it, stop it, or overturn it. Because we are elected officials, we should be held accountable.

Who is the legislator in OSHA who wrote this regulation? Who is going to hold them accountable? They are gone. As a matter of fact, the Clinton administration showed contempt of Congress and contempt of the new administration by trying to jam through this enormously complex, burdensome, and expensive regulation with 4 days left in their administration.

My colleague from Massachusetts said this regulation is only eight pages. I count the pages a little differently. This little part of the regulation is 608 pages, which is interesting. The regulation that was promulgated by the Clinton administration in 1999 was 310 pages. Look at what happened in that year. Yes, they had a few hearings; 1 year later, 608 pages. It about doubled.

Guess what. It is a lot more complex than this. My colleague said it is only eight pages. Let's look a little closer at some of the details and some of these pages. I guess this goes beyond eight pages. It talks about job hazard analysis tools. We have tools for the job strain index and one for revising the NIOSH lifting equation. That is referred to. That wasn't part of the eight

pages. If you look at it in the regulation, you need to pull that up. We pulled it up. We found the NIOSH regulation.

There are 164 pages. They came up with standards for lifting. As a matter of fact, they have lifting equations. If you lift anything, I guess you go to this NIOSH standard—164 pages. You get lots of information on how much you can lift.

This is all part of the standard—these little equations here.

I believe some people said you can read these regulations in a matter of 20 minutes.

I will insert this one page in the RECORD, and I defy anybody to tell me what it means:

> The multitask lifting analysis consists of the following three steps: Compute the frequency independent RWL, FIRWL, and the frequency independent lifting index. That is FILI values for each task using the default PM of 1.0.
>
> Compute the single task RWL. That is the STRWL, and the single task lifting index, STLI, for each task. Note in this example that interpolation was used to compute the FM value for each task because the lifting frequency rate was not a whole number. Remember the task in order of decreasing physical stress as determined from the STLI value starting the task with the largest STLI.

I could go on and on and on. This is almost funny. But it is not funny because we don't change it, and if we don't stop this regulation, and stop it tonight, everybody in America is going to be trying to figure out what STLI means, and what all of these other little acronyms stand for, and so on. And they are going to say: You mean to tell me we can't move 20 pounds of force? We can't lift items more than 75 pounds? You mean to tell me that every single grocery store in America is going to be in gross violation of these standards? You mean that every single person involved in bottling or every single person involved in moving is going to be in gross violation of these standards and we will never, ever be able to comply with these ridiculous standards that were jammed through in the last 4 days of the Clinton administration? We are going to make them violators of the law and fine them or we are just going to say hire lots more people. Is that the purpose of it?

Let's look at the next standard. Here is one dealing with vibration. I think this was referred to earlier. This deals with vibration. I ran a manufacturing plant. I will tell you that any manufacturing plant in America has a lot of vibration, sanding, grinding, and people doing a lot of different types of motion that require vibration.

Again, this was not included in Senator KENNEDY's pages. I think there are only 22 pages, but it is pretty complex. I look at the formula for complying with this. I used to do very well in math, I might mention, in college. But, for the life of me, it is going to take somebody a lot smarter than I. Maybe colleagues who support this regulation can figure out what this equation means where T is equal to whatever that equation says. We are going to tell Americans who have companies that have vibration, grinding, and motion that they have to comply with this ridiculous formula—that thousands of businesses are going to have to comply with this? That is in this regulation that somebody said was eight pages. It is in this 800-and-some pages that are in the regulations.

Some people said: Where do you get 800 pages? The regulations promulgated 608 pages. But they refer to several studies including studies like this that add up to another 227 pages, at least. It is actually more than that, because one of the studies we can't even get a copy of. I have excellent staff, but no one can get a copy of it. We don't know how many pages are in one of those referred to in the job hazardous analysis tool to which they referred.

They give Web sites so people can download so they can get this kind of equation and basically say comply, because the big hand of the Federal Government is going to come in and hit you hard if you do not. As a matter of fact, they will tell you that you have to change your business, maybe relocate your business, or redesign your business. Somebody from OSHA is doing all of this. Somebody who is unelected can put that kind of mandate on every business in America, presumably because they know better. They know better than the State in workers comp? Again, it is in violation of the law because some bureaucrat was able to come up with that? I just totally disagree.

I heard a couple of Members comment saying: Wait a minute, the people fighting for this are fighting for special interests—the Chamber of Commerce, the National Association of Manufacturers, or NFIB. Hogwash. The only thing that was special interest was the Clinton administration trying to jam this regulation through in the last 4 days of the Clinton administration. This is the special interest. This regulation is the special interest that the Clinton administration was trying to jam through.

Congress, thank goodness, passed a law that said we can review in an expedited form regulations that cost a whole lot of money. That is the reason we are using the CRA. Some people said: If you use that, you can't even talk about this regulation and ergonomics is dead forever. That is not what the Secretary of Labor said. The Secretary of Labor said:

> I intend to pursue a comprehensive approach to ergonomics, which may include new rulemaking that addresses the concerns levied against the current standard. This approach will provide employers with achievable measures that protect their employees before injuries occur. Repetitive stress injuries in the workplace are important problems. I recognize this critical challenge and want you to understand that safety and health in our Nation's workforce will always be a priority in my tenure as Secretary.

In other words, she is going to work to reduce work injuries. I will work with her, and I think every Member of the body should.

What we shouldn't do is promulgate a regulation and say: Here it is. You are stuck with it. It may cost over $100 billion a year. We don't care how much it costs.

That is ridiculous. Let's work with the new Secretary of Labor. Maybe we don't need to repromulgate a new regulation. Maybe we can do a lot of things that will reduce workplace injuries without saying to States that we don't care what your worker comp laws are, we are going to come up with a Federal workers comp.

If this is so good, if we are successful in repealing this, which I hope we will tonight and I hope soon in the House, if my colleagues want this to become the law of the land, I encourage them to introduce it as legislation. I am only assistant majority leader, but I will encourage my colleagues to have hearings on this. If they really think we need a Federal worker compensation law, let's have a hearing on it. Let's discuss it. Is that what the Federal Government should do? At least I will be comfortable that it is going through the legislative process.

My biggest objection to this is that the Clinton administration could not get something through by legislation, so they did it by regulation. I find that in contempt of Congress; I find it in contempt of the Constitution, in violation of the Constitution, in violation of the OSHA law that was written in 1970, as I plainly showed just a moment ago.

Some people are born to regulate. The author of this legislation states exactly that. Martha Kent, who was the former Director of the OSHA Safety Standards Program, in May of 2000, in an interview that she gave with the American Industrial Hygiene Association, said this:

> I absolutely love it. I was born to regulate. I don't know why, but that's very true. So long as I'm regulating, I'm happy. . . . I think that is really where the thrill comes from. And it is a thrill; it's a high.

She may love to regulate. She also got into the legislative business. We are in the legislative business. We should protect our legislative rights. Her legislation may be well intended, but it is not very good. It is enormously expensive. It needs to be stopped. And then let's work together to see if we can do some things in a bipartisan fashion through the legislative process, through the normal process—not jamming a reg through in the last couple days of a lame duck administration—and come up with some

things that will help American workers.

This bill does not help American workers. This bill would result in a lot of businesses going bankrupt, a lot of people losing their businesses, unemploying people. That is not healthy. That is not good for the American workforce and certainly not good for technology.

So I urge my colleagues to vote in favor of the resolution.

I again notify my colleagues there will be a vote at 8:15 tonight.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 12 minutes to the Senator.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is yielded 12 minutes and is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I had a chance to debate this resolution earlier today. But after hearing my colleagues throughout the day, I want to respond one more time. While I am on the floor, I want to thank Senator KENNEDY for his great leadership on this resolution, and, for that matter, for always being there for working people in the country.

In my hand are reports from a lot of different businesses in Minnesota—I mentioned three of them earlier—that have an ergonomics standard, a very successful standard. Interestingly enough, that is exactly what this OSHA rule is patterned after—best practices by the private sector. I also hold in my hand this report by the National Academy of Sciences which is titled ''Musculoskeletal Disorders.'' Again, this is precisely what many of the critics of this rule wanted. They wanted the Academy to do a study. The Academy did a study and they found out some enormous problems in the workplace.

The Academy also found out there were, indeed, practices that could be put in effect that could make a huge difference in terms of lessening the injuries, lessening the disability, lessening the pain. Interestingly enough, again, this OSHA rule is really a reflection of this Academy study.

I think I have decided, after listening to this debate, that for some of my colleagues—who are friends; but this is a policy disagreement—it never will be time for this kind of protection for our workforce, for the many men and women in our workforce. There are more women than men in the workplace.

I cannot believe that so many of my colleagues have been so exercised throughout the day that OSHA, an agency that has the mission of looking out for the health and safety of workers in the workplace, would promulgate a rule dealing with really one of the most serious problems in the workplace today—repetitive stress injury.

I cannot believe the shock that I hear from Senators who are in favor of this resolution, that OSHA, of all of the agencies, should promulgate a rule which deals with repetitive stress injury and would provide protection to men and women at the workplace.

This is the mission of OSHA. This is a rule that has been 10 years in the making—going all the way back to Elizabeth Dole and up to now.

I really think this debate is about another issue, which I want to raise in the few minutes I have remaining. I am trying to understand the intensity of the opposition, since many of the arguments I have heard made, I do not think fit with a lot of the facts, fit with 10 years of work. I am trying to figure out why the rush to judgment. Why are my colleagues so determined to overturn this rule which provides protection for people? And here is what I have decided.

I think in many ways this opposition is opposition to the mission of OSHA. This legislation was not without controversy. And really, when we started talking about occupational health and safety, it was a bit like environmental protection. In fact, these are environmental issues. This is the environment at the workplace.

What we said, when we created OSHA some 30 years ago, was that the private sector is what makes the economy go. And the private sector can make a profit; and that can be good, up to the point where you are putting people at the workplace—or for that matter, the water, or the air, or the land—in jeopardy.

Then what we said was, commercial logic stops, and public interest logic starts. That is what is upsetting many of my colleagues. What we have here is a rule that is all about public interest. What we have is a rule that says it is important for the private sector to be as successful as possible; but there comes a point when hard-working people are injured at the workplace—quite often disabled, quite often in pain, quite often in pain for the rest of their lives, and never able to work again—when we get to that point, the commercial logic stops and the public interest logic starts.

Of course, unfortunately, because I worry about the result tonight, for many working people, many ordinary citizens do not own the capital; they do not own the big companies. They just work hard. They work at these jobs. Do you know what else. People know they are going to be in trouble. They know what the repetitive stress is doing to them. They know what the effect is on their lower back from the lifting. They know it. They know they are going to be in trouble. They know they could be disabled.

But this is a class issue. These men and women do not have the options that Senators have, and, frankly, most of our families have, and most of our friends have, which is to easily go to other work. They do not have that option.

So these ordinary citizens—which I do not mean in a pejorative sense but in a positive way—look to us. They look to Government. They look to Government to be on their side.

I think it is a tragedy that this resolution could very well pass tonight. I think it is unconscionable that this resolution could very well pass tonight. I believe, once again, the message of passing this resolution tonight is to say to many citizens in our country, who are not the big players and the heavy hitters—and they are not powerful, and they are not high income, and they do not have a lot of lobbyists—I think the message to them is: You are expendable.

We have heard about the cost—$100 billion. I am trying to figure out from where in the world that comes. That is a theoretical estimate, as far as I can tell, looking at the figures and trying to figure out how anyone arrived at that. I do know that OSHA says it is $4.5 billion, but that is offset by savings.

I have heard other Senators talk about savings—savings in that now people can work; savings in that people do not have to go for workers comp; savings in that people will be more productive.

Do you know what I think is the greatest savings of all? The greatest savings of all, which apparently does not get figured into any of the dollars, is when you can have women and men who can work to support their families, work without being injured, without being in pain, without being disabled, being able to live their lives, being able to support their families.

That is what this rule is about. Don't trivialize this question. That is what this rule is about. I hope my colleagues will vote against this resolution.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

To hopefully dispose of some of the differences that have been expressed this evening about the size of the rule, I stand by the actual OSHA standard, which is 8 pages long. It is written in plain English. It is accompanied by 16 pages of fact sheets and appendices. The remaining 583 pages that are being mentioned here as part of the 600 pages comprise the preamble and background materials required by the regulatory process.

It is interesting how the regulatory process requires that. That is as a result of what they call the SBREFA and other laws that Congress has passed, as well as of Executive Orders of President Reagan and former President

Bush. This material is required. If my colleagues would like to do something about it, let us get the Administration to change that. Otherwise, this material will be required to be submitted.

I am a believer in OSHA. I mentioned earlier the progress that has been made. Let me mention very quickly what some of the results have been as a result of the work of OSHA between 1973 and 1998.

In the area of manufacturing, you had 15 deaths per 100 full-time workers in 1973. In 1998, that was down to 9.7. In the construction industry, the number was 19.8 in 1973. In 1998, it was 8.8, virtually half. In total, the case rate in mining, 12.5 percent in 1973; 4.9 percent in 1998. These are real results. These are lives saved.

You have a similar record in terms of illnesses and occupational hazards. That is the result.

I am not saying that every time OSHA promulgates a regulation it is necessarily right, but what you have heard today on the floor of the Senate is a wholesale assault on the Occupational Health and Safety Administration.

It does make a difference whether we have Administrators of OSHA who are committed to OSHA or whether they are not. Under the Reagan Administration, injury rates increased from 7.6 per hundred in 1983 to 8.9 per hundred in 1992. We had Administrators who were not committed to OSHA. During the Clinton Administration, we had a reduction in injury rates from 8.6 per hundred in 1993 to 6.3 per hundred in 1999. This is the lowest rate in OSHA's 30-year history. These are lives that are saved. These are illnesses that are prevented. These are protections for America's workers. That is what this issue is about.

We hear, well, we didn't elect those people over at OSHA. We haven't elected the people at the FDA who promulgate the rules and regulations to make sure our pharmaceuticals will be safe and efficacious. We require them to be so. We rely on those rules and regulations. There are regulations to ensure the safety of medical devices and cosmetics.

We look to the Consumer Product Safety Commission to issue rules and regulations to require safety in toys. We look to the FAA to protect our airline passengers. We look to the Clean Air Act and the Clean Water Act to make sure the air we breathe and the water we drink will be pure. The officials at EPA who issue regulations to do this are not elected. They promulgate regulations. As a result of regulations, we have the safest food in the world. We have the best pharmaceuticals in the world. We have the best medical devices. We have the purest air and we have the cleanest water. Period. We have the safest workplaces. Period. That is as a result of regulation. Period.

That brings us to what we are faced with tonight. We have a rule that is targeted on the No. 1 health and safety issue affecting workers in the workplace. As has been pointed out all day, this does not come as a surprise. And it was not in the last 4 days of the Clinton administration. It was the result of more than 10 years of study.

The fact is, those who are effectively eliminating this rule have to understand what all of us understand: Over the last 10 years, every single attempt to try to promulgate rules and regulations has been opposed and fought every step along the way. This has been illustrated by many of our colleagues. There have been add-ons, riders to various appropriations. There have been attempts to block new regulations right from the very beginning.

We are not coming to this as an institution with clean hands because we know the forces that have been out there for the last 10 years opposing any ergonomics regulations. They are opposed to rules and regulations promulgated by OSHA, but they are also opposed to rules and regulations that are voluntary, developed by various business groups. The business community and the Chamber have been out there opposing even those voluntary efforts. They have been opposing every State regulation.

It would be one thing to say we don't really need it because the States are already doing it. They are not doing it because of the power of the special interest groups that have been resisting it. We haven't heard, after all day long, one single example of one ergonomics regulation that is supported by those who want to eliminate this rule. Not one. I have listened. I have waited. I have sat here all day long. There is none, not a single one, because they are not for any of it.

And there is another misleading argument that has been made by my colleagues with regard to states. They claim that the ergonomics rule undermines state workers' compensation laws. This is false. The WRP payments required by the rule are not workers' compensation. Seventeen state attorneys general have written telling us that.

WRP is preventative. Workers will not report ergonomic injuries if they will lose money to support their families. Only if those injuries are caught early can people be saved from permanent disabilities.

WRP and workers' compensation are entirely separate. The employer's doctor decides whether a worker gets WRP. All standards for eligibility for workers' compensation remain unchanged.

The standards which protect workers from lead, benzene, cadmium, formaldehyde, methylene chloride and MDA include WRP, and the federal courts have said it's perfectly fine.

But we would kill this rule because its opponents have the votes. This idea that, well, tomorrow we will pass a nice resolution to get the Department of Labor to work out something, they ought to be able to do it quickly and everything will be hunky-dory, is baloney. There isn't the slightest chance in the world of it.

This is the first time in 30 years that an OSHA rule is being overturned, as it is here tonight. We ask ourselves why, why are we doing this when we know that there is a real problem? It isn't just us who know it is a problem, it is the millions of Americans who are affected and hurt every year that say it is a problem. Every group that has studied it has said it is a problem. Every women's group in the country knows it is a problem. They are the ones who are bearing the burden. Seventy percent of all the injuries happen to women in our society.

It is a big problem. According to the Academy of Sciences, $50 billion worth of a problem. We know the problem is out there. We know there have been months, years of study, hearings, study after study after study out there to try to come forward with these regulations.

Now, in a matter of a few hours today, we are virtually dismissing them. The proposal that is supported by the Republicans will deny OSHA the opportunity to promulgate meaningful regulations in this area. The statute will not permit them to issue substantially similar regulations. We will not be providing those protections. It is a major weakening in terms of the protections for American workers.

This it is for the 100 million American workers who today, tonight, and tomorrow go to workplaces, the more than 6 million workplaces across the country. If we are not going to protect them now, there is no one who is going to protect them.

We have a recommendation that has been studied and reviewed. We know what is at risk. If we do not do this, we know the people who are going to be constantly hurt, working families being hurt day in and day out in the future.

This is our last chance. Unless we protect them, the result is going to be devastating.

This resolution is antiworker, antiwoman, and, basically, I believe, a political payoff for groups that have been involved in fighting this and making the contributions to undermine the safety and security for American workers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. This is wrong, Mr. President. I hope it will not pass.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DASCHLE. Mr. President, I yield myself 10 minutes of the time allocated to me.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me begin by complimenting the Senator from Massachusetts for the extraordinary work, his leadership, the commitment he has made, and the passion and eloquence he has again demonstrated on this issue. No one cares more deeply about working people and has committed more of his public life to working people than has he. This fight, again, is an illustration of the deep, passionate commitment he holds for working Americans. I congratulate him and thank him.

As others have noted, it was in 1990, over 10 years ago, then-Labor Secretary Elizabeth Dole announced that the Federal Government would take what she called ''the most effective steps necessary'' to reduce ergonomic hazards that injure and cripple millions of workers every year.

It took 10½ years of research and three exhaustive studies, but we finally have a modest, reasonable ergonomics rule. And now, only after 10 hours of debate, with no public hearings, we are on the verge of wiping out that 10 years' worth of work.

Before we vote on this misguided measure, let me be very clear. Men and women across this country will be injured and crippled because of the pressure for this quick political victory. Millions more will have to live with the same pain that Shirley Smith lives with tonight.

Mrs. Smith is the mother of four. She used to work in a poultry processing factory in North Carolina. She cut chicken breasts on a fast-moving line, using a dull knife, until she could not hold the knife anymore. At 41 years old, she was disabled by her work. She can't work anymore. She can't do a lot of things anymore. Listen to her words:

> I go to bed in pain. I wake up in pain. I can't do things like I used to—like playing football with my kids. I can't fix a big meal like I used to, or hang up clothes, or do yard work at all. I can't even go to the grocery store because I can't push the cart alone.

Shirley Smith is, unfortunately, just one in a million. One in a million.

The most recent report by the National Academy of Sciences found that, in 1999 alone, 1 million people took time away from work to treat and recover from work-related ergonomic injuries—a million people. That is 300,000 people more than live in the entire State of South Dakota.

More workers lose time from work because of ergonomic injuries than any other type of workplace injury. That is a fact, not an assertion. One out of every three workplace injuries serious enough to keep workers off the job is caused by ergonomics.

The cost of these injuries is staggering. When you add up compensation costs, workers' medical expenses, lost wages, and lost productivity, it comes down, conservatively estimated, to $50 billion a year. Carpal tunnel syndrome is one of the most common types of repetitive motion injuries, causing workers to lose more time from their jobs than any other type of injury, even amputation. The loss to businesses is immense. The cost to workers is even worse.

Repetitive stress injuries are serious injuries. They can cause permanent crippling and unending pain. Women are especially at risk. While women make up 40 percent of the overall workforce, they account for more than 64 percent of repetitive motion injuries. Two out of every three women hurt on the job are hurt because of ergonomic job hazards.

Opponents of this ergonomics rule condemn it as an eleventh hour rulemaking by an outgoing administration. Let me tell you, that is not true. This all started, as I said a moment ago, by a Republican, the Secretary of Labor, Elizabeth Dole, when she announced, at the beginning of the rulemaking process in August of 1990, that something had to be done.

In 1992, her successor, also a Republican, then-Secretary Lynn Martin, issued an advance notice of proposed rulemaking on ergonomics. For the next 7 years, the Federal Government examined virtually every study done on ergonomics and workplace injuries. And before issuing a final rule, OSHA extended the comment period just to be sure they had given everybody a chance to comment. They held 9 weeks of public hearings, heard more than a thousand witnesses, and reviewed over 7,000 written comments. The rulemaking process was public and, obviously, it was exhaustive.

Only after doing all of that did OSHA issue its final rule last November. This ergonomics rule reflects an extraordinary amount of public comment and advice and the latest scientific understanding of workplace injuries. Both the National Academy of Sciences and the National Institute For Occupational Safety and Health—the leading experts—agree: ergonomic hazards in the workplace cause injuries. Moreover, these experts agree that minor modifications to the workplace can prevent ergonomic injuries. So if ergonomics is as big a problem as we have been now told and if the minor modifications called for in this OSHA rule can help, then why not allow it to work?

The rule the Department of Labor crafted is sensible, flexible and modest. To begin with, it exempts many industries such as agriculture and construction. In industries that are covered, the rules contain only one universal requirement—one. It requires employers to inform workers about signs and symptoms of ergonomic injuries and give them a way to report such injuries. That is it.

Only if an employee is injured, and the employer determines the injury is work related, is the employer required to take measures to address the job hazards. And when it is all said and done, it is the employer who determines what constitutes an appropriate remedy. This, to me, is the most remarkable aspect of it all—who is the arbiter of the decision about work-relatedness and what must be done to remedy the situation? The employer. The employer is the one who decides whether an employee has a work-related injury. The employer makes the decision whether and how to address the problem.

Does that sound onerous to you? Does it really sound like a one-size-fits-all approach? I find it hard to believe that anybody could answer yes to those questions. But even if you do believe those things, this resolution of disapproval is exactly the wrong approach. Instead of a deliberative and thoughtful review, the Congressional Review Act is an all-or-nothing approach. After 10 years of work, it all comes down to 10 hours of debate and not one hearing. With so much at stake, it strikes me that this is exactly the wrong way to proceed.

There has to be a better way. There is a better way. Instead of throwing out this rule, OSHA could go back to the drawing board today, under this administration's guidance, and change the ergonomics rule in any way, shape, or form they wish. They could do it today. They could start that process today.

Under current law, all they have to do is publish a notice of intent to reopen the rule in the Federal Register and provide an opportunity for public comment, period. Instead of encouraging that sort of inclusive process, this resolution constrains OSHA's ability to regulate in this area in the future. We know that.

Backers of this resolution insist that it merely requires OSHA to rework its rule. I hope they are correct. I hope they are correct.

I hope that Secretary Chao will take seriously her responsibility under the Occupational Safety and Health Act to ''assure, so far as possible, every working man and women in the Nation safe and healthful working conditions.'' I hope she will read the rich record that was developed to support this rule.

I hope she will direct the Labor Department to work aggressively to craft a new rule. I trust she will not be misled by those who oppose ergonomic standards.

I take for granted simple tasks such as cooking dinner with my wife, dressing myself, opening doors, and turning the page of a book. Shirley Smith can't take these things for granted. For her, and millions of other Americans who have been disabled on the job, these simple tasks require heroic strength. By repealing this rule, we are letting her down.

I yield the floor.

The PRESIDING OFFICER. The time requested by the distinguished Democratic leader has expired.

Mr. KENNEDY. I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized for 2 minutes.

Mr. BIDEN. Mr. President, I am not going to go over the familiar arguments that are real, that this is about the wrong way to go about this. This debate reminds me of a famous expression attributed to Oliver Wendell Holmes: Prejudice is like the pupil of the eye: The more lights you shine on it, the more tightly it closes.

This is like a religious argument. This is like a holy war. This is like the debate we are going to hear on the bankruptcy bill: a lot of hyperbole and talk about how bad this is.

The fact of the matter is these arguments sound very familiar. In fact, in the many years I have had the honor of serving in the Senate, I have heard them often. Every time we debate the wisdom of raising the minimum wage so low-income workers can make a viable living, we hear it is going to put people out of business. The fact is it never happens. It does not stop my earnest colleagues from making the exact same arguments again and again every time we raise the issue.

It is not just in the context of debating the minimum wage that I recall arguments about businesses facing the prospect of having to shut down to comply with Federal rules and regulations. In fact, virtually every time OSHA issues a ruling, claims are made about the enormous costs businesses will incur.

In 1974—and I am dating myself—when OSHA issued the ruling to reduce worker exposure to vinyl chloride, the cancer-causing gas, we were warned that the entire plastics industry would fold.

I add my voice to those who are appalled that the Senate is even dealing with the issue of reversing OSHA's rule.

It was during the Administration of President George Herbert Walker Bush that the Labor Secretary, Liddy Dole, began the 10-year long process that resulted in OSHA putting forth this regulation to protect American workers.

During that 10-year period, every interested party—from business to labor, scientists and academics, politicians, lobbyists and ordinary citizens—had more than ample time to raise whatever concerns they had. The Occupational Safety and Health Administration weighed the arguments and came out with a regulation designed to protect millions of American workers whose jobs often lead to various injuries and ailments.

I understand that some of my colleagues may disagree with this regulation. And they have every right to do so. They may even go so far as to support those who already have gone to court to file legal challenges, or they may decide to work on legislation that might in some way amend or negate OSHA's rule. That would be an appropriate way to proceed.

But this rushed debate is beneath the Senate. We puff out our chests when people refer to us as ''the worlds greatest deliberative body.''

Where's the deliberation?

Where are the hearings?

Where are the witnesses?

How can we act with such impunity after 10 years of work that took into account every expert out there, including the input of the National Academy of Sciences?

I am not indifferent to the arguments made by my friends in the business community. I know they feel that there are costs involved in implementing this rule, and these costs are real.

I ask my friends to look at some facts. Injuries to workers are not bad just for those individuals. There are real losses to employers in terms of higher insurance costs and lost productivity.

Most business men and women understand this and are responsive because it makes good business sense. I have heard from those expressing their concerns with the OSHA regulation, but these Delaware business people who are out in front of the curve, who have already taken precautionary measures to protect their workers, who will not be greatly affected because they value their employees and want to protect them from potential job-related harm.

Let me conclude by responding directly to my colleagues who argue that adhering to these guidelines is so onerous and expensive that it will put many companies out of business.

These arguments sound familiar. In fact, in the many years I've had the honor to serve in the Senate. I have heard them often. Every time we debate the wisdom of raising the minimum wage so that low-income workers can make a livable wage and climb above the poverty line, we hear the argument that unemployment rates will surely rise.

The fact it never happens does not stop my earnest colleagues from making the exact same argument again the next time we have that debate.

It is not just in the context of debating minimum wage that I recall the argument about businesses facing the prospect of having to shut down to comply with a Federal law or regulation.

In fact, virtually every time OSHA issues a ruling, claims are made about the enormous costs businesses will incur. In 1974, when OSHA issued a ruling to reduce worker exposure to vinyl chloride, a cancer-causing gas, we were warned the entire plastics industry would fold.

The industry said it would cost from $65 to $90 billion to meet the new standard. OSHA estimated it would cost one billion dollars. Who was right?

Neither.

OSHA overestimated by a factor of four. The plastics industry got busy and eliminated the vinyl chloride hazard at a cost of just under $280 million. They were off in their estimates by many billions of dollars.

The same thing happened when OSHA proposed limiting worker exposure to cotton dust, and again with formaldehyde, and again with lead, and on and on. We hear about astronomical dollar figures and the threat that businesses and entire industries will come to an end.

Then, later, we learn that businesses, using their creative skills, come up with innovative measures to deal with the challenge, and solve their problems in a cost-effective way.

I say to my colleagues, let's not get caught up in hyperbole. If there are legitimate questions, there are remedies under our democracy. After 10 years of consideration, we cannot roll back these worker protections in just a few hours of debate and then continue to refer to this institution as a ''deliberative body.''

We might as well just get rid of OSHA entirely if we roll back this regulation. I know some of my colleagues think that is not such a bad idea, but I cannot believe a majority of my colleagues think American workers, and the institutions of government we revere, do not deserve better than what is proposed today.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator's time has expired. Who yields time?

Mr. KENNEDY. Mr. President, as I understand it, we have 2½ minutes remaining, and the remaining time will be used by the Senator from Wyoming.

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. KENNEDY. The Senator from South Dakota has stated it so well in the final moments of this debate. We are being urged in the Senate, at the start of this administration, to reach out our hand and try to find common ground on public policy issues. We are attempting to do that in areas of education, health care, and in many other areas. That is what we want to do with this regulation.

We would like to have the process followed where the President makes a petition in the Federal Register and then there will be an opportunity to review this rule and do it in a sensible, responsible, bipartisan way, but not to throw out 10 years of work. That is what we are asking. That is what we are requesting. That is what we think is reasonable and responsible to protect the lives and well-being of our fellow Americans.

On the other side, if they refuse to do so, they are effectively saying that the interest of the workers, primarily women, can be sacrificed on the chopping block of political expediency. That is unacceptable.

If the safety of workers is going to be compromised tonight, what will it be tomorrow? Will it be the safety of our food supply, the safety of our air, the safety of our water, the safety of our prescription drugs, the safety of medical devices, the safety of our airports? What will it be tomorrow?

This is the wrong way to proceed. We are saying let's reach out and try to work this out. Let's not cast the interest of the workers on the chopping block. I urge my colleagues to vote against this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself the remainder of our time. I ask unanimous consent, since I have listened so many times to the example of the chickens and the processing of the chickens, that the response by the Senator from Arkansas be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 6, 2001]

STRESSED POLITICS

In the final days of the Clinton Administration—and with apparently as much attention to detail as the pardon process—more than 600 pages of ergonomics regulations were hastily finalized. These regulations would force every employer to adopt a complete ergonomics program if just one ''symptom'' of stress is found in an employee, even if that employee developed the injury in athletics or weekend gardening.

This week, however, after 65 years of increasingly abdicating its lawmaking responsibilities to federal bureaucrats, Congress may finally assert its authority and rescind Mr. Clinton's unworkable ergonomic regulations. Forcing a rewrite of repetitive stress injury rules would not only save billions, but also shock bureaucrats into the realization that if their rule making is too sloppy or unscientific there are ways of stopping them.

The debate that begins today in the Senate was made possible by the 1996 Congressional Review Act. It allows a simple majority of both houses of Congress to reject federal regulations that have an impact of at least $100 million a year. In part because the regulations must be rescinded within 60 days of final promulgation, Congress hasn't really used the weapon. That goes some way toward showing how outrageous these last gasp Clinton ergonomics regulations must be.

Indeed, a glimpse at the details of the regulations reveals just how unreasonable they are. For instance, employers must pay for up to three doctor visits for employees complaining of repetitive stress injury and the doctor can report no information about whether the condition was caused outside the workplace. Businesswoman Tama Starr recounts other glaring problems with the regs in her nearby essay.

President Clinton's own Small business Administration estimates that the regulations will cost firms between $60 billion and $100 billion a year. But the Occupational Safety and Health Administration is nonetheless able to claim the cost would be only $4.5 billion a year by factoring in dubious projections of health care cost savings.

Believe it or not, the AFL–CIO calls repetitive stress injuries ''the number one job safety injury issue in America'' and is calling in its chits with Democrats by demanding they vote to uphold the regulations. As of now, Republicans have enough Democratic votes to prevail, but pressure to keep the regs is mounting. Among their most devout backers are trial lawyers, who look at ergonomic litigation as the potential Next Frontier of jackpot justice.

Today's ergonomics debate in the Senate could send a signal to both employers and employees alike that regulatory reform is possible. It also will show which of the moderate Democratic Senators who talk a good game about reducing burdens on business will vote the same way. Employers should pay close attention to how Senators Liberman, Edwards and Kerry—all of whom are potential presidential candidates—end up voting.

We have no doubt that ergonomic injuries are a growing problems in some occupations. Icing OSHA's unworkable 600 pages of regulations will still permit the Bush Administration to issue ''guidelines'' to prevent injuries while it rewrites the rules. Should the Congressional Review Act be triggered, for once it will be the federal bureaucracy that will have to adapt its desires to the marketplace rather than the otherway around. That alone makes today's debate and vote worth weighing in on.

Mr. ENZI. Mr. President, I ask unanimous consent that an editorial from the Chicago Tribune be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Mar. 6, 2001]

ROLL BACK THE OSHA WORK RULES

Last November, the Clinton administration did an end-run around Congress and rushed into place a set of massively costly rules to govern repetitive-stress injuries in the workplace. Member of Congress have an opportunity this week to rescind those rules and take an orderly, science-based approach to ergonomic injuries.

They should do just that.

Repetitive-stress injuries such as carpal tunnel syndrome are, no doubt, a serious problem. But the Clinton team's answer was to blame the workplace for causing them and ask questions later.

The rules effectively make employers wholly liable for injuries that employees may have suffered outside of work, but which may be aggravated by work. They override existing state workers' compensation laws, mandating higher payments for ergonomic-related complaints. In short, they amount to a simplistic—and expensive—meat-ax solution for a complex scientific puzzle that researchers still don't fully understand.

They come at a huge cost. Although the Occupational Safety and Health Administration puts the price tag on its rules at $4.5 billion, the Economic Policy Foundation gauges the cost to business at a staggering $125.6 billion.

In their lame-duck haste, the Clinton team decided not to wait for a detailed report on ergonomic injuries that had been commissioned by Congress and was being prepared by the National Academy of Sciences.

The new workplace rules took effect Jan. 16. The report—which was intended to inform any debate about such rules—was released Jan. 17.

The study provides some ammunition to both sides in this debate. It found that most common musculoskeletal disorders—accounting for 70 million visits to doctors' offices a year—are caused by work conditions as well as ''non-work factors.'' According to the study, ''the connection between the workplace and these disorders is complex, partly because of the individual characteristics of workers—such as age, gender and lifestyle.''

That study should now be the focus of debate—and still can be.

The Congressional Review Act, passed in 1996, allows Congress to get rid of regulations within 60 days of the time they're issued by federal agencies. If a ''resolution of disapproval'' is approved by a majority in the House and Senate and signed by the president, the rules are history. The act also prohibits the regulations from being reissued in ''substantially the same form.''

A Senate vote could come as early as Tuesday.

It is in the best interests of employers and employees to make workplaces as safe as possible. That keeps workers healthy and saves money. But this was bad rule-making. Time for Congress to undo it.

Mr. ENZI. Mr. President, throughout the day we have heard mention of newspapers that have said using this Congressional Review Act is the right way to go, what OSHA has proposed is the wrong way to go. We had this debate in July. We said OSHA was not listening, they were proposing an ergonomics rule that would not work, and in a bipartisan way, this body adopted an amendment to an appropriations bill that said they could not do it for a year. That was to give us some time to work on it.

That passed on the other side, and then, through the conference process, it got messed up to the point where it was moot. That was passed by both bodies.

That should have been a warning to OSHA that we were concerned about the way they were doing the rule, that they were not listening to anybody. OSHA forced a flawed process, and they wound up with a flawed rule. That is rogue rulemaking, and we cannot allow it to happen.

I am so thankful that Senator NICKLES and Senator REID worked on a bill 5 years ago that makes this action possible. That was a bipartisan act to make sure that if agencies did something we did not like, especially in light of the fact that we are charged with seeing that those agencies let us pass the laws, this was our opportunity to say: You did it wrong; we are going to jerk the chain and make sure we do it right. That puts a huge responsibility on us. I do not think there is anybody in this body who does not think there is an ergonomics problem, but what we want is a solution that will help the worker, not just cost money.

This is a little book of some of the hearings my subcommittee held. We have addressed these issues. It is in part where we know for sure that OSHA did not listen. We held hearings on the things they were talking about and did not find any testimony in favor of some of the things they were proposing.

As one listened to the debate today, one would think every employer was trying to hurt their employees. If they do, they cannot stay in business; they need employees. During the course of the testimony given by the assistant director of OSHA, I was fascinated to see, since I had been in the shoe business before, that two New Balance shoe manufacturing facilities cut their workers compensation costs from $1.2 million to $89,000 per year and reduced their lost and restricted workdays from 11,000 to 549 during a 3-year period.

I had to ask the assistant director just what kind of a fine process they had to have in place to get these people to do this magnificent work. It is one of many examples. There are many examples in here of employers who have done the right thing and made huge differences to their workers, as there are examples of individuals who have been hurt by work ergonomics.

I had to ask: How much did you have to fine these New Balance shoe folks to get them to do that outstanding work?

You will not be surprised to find out that his shocked answer was: We did not have to fine them. Of course, you do not have to fine them. You have to help them find solutions. That is what this rule misses.

It does not help anybody to know exactly what to do, particularly if it is a small businessman. They have to carry around 2 pounds' worth of regulations and learn them well enough—it is not just 2 pounds; there are all those other additions to it I mentioned—they have to learn them well enough to do the job or they get fined substantially because this rule is about fines. This rule is not about helping people and the small businessmen.

The Senator from Iowa mentioned earlier he did not really know the rule that well, but then he does not have to because we cannot be fined under this. We do not have to meet these same obligations. Every small businessman in this country is going to have to know that stuff or pay the price.

We heard how 10 years of effort went into this. Every time people mention that I think about my dad interviewing people for the shoe business. One of the things he always asked was how much experience they had. A lot of times they had a lot of experience—10, 20, 30 years of experience in the shoe business. One of the things he always told me was that sometimes after he hired them he found out what they had was 1 year of experience, 30 times.

That is what they got on OSHA. Until they actually get to the point where they publish something that people can look at and evaluate, you don't have but 1 year's experience 10 times.

If it is flawed, it is still flawed. If it is a rotten tree, rotten to the core, you can't just prune it. If it has a bad foundation, you don't want to build on it. So we can't take what has been done and work on it.

Now, another comment made today is the employers have all of this power, the employer can say what is happening. Let me state what the employer can't do under this rule. If somebody gets injured, he cannot talk to the doctor and find out how he got injured and how he could be saved from it because he is not allowed to investigate that. That has always been a capability under workers compensation. The employer has always been able to find out what hurt his employee and how he could change it.

Another thing that is mentioned is this is only 8 pages of rules. I have to remind Members, whether it is 8, 400, 600 or 800—and it really is 800—it is not like filling out your tax forms. If you do a simple form, you probably only have to do 2 pages, but if you only pay attention to those 2 pages, you don't pay attention to all the pages and regulations that come with it, you are not going to get it done right. I challenge anybody to be able to fill that thing out without looking at a single reference. Again, thousands of pages.

That is what we are doing here, forcing on the American small businessman thousands and thousands of pages of work. We showed some of the formulas they have to have. I think everybody ought to have to be able to translate that formula before they vote against the Review Act tonight.

It has also been mentioned that we spent millions of dollars for the National Academy of Sciences to do studies. I have to say, some of the quotes from the National Academy of Sciences remind me of some of the things that people do with the Bible—a little bit of selective reading.

I have to say something about OSHA. We said wait. Did they wait? No, they didn't wait. Now we hear all the quotes about how the National Academy of Sciences said it is OK to do this rule. Well, read that and I don't think you will agree that the National Academy of Sciences thinks that is the proper way to go.

But remember, OSHA didn't even wait to find that out. They were so adamant, so focused on doing exactly what they wanted to do; they didn't listen to us; they didn't listen to any of our staff; they didn't listen to any of the committees. They went ahead and did what they wanted to do.

I talked about a flawed process. They paid people to testify; they brought them in and practiced them; they rewrote their testimony; they paid them to tear apart testimony. What galls me the most, they paid them to tear apart the testimony of the people testifying on the other side.

We cannot let that happen in the United States. People have to have their own right to testify without being taken on by government money.

As I mentioned, this bill was pushed by OSHA through a forced process and they wound up with a forced rule. We cannot let that rule stand. I ask Members to vote for the resolution and to vote against the OSHA rule.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the joint resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—56

Allard	Fitzgerald	McConnell
Allen	Frist	Miller
Baucus	Gramm	Murkowski
Bennett	Grassley	Nickles
Bond	Gregg	Roberts
Breaux	Hagel	Santorum
Brownback	Hatch	Sessions
Bunning	Helms	Shelby
Burns	Hollings	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Chafee	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Jeffords	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
DeWine	Lincoln	Thurmond
Domenici	Lott	Voinovich
Ensign	Lugar	Warner
Enzi	McCain	

NAYS—44

Akaka	Dodd	Lieberman
Bayh	Dorgan	Mikulski
Biden	Durbin	Murray
Bingaman	Edwards	Nelson (FL)
Boxer	Feingold	Nelson (NE)
Byrd	Feinstein	Reed
Cantwell	Graham	Reid
Carnahan	Harkin	Rockefeller
Carper	Inouye	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kerry	Torricelli
Corzine	Kohl	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	

The joint resolution (S.J. Res. 6) was passed, as follows:

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ergonomics (published at 65 Fed. Reg. 68261 (2000)), and such rule shall have no force or effect.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each. I think the distinguished Senator from Illinois is going to proceed, and then I shall return to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHOOL SHOOTINGS AND GUN SAFETY

Mr. DURBIN. Mr. President, I rise tonight to express my deep sadness for the families and victims of yesterday's high school shooting tragedy in California.

Yesterday, Charles ''Andy'' Williams, a 15-year-old high school student, snapped. By all accounts, this was a child who was a frequent victim of bullies and was picked on by others at school. A troubled child is a sad reality in America today, but a troubled child with a gun is a tragedy waiting to happen.

Gun safety is not the only issue this tragedy highlights. We need to encourage adults and students to listen more carefully and take swifter action when young people make threats of gun violence. We need more counselors in our Nation's schools who can help young people deal with the pressures of growing up. But we also must prevent troubled children from obtaining firearms.

Once again, I come to the floor to renew my plea—the American people's plea—for Congress to do the right thing, to pass commonsense gun safety legislation. We can continue to throw our hands in the air, shrug our shoulders, and hope this problem will go away by itself—sadly, we know better—or we can begin to face the reality of our situation: We live in a country populated by 281 million people and an estimated 200 million firearms.

Our Consumer Product Safety Commission can regulate the design of a toy gun, to make sure it will not pinch the finger of a child, but the National Rifle Association has made sure that this same agency has no authority to regulate the safety of a real gun that could blow off a child's finger or worse.

Anyone—let me repeat, anyone—can walk into a gun show today and walk out with an unlimited supply of firearms—no documentation, no background check, no questions asked. And yet we express surprise when, year after year, our children are left defenseless as they attempt to dodge bullets at their schools. We use words such as ''tragedy'' and ''shock'' to describe the aftermath of school shootings, when we know they are foreseeable—we know they are foreseeable.

Some in this Senate have argued that the reasonable gun safety legislation we have proposed on this side of the aisle will not reduce gun violence. They said the same thing about the Brady bill, too. They were wrong then; they are wrong now.

It is not enough to wait for deaths caused by gun violence and then ''enforce the law'' against those who violate it. We must work to aggressively prevent gun violence before it happens, not merely enforce the law after the school shootings.

We must cut off the avenues for children to obtain firearms.

The American people are very clear on this issue, but Congress drags its feet, offering empty excuses for why we cannot pass any gun safety legislation. And what are the excuses? A background check at a gun show cannot be passed by Congress, according to the NRA, because it violates the second amendment. Requiring a child safety lock to be sold with a handgun somehow, according to the NRA, imposes an unreasonable burden on gun stores and manufacturers. A 3-day waiting period for a handgun—well, the NRA says that clearly violates our second amendment constitutional right.

This is a phony facade and a phony argument, one that continues to endanger our children in the one place in their lives they should expect to be safe at every moment—at school. In all likelihood, after the headlines on this most recent shooting will die down, this Congress will return to blissful ignorance with respect to the gun problem in America. But how many more tragedies, such as the one we have seen in California yesterday, have to happen before Congress finally takes action? How many?

Statistics from the Centers for Disease Control reveal that gun violence takes the lives of over 30,000 Americans every year, including 4,000 children. No other nation on Earth has this many gun deaths. When will this problem be big enough for Congress to care? Maybe at 35,000 deaths, 40,000, 100,000? What will it take?

I watched yesterday while this California shooting tragedy unfolded, and I couldn't help but recall Columbine. Only 2 years ago, I walked into that Cloakroom and watched the live television coverage of students and teachers running and hiding in an effort to escape open gunfire at a school in a ''safe neighborhood.'' I remember the terror and shock on their faces. I remember the child hanging out of the window with one of his arms extended and bloody. I remember the funerals of the 12 young students and the teacher who died as a result. Almost 2 years have passed since the Columbine tragedy. Now we have another high school tragedy in another safe neighborhood, but still Congress refuses to enact sensible gun safety legislation.

Last May mothers across America celebrated Mother's Day, not by staying home with their families and cooking their favorite dish or by getting breakfast in bed. They went out and marched. They marched against gun violence. I joined them on the shore of Lake Michigan as hundreds, maybe thousands gathered to make it clear to Congressmen and Senators alike that they had had enough as mothers. They called on Congress to pass commonsense gun safety legislation. Several of my colleagues and I participated in the march. These moms are mad. They will have their day.

This is a new Congress with a 50/50 split. We found time in this new Congress to consider voiding worker safety legislation. We will find time in this Congress to deal with bankruptcy, clamping down on those who file for bankruptcy but not on the credit industry. And now, sadly, we will find time for a lot of other issues other than gun safety. We haven't heard any clamor from the other side about the need to address gun violence. Mothers are burying their children before they have a chance to raise them while this Congress stands idly by.

Commonsense gun safety legislation, that is all the American people are asking for. As yesterday's shooting tragedy in California tells us, this Congress must act and act now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that when the final order is entered this evening, the Democratic time for morning business be controlled as follows: 10 minutes each for Senators Feinstein, Feingold, and Lincoln, and 15 minutes for Senator Clinton and Senator BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDEA FULL FUNDING

Mr. JEFFORDS. Mr. President, today may be just another day in Washington, but it is a special day in Vermont. Today is town meeting day, when towns throughout Vermont go over their budgets line by line. This includes a review of school budgets in many towns. In Vermont, where special education referrals grow at a rate of about 3.5 percent per year. With the cost of special education rising at a rate that Vermont's 287 school districts cannot sustain, the number one education issue that will be discussed at these town meetings will be Federal funding of special education. Vermonters, like so many Americans across the country, understand that these costs must be paid. All of our children, those with disabilities and those without, need and deserve the services and supports that will ensure that they meet their educational goals.

In 1975, responding to numerous Federal Court decisions involving lawsuits against a majority of the States, and growing concerns about the unconstitutional treatment of children with disabilities, Congress passed Public Law 94–142, now known as the Individuals with Disabilities Education Act. IDEA rightly guaranteed all children with disabilities a constitutionally required ''free and appropriate public education.'' As a freshman Congressman, I was proud to sponsor that legislation and to be a member of the Conference Committee that negotiated the differences in the House and Senate bills.

In passing Public Law 94–142, Congress recognized that education is not free. We recognized that children with disabilities often require specialized services to benefit from education. Congress assumed that the average cost of educating children with disabilities was twice that of educating other children. At that time, 25 years ago, Congress authorized the Federal Government to pay up to 40 percent of the additional costs associated with educating children with disabilities. That amount—often referred to as the IDEA ''full-funding'' amount—is calculated by taking 40 percent of the national average per pupil expenditure, or APPE, times the number of children with disabilities being served under IDEA Part B in each state.

While some may question whether Congress made a commitment or set a goal, I am here to tell you, as someone who was there at the time, we definitely made a pledge to fully fund the Federal share of special education. Thanks to teachers and administrators, advocacy organizations, parents of children with disabilities, and the children themselves, I believe that together we have made tremendous strides in assuring that we keep that promise.

Since I became Chairman of the Health, Education, Labor, and Pensions Committee in 1997, there have been significant increases in special education funding. In fact, special education funding has increased by 174 percent since 1996. For Vermont, the Federal share has increased from $4.5 million to $13.2 million. Even with this substantial increase, the Federal Government still contributes less than 15 percent of the APPE.

Failure to live up to the commitment of Congress means that the majority of the funding for special education for 8,000 Vermont students, and 6.1 million students across the country, currently comes from the States and from local school budgets.

Last year, I led three congressional efforts to increase special education funding. In April 2000, I sponsored an amendment to the budget resolution. This amendment would have mandated that the Federal Government increase spending for special education by $2 billion each year, for 5 years. The amendment, which would have raised Federal special education funding from $5 billion per year to close to $16 billion per year, failed by three votes. In its place, the Senate approved, by a vote of 53 to 47, a substitute amendment that made my amendment a nonbinding sense of the senate resolution to fully fund special education. This was definitely not the outcome I was seeking. However, it was the second time the Senate has gone on record in support of fully funding the Federal Government's share of special education costs. After two decades in which full funding of IDEA was regarded as more of a pipe dream than a commitment to be honored, Congress finally seems to be taking its obligation seriously.

Today, I am pleased to join my colleagues in introducing legislation that will provide for mandatory increases in special education funding at $2.5 billion a year for each of the next 6 years. This bipartisan effort sets the course to achieve full funding for Part B of IDEA by fiscal year 2007. The enactment of this bill will give relief to school districts, resources to teachers, hope to parents, and opportunities to children with disabilities. It will free up State and local funds to be spent on such things as better pay for teachers, more professional development, richer and more diverse curricula, reducing class size, making needed renovations to buildings, and addressing other needs of individual schools. To me, passage of this bill will provide the ultimate in local educational flexibility.

Last week, Representative BURTON, Chairman of the House Committee on Government Reform, held a hearing on IDEA. Every witness that testified identified insufficient special education funding as the number one barrier that prevents schools from fully meeting the needs of children with disabilities. Every congressional Representative who attended the hearing spoke to the issue. Representative HOOLEY and Representative BASS have both introduced bills in the House to fully fund Part B of IDEA.

In 1975, we made a commitment to fully fund the Federal Government's share of special education costs. If, 25 years later, in this era of economic prosperity and unprecedented budgetary surpluses, we cannot meet this commitment, when will we keep this pledge?

School districts are demanding financial relief. Children's needs must be met. Parents expect accountability. There is no better way to touch a school, help a child, or support a family than to commit more Federal dollars for special education. Personally, I do not believe anyone can rationally argue this is not the time to fulfill our promise.

In America, education is viewed as a right. Across the country, our Governors, school boards, education professionals, and families of children with disabilities identify fully funding for special education as their number-one priority. The American people have a right to ask us, ''if not now, when?'' Six million American students with disabilities have a right to a free and appropriate public education. They deserve to participate in the American dream.

This issue will not go away and neither will I. I intend to do all I can to make sure we keep our promise to fully fund the Federal share of special education. As we proceed with new initiatives and requirements for schools, let us also dedicate increased Federal funds to meeting our existing obligations to children with disabilities, families, and the State and local education agencies that serve them. I believe this is the most important education issue before our Nation, and I will continue to fight for it.

Mr. HARKIN. Mr. President, I strongly support the ''Helping Children Success by Fully Funding the Individuals with Disabilities Education Act, IDEA, Act.'' This is a bi-partisan effort to help our states provide a free and appropriate public education to children with disabilities. As I've said time and again, disability is not a partisan issue. We all share an interest in ensuring that children with disabilities and their families get a fair shake in life.

Currently, the State Grant program within IDEA receives $6.34 billion. Estimates by the Congressional Research Service suggest that the program needs to be funded at $17.1 billion for fiscal year 2002 to meet the targets established in 1975. Our amendment would obligate funding for IDEA annually in roughly $2.5 billion increments over the next six years and would put us on track to meet our goal of 40 percent funding.

In the early seventies, two landmark federal district court cases, PARC v. Commonwealth of Pennsylvania and Mills v. Board of Education of the District Court of Columbia, established that children with disabilities have a constitutional right to a free appropriate public education. In 1975, in response to these cases, Congress enacted the Education of Handicapped Children Act, EHA, the precursor to IDEA, to help states meet their constitutional obligations.

Congress enacted PL 94–142 for two reasons. First, to establish a consistent policy of what constitutes compliance with the equal protection clause of the 14th amendment with respect to the education of kids with disabilities. And, second, to help States meet their Constitutional obligations through federal funding. The Supreme Court reiterated this in Smith v. Robinson: ''EHA is a comprehensive scheme set up by Congress to aid the states in complying with their constitutional obligations to provide public education for handicapped children.''

It is Congress' responsibility to help States provide children with disabilities and education. That is why I strongly agree with the policy of this bill and the infusion of more money into IDEA. As Senator JEFFORDS has said before, this is a win-win for everyone. Students with disabilities will be more likely to get the public education they have a right to because school districts will have the capacity to provide such an education, without cutting into their general education budgets.

The Supreme Court's decision regarding Garret Frey of Cedar Rapids, Iowa underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess costs of educating other children with disabilities, like Garret, is great.

Just last week, I heard from the Cedar Rapids/Iowa City Chamber of Commerce that more IDEA dollars will help them continue to deliver high quality educational services to children in their school districts. This bill would provide over $300 million additional dollars to Iowa over the next six years. I've heard from parents in Iowa that their kids need more qualified interpreters for deaf and hard of hearing children and they need better mental health services and better behavioral assessments. And the additional funds will help local and area education agencies build capacity in these areas.

In 1975, IDEA authorized the maximum award per state as being the number of children served times 40 percent of the national average per pupil expenditure, known as the APPE. The formula does not guarantee 40 percent of national APPE per disabled child served; rather, it caps IDEA allotments at 40 percent of national APPE. In other words, the 40 percent figure was a goal, not a commitment.

As the then ranking minority member on the House Ed and Labor Committee, Rep. Albert Quie, explained: ''I do not know in the subsequent years whether we will appropriate at those [authorized] levels or not. I think what we are doing here is laying out the goal. Ignoring other Federal priorities, we thought it acceptable if funding reaches that level.''

One of the important points in the Congressman's statement is that we cannot fund IDEA grant programs at the cost of other important federal programs. That is why historically the highest appropriation for special education funding was in FY79, when allocations represented 12.5 percent APPE.

Over the last six years, however, as Ranking Member on the Labor-H Appropriations Subcommittee, I have worked with my colleagues across the aisle to almost triple the IDEA appropriation so that we're now up to almost 15 percent of the funding formula.

This bill would help us push that number to 40 percent without cutting into general education programs.

We must redouble our efforts to help school districts meet their constitutional obligations. And this increased funding will allow us to increase dollars to every program under IDEA through appropriations. Every program under IDEA must get adequate funds.

As I said, we can all agree that states should receive more money under IDEA. I thank Senator HAGEL, Senator JEFFORDS, Senator KENNEDY and Senator DODD for their leadership on this issue. I encourage my colleagues to join us in support of this bill.

RECONCILIATION AND DEFICIT REDUCTION

Mr. HOLLINGS. Mr. President, yesterday I introduced Senate Concurrent Resolution 20, a budget resolution for fiscal year 2002 that stays the course with an emphasis on paying down the national debt. The resolution creates two reserve funds for tax reduction, one if the CBO reports the economy is in a recession and the other if CBO determines we have a true surplus. The resolution does not contain any instructions to committees with regard to reconciliation.

There has been a great deal of speculation, fueled by statements made by the Senate Republican Leadership, that the reconciliation process established in the Congressional Budget Act of 1974, would be used to enact the massive $1.6 trillion tax cut proposed by the President. This is an abuse of the budget process and contrary to the original purpose of the Act which was to establish fiscal discipline within the Congress when it made decisions regarding spending and tax matters. I am the only original member of the Senate Budget Committee and have served on the Committee since its inception in 1974. In fact, I chaired the Senate Budget Committee in 1980 and managed the first reconciliation bill with Senator DOMENICI, then the ranking minority member.

It disturbs me to see how the reconciliation process, designed to reduce the debt, is now being used to rush a huge tax cut through the Congress with limited debate and little if any opportunity to amend. An examination of the legislative history surrounding passage of the 1974 Act makes it clear that the new reconciliation process was intended to expedite consideration of legislation that only reduced spending or increased revenues in order to eliminate annual budget deficits. This view was supported by over two decades of practice in which Congress used the Act to improve the fiscal health of the federal budget. If Congress insists on enacting a massive tax cut, it should consider that bill in the normal course, not through the reconciliation process which makes a mockery of the Congressional Budget Act and its intended purpose. I ask unanimous consent to have printed in the RECORD a legislative history of the Congressional Budget Act of 1974 and a history of the use of the Senate reconciliation process.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARGUMENTS AGAINST THE USE OF RECONCILIATION TO CONSIDER TAX CUT LEGISLATION

SUMMARY

I. The legislative history of the Congressional Budget Act of 1974 makes clear that the newly created reconciliation process was only intended to expedite consideration of legislation that reduced spending or increased taxes in order to eliminate annual budget deficits.

II. The authors of Congressional Budget Act of 1974 attempted to create a comprehensive new framework to improve fiscal discipline with minimum disruption to established Senate procedure and practice.

III. The provisions of the Congressional Budget Act of 1974 that provide expedited procedures to consider the budget resolution and reconciliation bills have always been construed strictly because they severely restrict the prerogatives of individual Senators.

IV. The Congressional Budget Act of 1974 has been amended numerous times to provide Congress the tools to improve fiscal discipline and over two decades of practice make clear that the reconciliation process has been used to reduce deficits.

V. The use of the reconciliation process to enact a massive tax reduction bill, absent

any effort to reduce the deficit, is inconsistent with the legislative history of the Congressional Budget Act of 1974, contrary to over two decades of practice and undermines the most important traditions of the Senate.

LEGISLATIVE HISTORY OF THE CONGRESSIONAL BUDGET ACT OF 1974

The contentious battles with the Nixon White House over the control of spending in 1973 and the chronic budget deficits that occurred in 25 of the previous 32 years convinced the Congress that it needed to establish it's own budget process. The Congress enacted the Congressional Budget Act of 1974, which was considered landmark legislation and the first attempt at major reform of the budget process since 1921. Through this effort the Congress sought to increase fiscal discipline by creating an overall budget process that would enable it to control federal spending and insure federal revenues were sufficient to pay for the operation of the government. The budget reconciliation process was an optional procedure, established under the 1974 Act. From it's inception, the reconciliation process was to facilitate consideration of legislation late in the fiscal year to eliminate projected deficits by changing current law to lower federal spending or to increase federal revenues in conformance with the spending ceiling and revenue floor established in the annual budget resolution.

Any analysis of the reconciliation process must be done in the context of the crisis the Congress faced in 1973 and the legislative history surrounding passage of the bill. The national debt had grown from approximately $1 billion at the turn of the century to almost $500 billion by 1973. The Congress was confronted by a President using his impoundment authority as a budget cutting device and to assert his own priorities on spending. In a message to Congress on July 26, 1973, President Nixon requested the enactment of a $250 billion ceiling on fiscal 1973 expenditures. The request was renewed later in the year in conjunction with legislation to raise the temporary debt limit. Congress rejected the proposed spending ceiling because it would have surrendered to the President its constitutional responsibility to determine national spending. However, Congress recognized the need for permanent spending control procedures and in Section 301(b) of Public Law 92–599 it established a joint committee to review—

* * * the procedures which should be adopted by the Congress for the purpose of improving congressional control of the budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of each year's budgetary outlays which is fully coordinated with an overall view of anticipated revenues for that year.

From the beginning there was concern that any new budget process not impede the traditional role of the committees that had jurisdiction over these matters nor dramatically change the way each house of Congress conducted it's business. Consequently, 28 of the 32 members of the Joint Study committee came from the committees on Finance, Ways and Means and from the Appropriations Committee of both houses. The Joint Committees issued a final report on April 18, 1973 which was the starting point for the Senate Committee on Governmental Operations and the House Rules Committee in their work on the 1974 Act.

The sixteen members of the House that participated in the Joint Study Committee introduced H.R. 7130, the Budget Control Act of 1973, on April 18, 1973. The bill contained a simple reconciliation process and authorized a year end tax surcharge bill to increase taxes if the actual deficit was greater than projected or the actual surplus for that fiscal year was less than projected. The legislation provided for a narrowly targeted tax bill that would increase revenues sufficient to bring them in line with spending. H.R. 7130 was reported by the House Rules Committee on November 20, 1973 with a substitute amendment which modified the section on tax reconciliation and added a new section to create a reconciliation bill to rescind appropriations. The trigger for reconciliation was simplified in the reported version of the bill which required rescission of appropriated funds if actual spending was greater than the spending aggregate in the resolution and, or a tax surcharge bill if actual revenues were less than the revenue aggregates in the resolution. It was a minimalist approach to bring spending into compliance for that year with the budget resolution by rescinding funds appropriated earlier that year or by enacting a simple tax surcharge bill for receipts shortfalls.

The House Rules Committee Report described the reconciliation process as follows:

The September 15 concurrent resolution (and any permissible revision) would be considered under the same rules and procedures applicable to the initial budget resolution. This final budget resolution would reaffirm or revise the figures set forth in the first budget resolution and in so doing would take account of the actions previously taken by Congress in enacting appropriations and other spending measures. The final budget resolution may call upon the Appropriations Committees to report legislation rescinding or amending appropriations or the House Ways and Means and Senate Finance Committees to report legislation adjusting tax rates or the public debt limit. Congress may not adjourn until it has adopted the final budget resolution and any required implementing legislation.

Such implementing legislation would be contained in a budget reconciliation bill to be reported by the House Appropriations Committee. If the total new budget authority contained in the appropriation bills or the budget outlays resulting from them are in excess of the totals set forth in the final budget resolution, the Appropriations Committee would include rescissions or amendments to the appropriations bills in its budget reconciliation bill. This reconciliation bill would contain a provision raising revenues to be reported by the House Ways and Means Committee if estimated Federal revenues are less than the appropriate level of revenues set in the final budget resolution. (House Report 93–658, p. 40)

The Section by Section analysis of the bill in the House Rules Committee Report was more explicit:

Sec. 133. Budget reconciliation bill to be reported in certain cases

This section requires the House Appropriations Committee to report a budget reconciliation bill (containing any necessary rescissions or amendments to the annual appropriations bill for the fiscal year involved) if the total budget authority or budget outlays provided by such bills exceeds the applicable level established by the final budget resolution.

Sec. 134. Budget reconciliation bill to include tax measure in certain cases.

The section requires the House Ways and Means Committee to report (as a separate title in the budget reconciliation bill) a tax measure to raise the additional revenue needed if the estimated revenues for the fiscal year involved are less than those set forth in the final budget resolution. (House Report 93–658, p. 8).

The House Rules Committee rejected many of the most restrictive provisions in the bill as introduced and enunciated five principles that guided its consideration of the bill in Committee. The following excerpt from the House Committee Report demonstrates how important it was to the committee to craft a bill that improved fiscal discipline without riding roughshod over the prerogatives of members and dramatically altering the way in which the House and Senate functioned:

Your committee decided to remove these restrictive procedures and yet devise an alternative that accomplishes the important need for budget control. Our work has been guided by a number of principles.

First has been the commitment to find a workable process. Not everything that carries the label of a legislative budget can be made to work. If the 1947–49 debacle is not to be repeated, the new process must be in accord with the realities of congressional budgeting. The complicated floor procedures contained in the Joint Study Committee bill have been eliminated because they would inhibit the proper functioning of Congress.

Second, budget reform must not become an instrument for preventing Congress from expressing its will on spending policy. The original bill would have ruled out many floor amendments, it would have also stunted the free consolidation of appropriation measures, it would have bound Congress to unusual and oppressive rules, and it would have given one-third of the Members the power to thwart a majority's effort to revise or waive such rules. Points of order could have been raised at many stages of the process and legitimate legislation initiatives would have been blocked. The constant objective of budget reform should be to make Congress informed about and responsible for its budget actions, not to take away its powers to act.

Third, budget reform must not be used to concentrate the spending power in a few hands. All members must have ample opportunity to express their views and to vote on budget matters. On few matters is open and unfettered debate as vital as the budget which determines the fate of national programs and interest. While it may be necessary to establish new budget committees to coordinate the revenue and spending sides of the budget, these committees must not be given extraordinary power in the making of budget policies.

Fourth, the congressional budget must operate in tandem with and not override the well-established appropriations process. Through its power of appropriation, Congress is able to maintain control over spending. The power has been exercised responsibly and effectively over the years and it should not be diluted by the imposition of a new layer of procedures. The purpose of the budget reform should be to link the spending decisions in a manner that gives Congress the opportunity to express overall fiscal policy and to assess the relative worth of major functions.

Fifth, the budget controls procedures should deviate only the necessary minimum from the procedures used for the preparation and consideration of other legislation. Undue complexity could only mean the discrediting of any new reform drive. While we must not err with the simplistic approach taken in

1947–49, neither must we load the congressional budget process with needless and questionable details. (House Report 93–658, p. 29)

Senator Sam Ervin, Chairman of the Senate Government Operations Committee introduced S. 1541, to provide for the reform of congressional procedures with respect to the enactment of fiscal measures on April 11, 1973. In explaining the need for the legislation Senator Ervin stated:

''The congressional procedures with respect to spending the taxpayer's dollar are, to say the least, in dire need of a major overhaul, and have been for quite some time. Since 1960, Federal spending has tripled, the inflation rate has tripled, the dollar outflow abroad has quadrupled, and the dollar has been devalued twice—the first such devaluation since 1933, in the heart of the Great Depression. It has been 52 years since Congress has done anything about shaping its basic tolls for controlling Federal expenditures. The Budget and Accounting Act of 1921 was the last major reform of the congressional budgetary procedure, yet we are now spending nearly 100 times what we were spending yearly in the 1920's.'' (Congressional Record, April 11, 1973, p. 7074)

While S. 1541, as introduced, contained no reconciliation procedures, the bill reported by the Senate Government Operations Committee on November 28, 1973 included a somewhat convoluted enforcement process that relied on the rescission of appropriated funds and if that could not be accomplished, across the board cuts in spending. The bill as reported, summarized the reconciliation process as follows:

Reconciliation process: determination of the total of the appropriations enacted; in the event budget resolution ceilings are exceeded, reductions in certain of the appropriations should Congress desire in order to conform to the budget resolution; consideration and adoption of a second budget resolution should Congress desire to spend at levels in excess of the original ceilings established earlier; adjustments in certain appropriations to conform to the latest budget resolution; in the event of impasse on any of the foregoing steps, a pro rata reduction of all appropriations to conform the ceilings enacted in the latest budget resolution. (Senate Report 93–579 p. 17)

The Senate bill was subsequently referred to the Senate Rules Committee on November 30, 1973. Senator Robert C. Byrd, the Assistant Minority Leader and a member of the Rules Committee assembled a working group that made extensive revisions to the bill reported by the Senate Government Operations Committee. The group consisted of representatives of the Chairmen of the ten standing committees of the Senate, four joint committees, the House Appropriations Committee, the Congressional Research Service, and the Office of Senate Legislative Counsel. The Senate Rules Committee sought a more practical approach that minimized the impact on existing Senate procedure and practice. The Senate Rules Committee Report stated:

''The amendment in the nature of a substitute formulated by the Committee on Rules and Administration retains the basic purposes and framework of the bill. However, it makes a number of changes designed to tailor the new budgetary roles and relationships more closely to the existing methods and procedures of the Congress. The intent remains to equip Congress with the capability for determining Federal budget and priorities. However, the Committee sought to devise a balanced and workable process that recognizes the impact of budget reform on committee jurisdictions, legislative workloads, and floor procedures.'' (Senate Report 93–688 p. 4)

This is consistent with the view of the Senate Government Operations Committee which had reported the bill earlier that Congress. The Government Operations Committee Report stated:

''The changes proposed by the Committee, are, for the most part, designed to add a new and comprehensive budgetary framework to the existing decision making processes, with minimum disruption to established methods and procedures.'' (Senate Report 93–579 p. 15)

The Rules Committee explicitly rejected a reconciliation process that relied solely on rescission of appropriated fund to eliminate deficit spending. Section 310 of the reported bill authorized the Budget Committee (1) to specify the total amount by which new budget authority for such fiscal year contained in laws under the jurisdiction of the various committees was to be changed and to direct each committee to recommend such changes in law, (2) if that is unfeasible, direct that all budget authority be changed on a pro rata basis (3) specify the total amount by which revenues are to be changed and to direct the Finance Committee to recommend such changes and (4) specify the amount which the statutory limit on public debt was to be changed. The bill reported by the Senate Rules Committee broadened the application of reconciliation to all committees, not just appropriations. It required that all committees with jurisdiction over direct spending be required to participate in budget reductions and allowed for the inclusion of tax measures to eliminate budget deficits. The Rules Committee report specifically identified revenue shortfalls as a major contributor to budget deficits. Approximately one and one-half pages were devoted to a discussion of revenue shortfalls in the two page description of the reconciliation process. The following is an excerpt from the report describing reconciliation and emphasizes the importance the committee attached to examining the tax base and increasing revenues when necessary:

Perhaps the most significant weakness in the bill referred to the Committee was the failure to give sufficient attention to the revenue aspect of Congressional budgeting. This is not surprising in light of the fact that criticisms of Congressional spending provided the principal impetus to the development of this legislation. But it is a serious omission when the source of the large Federal deficit (in the years preceding the creation of the Joint Study Committee on Budget Control) is more clearly identified.

On closer inspection, this large and unexpected addition to the debt—which some observers believe contributed to the inflationary pressures—resulted largely from the revenue side of the balance sheet, and not from higher spending. The difference between budget estimates and actual receipts for those three years is $27.7 billion, or 65% of the difference between estimated and actual deficits.

These three years are typical only in that there were three consecutive shortfalls in revenue. Moreover, for each year, the administration submitted a later estimate, which was even further from the actual results that the original budget estimate. The typical overestimate or underestimate for a given year is not far different from those for 1970–1972. And, for fiscal policy purposes, an error in either direction may be equally significant.

Difference between revenue estimates and actual receipts can, of course, be explained by several factors. One is the failure of the economy to perform at predicted levels. But there are cases where the estimates were wide of the mark, even when the economic forecasts were relatively accurate. There is also the action of Congress in not following the President's recommendations to increase taxes, or in reducing taxes when he has not proposed it. In any case, it is clear that a sound congressional budget policy cannot be based on the assumption that control of spending levels is sufficient to achieve desirable economic results. (Senate Report 93–688 p. 868–9)

During floor consideration of S. 1541, the Senate adopted the amendment proposed by the Senate Rules Committee, in lieu of that of the Senate Government Operations Committee. The House and Senate passed their respective bills without amendment to the reconciliation proceedings reported by the House and Senate Rules Committees. The Senate incorporated its amendment into H.R. 7130, and went to conference on the House bill. The conference committee reported the bill and retained much of the Senate language regarding the scope of reconciliation with the exception of the provision authorizing pro rata reductions in spending bills. While the reconciliation process has evolved since 1974, Section 310(a) of the Act regarding the scope of reconciliation has not changed significantly. The conference report was adopted overwhelmingly by both houses and signed into law to become Public Law 93–44.

The conference committee on H.R. 7130 adopted the Senate's language regarding the scope of reconciliation and included in the statement of managers a scant summary of the new process. It was not necessary to elaborate since both the House and Senate Rules Committees were explicit in their reports that reconciliation was to be used at the end of the fiscal year to reduce spending or increase taxes in order to eliminate budget deficits. It is inconceivable, given the legislative history of the 1974 Act and the budget crisis confronting the Congress, that the conferences would create an expedited process to either reduce taxes or increase spending. Under the Act, Congress was required to adopt two budget resolutions. Congress would pass its first budget resolution at the beginning of the session that would provide non-binding targets and create the budgetary framework for the appropriations and other spending bills. Subsequently, Congress would pass the necessary spending bills. Congress was then required to pass a second budget resolution no later than September 15 which could be enforced by reconciliation allowing the Congress to consider a bill or resolution to bring spending and revenue into compliance with the second resolution.

In addition to a reconciliation bill, the conference committee created an alternative reconciliation process that authorized the delay in the enrollment of previously passed appropriation and entitlement bills until the amounts were reconciled with the budget resolution. The reconciliation resolution would direct the Secretary of the Senate or the Clerk of the House to correct the enrollment of previously passed bills prior to submitting them to the President for signature. This optional reconciliation process, added in conference strongly suggests that the conference were not trying to expand the scope of reconciliation, but instead were looking for a quick way to make minor, last minute, changes to previously passed legislation in

order to avoid budget deficits during the last two weeks of the fiscal year.

THE ABUSE OF THE RECONCILIATION PROCESS

The Congressional Budget Act of 1974 was intended to provide a process that complemented existing House and Senate rules not supplant them. There is ample support in the House and Senate Committee reports for the proposition that the authors of the Act wanted to minimize conflict with existing proceedings. There has been a constant tension between expediting the consideration of the budget and maintaining the important rights members enjoy under the Senate rules and precedents. The hallmark of Senate procedure is the ability of members to engage freely in debate, to offer amendments and the thread that ties all Senate procedure is the importance placed on preserving the rights of any minority in the Senate. This, and this alone, is what distinguishes Senate procedure from that of the House of Representatives and forces Democrats and Republicans to come to a consensus when considering major policy matters. Since the reconciliation bill would be considered late in the session and would be narrow in scope providing expedited procedures which severely limit debate and the ability to amend seemed like a reasonable trade off in 1974.

The Congressional Budget Act has been amended numerous times since 1974 in a continuing effort to impose greater fiscal discipline on budgetary matters. Congress has abandoned the practice of adopting a second budget resolution and now passes one binding resolution that can include reconciliation instructions if necessary. Additional enforcement mechanisms have been added that can be employed during the fiscal year when considering tax and spending bills that should have made it less likely that Congress would need to act at the end of the year to reconcile the fiscal goals contained in the budget resolution with the legislation it passes during the year.

Just the opposite has occurred and Congressional leaders soon realized that reconciliation could not be used to make major changes in revenue and direct spending laws because of the compressed time for debate and the severe restrictions imposed on individual Senators. Despite the continued reforms and the improving fiscal health of the federal budget, there is still a strong interest in enacting, through expedited procedures, major legislation that has nothing to do with the deficit reduction. Because of procedural protections, reconciliation bills have proven to be almost irresistible vehicles for Senators to move all types of legislation.

This abuse of the reconciliation process has been rectified in the past by Congress collectively insisting that the Senate's traditions be maintained. In 1981, the Senate Budget Committee reported a reconciliation bill, S. 1371, the Omnibus Reconciliation Act of 1981, which contained hundreds of pages of authorization provisions that had no impact on the deficit. The bill was viewed by the Senate authorizing committees as a convenient vehicle to pass numerous authorizations, many of which could not be passed as free standing bills. Both Republicans and Democrats viewed this as an abuse of the reconciliation process. Then Majority Leader Howard Baker called up and adopted an amendment which was co-sponsored by Minority Leader Robert C. Byrd, and the Chairman and Ranking Minority Member of the Budget Committee, Senators Domenici and Hollings which struck significant parts of the bill. The following is a colloquy during debate on the amendment:

Mr. BAKER. Aside from its salutary impact on the budget, reconciliation also has implications for the Senate as a institution . . . I believe that including such extraneous provisions in a reconciliation bill would be harmful to the character of the U.S. Senate. It would cause such material to be considered under time and germaneness provisions that impede the full exercise of minority rights. It would evade the letter and spirit of rule XXII.

It would create an unacceptable degree of tension between the Budget Act and the remainder of Senate procedures and practice. Reconciliation was never meant to be a vehicle for an omnibus authorization bill. To permit it to be treated as such is to break faith with the Senate's historical uniqueness as a form for the exercise of minority and individual rights.''

Mr. BYRD. Mr. President, if the reconciliation bill is adopted in its present form, it will do violence to the budget reform process. The reconciliation measure contains many items which are unrelated to budget savings. This development must be viewed in the most critical light, to preserve the principle of free and unfettered debate that is the hallmark of the U.S. Senate.

The ironclad parliamentary procedures governing the debate of the reconciliation measure should by no means be used to shield controversial or extraneous legislation from free debate. However, language is included in the reconciliation measure that would enact routine authorizations that have no budget impact whatsoever. In other cases, legislation is included that makes drastic alterations in current policy, yet, has no budgetary impact.

The reconciliation bill, if it includes such extraneous matters, would diminish the value of rule XXII. The Senate is unique in the way that it protects a minority, even a minority of one, with regard to debate and amendment. The procedures that drive the reconciliation bill set limits on the normally unfettered process of debate and amendment, because policy matters that do not have clear and direct budgetary consequences are supposed to remain outside its scope. (Congressional Record, June 22, 1981, P. S6664-66)

The traditions and precedents of the Senate were adhered to during consideration of President Reagan's tax and spending cut proposals in 1981. Appropriately, Congress used the reconciliation procedures to implement the spending cuts contained in the Omnibus Budget Reconciliation Act of 1981. However, the President's tax cuts were brought before the Senate as a free-standing bill. More than one hundred amendments were debated and disposed of in twelve days of debate.

On October 24, 1985, the Senate debated and adopted the Byrd Rule by a vote of 96-0, as an amendment to the Consolidated Omnibus Budget Reconciliation Act of 1985. The rule was expanded in an effort to further limit the scope of the reconciliation process to deficit reduction and became Section 313 of the Congressional Budget Act. The following are excerpts from the debate on the amendment:

Mr. BYRD. Mr. President, the Senate is a deliberative body, and the reconciliation process is not a deliberative process. It (is) not a deliberative process. Such an extraordinary process, if abused, could destroy the Senates deliberative nature. Senate committees are creatures of the Senate, and, as such, should not be in the position of dictating to the Senate as is being done here. By including material not in their jurisdiction or matter which they choose not to report as separate legislation to avail themselves of the non deliberative reconciliation process, Senate committees violate the compact which created both them and the reconciliation process.

* * * * *

Mr. DOMENICI. Mr. President, as I was saying, I commend the distinguished minority leader. Frankly, as the Chairman of the Budget Committee, I am aware of how beneficial reconciliation can be to deficit reduction. But I am also totally aware of what can happen when we choose to use this kind of process to basically get around the Rules of the Senate as to limiting debate. Clearly, unlimited debate is the prerogative of the Senate that is greatly modified under this process.

I have grown to understand that this institution, while it has a lot of shortcomings, has some qualities that are rather exceptional. One of those is the fact it is an extremely free institution, that we are free to offer amendments, that we are free to take as much time as this U.S. Senate will let us to debate and have those issues thoroughly understood both here and across this country. (Congressional Record, October 24, 1985, p. S14032–37)

On October 13, 1989, the Senate exercised a stringent application of the Byrd Rule. Majority Leader Mitchell, on behalf of himself, and Minority Leader Robert Dole, offered a leadership amendment to strike extraneous provisions from the reconciliation bill, S. 1750. The amendment went further than the text of the Byrd Rule in order to limit the scope of the bill to deficit reduction matters. The debate follows:

Mr. MITCHELL. Mr. President, the purpose and effect of this amendment may be summed up in a single sentence. The purpose of the reconciliation process is to reduce the deficit.

The amendment is lengthy, consisting of many pages, words and numbers, but it has that fundamental objective. As I said when I addressed the Senate a week ago Thursday, the reconciliation process has in recent years gone awry. The special procedures included in the Budget Act as a way of facilitating deficit reduction items became a magnet to other legislation which is unrelated to the objective of reducing the deficit.

Mr. DOMENICI. There are a few things about the U.S. Senate that people understand to be very, very significant. One is that you have the right, a rather broad right, the most significant right, among all parliamentary bodies in the world to amend freely on the floor. The other is the right to debate and to filibuster.

When the Budget Act was drafted, the reconciliation procedure was crafted very carefully. It was intended to be used rather carefully because, in essence, Mr. President, it vitiated those two significant characteristics of this place that many have grown to respect and admire. Some think it is a marvelous institution of democracy, and if you lose those two qualities, you just about turn this U.S. Senate into the U.S. House of Representatives or other parliamentary body. (Congressional Record, October 13, 1989, p. S13349–56)

In recent years, the use of reconciliation has changed. The procedural protections of the reconciliation process are not being used to enact stand alone legislation that simply reduces taxes. In 1996, the FY 1997 budget resolution contained reconciliation instructions to create three separate reconciliation bills that if enacted would have resulted in a net reduction in the deficit. The House and

Senate committees were authorized to report three separate bills, one to reduce Medicaid costs through welfare reform, the second to reduce Medicare costs and the third to reduce taxes. Democratic Leader Daschle argued that this was an abuse of process because it directed the Finance Committee to reconcile several subject matter specific spending bills and for the first time contained instructions to reconcile a stand alone tax reduction bill. The conferees knew that consideration of a tax reduction bill in reconciliation was a great departure from past practices and the statement of managers accompanying the conference report justified it by arguing that the reconciliation tax cut bill was one of three reconciliation bills when taken together would still provide overall deficit reduction. The report states: ''while this resolution includes a reconciliation instruction to reduce revenues, the sum of the instructions would not only reduce the deficit, but result in a balanced budget by 2002.''

However, during floor debate on the FY 1997 budget resolution, Senate Budget Committee Chairman Domenici went far beyond the justification for tax cuts contained in the conference report and argued that a 1975 incident involving Senator Russell Long, supported what seemed to be a novel idea in 1996, that reconciliation was not intended solely for deficit reduction and could be used to enact tax cuts. A year after the 1974 Act was passed, Senate Finance Committee Chairman Russell Long came to the floor and announced that a small $6 billion bill to reduce taxes was a reconciliation bill, even though there was never any reference to reconciliation as the Finance Committee moved the bill through the Senate. In fact, the budget resolution was passed six months after the tax bill in question had passed the House and been referred to the Senate Finance Committee. Note the exchange that took place between Senator Muskie, the Chairman of the Senate Budget Committee and Senator Vance Hartke regarding the use of this new process:

Mr. HARTKE. In other words, the chairman of the Committee on the Budget has made an assumption that this is a reconciliation bill.

Mr. MUSKIE. No, may I say, the chairman of the Committee on Finance has told me it is a reconciliation bill.

Mr. HARTKE. The chairman of the Finance Committee can make a statement, but that does not make it the situation. The Committee on Finance has not acted upon this being a reconciliation bill. There is no record of its being a reconciliation bill; there is no mention of it in the report as being a reconciliation bill. Therefore, I think a point of order would not be well in regard to any amendment, because it is not a reconciliation bill. This is a tax reduction bill. I can see where the Senator may assume, but it is an assumption which is not based on a fact.

* * * * *

Mr. HARTKE. I am not chasing my tail. I will point out, very simply, that in my judgment, this is a case where two Senators have gotten together and agreed that this is a reconciliation bill and there is nothing in the record to show that it is a reconciliation bill. (Congressional Record, December 15, 1975, p. ?)

This 1975 incident was ignored and not relied upon until 1996, during consideration of the FY 1997 budget resolution when it was used by the Republican Leadership to prop up the argument for a stand alone tax reduction bill in reconciliation. Prior to that, it was viewed as an aberration that occurred at a time when Congress was trying to figure out how to implement the new Budget Act. The 1975 incident was never viewed as a valid precedent on reconciliation, since it basically contradicted two decades of practice where the sole focus of reconciliation has been deficit reduction. The Chairman and Ranking Member of the Senate Budget Committee, Senators Hollings and Domenici did not give any credence to the 1975 incident when they announced in 1980 that the budget resolution under consideration that year, would be the first time Congress attempted to use the reconciliation process provided in the Budget Act. Senator Hollings, then the Chairman of the Senate Budget Committee made the following statement.

''Today, we will take another step in the practical application of the Budget Act's design. The reconciliation procedure has never before been employed. The action we take today will set an important precedent for making the budget stick.'' (Congressional Record, June 30, 1980)

Senator Domenici concurred with his Chairman and made the following statement:

''Mr. President, I rise today to support the reconciliation bill that is now before the Senate. This is an historic moment, both for the institution and for the budget process that this institution devised for itself in 1974. The first attempt to use the reconciliation provisions in the Budget Act was made last fall on the second budget resolution for fiscal year 1980.'' (Congressional Record, June 30, 1980)

In addition, Congress passed the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act in 1985 which further clarified the scope of reconciliation and made moot, any arguments that the 1975 incident opened the door to a broader application of reconciliation. Section 310(d) was added to the Congressional Budget Act to severely restrict amendments to reconciliation bills that did not have the affect of reducing the deficit. The language of Section 310(d)(2) is as follows:

(2) It shall not be in order in the Senate to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided (in such fiscal years) in the reconciliation instructions . . . or would have the effect of reducing Federal revenue increases below the level of such revenue increases provided (for such fiscal years) in such instructions relating to such bill or resolution. . . .

While the provision limits floor amendments, the clear inference when read in the context of the overall section is that reconciliation dealt only with decreasing spending or increasing taxes and any amendment offered during reconciliation had to have an offset so as not to thwart deficit reduction.

In 1966, during consideration of the FY 1997 budget resolution, Democratic Leader Daschle made several inquiries of the Chair and the responses by the Presiding Officer could be used to argue for a broader application in the use of reconciliation. However, the point of order raised against the budget resolution by Senator Daschle, the ruling of the Chair and the subsequent appeal, all of which carry much more weight in Senate procedure, were quite narrow and allowed this precedent to be distinguished in order to preserve the integrity of the reconciliation process. The point of order raised by the Democratic Leader, given the particular reconciliation instructions at issue can be summarized as follows: It is inappropriate to consider a stand alone reconciliation bill to cut taxes, even if the net impact of the three reconciliation bills taken together reduced the deficit. The point of order raised by the Democratic Leader was not sustained and the appeal of the ruling by the full Senate was not successful. Note the point of order and the ruling of the Chair.

Mr. DASCHLE. I argue that, because it creates a budget reconciliation bill devoted solely to worsening the deficit, it should no longer deserve the limitations on debate of a budget resolution. Therefore, I raise a point of order that, for these reasons, the pending resolution is not a budget resolution.

The PRESIDING OFFICER. All right. The Chair will rule that the resolution is appropriate and the point of order is not sustained. (Congressional Record, May 21, 1996, p. S5415–7)

The Senate's decision in 1996 to use reconciliation to consider a stand alone tax cut bill, even in the context of overall deficit reduction, was a major departure from the past practice and over two decades of experience in applying the Act. The 1996 precedent can and must be distinguished from recent efforts to use reconciliation to enact tax cuts where there is absolutely no attempt at deficit reduction. The procedural issues raised by using the reconciliation process to enact tax reductions, absent an overall effort to reduce the deficit, have not yet been joined by the Senate and remain an open question.

While the reconciliation instructions of the FY 1997 budget resolution taken as a whole arguably met the intended deficit reduction goals, recent reconciliation instructions have completely perverted the intent of the 1974 Act. In 1999, the reconciliation process was used by the Republican leadership to allow for a $792 billion tax cut to be brought to the Senate floor. Unlike the FY 1997 budget resolution, no argument was made that the tax cut would actually lead to increased revenues or spending reductions. It was the first time that reconciliation instructions were issued and a revenue bill reported pursuant to those instructions, mandated a worsening of fiscal discipline for the federal government. Again, in 2000, reconciliation was used to limit consideration of a major tax cut proposal that had nothing to do with deficit reduction.

There has been a great deal of speculation, fueled by the Senate Republican Leadership, that President Bush's tax plan will be brought to the Senate floor with reconciliation protections. It is expected the legislation will provide for at least $1.6 trillion and perhaps as much as $2.6 trillion in tax cuts over 10 years. The legislation is not expected to contain any reductions in spending and the result of the proposed tax bill will be a worsening the fiscal position of the federal government. If Congress provides sufficient room in the FY2002 budget resolution to enact tax reductions there is absolutely no reason to consider the bill in reconciliation, except to completely preclude the minority from participating in fashioning the bill.

The Senate is at a point, as it was in the 1980's, when the use of reconciliation to enact legislation unrelated to deficit reduction, threatens to undermine the most important traditions and precedents of the Senate and make a mockery of the congressional budget process. In a recent article entitled, ''Budget Battles, Government by Reconciliation,'' in the National Journal on January 9, 2001, the author, Mr. Stan Collender, an expert on the federal budget process, who served as senior staff member of the House Budget Committee in the 1970's states:

''. . . At this point, there is talk about at least five different reconciliation bills—three for different tax proposals and two for various entitlement changes. Still more are being considered. Taking advantage of the reconciliation procedures in this way would not be precedent-shattering, though it would clearly be an extraordinary extension of what has been done previously. Nevertheless, it would be the latest in what has become a steady degradation of the congressional budget process. Reconciliation, which was created to make it easier to impose budget discipline, would instead be used to make it easier to get around other procedural safeguards with the result being more spending and lower revenues.''

THE FUTURE OF PROJECT IMPACT

Mr. EDWARDS. Mr. President, I rise today to express my disappointment in President Bush's decision to discontinue funding for the Federal Emergency Management Agency's Project Impact.

Project Impact is a nationwide public-private partnership designed to help communities become more disaster resistant. Each year, Congress appropriates literally billions of dollars in disaster relief money. Project Impact is our only program that provides financial incentives and support to State and local governments that want to mitigate the damage of future disasters.

Project Impact involves all sectors of the community in developing a mitigation plan that meets that community's unique needs. One of the program's pilot projects is in Wilmington, NC. In that coastal community, the city government has teamed with the State and county government and private groups like Lowe's Hardware Store to retrofit schools and shelters to make them less vulnerable to the frequent hurricanes that plague my State. The University of North Carolina at Wilmington also provides support for the city's efforts. That is the great thing about the Project Impact communities—they are using all available agencies and organizations to ensure safe and smart development.

Project Impact is a relatively new program, but it has already shown important results. In his recent budget submission to Congress, the President described Project Impact as ''ineffective.'' I strongly disagree, and there are community leaders around the Nation that would take exemption to this description. For example, one of the first Project Impact communities was Seattle, WA. Experts agree that without the area's mitigation efforts spurred by Project Impact, the damage from last week's earthquake could have been much worse.

We cannot stop a hurricane, an earthquake, or a tornado. But we can save precious lives and limited Federal resources by encouraging States and local governments to take preventative measures to mitigate the damage. By discontinuing funding for Project Impact, this administration will severely undercut ongoing mitigation programs in all 50 States. Most importantly, by discontinuing this program rather than working to refine it, the administration sends a dangerous signal to States and local governments that the Federal Government no longer supports their efforts.

I call on President Bush to reassess the benefits of this program and include it in his final budget he sends to Congress. For the nearly 300 Project Impact communities that are working to make their communities safer, fully funding Project Impact is the least we can do.

ADDITIONAL STATEMENTS

ONE OF DELAWARE AND THE NATION'S FINEST

• Mr. BIDEN. Mr. President, Delaware, officially called ''the First State'' is sometimes called, ''the Diamond State'' and ''the Small Wonder'' because of the amazing quality Delawareans bring and have brought to this Nation. One of the gems in the Diamond State is a company hidden near the center in the small town of Frederica, DE. That company is ''ILC Dover.'' ILC is best known as the sole designer, developer, and manufacturer of the Apollo and Shuttle Space Suits.

The man who has outfitted America's astronauts for 40 years and helped make manned space flight possible—serving the past 17 years as president and general manager of ILC—is retiring. Homer Reihm, better known to his friends and co-workers as ''Sonny,'' is a local legend. It was Sonny Reihm who was ILC's program manager for the Apollo program on July 20, 1969, when Neil Armstrong wore ILC's space suit on the Moon.

ILC has continued to be true to its space heritage by making the suits worn by astronauts in the Shuttle and Space Station missions. As America has gone further into space, so has ILC, most recently by producing the Pathfinder Airbags that landed on Mars on July 4, 1997. In 1998, in recognition of ILC's history of excellence in the service of America's space missions, Sonny Reihm accepted NASA's top quality award—known as the George Low award—honoring ILC's 100 percent mission success in planetary and space environments.

While Mr. Reihm's career has paralleled the NASA space program, under his leadership ILC has gone much farther to produce important advances for the military including the M–40 series protective masks used by our soldiers since the end of Desert Storm, the Demilitarized Protective Ensemble, Aircrew protective mask systems, collective protection Chem-Bio shelters, and lighter-than-air Aerostats used for monitoring and detection. ILC has leveraged these initiatives into commercial applications of protective suits, flexible containment devices for the Pharmaceutical industry, and advertising airships like the blimps seen so often at ball games.

Sonny Reihm is a Delawarean through and through. He was born and raised on a farm in the Middletown/Odessa/Townsend area of Delaware. He graduated from the University of Delaware in 1960. Upon graduation, he joined ILC as a project engineer when ILC was bidding on the Apollo program. After leading the effort to successfully field the Apollo Space Suit, Mr. Reihm became the general manager of ILC in 1975. His mandate was to diversify the company to survive the post-Apollo mission, while still holding true to ILC's tradition of serving America with its unique technical knowledge. Almost ten years later, in 1984, after meeting the diversification challenge, Sonny became President and general manager of ILC. From 1975 to today, he helped build ILC from a 25-employee corporation, to a major business player in our State and Nation. With 450 employees today, ILC continues to provide needed innovations for NASA, for the military, and for other American businesses.

As outstanding as it has been, Sonny Reihm's business success is only one portion of his larger commitment to public service. He has served local and national communities throughout his life through his involvement in the University of Delaware Board of Trustees, the Delaware Manufacturing Association, the National Defense Industrial Association, the Soldier Biological Chemical Command Acquisition Reform Initiatives, the USO in Delaware, and the United Way.

On a more personal note, I am proud to call Sonny and his wife Nancy dear friends. After his long, prodigious—indeed astronomic—career, Sonny has earned many years of enjoyment in his retirement with his wife, two daughters and grandchildren. He exemplifies the commitment to excellence and the national good that make Delaware the Small Wonder and keep this Nation strong. It is my honor today to salute him and his many years of business and community service.•

THE ELEVENTH ANNUAL NATIONAL SPORTSMANSHIP DAY

• Mr. CHAFEE. Mr. President, today is the 11th annual National Sportsmanship Day, a day designated to promote ethics, integrity, and character in athletics. I am pleased to say that National Sportsmanship Day was a creation of Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island. Participation this

year will include more than 12,000 schools in all 50 States and more than 101 countries.

This year, organizers of the National Sportsmanship Day aim to promote appreciation for the critical role of ethics and fair play in athletics, and indeed, in society in general, through student-athlete outreach programs. I believe this mission is of critical importance, and I commend the athletes, coaches, journalists, students, and educators who are engaged in today's activities.

As part of the day's celebration, the Institute selects Sports Ethics Fellows who have demonstrated ''highly ethical behavior in athletics and society.'' This year, the Institute will honor such renowned athletes as Mia Hamm, member of the U.S. national soccer team and Washington Freedom of the Women's United Soccer Association; Sergei Fedorov, three-time All-Star with the Detroit Red Wings; and Lenny Krayzelburg, three-time gold medal U.S. Olympic swimmer. Grant Hill, a past Sports Ethics Fellow and five-time All-Star with the Orlando Magic, will talk about the importance of fair play both on and off the court to approximately 700 students at Rolling Hills elementary School in Orlando, FL.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

If all those activities were not enough, the Institute has begun another avenue to promote understanding and good character for youngsters. A program called ''The No Swear Zone'' was instituted in 1998 to encourage teams and coaches to sign a pledge to stop the use of profanity in sports and everyday life.

I remain very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who are participating in the events of this inspiring day. Likewise, I congratulate all of those at the University of Rhode Island's Institute for International Sport, whose hard work and dedication over the last eleven years have made this program so successful.●

NATIONAL SPORTSMANSHIP DAY—MARCH 6, 2001

● Mr. REED. Mr. President, today is the 11th Annual National Sportsmanship Day, which is a unique program that champions sportsmanship and enhances student leadership and academic skills. The object of the 2001 National Sportsmanship Day is to promote appreciation for the critical role of ethics and honesty in athletics and society through student-athlete outreach programs, writing and art contests, coaches' forums and other activities aimed at furthering the principles of sportsmanship.

National Sportsmanship Day was founded at the University of Rhode Island in 1991. Today, more than 12,000 elementary, middle, and high schools, as well as colleges and universities in all 50 States and over 100 countries will participate in the events planned to help instill in young people the importance of playing fair and the value of hard work and discipline. The Institute of Sport is also proud that National Sportsmanship Day will be webcast over the Internet. Through online interaction with featured guests, exclusive interviews, and sportsmanship polls, this event will harness the power and expanse of the World Wide Web to reach students and supporters here and around the world.

The organizers of National Sportsmanship Day have gathered some of the best of our nation's sportsmen and women to serve as 2001 Sports Ethics Fellows. By sharing their remarkable accomplishments athletes Grant Hill of the Orlando Magic, soccer great Mia Hamm, Sergei Fedorov of the Detroit Red Wings, and 2000 Olympic Gold Medalist Lenny Krayzelburg, among others, will help encourage young athletes to strive and succeed by the rules of fair play. And in so doing, these gifted athletic heroes will inspire today's athletes to impart on future athletes the lessons of good sportsmanship.

Also part of this event and in its third year is a program called ''The No Swear Zone,'' which is a pledge that can be signed by athletes and coaches to stop the use of profanity in sports and everyday life. Further, in conjunction with National Sportsmanship Day, the Institute for International Sport will launch the Center for Sports Parenting. This online center will provide an interactive service where parents, coaches, educators, and team officials involved in youth sports can seek guidance on youth sports. Indeed, it is equally important for adults involved in youth athletics to teach and lead in the spirit of sportsmanship.

Sportsmanship needs to be taught to each successive generation, and I commend the Institute of Sport and all this year's participants for making sure that this valuable life lesson continues to lead the way on and off the field.●

IN HONOR OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS 2001 STATE HONOREES FOR PENNSYLVANIA

● Mr. SANTORUM. Mr. President, I stand before you today to recognize two outstanding students from the great Commonwealth of Pennsylvania. Ms. Lindsay Stewart of Windber and Mr. Alexander Gates of Palmyra have just been named State Honorees in The 2001 Prudential Spirit of Community Awards program. This program honors one high school student and one middle-level student in each state for outstanding acts of volunteerism. They were selected from nearly 23,000 who were considered for this year's program.

Ms. Stewart was nominated by Forest Hills High School where she is a senior, for her creation of the ''Humanitarian Club.'' This club is dedicated to providing information about chemical brain disorders, and promoting tolerance of understanding of individuals who suffer from them. Inspired by an aunt afflicted with schizophrenia, Lindsay wanted to educate others about mental illnesses. During the past three years of her program, more than 300 people have experienced and learned from Lindsay's Humanitarian Club programs.

Mr. Gates is an eighth grader at Palmyra Area Middle School, where he led an effort to erect a monument commemorating Palmyra-area veterans who were killed in wartime military service. Alexander's design included a six-foot obelisk inspired by his grandfather, who is a World War II veteran. He raised $8,250 to build the monument by selling granite bricks that would be inscribed with contributors' names and placed around the base of the memorial. Alexander included an inscription on the obelisk that reads, ''This monument honors the spirit of self-sacrifice which is necessary for the survival of a community. It honors those members of the community who paid the ultimate price so we can live in a free and just country.''

I enthusiastically applaud Ms. Stewart and Mr. Gates for their initiative in seeking to make our communities better places to live, and for the positive impact they have had on the lives of others. It is at times like these, when I am given the opportunity to see the young people of our great nation make such a substantial difference, that I am so proud to be an American. Lindsay and Alexander have displayed great maturity, leadership, and most importantly, patriotism. With young people like them growing as leaders in our communities, we can be assured that the future of the United States is very bright. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly to the Committees on Appropriations and Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 6, 2001*.

REPORT ON THE 2001 TRADE POLICY AGENDA AND THE 2000 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly to the Committees on Appropriations and Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C 2213), I transmit herewith the 2001 Trade Policy Agenda and 2000 Annual Report on the Trade Agreements Program.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 6, 2001*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–908. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plan; Allocation of Assets in Single-Employer Plan; Interest Assumptions for Valuing and Paying Benefits'' received on March 1, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–909. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, ''Electronic Funds Transfers'' (Docket No. R–1077) received on March 2, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–910. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application Processing'' (RIN1550–AB14) received on March 2, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–911. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''T.D. 8944: Grouping Rule for Foreign Sales Corporation Transfer Pricing'' (RIN1545–AX41) received on March 2, 2001; to the Committee on Finance.

EC–912. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to the State of Colorado'' (FRL6951–1) received on March 2, 2001; to the Committee on Environment and Public Works.

EC–913. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the California Red-Legged Frog'' (RIN1018–AG32) received on March 2, 2001; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–2. A petition from a citizen from the Commonwealth of Virginia concerning the Redress of Grievance; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. BIDEN, Ms. SNOWE, Mr. BAYH, and Mr. SMITH of Oregon):

S. 458. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes; to the Committee on Finance.

By Mr. BUNNING (for himself and Mr. BREAUX):

S. 459. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Finance.

By Mr. WELLSTONE:

S. 460. A bill to provide for fairness and accuracy in high stakes educational decisions for students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST:

S. 461. A bill to support educational partnerships, focusing on mathematics, science, and technology, between institutions of higher education and elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 462. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. FEINGOLD):

S. 463. A bill to provide for increased access to HIV/AIDS-related treatments and services in developing foreign countries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself and Mrs. CLINTON):

S. 464. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers; to the Committee on Finance.

By Mr. ALLARD:

S. 465. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Ms. COLLINS, Mrs. MURRAY, Ms. SNOWE, and Mr. REED):

S. 466. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 467. A bill to provide grants for States to adopt the Federal write-in absentee ballot and to amend the Uniformed and Overseas Citizens Absentee Voting Act to require uniform treatment by States of Federal write-in absentee ballots; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN:

S. 468. A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the ''James C. Corman Federal Building''; to the Committee on Environment and Public Works.

By Mr. EDWARDS:

S. 469. A bill to provide assistance to States for the purpose of improving schools through the use of Assistance Teams; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 470. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. WELLSTONE, Mrs. CLINTON, and Mr. DODD):

S. 471. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN:

S. Res. 44. A resolution designating each of March 2001, and March 2002, as ''Arts Education Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 154

At the request of Mr. SHELBY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 154, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and elections for public office, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 250

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 255

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 295

At the request of Mr. KERRY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 295, a bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 306

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 306, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 319

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 319, a bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity .

S. 350

At the request of Mr. CHAFEE, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Tennessee (Mr. FRIST), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Colorado (Mr. ALLARD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 361

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 361, a bill to establish age limitations for airmen.

S. 411

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 411, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 414

At the request of Mr. CLELAND, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 420

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 420, an original bill to amend title II, United States Code, and for other purposes.

S. 457

At the request of Ms. SNOWE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nevada (Mr. REID), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 457, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S.J. RES. 6

At the request of Mr. ROBERTS, his name was added as a cosponsor of S.J. Res. 6, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics.

At the request of Mr. BUNNING, his name was added as a cosponsor of S.J. Res. 6, supra.

S. RES. 16

At the request of Mr. THURMOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

S. RES. 43

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 43, a resolution expressing the sense of the Senate that the President should designate the week of March 18 through March 24, 2001, as ''National Inhalants and Poisons Awareness Week.''

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 460. A bill to provide for fairness and accuracy in high stakes educational decisions for students; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, today I am reintroducing a bill I introduced last year that addresses high stakes testing: the practice of using a test as the sole determinant of whether a student will be graduated, promoted or placed in different ability groupings. I am increasingly concerned that high stakes tests are being grossly abused in the name of greater accountability,

and almost always to the serious detriment of our children.

Testing is necessary and beneficial. We should require it. But, allowing the continued misuse of high-stakes tests is, in itself, a gross failure of imagination, a failure both of educators and of policymakers, who persistently refuse to provide the educational resources necessary to guarantee an equally rich educational experience for all our children. That all citizens will be given an equal start through a sound education is one of the most basic, promised rights of our democracy. Our chronic refusal as a nation to guarantee that right for all children, including poor children, is a national disgrace.

This legislation would stem the growing trend of misusing high stakes tests. The legislation would require that states and districts use multiple indicators of student achievement in addition to standardized tests if they are going to use tests as part of a high stakes decision. The legislation would also require that if tests are used, they must be valid and reliable for the purposes for which they are used; must measure what the student was taught; and must provide appropriate accommodations for students with limited English proficiency and disabilities.

It is important to note that the American Psychological Association, the group entrusted with developing the standards for educational testing, has endorsed this legislation. Like many Americans who care deeply that our students are assessed appropriately, they feel that it is crucial for us to stem a tide that it becoming increasingly problematic.

I would like to explain exactly why this bill would be so important and why I seek your support for it. I am struck by National Education Association President Bob Chase's comparison of this trend toward high stakes testing to the movie, ''Field of Dreams.'' In my view, it is as though people are saying, ''If we test them, they will perform.'' In too many places, testing, which is a critical part of systemic educational accountability, has ceased its purpose of measuring educational and school improvement and has become synonymous with it.

Making students accountable for test scores works well on a bumper sticker, and it allows many politicians to look good by saying that they will not tolerate failure. But it represents a hollow promise. Far from improving education, high stakes testing marks a major retreat from fairness, from accuracy, from quality and from equity.

When used correctly, standardized tests are critical for diagnosing inequality and for identifying where we need improvement. They enable us to measure achievement across groups of students so that we can help ensure that states and districts are held accountable for improving the achievement of all students regardless of race, income, gender, limited English proficiency or disability. Tests are a critical tool, but they are not a panacea.

The abuse of tests for high stakes purposes has subverted the benefits tests can bring. Using a single standardized test as the sole determinant for promotion, tracking, ability grouping and graduation is not fair and has not fostered greater equality or opportunity for students. First, standardized tests can not sufficiently validly or reliably assess what students know to make high stakes decisions about them.

The 1999 National Research Council report, ''High Stakes,'' concludes that ''no single test score can be considered a definitive measure of a student's knowledge,'' and that ''an educational decision that will have a major impact on a test taker should not be made solely or automatically on the basis of a single test score.''

The ''Standards for Educational and Psychological Testing,'' 1999 Edition, which has served as the standard for test developers and users for decades, asserts that: ''In educational settings, a decision or a characterization that will have a major impact on a student should not be made on the basis of a single test score.''

Even test publishers, including Harcourt Brace, CTB McGraw Hill, Riverside and ETS, consistently warn against this practice. For example, Riverside Publishing asserts in the ''Interpretive Guide for School Administrators'' for the Iowa Test of Basic Skills, ''Many of the common misuses, of standardized tests, stem from depending on a single test score to make a decision about a student or class of students.''

CTB McGraw Hill writes that ''A variety of tests, or multiple measures, is necessary to tell educators what students know and can do . . . the multiple measures approach to assessment is the keystone to valid, reliable, fair information about student achievement.''

There are many reasons tests cannot be relied upon as the sole determinant in making high stakes decisions about students. The National Research Council describes how these tests can be unreliable. The Council concludes that ''a student's test score can be expected to vary across different versions of a test, . . . as a function of the particular sample questions asked and/or transitory factors, such as the student's health on the day of the test. Thus, no single test score can be considered a definitive measure of a student's knowledge.''

The research of David Rogosa at Stanford University shows how test scores are not valid, in isolation, to make judgements about individual achievement. His study of California's Stanford 9 National Percentile Rank Scores for individual students showed that the chances that a student whose true score is in the 50th percentile will receive a reported score that is within 5 percentage points of his true score are only 30 percent in reading and 42 percent on ninth grade math tests.

Rogosa also showed that on the Stanford 9 test ''the chances, . . . that two students with identical ''real achievement'' will score more than 10 percentile points apart on the same test'' is 57 percent for 9th graders and 42 percent on the fourth grade reading test. This margin of error shows why it would not be fair to use a cut-score in making a high stakes decision about a child.

Robert Rayborn, who directs Harcourt's Stanford 9 program in California reenforced these findings when asked about the Stanford 9. He said, ''They should never make high-stakes individual decisions with a single measure of any kind,'' including the Stanford 9.

Politicians and policy makers who continue to push for high stakes tests and educators who continue to use them in the face of this knowledge have closed their eyes to clearly set professional and scientific standards. They demand responsibility and high standards of students and schools while they let themselves get away with defying the most basic standards of the education profession.

It would be irresponsible if a parent or a teacher used a manufactured product on children in a way that the manufacturer says is unsafe. Why do we then honor and declare ''accountable'' policy makers and politicians who use tests on children in a way that the test manufacturers have said is effectively unsafe?

Many of my colleagues will remember how 8,600 students in New York City were mistakenly held in summer school because their tests were graded incorrectly or how 54 students in Minnesota were denied their diplomas because of a test scoring error.

When we talk about responsibility, what could be more irresponsible than using an invalid or unreliable measure as the sole determinant of something so important as high school graduation or in-school promotion?

It has been clearly established through research that high stakes tests for individual students, when used in isolation, are fatally flawed. I would, however, also like to address a general issue that this bill does not address directly, but that I think is really what all of this is about in the end. The trend towards high stakes testing represents a harsh agenda that holds children responsible for our own failure to invest in their future and in their achievement. I firmly believe that it is grossly unfair, for example, to hold back a student based on a standardized test if that student has not had the

tools required to learn the material covered on the test. When we impose high stakes tests on an educational system where there are, as Jonathan Kozol says, ''savage inequalities,'' and then we do nothing to address the underlying causes of those inequalities, we set up children to fail.

People talk about using tests to motivate students to do well and using tests to ensure that we close the achievement gap. This kind of talk is unfair because it tells only part of the story. We cannot close the achievement gap until we close the gap in investment between poor and rich schools no matter how ''motivated'' some students are. We know what these key investments are: quality teaching, parental involvement, and early childhood education, to name just a few.

But instead of doing what we know will work, and instead of taking responsibility as policy makers to invest in improving students' lives, we place the responsibility squarely on children. It is simply negligent to force children to pass a test and expect that the poorest children, who face every disadvantage, will be able to do as well as those who have every advantage.

When we do this, we hold children responsible for our own inaction and unwillingness to live up to our own promises and our own obligations. We confuse their failure with our own. This is a harsh agenda indeed, for America's children.

All of us in politics like to get our picture taken with children. We never miss a ''photo op.'' We all like to say that ''children are our future.'' We are all for children until it comes time to make the investment. Too often, despite the talk, when it comes to making the investment in the lives of our children, we come up a dollar short.

Noted civil rights activist Fannie Lou Hamer used to say, ''I'm sick and tired of being sick and tired.'' Well I'm sick and tired of symbolic politics. When we say we are for children, we ought to be committed to invest in the health, skills and intellect of our children. We are not going to achieve our goals on a tin cup budget. Unless we make a real commitment and fully fund key programs like Head Start, Title I and IDEA, and unless we put our money where our mouth is, children will continue to fail.

We must never stop demanding that children do their best. We must never stop holding schools accountable. Measures of student performance can include standardized tests, but only when coupled with other measures of achievement, more substantive education reforms and a much fuller, sustained investment in schools.

By Mr. FRIST:

S. 461. A bill to support educational partnerships, focusing on mathematics, science, and technology, between institutions of higher education and elementary schools and secondary schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce the Math and Science Education Partnership Act. This bill will encourage States, institutions of higher education, elementary schools and secondary schools to work together to improve the math and science teaching as a profession.

The purpose of this act is many fold. Through partnering schools with higher education institutions, the bill proposes to encourage institutions of higher education to assume greater responsibility for improving math and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers. Such partnerships will bring together math and science teachers in elementary schools and secondary schools with scientists, mathematicians, and engineers to increase teacher content knowledge and improve teaching skills through the use of more sophisticated laboratory space and equipment, computing facilities, libraries and other resources that colleges and universities are more able to provide.

The bill authorizes the Secretary of the Department of Education to award competitive grants to eligible partnerships for a period of 5 years. The partnerships will include a state, a math or science department of an institution of higher education, and a local school district. A priority will be given to those districts with a high poverty rate and a high number of teachers teaching out of their subject area.

A partnership may use the grant funds to develop more rigorous mathematics and science curricula based on standards, to recruit math and science majors to teaching through bonuses, stipends for alternative certification and scholarships, and to establish math and science summer workshops for teachers. Each eligible partnership receiving a grant under this Act must develop an evaluation and accountability plan that includes the following objectives and measures: improved student performance on state math and science assessments or on the Third International Math and Science Study assessment; increased participation by students in advanced courses in math and science; increased percentages of secondary school classes in math and science taught by teachers with majors in math and science; increased numbers of math and science teachers who participate in content-based professional development activities; and passing rates of students in advanced courses in math and science.

Each partnership will be required to report the progress made toward these objectives to the Secretary annually. The Secretary will then determine whether or not the partnership is making substantial progress in meeting its goals. I urge my fellow colleagues to cosponsor the Math and Science Education Partnership Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 461

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 ''Mathematics and Science Education Partnership and Teacher Recruitment Act of 2001''.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

(1) upgrade the status and stature of math and science teaching as a profession by encouraging institutions of higher education to assume greater responsibility for improving math and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

(2) focus on education of math and science teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

(3) bring together elementary school and secondary school math and science teachers with scientists, mathematicians, and engineers to increase teacher content knowledge and improve teaching skills through the use of more sophisticated laboratory space and equipment, computing facilities, libraries, and other resources that colleges and universities are more able to provide; and

(4) develop more rigorous mathematics and science curricula that are aligned and intended to prepare students for postsecondary study in mathematics and science.

SEC. 3. DEFINITIONS.

(a) INCORPORATION OF GENERAL DEFINITIONS.—The provisions of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) shall apply for purposes of this Act in the same manner as they apply for purposes of the Elementary and Secondary Education Act of 1965.

(b) OTHER DEFINITIONS.—In this Act:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership that—

(A) shall include—

(i) a State educational agency;

(ii) a mathematics or science department of an institution of higher education; and

(iii) a local educational agency; and

(B) may include—

(i) another institution of higher education or the teacher training department of such institution;

(ii) another local educational agency, or an elementary school or secondary school;

(iii) a business; or

(iv) a nonprofit organization of demonstrated effectiveness, including a museum.

(2) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term ''high need local educational agency'' has the meaning given the term in section 201(b) of the Higher Education Act of 1965 (20 U.S.C. 1021(b)).

(3) SUMMER WORKSHOP OR INSTITUTE.—The term ''summer workshop or institute'' means a workshop or institute conducted outside of the academic year that—

(A) is conducted during a period of a minimum of 2 weeks;

(B) provides for direct interaction between students and faculty; and

(C) provides for followup training in the classroom during the academic year for a period of a minimum of 3 days, which shall not be required to be consecutive, except that—

(i) if the program at the summer workshop or institute is for a period of only 2 weeks, the followup training shall be for a period of more than 3 days; and

(ii) for teachers in rural school districts, followup training through the Internet may be used.

SEC. 4. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in section 6.

(b) DURATION.—The Secretary shall award grants under this section for periods of 5 years.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the costs of the activities assisted under this Act shall be—

(A) 75 percent of the costs for the first year an eligible partnership receives a grant payment under this Act;

(B) 65 percent of the costs for the second such year; and

(C) 50 percent of the costs for each of the third, fourth, and fifth such years.

(2) NON-FEDERAL SHARE.—The non-Federal share of the costs of activities assisted under this Act may be provided in cash or in kind, fairly evaluated.

SEC. 5. APPLICATION.

(a) IN GENERAL.—Each eligible partnership desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—Each such application shall include—

(1) an assessment of the teacher quality and professional development needs of all the entities participating in the eligible partnership with respect to the teaching and learning of mathematics and science, including a statement as to whether the eligible partnership includes a high need local educational agency;

(2) a description of how the activities to be carried out by the eligible partnership will be aligned with State and local standards and with other educational reform activities that promote student achievement in mathematics and science;

(3) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of mathematics and science instruction; and

(4) a description of—

(A) how the eligible partnership will carry out the authorized activities described in section 6; and

(B) the eligible partnership's evaluation and accountability plan described in section 7.

(c) PRIORITY.—The Secretary shall give priority to any application submitted by an eligible partnership that includes a high need local educational agency.

SEC. 6. AUTHORIZED ACTIVITIES.

An eligible partnership shall use the grant funds provided under this Act for 1 or more of the following activities related to elementary schools or secondary schools:

(1) Developing or redesigning more rigorous mathematics and science curricula that are aligned and intended to foster college placement and preparation for postsecondary study in mathematics and science.

(2) Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of mathematics and science teachers.

(3) Recruiting mathematics and science majors to the teaching profession through the use of—

(A) signing bonuses and performance bonuses for mathematics and science teachers;

(B) stipends for mathematics teachers and science teachers for certification through alternative routes;

(C) scholarships for teachers to pursue advanced course work in mathematics and science;

(D) scholarships for students with academic majors in mathematics and science; and

(E) carrying out any other program that the State believes to be effective in recruiting individuals with strong mathematics or science backgrounds into the teaching profession.

(4) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable research-based teaching methods into the curriculum.

(5) Establishing mathematics and science summer workshops or institutes and followup training for teachers, using curricula that are experiment-oriented, content-based, and grounded in current research.

(6) Establishing web-based instructional materials for mathematics and science teachers using curricula that are, experiment-oriented, content-based, and grounded in current research.

(7) Designing programs to prepare a teacher to provide professional development instruction to other teachers within the participating teacher's school.

(8) Designing programs to bring teachers into contact with working scientists, mathematicians, and engineers to increase teachers' content knowledge and enhance teachers' instructional techniques.

(9) Designing programs focusing on changing behaviors and practices of teachers to assist novice teachers in developing confidence in their skills to increase the likelihood that such novice teachers will continue in the teaching profession, and to generally improve the quality of teaching.

SEC. 7. EVALUATION AND ACCOUNTABILITY PLAN.

Each eligible partnership receiving a grant under this Act shall develop an evaluation and accountability plan for activities assisted under this Act that includes strong performance objectives. The plan shall include objectives and measures for—

(1) improved student performance on State mathematics and science assessments or on the Third International Math and Science Study assessment;

(2) increased participation by students in advanced courses in mathematics and science;

(3) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively;

(4) increased numbers of mathematics and science teachers who participate in content-based professional development activities; and

(5) increased passing rates of students in advanced courses in mathematics and science.

SEC. 8. REPORT; REVOCATION OF GRANT.

(a) REPORT.—Each eligible partnership receiving a grant under this Act shall report annually to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in section 7.

(b) REVOCATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in section 7 by the end of the third year of a grant under this Act, then the grant payments shall not be made for the fourth and fifth year of the grant.

SEC. 9. CONSULTATION WITH NATIONAL SCIENCE FOUNDATION.

In carrying out the activities authorized by this Act, the Secretary shall consult and coordinate with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops or institutes provided by the mathematics and science partnerships to improve mathematics and science teaching in the elementary schools and secondary schools.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

By Mr. KYL:

S. 462. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Finance.

Mr. KYL. Mr. President, I rise today to introduce legislation that will provide new educational options to the students who need those options the most.

While many Americans are satisfied with the public schools available to their children, we know that there are also many who are not, and with good reason.

In large urban school districts, a majority of students drop out before high school graduation. Nearly 70 percent are unable to read at the so-called ''basic'' level. And all too frequently, violence and entrenched mediocrity create a climate where learning is actually discouraged.

No wonder caring parents in such circumstances want alternatives.

We have seen compelling evidence of the pent-up demand for different options when private organizations have invited low-income parents to apply for partial scholarships that could be used at a non-public school.

Usually, these private scholarship programs are structured in such a way that, to be eligible for an award, a low-income family must agree to contribute a significant portion of the total tuition bill.

The results are striking: In 1997, two distinguished business leaders, Ted Forstmann and John Walton invited applications for one thousand partial tuition scholarships from families here in the District of Columbia. Nearly eight thousand applications were received.

In 1998, they formed an organization called the Children's Scholarship Fund to apply the idea on a national basis. They planned to offer 40,000 scholarships. 1.25 million applications were received.

No less impressive than the numbers are the testimonials offered by parents who have been pleading for better options.

One mother said the following about her experience: ''We would not be able to afford this without your help. Our daughter is really excited to be learning spelling and grammar, which was not being taught in public school. She's an aspiring writer and thinks this is great. My son has autism, and his new school had more services in place for him on the first day of school, without me even asking, than we've been able to pull out of the public school in six years! They both love their new schools and are doing well.''

Here's another mother's testimony: I am so excited that my son has been chosen to receive a scholarship . . . One evening I sat on my bed and cried because I really wanted him to attend a private school but I know that I cannot afford all of the tuition. Therefore your scholarship fund was my only hope.''

Yet another mother wrote, ''I cannot begin to tell you how grateful I am for this opportunity to send my children to a private school. As a low-income mother of four wonderful children with great potential, I would not be able to provide this chance for them without your help.

This particular mother goes on to say, ''I have chosen,'' I cannot put enough stress on that word, ''chosen a school that will help nurture the seeds of greatness in them. I am sure that with this opportunity to succeed, my children will be successful and contribute greatly to society in the future.''

Mr. President, in 1997, leaders in my state settled on a plan to help the private sector to satisfy that vast unmet demand for options. They instituted a state tax credit that allows Arizona residents to claim a dollar-for-dollar income tax credit for donations to school tuition organizations, like the Children's Scholarship Fund.

Thanks to that program, 4,000 Arizona students, nearly all of them from disadvantaged backgrounds, have received scholarship assistance that has made it possible for them to enroll in a school of their choice. The number of school tuition organizations operating in the state has shot up from 2 to 33.

The legislation I am introducing today would extend this Arizona idea nation-wide, and I am pleased that my Arizona colleague, Congressman JOHN SHADEGG, will introduce this legislation this week in the House of Representatives.

By way of tribute to President Bush's more comprehensive education proposal, I have given this bill the title, ''The Leave No Child Behind Tax Credit Act of 2001.''

The Leave No Child Behind Tax Credit Act would allow a family or business to claim a $250 tax credit for donations to qualified school tuition organizations. To qualify for that designation, an organization would have to devote at least 90 percent of its annual income to offering grants and scholarships for parents to use to send their children to the school of their choice.

Scholarships awarded by such organizations could be used to offset tuition costs at a private school, or to pay the tuition costs families in most states must pay to enroll a child in a public school across district boundaries.

This measure would move us toward an education policy that recognizes the vital importance of parental choice.

It also recognizes and encourages the efforts that have been undertaken by public-spirited private citizens to find non-governmental solutions to the serious challenge of improving education in our country. These activists embody the vision set forth by President Bush in his inaugural address, the vision of responsible citizens building communities of service and a nation of character.

Moreover, when parents are able to decide for themselves how to go about securing one of life's most vital goods, namely, education for their children, rather than having such decisions made for them by a bureaucracy, they become, in President Bush's memorable terms, citizens, not subjects.

I believe that this legislation will help them to do that, and I am very pleased to introduce it today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 462

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 ''Leave No Child Behind Tax Credit Act of 2001''.

SEC. 2. CREDIT FOR CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS WHICH PROVIDE SCHOLARSHIPS FOR STUDENTS ATTENDING ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 30B. CREDIT FOR CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS WHICH PROVIDE SCHOLARSHIPS FOR STUDENTS ATTENDING ELEMENTARY AND SECONDARY SCHOOLS.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions of the taxpayer for the taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $250 ($500, in the case of a joint return).

''(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the amount allowable as a deduction under section 170 (determined without regard to subsection (d)(1)) for cash contributions to a school tuition organization.

''(2) SCHOOL TUITION ORGANIZATION.—

''(A) IN GENERAL.—The term 'school tuition organization' means any organization described in section 170(c)(2) if the annual disbursements of the organization for elementary and secondary school scholarships are normally not less than 90 percent of the sum of such organization's annual gross income and contributions and gifts.

''(B) ELEMENTARY AND SECONDARY SCHOOL SCHOLARSHIP.—The term 'elementary and secondary school scholarship' means any scholarship excludable from gross income under section 117 for expenses related to education at or below the 12th grade.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(3) CONTROLLED GROUPS.—All persons who are treated as one employer under subsection (a) or (b) of section 52 shall be treated as 1 taxpayer for purposes of this section.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 30B. Credit for contributions to charitable organizations which provide scholarships for students attending elementary and secondary schools.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

By Mrs. FEINSTEIN (for herself and Mr. FEINGOLD):

S. 463. A bill to provide for increased access to HIV/AIDS-related treatments and services in developing foreign countries; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, since the beginning of the AIDS epidemic, more than 17 million people in sub-Saharan Africa, one half the population of California, have died from AIDS.

To begin to address this catastrophe, Senator FEINGOLD and I introduced an Amendment to the Africa Growth and Opportunity Act that would have helped ensure access to generic AIDS drugs for nations in sub-Saharan Africa ravaged by the HIV/AIDS pandemic.

Despite the fact that this amendment was approved by the Senate, it was stricken from the final Africa Trade Conference Report.

Subsequently, the Clinton Administration issued an Executive Order that ensured that the countries of sub-Saharan Africa could provide their people with affordable HIV/AIDS drugs.

And, two weeks ago, I am pleased to note, the Bush Administration indicated that it would not seek to overturn this Executive Order.

Now, Senator FEINGOLD and I have developed the ''Global Access to AIDS Treatment Act of 2001'' which, among other provisions: Codifies the Executive Order into law; Directs that the law must apply to the 48 nations of sub-Saharan Africa; and expands the scope of the law to cover all developing nations facing a catastrophic AIDS crisis.

Unless the United States takes a leadership role in recognizing, as does the WTO TRIPS agreement, that there is a moral obligation to put people over profits, the human devastation and social instability that has already begun in countries facing an AIDS crisis will grow to unfathomable levels.

Until recently, many people have been unaware of the depth of the global loss being caused by this epidemic.

The HIV virus has infected over 36 million people worldwide, with over 95 percent of those infected living outside of the United States.

Over 21.8 million people have died from HIV/AIDS world-wide since the beginning of the epidemic, 3 million in 2000 alone.

In sub-Saharan Africa, where 70 percent of all deaths from HIV/AIDS have occurred, 17 million people, as I said before, have died from HIV/AIDS since the epidemic began, and 2.4 million in the year 2000.

To address this pandemic, Senator FEINGOLD and I have developed legislation to address the crisis. This legislation does the following:

First, this legislation directs the U.S. Government to refrain from seeking the revision of any law, imposed by a government of a developing nation facing an AIDS crisis, that promotes access to HIV/AIDS pharmaceuticals and medical technologies.

This will ensure that HIV/AIDS drugs are more affordable and more available to those most in need.

Second, this legislation authorizes $25 million a year for programs to develop and strengthen health care infrastructure in developing countries.

Third, the legislation calls upon the World Health Organization and UNAIDS to take the lead in organizing efficient procurement of compulsory licenses of pharmaceutical patents, active ingredients of drugs, and finished medications for countries that require this assistance.

Fourth, this legislation calls on the National Institutes of Health, NIH, and the Centers for Disease Control and Prevention, CDC, to work with developing countries and international service providers to develop best practices for delivering pharmaceuticals to those who need them.

Fifth, this legislation requires the Food and Drug Administration, FDA, and NIH to develop and maintain a database for information on drugs, patent status, and treatment protocols to assist health-care providers from around the globe in providing the best care possible to all patients.

And finally, this legislation provides $1 million a year to encourage American physicians, nurses, physician assistants, nurse practitioners, public health workers, pharmacists, and other health professionals to provide HIV/AIDS care and treatment in developing countries.

This legislation will allow countries facing an HIV/AIDS crisis to better determine the availability of HIV/AIDS pharmaceuticals in their countries, and provide their people with affordable HIV/AIDS drugs.

It is clearly in the national interest of the United States to prevent the further spread of HIV/AIDS, and I believe that this legislation is necessary to continue to assist the countries of the developing world to bring this deadly disease under control.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 463

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 ''Global Access to AIDS Treatment Act of 2001''.

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the HIV/AIDS pandemic began, it has claimed 21,800,000 lives.

(2) Over 17,000,000 men, women, and children, have died due to AIDS in sub-Saharan Africa alone.

(3) Over 36,000,000 people are infected with the HIV virus today. Over 25,000,000 live in sub-Saharan Africa.

(4) By 2010, approximately 40,000,000 children worldwide will have lost one or both of their parents to HIV/AIDS.

(5) Access to effective treatment for HIV/AIDS is determined by issues of price, health system infrastructure, and sustainable financing.

(6) In January 2000, the National Intelligence Council released an intelligence estimate that framed the HIV/AIDS pandemic as a security threat, noting the relationship between the disease and political and economic instability.

(7) The overriding priority for responding to the HIV/AIDS crisis should be to emphasize and encourage prevention.

(8) An effective response to the HIV/AIDS pandemic must also involve assistance to stimulate the development of health service delivery infrastructure in affected States.

(9) An effective United States response to the HIV/AIDS crisis must also focus on the development of HIV/AIDS vaccines to prevent the spread of the disease.

(10) The innovative capacity of the United States in the commercial and public pharmaceutical research sectors is unmatched in the world, and the participation of both these sectors will be a critical element in any successful strategy to respond to the global HIV/AIDS crisis.

(b) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States that the United States will not seek, through negotiation or otherwise, the revocation or revision of intellectual property or competition laws or policies that regulate pharmaceuticals or medical technologies used to treat HIV/AIDS or the most common opportunistic infections that accompany HIV/AIDS in any foreign country undergoing an HIV/AIDS-related public health crisis if the laws or policies of that foreign country—

(1) promote access to the pharmaceuticals or medical technologies for affected populations; and

(2) provide intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in paragraph (15) of section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate—

(1) to encourage the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS) to carry out HIV/AIDS activities in foreign countries that are undergoing an HIV/AIDS-related public health crisis, including activities that are consistent with the policy described in section 2(b); and

(2) that the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS) should lead the international organization of the manufacture and distribution of pharmaceuticals or medical technologies for HIV/AIDS, including the global registration of products and the organization of the efficient procurement of compulsory licenses, active ingredients, and finished products for foreign countries that require such assistance.

SEC. 4. PARALLEL IMPORTING AND COMPULSORY LICENSING.

Section 182(d)(4) of the Trade Act of 1974 (19 U.S.C. 2242(d)(4)) is amended—

(1) by striking ''A foreign'' and inserting ''(A) Except as provided in subparagraph (A), a foreign''; and

(2) by adding at the end the following:

''(B)(i) With respect to a foreign country that is undergoing an HIV/AIDS-related public health crisis and that is propounding or implementing laws or policies that regulate pharmaceuticals or medical technologies used to treat HIV/AIDS, or the most common opportunistic infections that accompany HIV/AIDS, subparagraph (A) shall not apply

to such country with respect to such pharmaceuticals and technologies.

''(ii) With respect to a foreign country described in clause (i), if the laws or policies of that country promote access to the pharmaceuticals or medical technologies described in such clause for affected populations within the country or within other countries undergoing an HIV/AIDS-related public health crisis, compliance with the specific obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act shall be construed to provide adequate and effective protection of intellectual property rights for the purposes of this Act, and the President shall instruct the United States Trade Representative not to seek, through negotiation or otherwise, the revocation or revision of such laws or policies.''; and

''(C) For purposes of this paragraph, the term 'foreign country that is undergoing an HIV/AIDS-related public health crisis' means any of the 48 foreign countries of sub-Saharan Africa, and any additional country determined to be undergoing such a crisis by the President.''.

SEC. 5. DEVELOPMENT OF TREATMENT PROTOCOLS.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention shall, in collaboration with the entities described in subsection (b), conduct a needs-assessment and develop and implement simplified and adapted protocols for the delivery of HIV/AIDS treatments in the resource poor settings of the developing world.

(b) COLLABORATIVE ENTITIES.—The entities described in this subsection are—

(1) the Administrator of the United States Agency for International Development;

(2) developing foreign countries that face HIV/AIDS health care crises; and

(3) appropriate international organizations.

SEC. 6. HEALTH CARE INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the United States Agency for International Development, shall—

(1) develop and implement programs to strengthen and broaden health care systems infrastructure, and the capacity of health care systems in developing foreign countries to deliver HIV/AIDS pharmaceuticals;

(2) provide assistance to foreign countries that the Administrator determines are ready to implement anti-retro viral treatment programs with respect to HIV/AIDS; and

(3) provide assistance to improve access to medical education, including nursing education, in foreign countries that are severely affected by the HIV/AIDS virus.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for each fiscal year.

SEC. 7. INTERNATIONAL DATABASE OF HIV/AIDS PHARMACEUTICALS.

The Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, shall develop and maintain a database of HIV/AIDS pharmaceuticals. Such database shall include information about patent status, recommended protocols, price, and quality.

SEC. 8. LOAN FORGIVENESS PROGRAM FOR INTERNATIONAL HIV/PHARMACEUTICAL WORK.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

"PART G—INTERNATIONAL ASSISTANCE

"SEC. 2695. FOREIGN HIV/AIDS ASSISTANCE LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to be known as the Foreign HIV/AIDS Assistance Loan Repayment Program to encourage physicians, nurses, physician assistants, pharmacists, nurse practitioners, others trained in the field of public health, and other health professionals determined appropriate by the Secretary to provide HIV/AIDS treatment and care in developing foreign countries.

''(b) ELIGIBILITY.—To be eligible to participate in the Loan Repayment Program, an individual must—

''(1) have a degree in medicine, osteopathic medicine, or other health profession, or be registered or certified as a nurse or physician assistant; and

''(2) submit to the Secretary an application for a contract described in subsection (f) (relating to the payment by the Secretary of the educational loans of the individual in consideration of the individual serving for a period of obligated service).

''(c) APPLICATION, CONTRACT, AND INFORMATION REQUIREMENTS.—

''(1) SUMMARY AND INFORMATION.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

''(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual's breach of the contract; and

''(B) information respecting meeting a service obligation through private practice under an agreement under subsection (f) and such other information as may be necessary for the individual to understand the individual's prospective participation in the Loan Repayment Program.

''(2) UNDERSTANDABILITY.—The application form, contract form, and all other information furnished by the Secretary under this section shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

''(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

''(4) RECRUITMENT AND RETENTION.—

''(A) IN GENERAL.—The Secretary shall distribute to health professions schools materials providing information on the Loan Repayment Program and shall encourage the schools to disseminate the materials to the students of the schools.

''(B) RETENTION.—In the case of any health professional whose period of obligated service under the Loan Repayment Program is nearing completion, the Secretary shall encourage the individual to remain in a developing foreign country and to continue providing HIV/AIDS-related services.

''(d) CONSIDERATIONS WITH RESPECT TO CONTRACTS.—

''(1) IN GENERAL.—In providing contracts under the Loan Repayment Program—

''(A) the Secretary shall consider the extent of the demonstrated interest of the applicants for the contracts in providing HIV/AIDS-related services; and

''(B) may consider such other factors regarding the applicants as the Secretary determines to be relevant to selecting qualified individuals to participate in such Program, such as relevant HIV/AIDS-related or international health work or volunteer experiences.

''(2) PRIORITY.—In providing contracts under the Loan Repayment Program, the Secretary shall give priority—

''(A) to any application for such a contract submitted by an individual whose training is in a health profession or specialty determined by the Secretary to be needed; and

''(B) to any application for such a contract submitted by an individual who has (and whose spouse, if any, has) characteristics that increase the probability that the individual will continue to serve in a developing foreign country after the period of obligated service pursuant to subsection (f) is completed.

''(e) APPROVAL REQUIRED FOR PARTICIPATION.—An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).

''(f) CONTENTS OF CONTRACTS.—The written contract between the Secretary and an individual shall contain—

''(1) an agreement that—

''(A) subject to paragraph (3), the Secretary agrees to pay on behalf of the individual loans in accordance with subsection (g) or to defer payment on such loans; and

''(B) subject to paragraph (3), the individual agrees—

''(i) to accept loan payments on behalf of the individual or a deferment in payments; and

''(ii) to serve for a time period (hereinafter in this subpart referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, as a provider of HIV/AIDS-related health services in a developing foreign country;

''(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual;

''(3) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments or deferments under this section;

''(4) a statement of the damages to which the United States is entitled for the individual's breach of the contract; and

''(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

''(g) PAYMENTS OR DEFERMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the graduate education of the individual, or the deferment of repayments on such loans, which loans were made for—

''(A) tuition expenses;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

''(C) reasonable living expenses as determined by the Secretary.

''(2) PAYMENTS FOR YEARS SERVED.—

''(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay or defer up to $5,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay or defer for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

''(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

''(ii) provides an incentive to serve in a developing foreign country with the greatest such shortages; and

''(iii) provides an incentive with respect to the health professional involved remaining in a developing foreign country, and continuing to provide HIV/AIDS-related services, after the completion of the period of obligated service under the Loan Repayment Program.

''(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

''(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments or deferments under this subsection on behalf of an individual—

''(A) the Secretary shall, in addition to such payments, make payments to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved; and

''(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.

''(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments or deferments.

''(h) REPORTS.—Not later than March 1 of each year, the Secretary shall submit to the Congress a report providing, with respect to the preceding fiscal year—

''(1) the total amount of loan payments or deferments made under the Loan Repayment Program;

''(2) the number of applications filed under this section;

''(3) the number, and type of health profession training, of individuals receiving loan repayments or deferments under such Program;

''(4) the educational institution at which such individuals received their training;

''(5) the total amount of the indebtedness of such individuals for educational loans as of the date on which the individuals become participants in such Program;

''(6) the number of years of obligated service specified for such individuals in the initial contracts under subsection (f), and, in the case of individuals whose period of such service has been completed, the total number of years for which the individuals provided HIV/AIDS-related services in a developing foreign country (including any extensions made for purposes of paragraph (2) of such subsection);

''(7)(A) the number, and type of health professions training, of such individuals who have breached the contract under subsection (f); and

''(B) with respect to such individuals—

''(i) the educational institutions with respect to which payments or deferments have been made or were to be made under the contract;

''(ii) the amounts for which the individuals are liable to the United States;

''(iii) the extent of payment by the individuals of such amounts; and

''(iv) if known, the basis for the decision of the individuals to breach the contract under subsection (f); and

''(8) the effectiveness of the Secretary in recruiting health professionals to participate in the Loan Repayment Program, and in encouraging and assisting such professionals with respect to providing HIV/AIDS-related services in developing foreign countries after the completion of the period of obligated service under such Program.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $1,000,000 for each fiscal year.''.

By Mr. BAYH (for himself and Mrs. CLINTON):

S. 464. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for long-term care givers; to the Committee on Finance.

Mr. BAYH. Mr. President, we have spent the last week discussing the importance of tax cuts for all Americans. While we discuss fiscally responsible means to provide financial benefits to all Americans we need to remember there are millions of Americans that are taking on extra financial burdens by taking care of a loved one at home. These caregivers deserve financial assistance.

America is aging, we are all living longer and generally healthier and more productive lives. In the next 30 years, the number of Americans over the age of 65 will double. For most Americans this is good news. However, for some families aging comes with unique financial obstacles. More and more middle income families are forced to choose between providing educational expenses for their children, saving for their own retirement, and providing medical care for their parents and grandparents. When a loved one becomes ill and needs to be cared for, nothing is more challenging then deciding how the care they need should be provided. Today, I rise again to make that decision easier and to strengthen one option for long-term care caring for a loved one at home.

The bill I am reintroducing today, the Care Assistance and Resource Enhancement Tax Credit, will provide caregivers with a $3,000 tax credit for the services they provide. I am reintroducing this bill in order to encourage families to take care of their loved ones, by making it more affordable for seniors to stay at home and receive the care they need, while saving the government billions of dollars currently spent on institutional care. Through this tax credit, we accomplish all that while emphasizing family values.

There are over 22 million people providing unpaid help with personal needs or household chores to a relative or friend who is at least 50 years old. In Indiana alone, there are 568,300 caregivers. They do this work without any compensation. They do not send the government a bill for their services or get reimbursed for their expenses by a private company. They do it because they care. As a result of their compassion, the government saves billions of dollars. For example, the average cost of a nursing home is $46,000 a year. The government spent approximately $32 billion in formal home health care costs and $83 billion in nursing home costs. If you add up all the private sector and government spending on long-term care it is dwarfed by the amount families spend caring for loved ones in their homes. As a study published by the Alzheimers Association indicated, caregivers provide $196 billion worth of care a year.

I held a field hearing in my state, Indiana, in August of 1999 to discuss ways to make long-term care more affordable. At this hearing, I heard from three caregivers who are providing care for a family member. Mrs. Linda McKinstry takes care of her husband who had been diagnosed with Alzheimers two years ago. Mr. and Mrs. Cahee are caregivers for Mr. Cahee's mother who also has Alzheimers. They all echoed the need for financial relief and support services. They spoke of the financial and emotional stress associated with taking care of a loved one. After hearing their stories, it became clear that their efforts are truly heroic and we should be doing all that we can at the federal level to provide what they need to keep their families together.

At a time when people are becoming skeptical of the government, Congress needs to help people meet the challenges they face in their daily lives. This tax credit does that. It will serve 1.2 million older Americans, over 500,000 non-elderly adults, and approximately 250,000 children a year. I am encouraged by the inclusion of this tax credit in Senator Daschle's targeted tax package. I urge my colleagues to take notice of the work done by caregivers and join me in supporting this legislation and giving caregivers the gratitude they deserve.

By Mr. ALLARD:

S. 465. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

Mr. ALLARD. Mr. President. I am honored today to introduce the Residential Solar Energy Tax Credit Act of 2001 which provides a 15 percent residential tax credit for consumers who

purchase solar electric, photovoltaics, and solar thermal products. This bill is similar to one I introduced in the last Congress. I believe we have a wonderful opportunity to address this important energy issue and pass this bill.

The legislation is an important step in preserving U.S. global leadership in the solar industry where we now export over 70 percent of our products. In recent years, over ten U.S. solar manufacturing facilities have been built or expanded making the U.S. the world's largest manufacturer of solar products. The expansion of the U.S. domestic market is essential to sustain U.S. global market dominance.

Other countries, notably Japan and Germany, have instituted very large-scale market incentives for the use of solar energy on buildings, spending far more by their governments to build their respective domestic solar industries. Passage of this bill will insure the U.S. stays the global solar market leader into the next millennium.

Recent tax legislation passed by this body, has included necessary support of the independent domestic oil producers, overseas oil refiners, nuclear industry decommissioning, and wind energy, all worthy. This small proposal not only adds to these but provides an incentive to the individual homeowner to generate their own energy. In fact, 28 states have passed laws in the last two years to provide a technical standard for interconnecting solar systems to the electric grid, provide consumer friendly contracts, and provide rates for the excess power generated. These efforts at regulatory reform at the state level combined with a limited incentive as proposed in this bill, will drive the use of solar energy.

Contrary to popular belief, solar energy is manufactured and used evenly throughout the United States. Solar manufacturers are in Arizona, California, Colorado, Delaware, Florida, Illinois, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Texas, Virginia, Washington and Wisconsin. In addition, solar assembly and distribution companies are in: Alaska, Connecticut, Georgia, Hawaii, Idaho, Indiana, Kansas, Maine, Minnesota, Missouri, Montana, Nevada, New Hampshire, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, as well as Puerto Rico, U.S. Virgin Islands, and Guam. In addition to these states, solar component and research companies are in Alabama, Arkansas, Kentucky, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and West Virginia.

More than 90 U.S. electric utilities including municipals, cooperatives and independents—which represent more than half of U.S. power generation—are active in solar energy. Aside from new, automated solar manufacturing facilities, a wide range of new uses of solar has occurred in the last two years, such as: an array of facilities installed in June at the Pentagon power block to provide mid-day peak power; installation of solar on the first U.S. skyscraper in Times Square in New York City; and development of a solar mini-manufacturing facility at a brown field in Chicago which will provide solar products for roadway lighting and for area schools.

This small sampling of American ingenuity is just the beginning of the U.S. solar industry's maturity. Adoption of solar power by individual American consumers will create economies-of-scale of production that will, over time, dramatically lower costs and increase availability of solar power.

The bill I have introduced costs much less than previous proposals and provides consumer safeguards. This bill represents a pragmatic approach in utilizing the marketplace as a driver of technology. The benefits to our country are profound. The U.S. solar industry believes the incentives will create 20,000 new high technology manufacturing jobs, offset pollution of more than 2 million vehicles, cut U.S. solar energy unit imports which are already over 50 percent, and leverage U.S. industry even further into the global export markets.

The Residential Solar Energy Tax Credit Act of 2001 is sound energy policy, sound environmental policy, promotes our national security, and enhances our economic strength at home and abroad. I ask my colleagues to include this initiative in any upcoming tax and/or energy deliberations. American consumers will thank us, and our children will thank us for the future benefits we have preserved for them.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 465

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 ''Residential Solar Energy Tax Credit Act''.

SEC. 2. CREDIT FOR RESIDENTIAL SOLAR ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. RESIDENTIAL SOLAR ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year, and

''(2) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a)(2) shall not exceed $2,000 for each system of solar energy property.

''(2) TYPE OF PROPERTY.—No expenditure may be taken into account under this section unless such expenditure is made by the taxpayer for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence.

''(3) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

''(A) in the case of solar water heating equipment, such equipment is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

''(B) in the case of a photovoltaic system, such system meets appropriate fire and electric code requirements.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property that uses solar energy to heat water for use in a dwelling unit with respect to which a majority of the energy is derived from the sun.

''(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property that uses solar energy to generate electricity for use in a dwelling unit.

''(3) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

''(4) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1) or (2) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

''(5) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such

expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) JOINT OWNERSHIP OF ITEMS OF SOLAR ENERGY PROPERTY.—

''(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) or (2) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

''(5) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness residential purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness residential purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for residential purposes.

''(6) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(f) TERMINATION.—The credit allowed under this section shall not apply to taxable years beginning after December 31, 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following new paragraph:

''(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Residential solar energy property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

By Mr. HAGEL (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Ms. COLLINS, Mrs. MURRAY, Ms. SNOWE, and Mr. REED):

S. 466. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act; to the Committee on Health Education, Labor, and Pensions.

Mr. HAGEL. Mr. President, I join with nine of my colleagues today in introducing the ''Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act.'' I am pleased that Senators JIM JEFFORDS, TED KENNEDY, PAT ROBERTS, CHRIS DODD, SUSAN COLLINS, TOM HARKIN, OLYMPIA SNOWE, PATTY MURRAY, and JACK REED have agreed to serve as original co-sponsors of this important legislation.

This bill will have the Federal government fully meet its funding responsibilities under the Individuals with Disabilities Education Act, IDEA, for the first time since it was enacted in 1975. When Congress passed the IDEA a quarter of a century ago, it agreed that the Federal government would pay 40 percent of the cost of ensuring that all children, including those with disabilities, receive a free, appropriate public education in the least restrictive environment. That is the laudable goal of the legislation, one we all share. Sadly, however, we have never in all these years met our funding commitment. Despite substantial progress over the last five years, Congress has never appropriated more than 15 percent of the cost of IDEA. The bill we introduce today will finally make good on Congress's commitment to fund 40 percent of the cost of educating children with disabilities. In so doing, it will strengthen the ability of States and local school districts in implementing IDEA and serve the children with disabilities who are covered by its provisions.

Our IDEA full funding legislation is very simple. It would obligate Federal funds to increase funding under Part B of the IDEA program by annual increments of $2.5 billion until the full 40 percent share of funding is reached in fiscal year 2007. Last year, fiscal year 2001, Congress appropriated $6.3 billion for Part B. With these annual increments, the legislation would obligate an additional $37.5 billion over five years, or $52.4 billion over six years.

Let me note that this legislation does not establish a new Federal mandate or entitlement, State and Federal courts and IDEA have already firmly established the right of a child with a disability to a free, appropriate education. The Federal government's failure for 25 years to contribute its share of these costs has simply shifted this Federal share onto State and local education agencies. Our bill will redress this failure: Federal funds will finally be provided to meet the Federal share.

IDEA has been a great success. Prior to its enactment, only 50 percent of students with disabilities were receiving an appropriate education, 30 percent were receiving inappropriate education services, and 20 percent were receiving no education services at all. Today the majority of children with disabilities are receiving an education in their neighborhood schools in regular classrooms with their non-disabled peers. High school graduation rates have increased dramatically among students with disabilities, a 14 percent increase from 1984 to 1997. More students with disabilities are attending colleges and universities. And students who have been served by IDEA are employed at twice the rate of older adults who were not served by IDEA. IDEA has played a very important role in raising our nation's awareness about the abilities and capabilities of children with disabilities.

Last November we celebrated IDEA's 25th anniversary. It is time to make good on our promise to fully fund this very worthwhile program, which is making such an important difference in the lives of so very many of our nation's children.

Mr. KENNEDY. Mr. President, it is an honor to join my colleagues Senators CHUCK HAGEL and JIM JEFFORDS in introducing the Helping Children Succeed by Fully Funding the Individuals with Disabilities Education Act, IDEA—the hallmark of which is to put real dollars behind the goal of fully funding the IDEA.

Congress owes the children and families across the country the most effective possible implementation of this legislation, and the federal funding support necessary to make it happen. For 25 years, IDEA has sent a clear message to young people with disabilities—that they can learn, and that their learning will enable them to become independent and productive citizens, and live fulfilling lives.

Prior to 1975, 4 million disabled children did not receive the help they needed to be successful in school. Few disabled preschoolers received services, and 1 million disabled children were excluded from public schools. Now IDEA

serves almost 6 million disabled children from birth through age 21, and every State in the Nation offers public education and early intervention services to disabled children. The record of success is astonishing.

The drop out rate for these students has decreased, while the graduation rate has increased. The number of young adults with disabilities enrolling in college has more than tripled, and now more than ever disabled students are communicating and exploring the world through new technologies.

These accomplishments do not come without financial costs, and it is time for Congress to meet its financial commitment to help schools provide the services and supports that give children with special needs the educational opportunities to pursue their dreams.

Today we are introducing legislation to address that need and assist our schools to meet their responsibility to provide an equal and appropriate educational opportunity for children with disabilities. In my State of Massachusetts alone, this increase will provide $409 million over the next 6 years to help meet that goal.

Just as we are committed to increase funding for IDEA, we must be equally committed to the making sure that this law is implemented and vigorously enforced.

Far too many students with disabilities are still not getting the educational services they are entitled to receive under the IDEA. We must never go back to the days when large numbers of disabled children were left out and left behind.

I look forward to working with the Administration and all Members of Congress to enact this legislation. Fully funding IDEA moves us closer to ensuring the success of every child by supporting the great goal of public education—to give all children the opportunity to pursue their dreams.

Mr. DODD. Mr. President, I hope that this effort will be the culmination of our long-term efforts to fully fund the Federal share of the Individuals with Disabilities Act.

Last Congress, Senator JEFFORDS and I twice offered budget amendments to fully fund IDEA, and I have offered many measures over the years to increase funding for IDEA. Of course, I also have worked closely with Senators KENNEDY and HARKIN on this issue, and I am thrilled to be joining today with the many other cosponsors of this bill, Senators MURRAY, REED, HAGEL, ROBERTS, COLLINS, and SNOWE.

The Helping Children Succeed by Fully Funding IDEA Act offers Congress the opportunity to fulfill our goal of funding 40 percent of the cost of educating children with disabilities and to strengthen our support for children, parents, and local schools. This act is quite simple, it directs the appropriation of funds for IDEA so that we will fully fund IDEA by 2007.

When Congress passed IDEA in 1975, we set a goal of helping States meet their constitutional obligation to provide children with disabilities a free, appropriate education by paying for 40 percent of those costs. We have made great strides toward that goal in the last few years, having doubled Federal funding over the past 5 years. Nevertheless, we still only provide 15 percent of IDEA costs.

In my own State of Connecticut, in spite of spending hundreds of millions of dollars to fund special education programs, we are facing a funding shortfall. In our towns, the situation is even more difficult. Too often, our local school districts are struggling to meet the needs of their students with disabilities.

The costs being borne by local communities and school districts are rising dramatically. From 1992 through 1997, for example, special education costs in Connecticut rose half again as much as did regular education costs. Our schools need our help.

Of course, no one in Connecticut, or in any State or community in our country would question the value of ensuring every child the equal access to education that he or she is guaranteed by our Constitution. The only question is how best to do that, and a large part of the answer is in this legislation. This legislation demonstrates that our commitment to universal access is matched by our commitment to doing everything we can to helping States and schools provide that access.

And this amendment will help not only our children and schools, it will help entire communities, by easing their tax burden. By our failure to meet our goal of fully funding IDEA, we force local taxpayers—homeowners and small businesspeople—to pay the higher taxes that these services require. That is especially a problem in Connecticut, where so much of education is paid for through local property taxes.

If we are going to talk about the importance of tax relief for average Americans, there are few more important steps we can take than passing this legislation. It will go far to alleviate the tax burden that these people and businesses bear today.

Last year, the National Governors' Association wrote me that ''Governors believe the single most effective step Congress could take to help address education needs and priorities, in the context of new budget constraints, would be to meet its commitment to fully fund the federal portion of IDEA.''

Over the next 10 years, we're looking at a $2.7 trillion non-Social Security, non-Medicare surplus. I think that fully funding IDEA is one of the most productive ways that we can use a small part of that surplus.

I ask that my colleagues seize this opportunity and support this amendment and choose to help our schools better serve children with disabilities, because I am tired of the false dichotomy that many people perceive between parents of children without disabilities and parents of children with disabilities.

By fully funding the Federal share of IDEA, and easing the financial burden on states and schools, we can stop talking about ''children with disabilities'' and ''children without disabilities,'' and start talking instead about all children, period.

By Mr. ROBERTS:

S. 467. A bill to provide grants for States to adopt the Federal write-in absentee ballot and to amend the Uniformed and Overseas Citizens Absentee Voting Act to require uniform treatment by States of Federal write-in absentee ballots; to the Committee on Rules and Administation.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 467

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

SECTION 1. GRANT PROGRAM.

(a) GRANT AUTHORIZED.—The Secretary of Defense, through the Federal Voting Assistance Program, is authorized to award grants to States to enable States to adopt and use—

(1) the Federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2); and

(2) the absentee ballot mailing envelopes prescribed under section 101 of such Act (42 U.S.C. 1973ff);

in lieu of any State absentee ballot or envelope with respect to ballots of overseas voters for a primary or general election for Federal office.

(b) APPLICATION.—

(1) IN GENERAL.—The Secretary of State, or any other State official responsible for implementing and monitoring elections, of each State desiring a grant under this section shall submit an application to the Secretary of Defense at such time, in such manner, and accompanied by such information as the Secretary of Defense by regulation may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Defense determines to be essential to ensure compliance with the requirements of this section and section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2).

(c) AMOUNT OF GRANT.—The Secretary of Defense shall determine the amount of any grant to be provided under this section in such a manner to ensure that all costs for the purposes for which the grant is awarded will be reimbursed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 2. TREATMENT OF FEDERAL WRITE-IN ABSENTEE BALLOT.

Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended by adding at the end the following:

''(g) REQUIREMENTS FOR STATES RECEIVING CERTAIN GRANTS.—If a State receives a grant amount with respect to use of Federal write-in absentee ballots under the program administered by the Federal Voting Assistance Program within the Department of Defense, the State shall, in addition to the other requirements of this section—

''(1) treat any otherwise valid Federal write-in absentee ballot, that meets the uniform requirements promulgated by the Presidential designee under this title for such ballot, as meeting applicable State law regarding acceptance of absentee ballots; and

''(2) accept and count any otherwise valid Federal write-in absentee ballot received by the appropriate State election official on a date that is not later than 10 days after the date of the election to which the ballot refers.

''(h) REGULATIONS.—The Presidential designee shall promulgate a regulation—

''(1) stating uniform requirements for treatment and acceptance of Federal write-in absentee ballots; and

''(2) to provide that the design of any absentee ballot or envelope under this title—

''(A) has a marking to distinguish the ballot and envelope as belonging to an overseas voter; and

''(B) allows the voter to attest on the ballot that the ballot is cast prior to the date of the election to which the ballot refers.''.

By Mrs. FEINSTEIN:

S. 468. A bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the ''James C. Corman Federal Building''; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to honor the hard work and dedication of the late James C. Corman, an esteemed Member of the House of Representatives from California for 20 years.

Jim Corman was born in Kansas, and moved to California with his mother shortly after his father's death. He served in the Marines during World War II. After the war, Jim worked his way through the University of California at Los Angeles and the University of Southern California Law School. He first held public office in 1957, when he was elected to the Los Angeles City Council.

Jim was first elected to the House in 1960. In 1963, he began serving on the Judiciary Committee, which he felt handled the issues that were among the most important and relevant to Americans. As a member of the Judiciary Committee, he was an influential voice in drafting and passing the historic Civil Rights Act of 1964. Jim always considered this as the greatest accomplishment of his life.

In 1968, Jim became a member of the Ways and Means Committee, where he devoted his energy to Social Security, tax, and welfare reform. He became a crusader for the welfare of senior citizens and the disadvantaged members of our society.

Recognizing that his constituents would have better access to federal services if there were a federal building in the San Fernando Valley, Jim was responsible for securing funds for its construction. It is only fitting that this building be named after the man who considered constituent service to be one of his top priorities.

Mr. President, James C. Corman was a well-respected Member of the House. I am pleased to honor his memory by introducing a bill to designate the federal building in Van Nuys as the James C. Corman Federal Building.

By Mr. EDWARDS:

S. 469. A bill to provide assistance to States for the purpose of improving schools through the use of Assistance Teams; to the Committee on Health, Education, Labor, and Pensions.

Mr. EDWARDS. Mr. President, today I am introducing the School Support and Improvement Act of 2001, a bill designed to help ensure that every child in America has access to a quality public school, with good teachers, adequate facilities and a safe environment to learn.

Mr. President, every child deserves and every parent has the right to expect a top-notch, quality education. For example:

Every child should enter 1st grade healthy and prepared to succeed;

Every child should attend a school that is well-built, well-lit, well-equipped and well-connected to our modern world; and

Every child should be instructed by a well-trained, well-paid and qualified teacher.

But some public schools in America do not meet that standard today. Some of our public schools are failing our children and shortchanging their future. We need to refocus our energy on turning these schools around and getting them back on track. This must be the nation's number one priority.

A quality public school is not a partisan goal; it's not a conservative or liberal goal; it's not a big city or rural goal; it's not a goal which separates rich from poor.

It's a simple, common-sense goal we can all agree upon. And if we can agree, then we should be able to do something about it.

The School Support and Improvement Act is one step in achieving this common sense goal. The legislation is based on a very important lesson we have learned in my home state of North Carolina.

As many of you know, North Carolina has been at the forefront of the effort to reform public education for many years. In fact, President Bush's new Education Secretary, Rod Paige, called North Carolina's education system ''a model for the Nation.'' The School Support and Improvement Act is designed to translate one of the lessons we learned in North Carolina to the nationwide education reform effort.

At the heart of the North Carolina school reform program is a very simple idea: immediately after we identify a school that is in trouble, we assign a special team of experienced, specially trained educators, principals and administrators to go to the school and help them devise a plan to turn that school around.

The team begins with an intensive evaluation of teachers, administration and curriculum. Teachers and local school district officials work with the Assistance Team to develop a plan tailored to the school's needs and designed to improve student performance.

Assistance Teams have been remarkably successful in North Carolina. Since the program started in 1997, Assistance Teams have been assigned to 33 schools across North Carolina. Of those 33 schools, 29 have improved significantly and are no longer considered low-performing. The overall percentage of low-performing schools has also decreased, from 7.5 percent in the 1996–97 school year to 2.1 percent in the 1999–2000 school year.

In short, Assistance Teams are a proven method to get low-performing schools back on the path of providing quality education.

Our bill would accomplish two things: First, it would make the North Carolina model of sending Assistance Teams into low performing schools a priority throughout the country. Second, it would require that the utilization of Assistance Teams be a priority in every States' efforts to turn around low performing schools. In order to carry out this task, the bill provides additional resources to the States.

Mr. President, with the right tools, and adequate resources, we can begin to put low-performing schools back on the right track. Our legislation utilizes a proven model and provides the necessary resources while still ensuring flexibility for the state and local educational agencies.

I hope that this legislation will allow other states to benefit from the sucessful model we have implemented in North Carolina.

When the Health, Education, Labor and Pensions Committee considers the Elementary and Secondary Education Act in the coming days, I intend to offer this proposal as part of that effort. I ask all of my colleagues to join me in supporting this important legislation. Thank you.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 469

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''School Support and Improvement Act of 2001.''

SEC. 2. FINDINGS.

The Congress finds—

(1) The percent of low-performing schools in this country is cause for national concern.

(2) Low-performing schools may not be in a position, or their own, to make the kinds of changes necessary to turn themselves around and improve student achievement.

(3) The federal government, States, and school districts must collaborate with schools to help them improve to meet the needs of their students.

(4) Schools must be held accountable for their performance and improvement, but must also be given the tools and resources they need to succeed.

SEC. 3. FUNDING FOR SCHOOL IMPROVEMENT.

Each State educational agency shall reserve 5 percent of the amount the State educational agency receives under subpart 2 of part A for fiscal years 2002 through 2008, to carry out the State agency's responsibilities under sections 1116 and 1117 (20 USC 6318), including carrying out the State educational agency's statewide assistance and support for local educational agencies, provided that an adequate percentage of that reservation is passed to local educational agencies.

SEC. 4. PRIORITY FOR SCHOOL ASSISTANCE TEAMS.

Sec. 1117 (20 USC 6318) is amended—

(1) in section (a) by adding at the end the following—

(3) PRIORITY.—In assigning and placing school assistance teams and providing additional support and technical assistance as described in subsection 1117 (c)(1)(B), a State educational agency shall give priority in assigning the State assistance teams under this paragraph to school in which the educational performance of the students is farthest from meeting the State standards as determined by the State—

(A) first, to schools subject to corrective action under section 1116(c)(5);

(B) second, to schools identified for school improvement under section 1116(c); and

(C) third, to schools that have failed to make adequate yearly progress under section 1111 for 1 year and where placement of a State assistance team is appropriate and requested by the local education agency or the school.

(2) section 1117(c) is amended to read as follows—

(c) SCHOOL ASSISTANCE TEAMS.—In order to achieve the purpose described in subsection (a), each State—

(A) shall give priority in its use of program improvement funds for the establishment of schools assistance teams for assignment to and placement in schools in the State in accordance with 1117(a)(3) and for providing such support as the State educational agency determines to be necessary and available to assure the effectiveness of such teams.

(i) COMPOSITION.—Each school assistance teams shall be composed of persons knowledgeable about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students including—

(a) teachers;

(b) pupil services personnel;

(c) parents;

(d) distinguished teachers or principals;

(e) representatives of institutions of higher education;

(f) regional educational laboratories or research centers;

(g) outside consultant groups; or

(h) other individuals as the state educational agency, in consultation with the local educational agency, may deem appropriate.

(ii) FUNCTIONS.—Each school assistance team assigned to a school under this Act shall—

(a) review and analyze all facets of the school's operation, including the design and operation of the instructional program, and assist the school in developing recommendations for improving student performance in that school;

(b) collaborate with school staff and the local educational agency serving the school in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to provide student performance and help the school meet its goals for improvement, including adequate yearly progress under section 111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B));

(c) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations (including the need for additional resources, professional development or compensation) to the school, the local educational agency, and where appropriate, the State educational agency; and

(d) make additional recommendations as the school implements the plan described in paragraph (b) to the local educational agency and the State educational agency concerning additional assistance and resources that are needed by the school or the assistance teams.

(iii) CONTINUATION OF ASSISTANCE.—After 1 school year, the school assistance team may recommend that the school support team continue to provide assistance or that the local educational agency or the state educational agency, as appropriate, take alternative actions with regard to the school.

(B) may provide additional technical assistance and support through such approaches as—

(i) the designation and use of distinguished teachers and principals, chosen from schools served under this part that have been especially successful in improving academic achievement;

(ii) providing assistance to the local educational agency or school in the implementation of research-based comprehensive school reform models; and

(iii) a review process designed to increase the capacity of local educational agencies and schools to develop high-quality school improvement plan; and

(iv) other approaches as the state educational agency may deem appropriate.

By Mr. BOND:

S. 470. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such voter is duly counted, and for other purposes; to the Committee on Rules and Administration.

Mr. BOND. Mr. President, I rise today to introduce the Support to Absentee Uniformed and Overseas Citizens Voters Act of 2001. This bill ensures that Americans serving overseas, be they the men and women of the military who stand guard on foreign shares, or equally deserving citizens who serve our country in other venues, will have their vote counted. American citizens should not loose their right to vote under arbitrary or unfair standards. It is therefore incumbent upon lawmakers to ensure their rights are protected.

Although overseas mail is technically supposed to carry a postmark, the reality of the situation is that circumstances in foreign countries, or at sea aboard u.S. Navy ships, can result in mail being sent without a postmark. Currently several states require a postmark for an absentee ballot to be counted and without such a postmark citizens are denied their vote through absolutely no fault of their own. We saw the damaging affects of this standard in our most recent Presidential election.

My bill provides that states may not refuse to count a ballot submitted in an election for a Federal office by an absentee uniformed services member or overseas citizen voter on the grounds that the ballot was improperly or fraudulently cast ''unless the State finds clear and convincing evidence'' of fraud in the preparation or casting of the ballot by the voter. Specifically, the bill states under a ''Clear and Convincing Evidence'' standard, the lack of a witness signature, address, postmark, or other identifying information may not be considered clear and convincing evidence of fraud, absent any other information or evidence. Consequently the mere absence of a postmark will not disqualify an overseas citizen from casting his or her vote.

Mr. President, our most recent election illustrates the clear need for change in our voting procedures. Reform is needed. By making certain that American's stationed overseas will have their votes counted, this bill is one crucial step in that direction. There is need for more reform however and I am working on a comprehensive election reform bill targeting abusive practices at home. I look forward to introducing that legislation next week and working with my colleagues towards adoption of all these measures.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. WELLSTONE, Mrs. CLINTON, and Mr. DODD):

S. 471. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today we will be introducing the Public School Repair and Renovation Act. This legislation will provide grants to

local schools so they can make the repairs to ensure the safety of their students. I am pleased to be joined by Senators BINGAMAN, KENNEDY, WELLSTONE, DODD, and CLINTON on this legislation.

In 1998, the American Society of Civil Engineers issued a Report Card for America's Infrastructure which reported serious problems with the physical infrastructure in our nation. However, the most alarming finding is the failing grade to schools in the United States—the only area to receive a failing grade.

It is a national disgrace that the nicest places our kids see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is their school. What signal are we sending them about the value we place on them, their education and future?

Modernizing and repairing our nation's schools is something I've been advocating for over a decade now. I secured $100 million in the fiscal year 1995 appropriations bill as a down payment on a school modernization program and was disappointed when those funds were rescinded.

But we made real progress last year with the passage of a $1.2 billion initiative to make emergency repairs. That was a bipartisan agreement hammered out by Senator SPECTER and me in negotiations on the fiscal year 2001 appropriations bill with Congressman Goodling and the White House.

This was a 1 year authorization and the School Repair and Renovation Act will reauthorize this bipartisan plan for 5 years. This program provides grants to Local Education Agencies to help them make urgently needed repairs and to pay for special education and construction related technology expenses.

Funds will be distributed to the States. States will then distribute 75 percent of the funds on a competitive basis to local school districts to make emergency repairs such as fixing fire code violation, repairing the roof or installing new plumbing. The remaining 25 percent will be distributed competitively to local school districts to use for technology activities related to school renovation or for activities authorized under Part B of the Individuals with Disabilities Education Act.

The School Repair and Renovation Act is a key component in a two-prong strategy to modernize our nation's schools.

In the near future I will join forces with Representatives JOHNSON and RANGEL and introduce the America's Better Classrooms Act in the Senate to provide tax credits for school construction projects. This bipartisan legislation would leverage $1.7 billion in tax credits over 5 years to pay the interest on $25 billion in school modernization bonds.

I know this approach will work because it mirrors a successful school construction demonstration program I started in Iowa in 1997. The Iowa demonstration is a two-prong response to our school modernization needs. First, we provide grants to local school districts to make urgent repairs to remedy fire code violations. Second, grants are made to local school districts to subsidize a portion of the cost for a new construction project.

The program has been a big success. During the first 2 years of the demonstration, federal funds of $14.7 million supported projects totaling $142 million—each federal dollar leveraged $10.33.

There is a legitimate federal role in helping fix our nation's crumbling schools, and we can do so without undermining local control of education. This federal role is recognized by President Bush who is recommending an expanded use of private activity bonds for school construction projects.

Over the past few years we have had several partisan skirmishes related to school construction. This is a new year, a new Congress, and a new administration. I look forward to working with my colleagues to enact the School Repair and Renovation Act of 2001. I ask unanimous consent that a copy of the report card to which I referred be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

1998 REPORT CARD FOR AMERICA's INFRASTRUCTURE

Subject	Grade	Comments
Roads	D–	More than half (59 percent) of our roadways are in poor, mediocre or fair condition. More than 70 percent of peak-hour traffic occurs in congested conditions. It will cost $263 billion to eliminate the backlog of needs and maintain repair levels. Another $94 billion is needed for modest improvement—a $357 billion total.
Bridges	C–	Nearly one of every three bridges (31.4 percent) is rated structurally deficient or functionally obsolete. It will require $80 billion to eliminate the current backlog of bridge deficiencies and maintain repair levels.
Mass Transit	C	Twenty percent of buses, 23 percent of rail vehicles, and 38 percent of rural and specialized vehicles are in deficient condition. Twenty-one percent of rail track requires improvement. Forty-eight percent of rail maintenance buildings, 65 percent of all rail yards and 46 percent of signals and communication equipment are in fair or poor condition. The investment needed to maintain conditions is $39 billion. It would take up to $72 billion to improve conditions.
Aviation	C–	There are 22 airports that are seriously congested. Passenger enplanements are expected to climb 3.9 percent annually to 827.1 million in 2008. At current capacity, this growth will lead to gridlock by 2004 or 2005. Estimates for capital investment needs range from $40–60 billion in the next five years to meet design requirements and expand capacity to meet demand.
Schools	F	One-third of all schools need extensive repair or replacement. Nearly 60 percent of schools have at least one major building problem, and more than half have inadequate environmental conditions. Forty-six percent lack basic wiring to support computer systems. It will cost about $112 billion to repair, renovate and modernize our schools Another $60 billion in new construction is needed to accommodate the 3 million new students expected in the next decade.
Drinking Water	D	More than 16,000 community water systems (29 percent) did not comply with the Safe Drinking Water Act standards in 1993. The total infrastructure need remains large—$138.4 billion. More than $76.8 billion of that is needed right now to protect public health.
Wastewater	D+	Today, 60 percent of our rivers and lakes are fishable and swimmable. There remain an estimated 300,000 to 400.000 contaminated groundwater sites. America needs to invest roughly $140 billion over the next 20 years in its wastewater treatment systems. An additional 2,000 plants may be necessary by the year 2016.
Dams	D	There are 2,100 regulated dams that are considered unsafe. Every state has at least one high-hazard dam, which upon failure would cause significant loss of life and property. There were more than 200 documented dam failures across the nation in the past few years. It would cost about $1 billion to rehabilitate documented unsafe dams.
Solid Waste	C–	Totals non-hazardous municipal solid waste will increase from 208 to 218 million tons annually by the year 2000, even though the per capita waste generation rate will decrease from 1,606 to 1,570 pounds per person per year. Total expenditures for managing non-hazardous municipal solid waste in 1991 were $18 billion and are expected to reach $75 billion by the year 2000.
Hazardous Waste	D–	More than 530 million tons of municipal and industrial hazardous waste is generated in the U.S. each year. Since 1980, only 423 (32 percent) of the 1,200 Superfund sites on the National Priorities List have been cleaned up. The NPL is expected to grow to 2,000 in the next several years. The price tag for Superfund and related clean up programs is an estimated $750 billion and could rise to $1 trillion over the next 30 years.

America's Infrastructure G.P.A. = D. Total Investment Needs = $1.3 Trillion

A = Exception
B = Good
C = Mediocre
D = Poor
F = Indequate

Each category was evaluated on the basis of condition and performance, capacity vs. need, and funding vs. need.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 44—DESIGNATING EACH OF MARCH 2001, AND MARCH 2002, AS ''ARTS EDUCATION MONTH''

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 44

Whereas the Congressional Recognition for Excellence in Arts Education Act (Public Law 106–533) was approved by the 106th Congress by unanimous consent;

Whereas arts literacy is a fundamental purpose of schooling for all students;

Whereas arts education stimulates, develops and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem posing and problem-solving;

Whereas arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy;

Whereas arts education improves teaching and learning;

Whereas when parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions

are actively engaged in instructional programs, arts education is more successful;

Whereas effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence;

Whereas educators, schools, students, and other community members recognize the importance of arts education; and

Whereas arts programs, arts curriculum, and other arts activities in schools across the Nation should be encouraged and publicly recognized: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF ARTS EDUCATION MONTH.

The Senate—

(1) designates each of March 2001, and March 2002, as ''Arts Education Month''; and

(2) encourages schools, students, educators, parents, and other community members to engage in activities designed to—

(A) celebrate the positive impact and public benefits of the arts;

(B) encourage all schools to integrate the arts into the school curriculum;

(C) spotlight the relationship between the arts and student learning;

(D) demonstrate how community involvement in the creation and implementation of arts policies enriches schools;

(E) recognize school administrators and faculty who provide quality arts education to students;

(F) provide professional development opportunities in the arts for teachers;

(G) create opportunities for students to experience the relationship between participation in the arts and developing the life skills necessary for future personal and professional success;

(H) increase, encourage, and ensure comprehensive, sequential arts learning for all students;

(I) honor individual, class, and student group achievement in the arts; and

(J) increase awareness and accessibility to live performances, and original works of art.

Mr. COCHRAN. Mr. President, today I am submitting a Senate resolution to designate March 2001, and March 2002, as ''Arts Education Month.''

Last year, the Senate approved a similar resolution, marking for the first time, Congressional recognition of the annual celebration of music, art, dance and theatre programs in American schools.

There is growing awareness that arts education can help ensure America's arts traditions and lead to higher I.Q.'s, better SAT scores, better math and language skills, less juvenile delinquency, and improve chances of higher education and as well as increased job opportunities.

According to a study by the UCLA Graduate School of Education and Information Studies, students involved in the arts outscored students who were not exposed to arts on standardized tests. Among 10th graders, for example, 47.5 percent of low-arts-involved students scored in the top half of standardized tests while 65.7 percent of high-arts-involved students scored above the test median.

The study also found that students who consistently act in plays and musicals, join drama clubs or taking acting lessons showed gains in reading proficiency, self-concept and motivation. By the 12th grade, those consistently involved with instrumental music scored significantly higher on math tests. The findings held true for students regardless of parents' income, occupation or level of education, researchers said.

I hope that by designating March as Arts Education Month, more schools and communities will engage in activities that showcase, celebrate, reward and provide new arts experiences for students of all ages.

I invite all of my colleagues to join me in sponsoring Arts Education Month.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 7, 2001 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to adopt the rules of the committee for the 107th Congress.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of New Hampshire. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, March 21, 2001 at 2:00 p.m. in room SD–628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the Klamath Project in Oregon, including implementation of PL 106–498 and how the project might operate in what is projected to be a short water year.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, SRC–2 Senate Russell Courtyard, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, March 6, 2001. The purpose of this hearing will be to review nutrition and school lunch programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 6, 2001 at 2:30 p.m., in closed session to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 7, 2001, at 9:30 a.m. on voting technology reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, 2001, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE AND TOURISM

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism, of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 6, 2001, at 10 a.m. on the effectiveness of gun locks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Tuesday, March 6, 2001, 9:30 a.m., for a hearing entitled ''The Role of U.S. Correspondent Banking In International Money Laundering.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Patrick Thompson and Liz Dougherty of my staff be granted the privilege of the floor for the duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following Members of the Finance Committee as congressional advisers on trade policy and negotiations: The Senator from Iowa (Mr. GRASSLEY) the Senator from Utah (Mr. HATCH) the Senator from Alaska (Mr. MURKOWSKI) the Senator from Montana (Mr. BAUCUS) and the Senator from West Virginia (Mr. ROCKEFELLER).

ORDERS FOR WEDNESDAY, MARCH 7, 2001

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, March 7. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m. with Senators speaking for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee, 9:30 a.m. to 10:30 a.m.; Senator DOMENICI, 10:30 a.m. to 10:45 a.m.; Senator ROBERTS, 10:45 a.m. to 11 a.m.; Senator THOMAS, 11 a.m. to 11:30.

I further ask unanimous consent that if either leader uses time during the allotted time, that time be adjusted accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that at 11:30 a.m. the Senate resume consideration of S. 420, the bankruptcy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume consideration of the bankruptcy reform bill. Amendments are expected to be offered and therefore votes can be expected throughout the day. Members are encouraged to work with the bill managers if they intend to offer amendments.

ORDER FOR ADJOURNMENT

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment, following my remarks and those of Senator ALLEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET AND CYBERSPACE

Mr. WARNER. Mr. President, if I may take a moment or two, we have just concluded on the House floor a bipartisan meeting between Members of the House and Senator ALLEN and myself where we had some 400-plus individuals from all across the United States discussing a wide range of issues regarding the Internet and cyberspace. It was a fascinating discussion. That group is soon to come over to this Chamber, following the Senate standing in recess, where Senator ALLEN and I will continue that discussion, but we will also speak about the history of this Chamber.

In the course of my remarks—and then I will call on my distinguished colleague to follow with his remarks—I addressed the extraordinary problem that the entire Nation is facing with regard to those devising capabilities to hack into our computer systems and, as chairman of the Armed Services Committee, what our committee is now doing with the subcommittee on emerging threats, which under the leadership of Senator ROBERTS has taken many strides towards trying to take positive actions to stop the invasion of our computer systems.

In the year 1999, there were over 20,000 invasions of various computer systems in the Department of Defense, and in the following year up to 24,000 intrusions into our system. That says to us, as we proceed to make our military more high tech, we are highly vulnerable because of that situation, and I urge this group to work more closely with the Department of Defense and other departments and agencies within the Federal Government to do everything we can to try to make more secure our computers and other aspects of cyberspace.

It is to the advantage of the private sector because security against hacking into their system—a bank going into accounts, an investment house going into accounts, medical things, people working on patents, and so forth—is desperately needed. I am pleased to be a part of the team here in the Senate that is looking at this.

I now ask if my distinguished colleague, the junior Senator from Virginia, who is chairman on our side, so to speak, of the high-tech task force, would care to say a few remarks. I might add we are trying to prolong this session a few minutes so the pages don't have homework. For those who follow these proceedings, we are just about there.

I yield to the Senator.

Mr. ALLEN. Mr. President, I thank the senior Senator, Mr. WARNER, for allowing me to make a few remarks about technology. It is a great honor to be chairman of the Senate Republican high-tech task force, where we are looking at a variety of issues to allow the technology community to continue to improve our lives.

Senator WARNER has been a tremendous leader in this regard, especially as far as security is concerned. We all on the task force very much look forward to his further contributions.

The people in this country are benefiting a great deal from the technology in communications, and in commerce there is tremendous potential, as well as in education, in biotechnology, in transportation, and elsewhere. Just for people to understand our philosophy, we trust free people and free enterprise. People should not be limited or hampered in their creativity, and it should be the marketplace, free people making free choices as to whether or not someone's technological invention or innovations are worthy of their purchases.

So we think those are the principles that should be guiding us in determining the success determined by the people in the marketplace.

Mr. President, in recognizing how much technological opportunity we have, we need to make sure that our rural communities have access to high-speed Internet capabilities. But these technologies not only have not reached all the areas of our country, which is important, but they certainly haven't reached all corners of the world.

Consider this: If the entire world population was reduced to 100 people, with the current ratios staying the same, here are a few examples of how the world would look: Out of the 100; 57 would be Asians; 21 European; 14 would be from the Western Hemisphere, North and South America; 8 would be Africans; approximately 80 out of the hundred would live in substandard housing; about 60 to 70 would be unable to read; 50 would suffer from malnutrition; 50 would not have made their first telephone call; about 1 would have a college education; and maybe 1½ out of 100 of the world's population would have a computer.

As you can see, we have a long way to go. So we need to understand that this country is the technology leader. It is what is allowing us to compete in the international marketplace, to improve our methods of manufacturing and production in an efficient, top-quality approach, as well as reducing emissions and toxins.

I think as long as we continue to foster the proper tax, regulatory, and educational policies in this country, and as long as the invigorating breeze of freedom continues to blow into new markets and places in the world, technology will improve construction, communications, education, life sciences, medical sciences, and transportation.

I very much look forward to the leadership of the President and Senator WARNER in the Senate to allow the technological revolution to continue to improve our lives and those of our fellow human beings here on earth.

Mr. WARNER. I thank my distinguished colleague. How much I look forward to working with him here in the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 9:06 p.m, adjourned until Wednesday, March 7, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 2001:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MARTHA T. RAINVILLE, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS A. HIGDON, 0000
BRIG. GEN. JOHN A. LOVE, 0000
BRIG. GEN. CLARK W. MARTIN, 0000
BRIG. GEN. MICHAEL H. TICE, 0000

To be brigadier general

COL. BOBBY L. BRITTAIN, 0000
COL. CHARLES E. CHINNOCK JR., 0000
COL. JOHN W. CLARK, 0000
COL. ROGER E. COMBS, 0000
COL. JOHN R. CROFT, 0000
COL. JOHN D. DORNAN, 0000
COL. HOWARD M. EDWARDS, 0000
COL. MARY A. EPPS, 0000
COL. HARRY W. FEUCHT JR., 0000
COL. WAYNE A. GREEN, 0000
COL. GERALD E. HARMON, 0000
COL. CLARENCE J. HINDMAN, 0000
COL. HERBERT H. HURST JR., 0000
COL. JEFFREY P. LYON, 0000
COL. JAMES R. MARSHALL, 0000
COL. EDWARD A. MCILHENNY, 0000
COL. EDITH P. MITCHELL, 0000
COL. MARK R. NESS, 0000
COL. RICHARD D. RADTKE, 0000
COL. ALBERT P. RICHARDS JR., 0000
COL. CHARLES E. SAVAGE, 0000
COL. STEVEN C. SPEER, 0000
COL. RICHARD L. TESTA, 0000
COL. FRANK D. TUTOR, 0000
COL. JOSEPH B. VEILLON, 0000
COL. VAN P. WILLIAMS JR., 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL C. DUTTGE III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. FOX JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH M. COSUMANO JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10 U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PERRY V. DALBY, 0000
BRIG. GEN. CARLOS D. PAIR, 0000

To be brigadier general

COL. JEFFREY L. ARNOLD, 0000
COL. STEVEN P. BEST, 0000
COL. HARRY J. PHILIPS JR., 0000
COL. CORAL W. PIETSCH, 0000
COL. LEWIS S. ROACH, 0000
COL. ROBERT J. WILLIAMSON, 0000
COL. DAVID T. ZABECKI, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN W. BERGMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES C. DAWSON JR., 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOE L. PRICE, 0000

EXTENSIONS OF REMARKS

IN HONOR OF PETER T. MILLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Peter T. Miller, the chief photographer for WKYC Channel 3 in Cleveland, Ohio and winner of eight Emmy awards.

A graduate of Kent State University in the 1950's, Mr. Miller began his 42-year career as a television cameraman in Cleveland with WJW Channel 8 in 1959. During his time there, he received Emmy awards from the Cleveland regional chapter of the National Academy of Television Arts and Sciences for documentaries about the Cleveland Orchestra Chorus and the Hattie Larlham Foundation and for an entertainment feature about the Singing Angels. In 1985, Mr. Miller began his work at Channel 3, where in 1986 he received honors for Individual Achievement in News Videography for a Halloween series. In 1998 he was part of the WKYC team that took first place honors for its report, ''On Schindler's List'', from the Association for Women in Communications.

Fellow photographers marveled at Mr. Miller's work ethic, sense of teamwork, understanding of a story and artful eye. Traveling tirelessly in order to document the day's happenings, he was often seen locally attending football games, visiting nursing homes, observing school board meetings, or covering urban riots. He even took his camera abroad, showing Greater Clevelanders sites from around the world from music concerts to the Persian Gulf War.

My fellow colleagues, please join me today in honoring the memory of Peter T. Miller, a gifted television photographer whose dedication and passion for his life's work provided Clevelanders with valuable images of important events from around the world.

TRIBUTE TO MRS. MARY JANE GARDNER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mrs. NAPOLITANO. Mr. Speaker, I am proud to rise today and honor Ms. Mary Jane Gardner of my 34th Congressional District in Pico Rivera, California. Later this month, Ms. Gardner will be awarded the ''Club Woman of the Year'' award by the Pio Pico Woman's Club for her invaluable public service to her community.

Mary Jane was born on December 30, 1921 in Walla Walla, Washington. After finishing high school and a year of business college, she went to work at a local bank in Walla Walla. During World War II, Mary Jane met a young aviator named Garth Gardner who was in Walla Walla for training at the local air base. The two married upon his return from the South Pacific in 1945.

After the marriage ceremony, Garth was discharged from the service and the two settled in Pico Rivera in 1950. They raised three sons, John, Gregory and Jeffrey, and became active in local community affairs. Mary Jane was PTA President and helped Garth establish his political career. She served as first lady of Pico Rivera eight times while her husband served as mayor. She helped organize various political functions and gave much of her time to different causes and organizations in and around Pico Rivera.

Mary Jane has shown true commitment to public service while also raising a family. All of Pico Rivera's citizens are grateful for her service and dedication to her community and wish her many more future successes.

IN HONOR OF THE NATIONAL GUARD MEMBERS WHO LOST THEIR LIVES ON MARCH 2, 2001

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. STEARNS. Mr. Speaker, this past Saturday, 21 National Guardsmen lost their lives when their C–23 transport plane crashed. The guard members were returning from a training mission in Florida—one of the pilots lived in my district.

Our thoughts and prayers are with the families and friends of these soldiers, and this tragedy serves as a reminder of the sacrifices made by those who serve and protect our country.

Mr. Speaker, last week, both the House and Senate passed resolutions honoring the life of NASCAR great, Dale Earnhardt, who was killed in the Daytona 500. I, of course share in the admiration of his life and the remorse in his death.

I do want to make the point, however, that the guardsmen who lost their lives on Saturday were no less dedicated to their jobs, their families, or their communities. The men and women in our armed services place their lives on the line daily, where even routine training missions can carry the same risk as actual combat.

So I ask my colleagues to remember those who serve our Nation. They may not have the notoriety, but their service is immeasurable.

IN MEMORY OF MATTHEW ''MACK'' ROBINSON

HON. ADAM SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. SCHIFF. Mr. Speaker, the Pasadena branch of the National Association for the Advancement of Colored People is celebrating its 18th Annual Ruby McKnight Williams Awards Banquet on March 8, 2001 and I would like to join in honoring the memory of a famed Pasadena native son, Matthew ''Mack'' Robinson.

Mack Robinson was a world-class athlete. Competing in the 1936 Summer Olympics in Berlin, Germany, he won a silver medal in the 200-meter run, crossing the finish line just a step behind that great Olympian, Jesse Owens. Mack's roots in Pasadena ran deep. He was a track star at Pasadena City College in 1938, the same year his younger brother, future Dodgers' great Jackie Robinson, lettered there in four sports. Mack set national junior college records in the 100- and 200-meter runs and in the long jump. When the Olympic games were held in Los Angeles in 1984, Mack helped carry the Olympic flag into Los Angeles Memorial Coliseum. He cared deeply for his community and, later in life, was renowned for leading the fight against street crime in Pasadena.

One of Mack's great causes was ensuring a monument was built in his hometown to honor his brother, the man who in 1947 broke major league baseball's color barrier. The Pasadena Robinson Memorial, honoring both brothers, was dedicated in 1997. Pasadena City College last year renamed its stadium to honor the pioneering brothers and Congress last year approved naming the post office at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew 'Mack' Robinson Post Office Building.''

Sadly, Mack died at the age of 88 in Pasadena on March 12, 2000.

Mr. Speaker, I join the Pasadena NAACP in saluting Mack Robinson for the shining example he presented in sports and in life. Mack Robinson was truly a champion in all he did.

IN HONOR OF DOROTHY OLIVIA GREENWOOD TOLLIVER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Dorothy Olivia Greenwood Tolliver. Dorothy was a great servant of the people of Cleveland and leader of the African-American community. Her recent death, at the age of 80, is a sorrowful event for the entire Cleveland, Ohio community.

After graduating from Kent State and pursuing further studies at The Julliard School of Music in New York, she returned to Cleveland and began working for the U.S. Government making maps to use during World War II. After the war, Dorothy taught briefly in Medina, and in 1948 she returned to Cleveland to become a part of the Cleveland School System where she remained until her retirement in 1986.

As a young child, Dorothy was blessed with the gift of musical ability. With her long-lasting passion of music and the arts, she performed in several productions. Her love for music was planted in her many students as a music teacher. While in the Cleveland Public School System, Dorothy directed numerous performances.

Dorothy Olivia Greenwood Tolliver was a life long member of the NAACP, and the National Council of Negro Women. Her civic activities included the Phyllis Wheatley Association, juvenile justice, Project Friendship, Volunteer Guardianship Program, Upward Bound, City Club, and the League of Women Voters. One of her noted prestigious movements was opening the Neighborhood Book Shoppe, the first book store in Ohio that featured books about African-American history by African-American authors, the only store of its kind between New York City and Chicago.

After her career as a teacher ended, Dorothy spent her remaining years supporting her husband's efforts while serving on the Cleveland School Board and continuing his civil rights law practice.

I ask the House of Representatives to join me today in honoring the memory of this great community leader and role model.

TRIBUTE TO MR. BERT CORONA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today to pay tribute to one of the Latino community's most devout civil rights and labor leaders. Mr. Bert Corona passed away January 15, 2001 in Los Angeles following a series of recent health problems. His death was a watershed in Latino and labor history.

Bonn on May 29, 1918 in El Paso, Texas, Mr. Corona spent his childhood moving back and forth between El Paso and the Mexican city of Chihuahua. As a student at the University of Southern California, he became involved in the labor ferment of the 1930's. He was elected President of Local 26 of the International Longshoreman and Warehouse Union where he was a close political ally of Harry Bridges, one of labor's most progressive leaders.

During World War II, Bert served in the United States Army Air Corps as a paratrooper and a surgical assistant. Following the war, Mr. Corona returned to his activist role founding organizations that promoted the empowerment of Latinos and working with great determination to end discrimination among minorities. In the 1960's he founded CASA and Hermandad Mexican, housing and immigrants rights organizations. Bert also helped found the Mexican American Political Association, one of California's oldest Latino political organizations.

In 1993, Corona published ''Memories of Chicano History,'' his autobiography written with Mario T. Garcia. The book has become a staple in Chicano and ethnic studies courses at universities throughout the country. Throughout his life, Bert himself taught at several universities including Stanford and the California State campuses of San Diego, Northridge, Fullerton and Los Angeles.

It was Bert Corona's vision that helped build the foundation to pave the way for Latino advancement in our society. Many Latino leaders of today, including myself, are the beneficiaries of his pioneering efforts. His life offers an invaluable lesson about Latino leadership in the past and provides an inspiring guide for future empowerment and contributions to the American social fabric.

I extend my heartfelt sympathies to his wife Angelina, daughter Margo De Ley, sons David, Frank and Ernesto Corona and grandchildren Baltazar De Ley, Lisa and Clarity Corona.

H.R. 860, THE MULTIDISTRICT, MULTIPARTY, MULTIFORUM TRIAL JURISDICTION ACT OF 2001

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. SENSENBRENNER. Mr. Speaker, I rise to introduce the Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act of 2001.

This legislation addresses two important issues in the world of complex, multidistrict litigation. Section 2 of the bill would reverse the effects of the 1998 Supreme Court decision in the so-called Lexecon case. It would simply amend the multidistrict litigation statute by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. In fact, section 2 only codifies what had constituted ongoing judicial practice for nearly 30 years prior to the Lexecon decision.

Section 3 addresses a particular specie of complex litigation—so-called 'disaster' cases, such as those involving airline accidents. The language set forth in my bill is a revised version of a concept which, beginning in the 101st Congress, has been supported by the Department of Justice, the Administrative Office of the U.S. Courts, two previous Democratic Congress, and one previous Republican Congress. Section 3 will help to reduce litigation costs as well as the likelihood of forum shopping in single-accident mass tort cases. All plaintiffs in these cases will ordinarily be situated identically, making the case for consolidation of their actions especially compelling. These types of disasters—with their hundreds of thousands of plaintiffs and numerous defendants—have the potential to impair the orderly administration of justice in federal courts for an extended period of time.

Mr. Speaker, during the eleventh-hour negotiations with the Senate last term, I offered to make three changes in an effort to generate greater support for the bill. As a show of good faith, I incorporate those changes in the bill I am introducing today. They consist of the following:

First, a plaintiff must allege at least $150,000 in damages (up from $75,000) to file in U.S. district court.

Second, an exception to the minimum diversity rule is created: A U.S. district court may not hear any case in which a ''substantial majority'' of plaintiffs and the ''primary'' defendants are citizens of the same state; and in which the claims asserted are governed ''primarily'' by the laws of that same state. In other words, only state courts may hear such cases.

Third, the choice-of-law section will be stricken. It confers too much discretionary authority on a federal judge to select the relevant law that will apply in a given case.

In sum, Mr. Speaker, this legislation speaks to process, fairness, and judicial efficiency. It will not interfere with jury verdicts or compensation rates for litigators. I therefore urge my colleagues to join me in a bipartisan effort to support the Multidistrict, Multiparty, Multiforum Jurisdiction Act of 2001.

THE ''CHILD SUPPORT FAIRNESS AND FEDERAL TAX REFUND INTERCEPTION ACT OF 2001''

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. CASTLE. Mr. Speaker, I rise today to introduce the ''Child Support Fairness and Federal Tax Refund Interception Act of 2001.'' This legislation expands the eligibility of one of our most effective means of enforcing child support orders—intercepting the Federal tax refunds of parents delinquent in paying their court-ordered financial support for their children. Under current law, the Federal tax refund offset program operated by the Internal Revenue Service (IRS) is limited to cases where the child is either a minor or a disabled adult.

It goes without saying that a parent who brings a child into this world is responsible for providing for that child's physical needs regardless of any conflict with the child's custodial parent. In July 1999, I received a letter from Lisa McCave of Wilmington, Delaware. She wanted to know where the justice was in the IRS allowing her husband to collect a $2,426 tax refund when he still owed her nearly $7,000 in back child support just because her son is no longer a minor and is not disabled.

Since her son was three, Ms. McCave has had to work two jobs to make up for child support installments that were never paid. She has spent the better part of her time away from work tracking down her former husband, who has often quit his job as soon as his wages were garnished to repay this debt. Now, she is trying to pay off $55,000 in parent loans she incurred to send her son to college. Mr. Speaker, we all know the answer to Lisa McCave's question. Under the current law, there is no justice in limiting the eligibility for

this tax intercept program to minors and disabled adults.

The good news is that we can correct this injustice. Improving our child support enforcement programs is neither a Republican nor a Democrat issue—it is an issue that should concern all of us. According to recent government statistics, there are approximately 12 million active cases where a child support order requires a noncustodial parent to contribute towards the support of his/her child. Of the $22 billion owed pursuant to these orders in 1999, only half have been paid. I am confident we can all agree to fix this injustice in our Federal tax refund offset program and help some of our most needy constituents receive the financial relief they are owed.

I would like to clarify for everyone's benefit that this legislation does not create a cause of action for a custodial parent to seek additional child support. The existing program merely helps custodial parents recover debt they are owed for a level of child support that are set by a court after both sides had the opportunity to present their arguments about the proper size of the child support.

In the 106th Congress, this legislation passed the House by a vote of 405 to 18 as a provision in H.R. 4678, the ''Child Support Distribution Act of 2000.'' The Senate version of this bill also enjoyed strong bipartisan support, but the 106th Congress expired before the Senate could complete its consideration.

The Federal tax refund offset program is responsible for retrieving nearly one-tenth of all back child support collected. The time has come to make it a greater success. I urge my colleagues to cosponsor this legislation and look forward to working with the House Ways and Means Committee to work to bring this bill to the House Floor.

IN MEMORY OF SENATOR ALAN CRANSTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in memory of a truly remarkable man, one who genuinely exemplified what it means to be a public servant, Senator Alan Cranston.

Cranston served four terms in the United States Senate, and as the Democratic Whip during seven consecutive Congressional sessions. But more than that he served the American people. He fought to protect the environment, to promote peace and human rights and to control nuclear arms, fighting tirelessly to prevent future usage of such weapons. Cranston did not compromise his personal views nor the best interests of his constituents during his service.

A masterful legislator, Senator Cranston often served as an integral figure in the passage of legislation. This deft political touch allowed him to build coalitions, using the power of an idea to transcend ideological barriers.

An advocate of peace, Senator Cranston was an influential figure in the termination of the Vietnam war and in leading U.S. arms control and peace movements. Despite his opposition for war, he lead support for the soldiers who fought in the conflict, voting solidly for veterans' benefits legislation from 1969 and 1992.

As former aide Daniel Perry wrote in Roll Call January 4, 2001, Cranston embodied the maxim, ''a leader can accomplish great things if he doesn't mind who gets the credit.''

My fellow colleagues, Senator Alan Cranston is a man who deserves the respect and admiration of every citizen. Let us recognize him for his years of dedication to public service.

IN MEMORY OF U.S. SOLDIERS KILLED IN SAUDI ARABIA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2000

Mr. MURTHA. Mr. Speaker, on Sunday, February 25, 2001, a decade after the Iraqi Scud missile attack on the U.S. barracks in Dhahran, Saudi Arabia, a young woman who lost her husband and the father of her two children spoke eloquently about the impact of that awful event. While the magnitude of such a tragedy can never be fully overcome, her story is also one of renewal and healing and joy. It is a poignant and fitting tribute to the men and women who perished that day. I want to share her remarks with my Colleagues:

If ten years ago I could have looked ahead to today, and could have seen myself standing here telling all of you that I'm happy, healed, and whole again, it would have made my time of grief so much easier. Because then I would have known that my heart would someday heal and life would be worth living again. That's not how I felt then. My life was shattered into a million pieces and I couldn't see how they could ever be put back together again.

John and I worked at the Baptist Homes, a nursing facility in Castle Shannon. My mother introduced us and we became instant friends. John was so easy to like. He was friendly and outgoing . . . always with a twinkle in his eye. A couple months into our friendship, John asked me to be his date at a party he was throwing. Of course I said that I would go. He asked me to dance to a slow song that came on the stereo, and that dance was the beginning of a great love in my life.

John and I married the following summer. We had two beautiful children, Matthew and Melissa. John loved fatherhood and it suited him . . . really he was a kid in an adult body so it sort of came natural to him. We bought a house and spent Melissa's first Christmas in it . . . that's when Saddam Hussein intruded on our lives. Before I knew what was happening, John was on his way to the Persian Gulf and I knew my life would never be the same.

The day of February 25th started out with a letter from John. He said all the things that he said in every letter I ever got from him, how much he loved us, how much he missed us. Then he told me about the SCUD alerts. He talked about the gas masks and the chaos and I worried. That evening I was out with my sister and I returned home to find family members waiting for me. My brother was standing in my living room and the television was on. On it I saw soldiers running and heard yelling and chaos and sirens blasting . . . but that didn't grab my attention as much as the look on my brother's face. He asked me where John was in Saudi. I told him I didn't know. He said that there was a SCUD attack in Dhahran and the missile hit a warehouse and they believed the 14th was being housed there. As I was taking in what he was telling me, the room started to spin and a feeling of dread came flooding over me. I asked, 'Were there casualties?' he said there were some. But the highest number were injuries. I knew that John was in that warehouse. My family tried to reassure me that chances were that he was injured, but in my spirit, I knew that he was gone. I had already felt the separation. I waited all night for the officer to come. And at 6 am my doorbell rang. I opened the door and there was Lt. Col. Richard White. He had so much pain in his eyes. I saw how difficult it was for him to tell me that my husband, Spc. John Boliver, had been killed in action due to injuries sustained in an Iraqi SCUD missile attack.

A few weeks after John's funeral my friend invited me for dinner. She wanted to spend a little time with me and to get me out. Her husband, who is also my friend, had done a large portion of John's funeral service, and he asked me so sincerely how I was doing. I told him that I was okay, but that the nights were so difficult for me to get through. When I would sleep, the nightmares were terrible, so I was trying not to sleep at all. He told me something then that helped to change my life. He said, ''Paula, when you go through the worst times of grief, you need to find an anchor. Something stable for you to hold onto so that grief won't sweep you away. Something that can never change or be taken away from you.''

I went home that night and looked for my anchor. The only thing I had that could never be taken away from me was that God loved me. He loved me so much and He wanted to comfort me and to heal my heart. He wanted to put the shattered pieces of my life back together. Jer. 29:11 was one of many promises: I know the plans I have for you, says the Lord. Plans to prosper you and not to harm you, plans to give you hope and a future. That was what I needed, and that was what I began to build my life on.

It was the second spring after John's death. I went outside on my deck and the sun was shining and the trees were budding, and the smells of spring were so heavy in the air. All of a sudden I realized that I was enjoying the sun on my face and the smells of spring. It was as if everything I saw was in color, and I had been seeing life in black and white. The feeling of contentment only lasted a brief time but I realized that day I was getting better. That someday I could enjoy life again.

Then four years after I lost John, I found Phil, or maybe he found me. However it was, we just seemed to fit together. The kids fell in love with Phil right along with me, and he fell in love with us too, and he married us. He made our family complete again and I thank God every day for him. Then four years into our marriage, God gave us Alison, our nineteen month old daughter. Alison had a difficult beginning. She was born with Down syndrome, but more importantly, with two little holes in her heart that were life-threatening. She was life-flighted to Children's Hospital and I was afraid that I would never see her alive again. I wrestled with God for three nights over her diagnosis. I questioned His reasons for making her with

such a disability. But more than anything, I wanted her to live. I told God that if He spared her life, I would be the best mother to her that I could be. I understand how precious life was and that God makes no mistakes. Boy did He answer my prayer. She was a miracle baby. She got better and stronger and both of those little holes closed over and her heart is healthy. And she's the love of my life. She brings me so much joy every day. When she smiles, her whole face smiles. All the love that I lost in that scud missile attack, God gave back to me and multiplied it. How grateful I am to Him. I am so thankful for God's faithfulness and love to me.

This is just my story. We all have a story, wounds and scars of our hearts that tell the stories of our lives. They make us who we are. But if those scars and wounds make us more compassionate toward others who are suffering, if they make us more grateful for every day we live and for the ones we love, and stronger for the difficulties that lie ahead on this journey called ''life,'' then our soldiers' sacrifice is all the more meaningful—to us and to all of those whose lives we touch, because we have become better human beings.

I want to thank my family, who loved John so much and grieved with me, to my children who are my angels—they gave me reason to get up every morning and gave me so much love.

I want to thank my friends and my Church family who prayed for me faithfully and encouraged me daily, and most of all to my mom, who was the best friend I ever had and I'll always miss her.

I also want to thank the families of the 14th Quartermaster. We have cried together and laughed together. We have shared our deepest pain and our greatest joys. Your strength gave me strength. Your courage gave me courage. The circumstances of our meeting were so tragic and yet I am so grateful to have known you.

And to Janet Glasser, our family support coordinator. Janet, you were the glue. Without you, we would never have had the support system that we had. You were so far above what your job required of you. You have been like a big sister to me. I can't even begin to thank you for everything you've done. I am so grateful to have you in my life.

To my husband Phil, for always loving me and letting me be who I am. For taking Matt and Melissa into your life and making them your own. For our little Alison, our little angel that we are so privileged to be parents to. For being my best friend.

And my utmost gratitude to John Boliver . . . for the love he brought into my life, for the two children he made with me, for all the laughing we did, and all the silly arguments. . . . I loved it all and I wouldn't change a thing. He brought me so much joy and taught me so much about courage. I will always hold him in my heart until we meet again in glory.

Thank you—Paula Wukovich.

PERSONAL EXPLANATION

HON. PAT TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. TOOMEY. Mr. Speaker, due to unforeseen circumstances, I missed rollcall votes Nos. 23, 24, and 25. Had I been present, I would have voted "nay" on rollcall vote No. 23, "nay" on rollcall vote No. 24, and "nay" on rollcall vote No. 25.

IN HONOR OF GEROME RITA STEFANSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the life of Gerome Rita Stefanski. A loving mother of five children and a courageous businesswoman, Mrs. Stefanski's life serves as a beautiful example of the American dream come true.

Daughter of Helen and Alexander Rutkowski, Gerome Rita Stefanski was raised in a loving and caring environment. From her parents, Mrs. Stefanski learned strong family values which helped her in raising her own children. Married in 1937, Mrs. Stefanski was mother to five children: Ben, Hermine Cech, Abigail, Floyd and Marc. Throughout her life, Gerome Rita Stefanski always made her family her first priority. Foregoing a career as a social worker, Mrs. Stefanski chose to stay at home and raise her children to assure that they would grow up in the same loving environment which she had known as a child.

Mrs. Stefanski attended college at Notre Dame College of Ohio and earned a master's degree from Catholic University of Washington, D.C. At her college graduation, Mrs. Stefanski was awarded the Bishop Schrembs Cross for recognition of her superior essay on the subject of religion as a working principle of life. She was also recently awarded an honorary doctorate from Notre Dame College of Ohio.

Shortly after her marriage, Gerome Rita Stefanski was an important partner in the founding of the Third Federal Savings Association. Working closely with her husband Ben, she prepared all of the original organizational documents. Mrs. Stefanski served as the sole advertising manager and wrote all of its publications for almost fifty years. A pioneer of the increased role of women in the workplace, Mrs. Stefanski became the Third Federal Savings Association's first female director in 1981.

Mrs. Gerome Rita Stefanski was a brilliant businesswomen and a loving mother, My fellow Congressmen, please join me in celebrating the life of Gerome Rita Stefanski.

BILL FRENZEL, ORDER OF THE RISING SUN

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. GREENWOOD. Mr. Speaker, it is with great pleasure that I take a moment to recognize one of our former colleagues, Bill Frenzel of Minnesota. Bill recently received the Order of the Rising Sun from the Emperor of Japan. This decision is one of the highest honors that can be bestowed on someone of non-Japanese descent. Such a distinguished honor highlights his dedication and many years of service to the development of Japanese-American relations. Many of these efforts began right here while he was serving on the House Ways and Means Committee. Bill was known as the most active Republican on trade matters and was an instrumental player in the advancement of the trade relationship between America and Japan.

During the last six years, Bill has served as the Chairman of the Japan-America Society of Washington, DC, a non-partisan educational and cultural organization. Founded in 1957, it serves as the primary forum in the Mid-Atlantic region for promoting understanding between the two countries. While there, Bill has worked hard to foster the development of an open, U.S.-Japanese dialogue. His efforts helped create an honest discussion regarding cultural differences, unfair trade practices, protectionist measures and the need for increased Japanese participation in multinational corporations.

Bill's work has been essential in creating stronger ground for trade relations between our great nations. His commitment to secure a productive working relationship has resulted in a sound base that will further continuing economic and political endeavors. It is an honor to recognize his work today on the floor, and I thank him for his dedication to such an important area of our foreign policy.

AL RESCINIO, MAN OF THE YEAR, AMERIGO VESPUCCI SOCIETY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. PALLONE. Mr. Speaker, on Saturday, March 3, the Amerigo Vespucci Society of Long Branch, N.J., my hometown, honored Al Rescinio as Man of the Year. I am proud to say that Al is a constituent and friend who has made innumerable contributions to our community, our county, and our state.

Al was born and educated in Long Branch and later graduated from Upsala College with a degree in business. He worked for the international organization of certified public accountants, Haskins & Sells, while he and his wife Marge raised their four children. These children, who no doubt are Al's greatest source of pride and satisfaction, are now all successful professionals—individuals who are in turn making their own contributions to society.

In 1968, Al started his own firm, Umberto Rescinio, C.P.A. Since then, he has participated in many national organizations and charities, giving back to those in need some of what he earned and achieved throughout his career.

Locally, he has been affiliated with the Monmouth County Drug and Alcohol Abuse Commission and the NJ State Planning Council of Central Jersey. He has received many awards and citations for his contributions.

On March 3, members of the Amerigo Vespucci Society honored him and thanked him for helping to raise the $62,000 that was donated this year to local charities by the Society. On that night, it was apparent how one

man and one civic-minded organization can make a big difference in the lives of the citizens of their community.

IN HONOR OF REVEREND FATHER RAPHAEL (ALBERT) ZBIN, O.S.B.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Reverend Father Raphael (Albert) Zbin, O.S.B., a man whose strong personality challenged others to work hard to build a spiritually, socially and physically sound community.

A native of Lakewood, Ohio, Father Raphael served much of his eighty years as both a religious and educational leader. While attending St. Benedict's College in Atchison, Kansas, he entered the Benedictine Order and professed his vows as a monk in 1942. The following year he returned to Kansas and received his bachelor's degree in science.

Father Raphael then returned to Cleveland to begin studies for the priesthood at the former St. Joseph's Seminary of the Blessed Sacrament Fathers while also teaching part-time at Benedictine High School. During his thirty years of teaching, Father Raphael became a prominent figure in the Cleveland Diocesan School system. His reputation as a strict disciplinarian motivated his students to study diligently and win numerous contests. Twenty-eight of the fifty-three highest honors projects recognized in the 1957 Diocesan Science Fair came from Benedictine due to Father Raphael's exceptional ability to challenge his students to produce quality work.

After receiving his master of science degree in biology from Catholic University of America in Washington, DC, Father Raphael was elected chairman for the American Benedictine Academy's Science Division. In 1966, he was named Outstanding Science Teacher of Northeastern Ohio by the Ohio Academy of Science.

In 1976, Father Raphael became the pastor of St. Andrew Svorad Parish in downtown Cleveland. For the past quarter century, his tireless energetic spirit brought about a number of renovations to the parish's physical plant and increased parish unity through his organization of many socials and dinners.

My fellow colleagues, join me in honoring the memory of Reverend Father Raphael (Albert) Zbin, a monk of Saint Andrew Abbey, who always saw work to be done. Let us aspire in our own efforts to be such examples of hard work and dedication to improvement.

WOMEN'S HEALTH AND CANCER RIGHTS CONFORMING AMENDMENTS OF 2001

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Women's Health and Cancer Rights Conforming Amendments of 2001. This bill is a technical correction to legislation adopted by the 105th Congress that ensures reconstructive surgery coverage for all stages of reconstruction, including symmetrical reconstruction, for breast cancer patients.

During the 105th Congress, I introduced the Women's Health and Cancer Rights Act of 1998. A specific provision of this bill that requires coverage for reconstructive procedures after breast cancer surgery was passed into law in Title IX of the 1998 Omnibus Budget Bill. While passage of that legislation was a wonderful step forward, a loophole has been identified which seriously weakens the intent of this legislation. The bill I am introducing again today, would correct this flaw by conforming the Internal Revenue Code of 1986 to the requirements consistent with the Women's Health and Cancer Rights Act. This change would provide a civil monetary penalty against those health plans who fail to provide coverage for breast reconstruction following mastectomy or other breast cancer surgery.

There is indeed precedence for such a technical correction. Similar corrections were made to the Internal Revenue Code as part of the Taxpayer's Relief Act of 1997 to ensure compliance to the Mental Health Parity Act of 1996 and the Newborns' and Mothers' Health Protection Act of 1996. The correction I am seeking today is like these and would ensure compliance to the Women's Health and Cancer Rights Act of 1998.

Studies have documented that the fear of losing a breast is a leading reason why women do not participate in early breast cancer detection programs. Now that coverage is guaranteed for reconstructive surgery following breast cancer surgery, it is time to put the teeth in that language and hold health plans accountable for providing that coverage. As we begin to set the agenda for the 107th Congress, let us make this important correction to ensure the best possible support for breast cancer victims.

COMMENDING THE UKRAINIAN LEADERSHIP ON ITS EXPRESSION OF UNITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, today I rise to commend Ukraine's leadership—President Leonid Kuchma, Chairman of the Rada Ivan Pliyshch, and Prime Minister Viktor Yushchenko—for their unified address to the Ukrainan nation on February 13th.

Mr. Speaker, recently the country of Ukraine has been faced with a degree of turmoil as a result of the kidnapping and murder of a journalist, Georgy Gongadze. As Ukraine's leadership acknowledged in their statement, the investigation into this incident was initially marred by delays and inconsistencies. However, the President, Prime Minister, and Chairman of the Rada have pledged that all measures will now be taken to get to the bottom of this case as soon as possible.

Mr. Speaker, this united affirmation by the three highest officials in Ukraine will help quell some of the recent unrest, propel the investigation of Gongadze's death, and speed Ukraine's return to normalcy.

TRIBUTE TO FAY COHEN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. FRANK. Mr. Speaker, a very special person, Fay Cohen, is being honored by her friends and colleagues on the occasion of her retirement as aide to Massachusetts State Senator Cynthia Creem.

Fay Cohen is special in many ways. She is a woman who has successfully balanced her professional life with years of volunteering for the causes she believed in. She is, indeed, a person with a special commitment to the democratic ideals we all espouse.

Fay Cohen served her community as an elected official on the Newton, Massachusetts Board of Aldermen. She was a tireless campaigner for the Massachusetts Democratic Party, and for political candidates who went on to serve both the Commonwealth of Massachusetts and the United States Congress. Senator EDWARD KENNEDY, Senator JOHN KERRY, former Congressman Robert Drinan, Governor Michael Dukakis, State Senator Lois Pines and I have all been the recipients of Fay Cohen's wisdom, dedication and hard work.

Fay Cohen may be retiring from her professional career, but I know that I and others who have relied on Fay's political astuteness will never let her retire from being one of our cherished activists.

IN HONOR OF THE CLEVELAND SOUTHEAST LIONS CLUB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Cleveland Southeast Lions Club for 50 years of public service.

For the last fifty years, the Cleveland Southeast Lions Club has been committed to serving the greater Cleveland area. This service organization works earnestly to provide numerous philanthropic donations to charities all over the world.

In attempt to extend a helping hand, the Cleveland Southeast Lions Club annually hosts an East West All Star Football game in order to raise money for worthy programs such as the Saint Vincent Charity Hospital Lions Eye Clinic, Ohio Lions Eye Research Foundation, Blind Welfare, and other deserving organizations. The Cleveland Southeast Lions Club strives to reach out to the less fortunate by donating thousands of pounds of clothing and food to Saint Augustine's distribution to the needy. The members of the Cleveland Southeast Lions Club work daily to assist

senior citizens by driving them to doctors appointments, the grocery store, or to the pharmacy. Not only are they involved in local services, the Cleveland Southeast Lions Club collects used eye glasses to be redistributed in the third world countries.

The Cleveland Southeast Lions Club cultivates to the spirit of service upon which they were found, taking a specific interest in children. This organization encourages a greater happiness for children with disabilities. By raising money with various fundraisers that promote community involvement, the Cleveland Southeast Lions Club helps send children to Camp Echoing Hills, a camp for individuals with disabilities.

It is evident that the Cleveland Southeast Lions Club has, over the years, played a crucial role in the community, and that its many years of service have been an invaluable contribution to the Cleveland community. For this work, the Northeast Ohio community is thankful.

My fellow colleagues, please join me in honoring the Cleveland Southeast Lions Club for their 50 years of public service.

CONGRATULATIONS TO THE GREENBACK HIGH SCHOOL CHEERLEADERS

HON. JOHN J. DUNCAN JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. DUNCAN. Mr. Speaker, earlier this year the National Cheerleading Championship was held here in the Nation's Capital. I am pleased that the National Championship Award in the small school varsity division went to the Greenback High School Cheerleaders, from Greenback, Tennessee.

Team members, Traci Russell, Amanda McKeehan, Rebekah Raines, Kristi Evans, Sylvia Martin, Staci Kizer, Lynette Krohnfeldt, Melissa Spring, Chelsey Edmondson and Kallee Brooks are to be congratulated on winning the award for their outstanding performance.

Mr. Speaker, I know that I join all Americans in wishing these young ladies best wishes on a job well done.

I have included a copy of a story written in the Maryville Daily Times describing their winning the National Title that I would like to call to the attention of my colleagues and other readers of the RECORD.

CHEERLEADERS ON CLOUD NINE AFTER WINNING NATIONAL TITLE

(By Stefan Cooper)

They sat cross legged on the floor, cool, calm and collected as they waited for the word.

Finally, the public address announcer in the ballroom of the Washington Hilton stepped to the microphone.

''And the national champion in the small school varsity division is . . . Greenback High School, Greenback, Tennessee.''

''They just went straight up in the air,'' Pam Tipton, one of two sponsors for the Greenback High School cheerleaders, said.

Since claiming the All-American Cheer and Dance national championship Saturday in the nation's capitol, Traci Russell, Amanda McKeehan, Rebekah Raines, Kristi Evans, Sylvia Martin, Staci Kizer, Lynette Krohnfeldt, Melissa Spring, Chelsey Edmondson and Kallee Brooks have yet to come down.

A large turnout—complete with WKXT Channel 8 in tow—met the team's plane at McGhee Tyson Airport late Saturday.

WATE Channel 6 showed up at the school Monday morning. Two area newspapers scheduled back-to-back interviews with the new champs Tuesday after school.

''The girls haven't had time to shave their legs, and I haven't had time to get my laundry done,'' Tipton said. ''The reaction from the community, the TV stations coming, it's been mind-blowing.''

Not to worry.

The team has come up with a catch phrase to deal with their newfound celebrity, Raines said: ''Act casual.''

The national title comes on the heels of a win in dance at a Universal Cheerleaders Association camp at the University of Tennessee last summer.

Prior to both, Tipton said, the team looked out of sync.

''The week before we went to camp, I said, 'This not going to come together,' '' she said. ''Put them in front of a crowd and it was, 'Whoa!' ''

'' 'Where did these girls come from?' ''

Regardless of the endeavor, it takes a lot of work to make a champion.

''A lot of people don't think cheerleaders are athletes.'' said Penny McKee, who cosponsores the team along with Tipton. ''Well, they are athletes. They trained for this.''

The team practiced its students for competition 2½ hours a day when not cheering at Greenback sporting events.

Maryville College junior Nicole Johnson, an employee at Maryville's Gymnastics Counts, choreographed the squad's dance routine.

Johnson's friend Adriel McCord supplied the dance mix.

''The shake-your-booty part was their favorite,'' Johnson said. They stuck every stunt (in Washington). Their tumbling was good.

''They surpassed every expectation.''

FEARLESS ONCE ON STAGE

It wasn't as easy as it seemed, Martin said. Prior to taking the stage each day of the two-day competition, everyone was a nervous wreck.

''Once the music starts,'' she said, ''you just think about the routine.'' There, McKee said, the squad was flawless.

''They hit everything,'' she said. ''It was perfect. That's the best I've ever seen them.''

Much of the reason for the impact the championship has generated is due to the size of Greenback.

The school has an enrollment of 600 students, kindergarten through 12th grade. Only 220 of those students are freshmen or above.

At the championships, where the largest squad had 28 members, the size of the Greenback contingent was quick to catch the eye.

''Everywhere the other squads went, they took three or four elevators,'' McKee said. ''We could all cram into one.''

CHEMISTRY SPELLS SUCCESS

Key to the squad's success is its chemistry. Tipton said.

''Most of them have cheered from grade school up,'' she said. ''They're really good friends, and they just click.''

And when Russell, McKeehan, Raines & Co. took the stage in front of a panel of six judges for the finals Saturday, it carried them through.

''They weren't nervous,'' Tipton said. ''I was scared to death.''

''We thought they had a chance to do it, but to actually have it happen is amazing.

''It's like something you see on TV, but you never think you'll be a part of it.''

Topping it all off, once the trophy was claimed, Brooks, Raines and Edmondson were named to the championships' All-Star team and will represent AACD at the 2002 NFL Pro Bowl in Honolulu.

TOUR OF THE U.S. CAPITOL

It wasn't all work and no play during their five-day stay in Washington, Russell said.

U.S. Rep. John J. Duncan Jr. gave the team a tour of the Capitol building. U.S. Sen. Bill Frist arranged a visit to the White House.

''We did basket tosses over the gate,'' Martin joked.

The most memorable part of their visit, though?

''The subway,'' Russell said. ''Definitely.''

Kidding aside, they have a lot of people to thank, all 10 members said.

Without Johnson's choreography, it never would have happened, they said.

''We love you, Rudy,'' Russell said.

McKee, Tipton, classmates, and the town of Greenback, all said, have been tremendous.

''We're honored,'' Raines said. ''We just wanted to make Greenback proud.''

PROCLAMATION FOR RAY AND CATHY JANSEN–

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. ISRAEL. Mr. Speaker, I submit the following proclamation for the RECORD.

Whereas, on March 31, 2001, Family Service League is celebrating 75 years of providing comprehensive human services to the Long Island Community with a Gala Celebration entitled: ''Restoring Hope . . . Rebuilding Lives,'' and

Whereas, on that evening, Family Service League will be honoring Catherine and Raymond Jansen for their many years in service to the Long Island Community, and

Whereas, Catherine and Raymond Jansen, both as individuals and as a team, have epitomized and set the standard for dedicated service to the Long Island community with their strong commitment to philanthropy and dedication to family, and

Whereas, Catherine Jansen, in addition to serving as a member of Family Service League's Board of Directors, is also Chairman of the Board of Trustees of the Hecksher Museum and serves on the Boards of Caumsett Park Foundation, Project R.E.A.L., United Way's Success by Six and the Three Harbors Garden Club, and

Whereas, Raymond Jansen, in addition to his recent appointment as Senior Vice President of the Tribune Publishing Company, and as president, publisher and CEO of Newsday, is known for his community service on many boards and philanthropies and for his leadership in bringing recognition to Long Island's everyday volunteers through Newsday's Winners Column, Every Day Heroes, and the Long Islander of the Century and FutureCorps. Therefore, be it

Resolved, That Catherine and Raymond Jansen, are here recognized in the United States Capitol for their many years of unselfish service to the Long Island community and will be presented with this Proclamation in the CONGRESSIONAL RECORD.

INTRODUCTION OF LEGISLATION TO ESTABLISH A COMMISSION FOR COMPREHENSIVE REVIEW OF THE FAA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. WOLF. Mr. Speaker, today I am reintroducing a bill calling for a tough, comprehensive review of the Federal Aviation Administration. The legislation would establish a commission to focus on the critical need to improve aviation safety and to reduce airline delays. It would examine both air traffic services and safety oversight by the FAA, and make recommendations on both the organizational structure and processes of the agency.

This is the perfect time, with a new administration entering the White House, for an unbiased, impartial and independent commission to begin working toward a solution to make our skies safer and our airports more efficient. We owe it to the American traveling public to make our skies as safe as possible and to put an end to the horrendous delays we so often hear about and experience.

We should all be concerned about aviation safety. As air travel has increased, we have seen increases in runway incursions, operational errors among air traffic controllers, and near midair collisions. In 1999, one in five flights arrived late, with each delay averaging about 50 minutes. According to Ken Mead, inspector general for the Department of Transportation, when cancellations are added in, it's nearly one in four. A total of 1.5 million flights were delayed or canceled last year.

Since 1978, the number of daily departures has doubled and the number of passengers has risen 250 percent. In 1999, U.S. airlines carried 694 million passengers on 13 million flights. As air travel continues to increase, we need to ask whether FAA is up to the job of adequate safety oversight, and whether Congress can do more to guide the agency.

Mr. Speaker, the Boeing Company recently called for the need for a new air traffic control system and even offered to fund improvements to the system themselves.

A recent letter from D.J. Carty, chairman, president and CEO of American Airlines, says that American continues to be concerned about the airline industry's ability to serve the public transportation needs due to air traffic control and airport capacity constraints.

The U.S. Chamber of Commerce, representing over three million businesses, recently stated that the air transport crisis is damaging our economy with delays and congestion costing industry and its shippers over $5 billion annually. Tom Donohue, Chamber president stated that skyrocketing demand and stagnant capacity are crippling the nation's aviation network and that we need a national strategy to streamline runway and airport construction and modernize our outdated air traffic control system.

Mr. Speaker, I also point out that operational errors among air traffic controllers are up significantly, as controllers try to cope with increasing traffic bearing down on crowded hub airports. At the same time these errors are up, the FAA has announced a plan to significantly reduce the number of operational supervisors available to assist and monitor that traffic. These errors have risen by 25 percent in the past two years alone.

In addition, runway incursions continue to go up, raising cries of alarm from the National Transportation Safety Board, the Office of Inspector General, and the Congress. The inspector general told the transportation appropriations subcommittee seven months ago "this safety issue is one that demands constant high-level attention," so we called for higher budgets, monthly reports and a national summit on the issue. Yet the most recent report shows that runway incursions have not gone down. They continue to go through the roof.

In addition, FAA has been unable to address the growing problem of airline delays. In the summer of 1999, delays were so high that the FAA announced a special review of its traffic management programs. This review concluded that the agency could do a lot more to provide efficient movement of aircraft around the country. Immediate improvements were promised. However, the delays of the past summer were just as high as the year before, if not worse.

The American traveling public is getting tired of these horrible delays. Business meetings are canceled, family gatherings are disrupted, and commercial deals are passed up when airline commerce does not flow smoothly. I hear my colleagues complain practically every day about the incredible and unacceptable airline delays. For those of us who fly often, our quality of life is greatly diminished because of this problem.

The commission I propose would take a comprehensive approach, and it would focus on ways to improve aviation safety for the benefit of all Americans. Specifically, the bill would establish a Commission for Comprehensive Review of the FAA. It would look at both air traffic services and safety oversight by the agency, and make recommendations on both the organizational structure and processes of the agency. However, the recommendations must address FAA's organization within the existing structure of government, rather than through privatization.

The commission would have 24 members appointed by the President, and would include representatives from airlines, airports, employee unions, and pilots as well as the DOD and other relevant federal entities. The legislation requires that the commission request must be submitted to the Congress within one year of enactment.

Mr. Speaker, there is a great opportunity for the new administration to start off with a fresh approach in aviation. It is the perfect time for an unbiased, impartial and independent commission to present new findings—focusing on aviation safety—to help guide the FAA in the right direction for the future.

The recommendations from this commission could be extremely helpful to the new President and the new Congress as we consider how to make our aviation system more safe and efficient for the U.S. citizens and those who visit our country.

Ideally, as soon as the commission reports its findings, legislation could be considered by Congress to implement the recommendations so that we can quickly move forward to make the changes needed to correct the long-standing problems at the FAA.

H.R.—

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 "Commission for Comprehensive Review of the Federal Aviation Administration Act".

SEC. 2. COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission for Comprehensive Review of the Federal Aviation Administration (referred to in this section as the "Commission").

(b) FUNCTIONS.—The functions of the Commission shall be—

(1) to review existing and alternative options for organizational structure of air traffic services, including a government corporation and incentive based fees for services;

(2) to provide recommendations for any necessary changes in structure of the Federal Aviation Administration so that it will be able to support the future growth in the national aviation and airport system; except that the Commission may only recommend changes to the structure and organization of the Federal Aviation Administration that are within the existing structure of the Federal Government;

(3) to review air traffic management system performance and to identify appropriate levels of cost accountability for air traffic management services;

(4) to review aviation safety and make recommendations for the long-term improvement of safety; and

(5) to make additional recommendations that would advance more efficient and effective Federal Aviation Administration for the benefit of the general traveling public and the aviation transportation industry.

(c) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be composed of 24 members appointed by the President as follows:

(A) 8 individuals with no personal or business financial interest in the airline or aerospace industry to represent the traveling public. Of these, 1 shall be a nationally recognized expert in finance, 1 in corporate management and 1 in human resources management.

(B) 6 individuals from the airline industry. Of these, 1 shall be from a major national air carrier, 1 from an unaffiliated regional air carrier, 1 from a cargo air carrier, 1 from the Aircraft Owners and Pilots Association, and 1 from the National Association of State Aviation Officials.

(C) 3 individuals representing labor and professional associations. Of these, 1 shall be from National Air Traffic Controllers Association, 1 from the Air Line Pilots Association, and 1 from the Professional Airways Systems Specialists.

(D) 2 individuals representing airports and airport authorities. Of these, 1 shall represent a large hub airport.

(E) 1 individual representing the aerospace and aircraft manufacturers industries.

(F) 1 individual from the Department of Defense.

(G) 1 individual from the National Aeronautics and Space Administration.

(H) 2 individuals from the Department of Transportation. Of these, 1 shall be from the Federal Aviation Administration and 1 from the Office of the Secretary of Transportation.

(2) TERMS.—Each member shall be appointed for a term of 18 months.

(d) FIRST MEETING.—The Commission may conduct its first meeting as soon as a majority of the members of the Commission are appointed.

(e) HEARINGS AND CONSULTATION.—

(1) HEARINGS.—The Commission shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct at least 2 public hearings after affording adequate notice to the public thereof, and may conduct such additional hearings as may be necessary.

(2) CONSULTATION.—The Commission shall consult on a regular and frequent basis with the Secretary of Transportation, the Secretary of Defense, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure, the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives.

(3) FACA NOT TO APPLY.—The Commission shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) ACCESS TO DOCUMENTS AND STAFF.—The Federal Aviation Administration may give the Commission appropriate access to relevant documents and personnel and shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Commission who receives commercial or other proprietary data from the Federal Aviation Administration shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

(g) TRAVEL AND PER DIEM.—Each member of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from such member's usual place of residence, in accordance with section 5703 of title 5, United States Code.

(h) DETAIL OF PERSONNEL FROM THE FEDERAL AVIATION ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall make available to the Commission such staff, administrative services, and other personnel assistance as may reasonably be required to enable the Commission to carry out its responsibilities under this section.

SEC. 3. REPORT OF THE COMMISSION.

(a) REPORT TO CONGRESS.—Not later than 30 days after receiving the final report of the Commission and in no event more than 1 year after the date of the enactment of this Act, the Secretary of Transportation, after consulting the Secretary of Defense, shall transmit a report to the Committees on Commerce, Science, and Transportation, Appropriations, and Finance of the Senate and the Committees on Transportation and Infrastructure, Appropriations, and Ways and Means of the House of Representatives.

(b) CONTENTS.—The Secretary shall include in the report to Congress under subsection (a) a final report of findings and recommendations of the Commission under section 2(b), including any necessary changes to current law to carry out these recommendations in the form of proposed legislation.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

INTRODUCTION OF A BILL TO ELIMINATE THE PERSONAL EXEMPTION PHASE-OUT AND THE ITEMIZED DEDUCTION PHASE-DOWN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. CRANE. Mr. Speaker, today I am introducing three pieces of legislation to refine the tax proposal put forward by President Bush. Let me state at the outset that I fully support President Bush's tax proposal as he laid it out. I think it is appropriate for the times and well-designed. Even so, there is no legislation or proposal that cannot be improved upon. And so I offer these three bills in this spirit and in the belief that the President in all likelihood would and should support them.

This bill takes as its starting point the income tax rate reductions proposed by President Bush, phased-in over ten years. I have included these rate reductions to provide the context for my proposed refinement, which is to repeal the phase-down of itemized deductions and the phase-out of personal exemptions contained in the current code. These provisions are sometimes known by the names of Pease and PEP, the former named for its originator. Congressman Don Pease, a distinguished Member of the Ways and Means Committee during the 1986 Tax Reform Act, and the latter an acronym for personal exemption phases-out.

The income tax contains a number of unfortunate provisions that phase-out various credits, exemptions, and deductions. For example, the amount an individual can take as itemized deductions falls for married taxpayers with adjusted gross income (AGI) over a $132,950 threshold. These taxpayers see a reduction in their total itemized deductions at the rate of 3 percent for every $1,000 earned over the threshold. The proportion of a taxpayer's itemized deductions that can be lost due to this provision is capped at 80 percent of their otherwise allowable deductions. Similarly, for 2001 a taxpayer's allowable personal exemptions are reduced by 2 percent for every $2,500 over and above $199,450 in AGI. This provision raises the marginal tax rate by .8 percent for affected taxpayers.

The itemized deduction phase-down and the personal exemption phase-out exist for only one reason—to increase taxes on the affected taxpayers. Even more troubling, they do so by significantly increasing tax complexity. Even worse, they raise taxes by raising marginal rates and they do so, not through an explicitly higher statutory tax rate, but through a hidden device.

The reduction of marginal tax rates is a hallmark of the Bush tax proposal. High marginal tax rates discourage people form investing, saving, creating new businesses, and so forth. Reducing these rates is therefore one of the effective things we can do to ensure a stronger economy in the future. The bill I am introducing today eliminates two hidden marginal tax rate increases and is, therefore, completely consistent with the strategy of the Bush tax rate reductions.

The bill I am introducing today is also fully consistent with sound tax policy because it makes the tax code more transparent. Taxpayers ought to be able to determine with little effort the tax consequences of their economic decisions. Hidden marginal rate increases are therefore inconsistent with sound tax policy and ought to be eliminated.

Further, everyone involved in tax policy agrees that the tax code is too complex, too costly to comply with, and too costly to administer. This bill certainly does not sweep away all the cobwebs of complexity, but it will make the code simpler for those affected by these two provisions.

IN RECOGNITION OF THE ACHIEVEMENTS OF DR. RAYMUND PAREDES, ASSOCIATE VICE CHANCELLOR AT UCLA

HON. HILDA SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize the achievements of Dr. Raymund Paredes, the Associate Vice Chancellor at UCLA. Dr. Paredes opened the doors of opportunity for many students from Los Angeles County through his leadership, direction and execution of academic development programs. He has served not only as a professional role models for Latinos across the United States, but most importantly as a positive role model to the residents of the 31st Congressional District. He exemplifies how one person's commitment to public education can make tremendous changes towards improving our educational system. Raymund Paredes obtained his B.A., in English from the University of Texas at Austin, in 1964. He went on to earn his in M.A. American Studies at the University of Southern California, 1969, and returned to the University of Texas at Austin for his Ph.D. in American Civilization, in 1973.

Dr. Paredes joined the faculty of UCLA's English Department in 1973. His research has focused on Mexican American literature and culture and the impact of demographic change on American culture, art, and education. A driving force in the emergence of Chicano studies as a discipline, he introduced Chicano literature courses to the UCLA curriculum and chaired the César Chávez Center for Chicana/o Studies from 1997 until 1999. He also served as an Associate Dean in the Graduate Division, overseeing the graduate fellowships unit as well as affirmative action programs from 1986 to 1989.

As Associate Vice Chancellor, Academic Development since 1989, Raymund has been engaged in a broad range of activities encompassing K–12 and community college outreach, faculty recruitment and retention, curricular development, promotion of cultural and

academic events, and, most recently, establishment of Community Education Resource Centers in five Los Angeles neighborhoods. He also worked on outreach in his capacity as Special Assistant to UC President Richard Atkinson from 1998 to 2000.

Dr. Paredes has long believed that by setting high expectations for students, they will eventually overcome their challenges. Dr. Paredes has been a strong advocate for the establishment of educational partnerships that lead to successful pipelines between high schools and four-year colleges, as well as between community colleges and Universities. He has played a most important role in outreaching to the most disenfranchised communities in the state of California. He has helped further the goals of the first successful summer academy for migrant students from California.

Dr. Paredes has served as an appointed member to the Task Force on Latino Eligibility by the University of California from 1992–1997. He has also served as an appointed member of the Advisory Committee on Latino Education by the California State Department of Education, has served as an appointed member of the California Commission for the Establishment of Academic Content and Performance Standards, has served as the co-chair of the Committee on K–12 educational research for the Inter-University Program for Latino Research and currently he is a Consultant on education to the Univision television network.

Dr. Paredes' true contributions to UCLA, the University of California, and the community at large far exceed the span of his myriad responsibilities. A champion of educational access, equity, and diversity, he has been a highly effective ambassador and leader on behalf of those causes. He has spearheaded landmark programs and forged relationships between the University and important local institutions—vital bonds that will endure because of his commitment and persistence.

Sadly, Dr. Paredes is leaving his position at UCLA, as he will be assuming the position of Director of Creativity, Culture and Arts Programs at the Rockefeller Foundation in New York.

On behalf of the 31st Congressional District, I thank Dr. Paredes for your leadership, your service and most importantly for your commitment to improving the quality of life for students in the state of California.

IF MEDICARE CAN BUY A PROSTATE BIOPSY FOR $178, WHY SPEND $506?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. STARK. Mr. Speaker, Medicare pays different amounts for various medical procedures, depending on where the service is performed. In general (but not always), we pay more for a procedure in a hospital outpatient department, less for the same procedure in an ambulatory surgical center, and often even less when that procedure is performed in a doctor's personal office.

Some people—the very frail or those who are quite sick—often need to be cared for in a setting where intensive support services can be quickly provided. But for most, these various procedures can be performed safely in a variety of settings.

For those who do not need back-up support, it would seem that Medicare ought to pay no more than the lowest cost site of service. I've introduced legislation to ensure that type of savings—savings that would run into the hundreds of millions per year.

The following letter from a group of doctors describes why we should enact this change—ASAP.

FEBRUARY 14, 2001.

REPRESENTATIVE PETE STARK,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE STARK: We are a group of six urologists. We are writing this letter to voice our concerns about, and ask for your help in clarifying/rectifying HCFA reimbursement policy as it relates to site of service payments.

To briefly summarize, three routine and frequently performed urology procedures are reimbursed at very different rates when performed in a physician's office versus an ambulatory surgical center. The procedures, corresponding CPT codes and associated payments are:

CPT code and description	Office pmt.	ASC pmt.
52000 Cystourethroscopy	$179	$418
52281 Cystourethroscopy w/urethral calibration/dilation	232	569
55700 Prostate biopsy	178	506

As you can see, if the bill for these procedures is sent to Part A Medicare instead of Part B Medicare the reimbursement is tremendously higher. This is true even though they are exactly the same service provided with identical equipment.

The Medicare Payment Advisory Commission (MedPAC) has stated ''All else being equal, Medicare should pay for ambulatory care based on the service, not the setting in which it is provided.'' (AUA Health Policy Brief, Page 5, December 1998). The major cost drivers of providing these services are basically identical regardless of site of service (cost of cystoscopes, ultrasound imaging equipment, power tables, sterilization equipment, light sources, irrigation fluid, ancillary personnel, and cost per square foot of space). We believe this present policy adversely and unfairly affects all providers who aren't owners of an ASC as well as Medicare beneficiaries.

Medicare beneficiaries are concerned about access and quality of care. Presently we provide these services at four locations. Without a level reimbursement policy concerning site of service, we will have to consider closing some offices and congregating all or most of these procedures at one centrally located ASC.

INTRODUCTION OF NO GUNS FOR VIOLENT PERPETRATORS ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. MOORE. Mr. Speaker, today I join with twelve of my colleagues in introducing legislation that will help protect our communities by keeping guns out of the hands of our most violent criminals.

As an elected District Attorney for twelve years, I know that tough enforcement of our current laws is vital to keeping our communities safe. One of these federal laws in existence makes it illegal for convicted felons to posses a firearm. But would it surprise you to know that there is no similar prohibition on possession of a firearm by a person who has a juvenile adjudication of a violent crime? That is a fact. And it is a narrow loophole in the law that should be closed.

A constituent who owns a gun store in my district, Bob Lockett, brought this loophole to my attention. An individual with a conviction for a shooting death as a juvenile in California tried to purchase gun parts at his store. The State of Kansas has a law making it illegal for persons with a juvenile adjudication of a violent crime to possess a firearm. Therefore, when a search discovered the prior conviction, Mr. Lockett was able to prevent the purchase and notify the authorities. I commend Mr. Lockett for his actions and for bringing this matter to my attention.

Mr. Speaker, although I am grateful that Kansas has such a law, I believe that this should be a federal law to prevent violent perpetrators from possessing firearms nationwide. These individuals with a violent past should be prohibited from possessing firearms.

During my years as a District Attorney, I found that, to the victim of a violent crime, it makes little difference whether the perpetrator was an adult or a juvenile. I believe we all can agree that violent persons should not be able to legally possess a firearm.

Mr. Speaker, persons who have a juvenile adjudication for a violent felony should never possess a firearm. I urge my colleagues to support this important legislation.

THE ALTERNATIVE MINIMUM TAX REPEAL ACT OF 2001

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. COLLINS. Mr. Speaker, I rise today to introduce The Alternative Minimum Tax Repeal Act of 2001 which will repeal the individual Alternative Minimum Tax (AMT). The domestic tax system has dramatically changed since the creation of the AMT regime. Consequently, this tax regime has long outlived its purpose. Today, the AMT is punitive in nature, overly cumbersome and affects taxpayers who were never intended to fall into this tax trap. To immediately reduce the number of wage earners who are affected, my legislation will extend the current-law provision which allows personal tax credits to be applied against the AMT calculation. The proposal will also immediately increase the AMT income exemption level, originally added to the AMT structure in 1993, so that it is adjusted to reflect inflation since that time. Subsequently, it will increase the exemption amount annually by 10 percent. In addition, the bill will repeal the income limitation that currently applies to that exemption.

Finally, at the end of a ten year period, the individual AMT will fully be repealed.

Included in the tax plan outline presented by President George W. Bush, was a statement in support of additional tax code changes that would provide relief from the Alternative Minimum Tax. Please join me by cosponsoring this important legislation. Eliminating the AMT will reduce the complexity of the tax code and remove another heavy burden shouldered by wage earners.

INTRODUCTION OF A BILL TO REDUCE THE CORPORATE TAX RATE TO 33 PERCENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. CRANE. Mr. Speaker, today I am introducing three pieces of legislation to refine the tax proposal put forward by President Bush. Let me state at the outset that I fully support President Bush's tax proposal as he laid it out. I think it is appropriate for the times and well-designed. Even so, there is no legislation or proposal that cannot be improved upon. And so I offer these three bills in this spirit and in the belief that the President in all likelihood would and should support them.

The bill I am introducing takes as its starting point the income tax rate reductions proposed by President Bush, phased-in over ten years. I have included these rate reductions to provide the context for my proposed refinement, which is to reduce the top corporate income tax rate to 33 percent to be consistent with the top individual income tax rate in the Bush proposal of 33 percent.

The driving force of the Bush tax program is the importance of reducing tax rates. This is manifested in the reduction in the statutory tax rates, but also in such provisions as the doubling of the per child credit, the effect of which is to soften the high effective tax rates many lower-income taxpayers face due to the phase-out of the Earned Income Tax Credit (EITC). When we reduce these ''marginal'' tax rates, we reduce the most important disincentives our tax system imposes on work effort, saving, and investment. Think of it! Just as an individual or a family starts to climb the economic ladder they face a marginal tax rate of almost 50 percent thanks to the combination of the federal individual income tax, the phase-out of the EITC, the payroll tax, and any state income taxes imposed.

When it comes to tax policy, reducing marginal tax rates is the best insurance policy we can buy for ensuring a strong economy in the future. By reducing tax rates as he has proposed, the President would reduce disincentives for individuals, partnerships, sole proprietorships, and even for a special brand of economic organization called an S Corporation. However, his program does not provide similar relief to the more common corporate form, known as the C corporation. The bill I am introducing today extends the principle of reducing tax rates to the top corporate income tax rate faced by C corporations, which currently stands at 35 percent. My bill would reduce this tax rate to 33 percent, and in so doing would provide tax relief to almost all corporate taxpayers.

Reducing the corporate income tax rate to 33 percent would reduce the disincentive facing corporations to invest in new plants and equipment. Thus, the level of investment would increase, helping America out of its current economic slowdown and putting us on a path of stronger growth in the future. The extraordinary growth we experienced prior to the current slowdown was driven largely by productivity growth that is largely attributable to increased capital formation. Reducing the corporate income tax rate would encourage a resumption of this capital formation and, in the process, would increase the competitiveness of America's corporations and America's workers.

As the corporate community searches for tax relief that is broad in application, defensible in principle, and conducive to prosperity at home and greater competitiveness abroad, they can hardly do better than to reduce the corporate income tax rate as I have proposed in this bill. That is not to say that other changes would not also be beneficial. For example, repeal of the corporate Alternative Minimum Tax, reform of our international tax laws, and a thorough modernization of our system of capital cost recovery system would each be highly beneficial and worthy of consideration. However, in the context and an era of individual tax rate reduction, I believe a simple reduction in the corporate income tax rate has the greatest chance for success at this time. And so I urge my colleagues to support this legislation, modest though it is, to permit America's corporations and America's shareholders to share in tax relief while ensuring our companies remain strong and competitive.

RECOGNIZING LOUISE DAVIS

HON. HILDA SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize the notable accomplishments and the extraordinary life of a woman from the 31st Congressional District of California.

Louise Davis is retiring from serving over 20 years of public office in the San Gabriel Valley. Louise served as the mayor of Monterey Park for three terms, from 1980 to 1981 and again in 1983. Prior to her mayoral terms, she was elected as ''The Grass Roots Candidate,'' for Monterey Park City Council in 1976 where she served for eight years. She was a unique council member who spent her time directly addressing her constituents' problems and working to make Monterey Park a better place for all its residents. After a brief break from public life to enjoy her children and grandchildren, Louise accepted the encouragement from residents and ran for Monterey Park City treasurer in 1988. She served in this capacity for 12 years and was known for her sharp wisdom and good judgment.

Louise was born and raised in Joliet, Illinois, graduated from St. Angelea's Academy where she was class president and received a scholarship to pursue her college education in Milwaukee, Wisconsin. At the conclusion of World War II, she met Bill Davis and when he returned from the Navy, they were soon married. Louise and Bill Davis moved to Monterey Park in 1955 and raised seven children—all attended public schools. Louise became heavily involved with the PTA and the Mothers March of Dimes. She was appointed to the Community Relations Commission, where she worked to foster better ethnic relations in Monterey Park, a city known for its multicultural and diverse population. She served as the hostess of the City's Welcome Wagon in the 1960s, represented her community in the March of Dimes, served on the Monterey Park Boys and Girls Club Board, the President's Community Advisory Board of East Los Angeles College and the American Red Cross Board, San Gabriel Valley. She has also worked diligently to preserve the history of the City she served so well as President of the Monterey Park Historical Society.

Louise has served as a charter member and president of Hillhaven Health Care Center's Community Advisory Board and a charter member and chairperson of the Friends of the Seniors, Langley Senior Center.

Among her many honors, Louise was named, Woman of the Year by Soroptomist International, Monterey Park. She has been the recipient of the Most Valuable Citizens Award from the Monterey Park Boys and Girls Club, an Award of Merit from the Monterey Park Chamber of Commerce, and the Community Service Award from the Monterey Park Lions Club.

Louise Davis enjoys respect and notoriety from numerous residents of Monterey Park because of her vast contributions to the community. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable public service.

Mr. Speaker, I ask this 107th Congress to join me in recognizing the tireless, grass roots work of Louise Davis upon her retirement on March 8, 2001 for her service to the constituents of California's 31st District and wish her good health and prosperity in her retirement.

TRIBUTE TO WILLIAM J. PITKO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of William J. Pitko.

William J. Pitko was born on July 4, 1939 to Joseph Sr. and Mary Krulik Pitko. One of four brothers and a sister, he leaves David, George, Joseph Jr., and Gladys Stahara. He also leaves two daughters, Laurie Pitko and Cindy Rawden, two granddaughters, and his companion.

For 16 years, William J. Pitko was treatment plant operator for the Mahoning County Sanitary Engineering Department. I knew he was a tremendous athlete from when we played football, baseball, and basketball together at St. Matthias parochial school. He dedicated much

time and effort to his church, and proudly served his country in the U.S. Army.

William J. Pitko will be sorely missed in the Poland community. He touched the lives of many people, and was adored by all who had the privilege to know him. I extend my deepest sympathy to his friends and family.

RESTORATION OF WOMEN'S CITIZENSHIP ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Ms. ESHOO. Mr. Speaker, I rise on the third day of National Women's History Month to reintroduce the Restoration of Women's Citizenship Act, legislation that corrects an antiquated law that mars our Nation's history.

In 1922, Rose Bouslacchi, an American citizen, married Conrad Sabatini, a tailor by profession and an immigrant from Northern Italy. When the couple married, a Federal law existed which stripped women of their U.S. citizenship if they married resident alien men, but the law did not apply to men. Ironically, a year later the U.S. granted Conrad Sabatini the privilege of citizenship while his wife, Rose Bouslacchi, lost hers.

During the course of her life, Rose Bouslacchi reared a family of five daughters, each a college graduate and each a contributor to the well-being of our Nation. Four became teachers and one became a nurse. Rose Bouslacchi was an active member of her church and worked with her husband in the running of their business. Her life embodied the values of family and faith, representing the best of America. But, Rose Bouslacchi could never be called an American again.

Rose Bouslacchi was not alone. There were many women affected by this law. After decades of women voicing the gender inequities of our laws, Congress modified the law. In 1952, Congress enacted a procedure for women wronged by the 1907 law to regain their citizenship. A legislative oversight, however, failed to provide a procedure to enable deceased women to have their citizenship restored posthumously. Thus, many families like Rose Bouslacchi's have been left without any recompense. The Restoration of Women's Citizenship Act would grant U.S. citizenship posthumously to the women who were wronged in 1907 and were unable to benefit from the 1952 law.

I urge all my colleagues to celebrate National Women's History Month and honor those deceased women and their families by cosponsoring the Restoration of Women's Citizenship Act.

TRIBUTE TO THE LATE SEELY JOHNSTON

HON. TIM JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. JOHNSON of Illinois. Mr. Speaker, on February 7, 2001, the 15th District of Illinois lost a dear friend in Seely Johnston. Seely was born May 25, 1903 and lived in the Champaign-Urbana area for all of his 97 years. During that time he made his mark as a Champaign City Council member, sporting goods store owner, and friend of all. Seely said he was always guided by the advice of his father who told him once that making a living is important, but not as important as making friends. Whether it was with the likes of Harry Houdini or one of the many University of Illinois students he had over for breakfast every Sunday morning, Seely took this advice to heart. There are few people, in each community and generation, who not only enrich lives during their lifetime, but also leave a legacy. Seely Johnston was one of these people. Without Seely, the Champaign-Urbana area would have been a lesser place.

INTRODUCTION OF A BILL TO REDUCE THE ALTERNATIVE MINIMUM TAX RATE TO 25 PERCENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. CRANE. Mr. Speaker, today I am introducing three pieces of legislation to refine the tax proposal put forward by President Bush. Let me state at the outset that I fully support President Bush's tax proposal as he laid it out. I think it is appropriate for the times and well-designed. Even so, there is no legislation or proposal that cannot be improved upon. And so I offer these three bills in this spirit and in the belief that the President in all likelihood would and should support them.

The first bill I am introducing takes as its starting point the income tax rate reductions proposed by President Bush, phased in over ten years. I have included these rate reductions to provide the context for my proposed refinement, which is to reduce the tax rates of the individual Alternative Minimum Tax (AMT) from 26 and 28 percent to 25 percent, consistent with the reduction of an individual income tax rate under the Bush proposal from 28 to 25 percent.

The individual (AMT) is a complex and unfortunate aspect of our tax code. Most taxpayers are blissfully unaware that they are, in fact, subject to two federal income taxes—the regular income tax and the AMT—and that their annual tax liability is the greater of the two produced by these two systems. The modern AMT was intended to ensure that certain upper-income taxpayers paid a significant amount of tax. It was to achieve this objective by denying to these taxpayers certain deductions and exemptions available under the regular income tax. For example, in addition to denying taxpayers any of a set of "preferences", such esoteric items as excess intangible drilling costs and a deduction for pollution control facilities, the AMT denies taxpayers the personal exemptions allowed under the regular income tax, and denies them a deduction for State and local taxes paid.

For a variety of reasons, the number of taxpayers, especially middle-income families, subject to the individual AMT has been soaring in recent years, and this trend is expected to continue. Ideally, the AMT should be repealed outright. The abuses the AMT was established to address have long since been eliminated from the income tax. Until full repeal becomes timely, however, we must at least ensure that matters do not worsen.

In the context of the Bush income tax rate reductions, the AMT poses additional problems because these rate reductions do not extend to the AMT rate. This means that many taxpayers currently subject to the AMT suffer the additional wrong of being excluded from any tax relief under the Bush program. This is patently unfair as many Members on both sides of the aisle have pointed out.

It also means that many more taxpayers will see far less tax relief than is intended. This would occur for those taxpayers whose current regular income tax liability barely exceeds their AMT liability. Once the Bush rate reductions are put into effect, these taxpayers' regular income tax liability will drop below their AMT liability. They will still receive some tax relief, to be sure, but far less than they expected and far less than was anticipated when the Bush proposal was developed.

The new income tax rate structure suggested by President Bush starts at 10 percent, and then rises to 15 percent, 25 percent, and finally 33 percent. The current individual AMT has two rates of 26 and 28 percent. My bill reduces the AMT rates to a single rate at 25 percent to be more consistent with the President's proposed rates. Thus, my proposal would reduce marginal tax rates for AMT filers so they, too, have a better incentive to work, save, and invest. Just as important, however, under my bill current AMT filers and near AMT filers would join with all other taxpayers in enjoying significant tax relief.

This legislation is sound tax policy. By any measure it increases fairness in the tax code. And it deserves the support of this Congress.

IN HONOR OF THOMAS G. FERN

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in recognition of Thomas G. Fern, immediate past State Director of the United States Department of Agriculture in Kentucky.

For more than 35 years, Mr. Fern has served the people of Kentucky thru his work at USDA/Rural Development, formerly the Farmers Home Administration. Mr. Fern served as Assistant County Director, County Director, and District Director before being appointed State Director by President Clinton in 1993. His broad experience in agriculture, housing, and community development made him a strong advocate for the people of rural Kentucky. His wealth of experience and knowledge qualified him to serve on various committees and commissions such as the Kentucky Renaissance Committee, The Kentucky Rural Water Resource Commission, and the Kentucky Appalachian Commission.

Mr. Fern administered with great professionalism the programs offered by USDA

Rural Development, including Rural Utilities Service, Rural Housing Service, and Rural Business Service, as well as the Empowerment Zone, Enterprise Community, and Champion Communities programs. Mr. Fern worked hard to help rural Kentucky reap the benefits of these programs. As a result, many community improvements were funded during Mr. Fern's time as State Director of USDA/Rural Development, and I and my fellow Kentuckians owe him a big thank-you. Projects funded under his leadership will improve the quality of life in the great Commonwealth of Kentucky for decades to come.

I rise today to commend Thomas G. Fern for his 35 years of service to the people of rural Kentucky. I ask my colleagues to join me in thanking him and wishing him well.

LEGISLATION TO SIMPLIFY THE EXCISE TAX ON HEAVY TRUCK TIRES

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. WATKINS. Mr. Speaker, I rise today to introduce legislation that would simplify the excise tax on heavy truck tires.

The IRS and the tire manufacturers are today laboring under an unnecessary administrative burden. The tire industry pays an excise tax on heavy truck tires that goes directly to the Highway Trust Fund. But the means by which the IRS collects the tax are inefficient and costly. Under the current collection system, the IRS requires manufacturers to weigh each line of taxable tires for each tire size, to track the sales and taxes paid for each tire, and to maintain burdensome compliance systems to verify sales and tax payments by weight. Manufacturers must determine if a tire is for a taxable highway use or for a non-taxable off-road use, and then track whether the purchasers are tax exempt. This system of tax collection is both onerous and wasteful; I propose we change it.

The legislation I am introducing today would reduce these administrative burdens without reducing any revenue to the Highway Trust Fund. It does this by revising the current system based on the weight of the tire to one based on the weight-carrying capacity of the tire. This new system would simplify the payment and collection of taxes for both the tire industry and for the IRS—resulting in reduced expenses for both.

We also may simplify this tax by adopting a bright line that identifies which tires are subject to the excise tax. Under the Federal Motor Vehicle Safety Act, as administered by the Department of Transportation, all tires sold in the U.S. for highway service are required to be marked with the maximum weight carrying capacity of the tire. The IRS would take the data already collected by the DOT and base its tax on the amount per pound of weight carrying capacity. And the tax rate would be set at an amount that provides revenue neutrality to the U.S. Treasury.

This much-needed bright line test would be simple to apply and easy to enforce: Tires that meet the DOT test by being marked with the appropriate notation are subject to tax. Tires that are not marked cannot be used on the highway.

I encourage my colleagues to join us in supporting this legislation.

EXEMPTING PRESCRIPTION DRUGS AND MEDICAL SUPPLIES DISPENSED BY THE DEPARTMENT OF VETERANS AFFAIRS FROM INTEREST CHARGES AND ADMINISTRATIVE COSTS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Ms. MINK of Hawaii. Mr. Speaker, I rise to introduce a bill that exempts prescription drugs and medical supplies that are dispensed by the Department of Veterans Affairs from DVA's interest charge and administrative cost charge.

Under current law, the Department of Veterans Affairs charges interest and administrative costs for any indebtness resulting from the provision of services and benefits to Veterans.

The interest rate, set by the Department of the Treasury, is 6 percent. The Department of Veterans Affairs has set the administrative rate at 50 cents per month. Veterans should not have to pay this interest charge or administrative collection cost. They should be responsible for the co-payment amount only.

INTRODUCTION OF THE COMMUNITY REINVESTMENT MODERNIZATION ACT OF 2001

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to reintroduce today, in partnership with my colleague, Rep. LUIS GUTIERREZ, the Community Reinvestment Modernization Act of 2001, a very strong piece of legislation to modernize our fair lending laws to keep pace with the times. We first introduced this legislation during the last session of Congress in July of 2000.

There are a lot of people who have worked very hard to bring us to this point today and I'd like to say a special word of thanks to the National Community Reinvestment Coalition. In particular, John Taylor and Josh Silver have been instrumental from day one in drafting this legislation.

This bill is absolutely critical to helping creditworthy Americans gain access to credit and banking services. Since 1977, CRA has encouraged banks and thrifts to commit more than $1 trillion in private reinvestment dollars for mortgages, small business loans and community development loans for traditionally underserved communities. In the Milwaukee area alone, CRA has channeled over $200 million in lending to low- and moderate-income citizens and neighborhoods.

The timing for CRA is crucial. CRA will become less effective if it is not updated to keep pace with the rapid changes that are occurring in the financial services marketplace as a result of the Gramm-Leach-Bliley Financial modernization Act of 1999. The Community Reinvestment Modernization Act of 2001 will ensure that the hundreds of thousands of Americans, most often minorities and the working poor, will continue to have access to capital and credit.

The bill is endorsed by the National Community Reinvestment Coalition, the U.S. Conference of Mayors, the National League of Cities, and the Association of Community Organizations for Reform NOW (ACORN).

In my hometown of Milwaukee, it is supported by the Mayor of Milwaukee, the Fair Lending Coalition, Interfaith Conference of Greater Milwaukee, Hope Offered through Shared Ecumenical Action (HOSEA), the Local Initiatives Support Corporation (LISC), the Neighborhood Housing Services of Greater Milwaukee, Milwaukee Innercity Congregations Allied for Hope (MICAH), the Metropolitan Milwaukee Fair Housing Council, the National Association for the Advancement of Colored People (NAACP), Select Milwaukee and the Legacy Bank.

So many people and institutions support this bill because CRA is not only the right thing to do, it is the profitable thing to do. According to a Federal Reserve Board report issued in July of 2000, 91% of home lending and 82% of small business lending under CRA is profitable. This is comparable to any other type of lending.

The bill we are reintroducing today will update CRA to match the increased market powers the Financial Modernization Act creates. It will make banks accountable again by updating CRA to cover all loans and lenders. This not only includes mortgage companies, but also insurance companies, investment firms and other affiliates of banks that will increasingly be offering loans and basic banking products in the new financial world.

In addition to extending CRA to all loans and lenders, the CRA Modernization Act of 2000 would: (1) Make insurance more available, affordable and accessible to minorities and low-income citizens; (2) improve data collection for small business and farm loans; (3) require a notice and public comment period for mergers between banks, insurance and investment companies; (4) require that HMDA data also include information on loan pricing and terms, including interest rates, discount points, origination fees, financing of lump sum insurance payment premiums, balloon payments, and prepayment penalties; (5) prohibit insurance companies that violate fair housing court consent decrees from affiliating with banks; and (6) penalize a financial institution and its affiliates through reduced CRA ratings if the institutions have engaged in predatory lending.

CRA is paramount to continuing the progress this country has made towards eradicating discrimination in the financial services marketplace. And it is imperative that we modernize this important law now. The bottom line is that CRA is good for business. It not only levels the playing field to make sure that all creditworthy Americans have access to capital and credit, it makes good business sense.

We hope you and all of our colleagues in the House will consider supporting the Community Reinvestment Modernization Act of 2001.

IN SPECIAL RECOGNITION OF THE 100TH ANNIVERSARY OF THE ZION EVANGELICAL LUTHERAN CHURCH, HURON, OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. GILLMOR. Mr. Speaker, for the past 100 years, the Zion Evangelical Lutheran Church in Huron, Ohio has served as a beacon of hope, strength and prosperity for Ohio's Fifth Congressional District. Today the church celebrates its centennial and I want to recognize its contribution to Huron and all of Ohio.

What began as an idea of forming a congregation in 1901 in Huron, has become a century-long dedication to faith and family. The church has served as a place for friends, neighbors, colleagues and coworkers to come together to form a close-knit family. They all share a common-bond centered around their dedication to their church. The importance of family values and family worship is of profound importance to the people of Huron, and they are proud of their church, their religious beliefs and their heritage.

First established as a parish early 1901, Pastor August H. Dornbrier held the first service in a little white German Reformed church that was rented then later purchased. Since then, the church and its congregation have had a vibrant history. The congregation has grown dramatically to more than 270 members from its early days when 42 people attended the first service. The congregation has had three homes where many of the rich German traditions have been upheld.

Located on the shores of Lake Erie, the church represents all that in good in our communities—grace, elegance and commitment. We, in Ohio's Fifth Congressional District, are blessed to have such centerpieces in our communities. The strength of these communities relies upon the strength of our faith. The Ohio state motto, ''With God all things are possible,'' truly embodies this concept.

One-hundred years after its founding, the Zion Evangelical Lutheran Church in Huron, proudly celebrates its history—a story that is a testament to the congregation's enduring faith and extraordinary commitment to God and community. Huron is a much stronger community because of the work of the church and its members. I congratulate the congregation's perseverance and I am confident the church will be just as strong during its next 100 years of service.

TRIBUTE TO JOHN RUIZ, THE FIRST HISPANIC HEAVYWEIGHT CHAMPION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. BACA. Mr. Speaker, it is with great pride that I rise to salute John Ruiz, who with his victory this past weekend, becomes the first Hispanic heavyweight boxing champion.

The victory will be an inspiration to all Hispanic youth, and indeed to all Americans, that if you work hard, if you have tenacity, and persistence, and vision, there is nothing you cannot achieve. That is the American dream. The hope that some day, greatness will rise up in all of us. In the past several decades, several notable Hispanics have fought for the world heavyweight title, and despite their valor, have not achieved it; when one reviews the list, one sees how great this achievement is:

1923—Luis ''The Wild Bull of the Pampas'' Firpo vs. Jack Dempsey
1968—Manuel Ramos vs. Joe Frazier
1968—Oscar Bonevena vs. Joe Frazier
1973—Joe ''King'' Roman vs. George Foreman
1977—Alfredo Evangelista vs. Muhammad Ali
1978—Alfredo Evangelista vs. Larry Holmes
1979—Ossie Ocasio vs. Larry Holmes
1983—Lucien Rodriquez vs. Larry Holmes

John's win has special personal significance for me. As a former ball-player, both in school and semi-professionally, I recognize the special labors of our athletes, and the inspiration that athletics can play in our lives, particularly to minority youngsters. Athletics can be a motivating factor, something that gives us a sense of identity, something to work for. Athletics ultimately caused me to finish school, serve my country in the military, go to college, and become a community college trustee, Assembly Member, State Senator, and Member of Congress. It was not always easy, but I had role models, and I am pleased that John is a role model for today's youth.

I would hope that Hispanic youth, indeed, all the youth of America, look at the achievement of John Ruiz and see they can reach equally great heights, whether it is in athletics, academics, or the world of business, science, public service, or the arts. America's youth need to know that we believe in them, and they should believe in themselves. Because God gives us all talents.

In the short run, there is nothing so sweet as a victory, and nothing so stinging as a defeat. But what is ultimately important is good sportsmanship, good conduct, playing a worthy game, facing a worthy adversary. Living to fight another day. In that sense, both John Ruiz and Evander Holyfield are to be saluted and honored, for they fought with their hearts, they fought with their souls, they gave American an exhilarating match, one that demonstrated athletic artistry and great courage under fire. And they should raise their hands, together, in a clasp of goodwill, knowing they have fought the good fight, the noble fight. Their bruises will heal, but they will always share a brotherhood of having met in the ring, where champions are made, and courage tested.

I am sure that John's community, where he got his start boxing, is very proud of his achievement. John's hometown, Chelsea, has one of the largest Hispanic populations in Greater Boston. It has been a Mecca for some of the all-time boxing greats. I would also like to salute John's family, his wife Sahara and their children John and Jocelyn on this achievement. And so I say, congratulations, God Bless.

PRINTING OF A REVISED EDITION OF ''BLACK AMERICANS IN CONGRESS, 1870–1989''

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 2001

Mr. CROWLEY. Mr. Speaker, today I rise in support of Authorizing the printing of a revised and updated version of the House document ''Black Americans in Congress.''

I think it only seems fitting to pay tribute to the African American men and women who served in these hallowed halls. African Americans have a long history of serving in this great institution. For many years, they were not welcomed by all of their colleagues. Still these men and women persevered and paved the way for all of us serving in Congress today.

I am proud to stand here with nearly 50 of my colleagues in support of this bipartisan piece of legislation.

As a young man, I can remember admiring the work of Shirley Chisholm, the first African American woman elected to serve in the United States Congress from my home state of New York. Former Congresswoman Chisholm was first elected into office in 1968, as a representative for the 12th Congressional District of New York and served for 15 years until she retired in 1983.

She was a great advocate for education, day care and providing other resources to improve the quality of life in inner cities. She also fought to decrease defense spending and to end the military draft. I believe that Ms. Chisholm's legacy is one that should always be remembered, honored and cherished along with many others. That is why this publication is so very important.

Since its last publication, an additional 40 distinguished African Americans have served in either the House or Senate. Moreover, many of the biographies of several senior members of the House have grown outdated and I believe that the time has come to revise and reprint this important historical work.

This legislation would allow the Library of Congress to revise the current volume under the direction of the Committee on House Administration. In addition, the bill would allow for the copying, binding and distribution of the book to Members in both the House and Senate.

Mr. Speaker, this next edition of ''Black Americans in Congress'' will undoubtedly be a great resource and a treasured addition to every member of the House and the Senate, as well as the Library of Congress and libraries throughout this country.

I urge my colleagues to join in support of this concurrent resolution.

PERMANENT HOUSING HOMELESS PREVENTION GRANT RENEWAL ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. LAFALCE. Mr. Speaker, today, along with Representatives WELLER, FRANK, QUINN, SABO, BIGGERT, and LEE, I will be introducing the ''Permanent Housing Homeless Prevention Grant Renewal Act.''

This bi-partisan legislation authorizes renewal of expiring Shelter Plus Care and SHP permanent housing rental assistance grants through the HUD Section 8 Housing Certificate Fund. Currently, some 75,000 vulnerable families, including veterans, disabled, mentally ill, and other families at risk of homelessness, receive monthly rental assistance under these two important McKinney-Vento Act homeless programs.

The legislation is supported by a broad group of national and regional organizations which fight homelessness, including Catholic Charities, the National Alliance to End Homelessness, the Corporation for Supportive Housing, and the National Alliance for the Mentally Ill. These groups have jointly written ''to offer our support and assistance in moving this important legislation forward,'' and noted that ''This bill will have the effect of providing new housing to more homeless people with disabilities, as well as preventing catastrophic losses of housing for some of the most vulnerable Americans.''

Renewing Shelter Plus Care and SHP permanent housing through Section 8 is a solution to the annual uncertainty over renewals. Currently, when the initial term of a Shelter Plus Care or SHP permanent grant expires, a grantee must re-apply each year for continued assistance. If a grant is not renewed, the families which are receiving rental assistance under the grant face the risk of eviction and homelessness.

This is not an idle risk. Just fourteen months ago, HUD failed to renew rental assistance grants for thousands of families nationwide. It took an emergency supplemental appropriations bill in July of last year to reinstate funding for these grants. In the interim, many communities were forced to scramble for funds to cover the gap; many families confronted the very real risk that they would lose their monthly rental assistance.

Last year, the House devised a permanent solution to this problem, as part of the House VA–HUD appropriations bill. That bill funded all renewals of expiring Shelter Plus Care grants through the HUD Section 8 Housing Certificate Fund. This approach would provide a reliable source of renewal funding. Unfortunately, the Senate did not go along with this approach, and the final conference report, while providing a separate account for renewals, does not provide a reliable, long-term funding source. The best approach was and still is renewal of all expiring Shelter Plus Care and SHP permanent housing grants through the HUD Section 8 Certificate Fund. That approach is embodied in the ''Permanent Housing Homeless Prevention Grant Renewal Act,'' which we are introducing today.

Moreover, this approach is justified on broad policy grounds. Congress routinely renews portable and project-based Section 8 rental assistance; only the most vulnerable families most at risk of homelessness face the annual risk of non-renewal.

Funding these renewals through Section 8 also means that critically needed new permanent and supportive housing proposals will not have to compete with renewals for scarce resources. And, providing a reliable source of renewals after the initial grant term will make it easier for project sponsors to build permanent housing.

I urge members to co-sponsor this important legislation, and urge Congress to renew all Shelter Plus Care and SHP permanent housing grants expiring in fiscal year 2002 through the Section 8 Certificate fund.

The text of the bill follows:

H.R.—

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 ''Homeless Prevention Permanent Housing Renewal Act of 2001''.

SEC. 2. RENEWAL OF PERMANENT HOUSING GRANTS AND SHELTER PLUS CARE GRANTS UNDER HOUSING CERTIFICATE FUND.

(a) SUPPORTIVE HOUSING PROGRAM PERMANENT HOUSING GRANT RENEWALS.—Section 429 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11389) is amended by adding at the end the following new subsection:

''(d) PERMANENT HOUSING GRANT RENEWALS.—For fiscal year 2002 and each fiscal year thereafter, there are authorized to be appropriated, from any amounts appropriated under the Housing Certificate Fund account of the Department of Housing and Urban Development for assistance under section 8 of the United States Housing Act of 1937, such sums as may be necessary for renewing expiring grants under this subtitle for permanent housing for homeless persons with disabilities.''.

(b) SHELTER PLUS CARE GRANT RENEWALS.—Section 463 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403h) is amended by adding at the end the following new subsection:

''(c) GRANT RENEWALS.—For fiscal year 2002 and each fiscal year thereafter, there are authorized to be appropriated, from any amounts appropriated under the Housing Certificate Fund account of the Department of Housing and Urban Development for assistance under section 8 of the United States Housing Act of 1937, such sums as may be necessary for renewing expiring grants under this subtitle.''.

DEDICATION TO MR. BERNARD HOLLANDER

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to place in the record a letter to the Washington Post published on February 14, 2001, which cites the dedicated service of Mr. Bernard Hollander for 51 years in the Antitrust Division of the U.S. Department of Justice. I want to note that the long and distinguished career of Mr. Hollander includes two important contributions to American Samoa.

In the 1960's, Mr. Hollander prosecuted an antitrust case which opened up the petroleum storage facilities in American Samoa to multiple suppliers, thus bringing the benefits of competition in fuel supply to our economy. The court decree requiring open access to our petroleum market remains in place, and Mr. Hollander continues to represent the United States in the case.

Mr. Hollander was also instrumental in opening the American Samoa market to competition in long-haul air service. Acting as special counsel to the Governor of American Samoa, Mr. Hollander participated in proceedings before the Civil Aeronautics Board which authorized competition in U.S. air service to our territory. Prior to that case, only one airline was authorized to provide service connecting American Samoa with Hawaii and the U.S. mainland.

I am pleased to note for the record the service of Mr. Bernard Hollander to American Samoa. We wish him many years of good health and good work.

LEGENDS OF JUSTICE

As a Jan. 30 news story reported, the Justice Department's eminent tax lawyer, Ernest Brown, has retired at age 94 after 30 years of service.

But Bernard Hollander, another Justice Department legend at age 85 and a former student of Ernest Brown's at Harvard Law School, continues to work in the department's antitrust division as he has for 51 years.

The public is fortunate to have the benefit of lawyers as talented and dedicated as Ernest Brown and Bernard Hollander.

ROBERT B. NICHOLSON,
Chevy Chase.

A TRIBUTE TO CAPTAIN DANIEL H. RUFFLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 2001

Mr. TOWNS. Mr. Speaker, I wish today to honor police Captain Daniel H. Ruffle, who will be honored for his distinguished service as the Commanding Officer of the 63rd police precinct on Thursday, March 8th, 2001. Let it be known that he shares this honor with his wife of 27 years, LaVerne, and his daughter Adrienne.

Dan received his appointment to the New York City Police Department as a police trainee in June 1967. It was at that time he embarked on a thus far 34 year career. While working as a police officer assigned to the 79th and 60th precincts, Officer Ruffle displayed an intensity and drive in performing his duties that resulted in his being appointed as a citywide narcotics investigator in March 1977.

Dan Ruffle's exemplary work was recognized and rewarded with a promotion to Detective in October 1979. As a detective, Ruffle

was assigned to the Manhattan Special Victims Squad. Dan's special sense of caring and inner strength became invaluable qualities as he handled some of the most difficult and heinous crime investigations a police officer must face.

In September 1983, Daniel Ruffle was promoted to Sergeant and served the communities of both the 68th and 60th precincts. As a supervisor, Ruffle's easygoing demeanor enabled him to encourage and develop relationships between the police officers and the community.

Police participation and community involvement continued to be areas that Dan Ruffle stressed during his tenure as a Lieutenant assigned to the 70th, 61st, and 62nd precincts. Dan also served as Lieutenant for the N.S.U. 10. While at the Neighborhood Stabilization Unit, Ruffle was responsible for training hundreds of new police officers. It was his personal insight into policing as well as his dedication to community service that Dan used to influence and develop the careers of the rookie officers in his charge. Many of whom have gone on to have outstanding careers as police officers.

December 1995 was when Daniel H. Ruffle was promoted to the rank of captain. He first served as the Executive Officer of the 67th precinct. It was not long before Dan was appointed as the Commanding Officer of the Brooklyn South Task Force. The Task Force under his direction was used on various occasions as a utility unit to provide back up, support, and expertise to local precincts.

The 63rd precinct became Dan's command in May 1997. It was here that Captain Ruffle's experience and continued pursuit of excellence were realized with consistent reductions in crime. Year after year the 63rd precinct has been lauded for all of the contributions that have been made in maintaining and improving the quality of life in the neighborhoods it serves. This is a result of the outstanding leadership of Captain Daniel H. Ruffle.

Mr. Speaker, Captain Daniel H. Ruffle is more than worthy of receiving this honor and our praises, and I hope that all of my colleagues will join me in recognizing this truly remarkable man.