

(3) Conservative estimates of the economic burden imposed by work-related musculoskeletal disorders, as measured by compensation costs, lost wages, and lost productivity, are between \$45,000,000,000 and \$54,000,000,000 annually.

(4) Congress enacted the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions," and charged the Secretary of Labor with implementing the Act to accomplish this purpose.

(5) Promulgation of a standard on workplace ergonomics is needed to address a serious workplace safety and health problem and to protect working men and women from work-related musculoskeletal disorders. Any workplace ergonomics standard should take into account the cost and feasibility of compliance with such requirements and the sound science of the National Academy of Sciences report.

(b) AUTHORITY TO ISSUE RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall, in accordance with section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), issue a final rule relating to ergonomics. The standard under the final rule shall take effect not later than 90 days after the date on which the rule is promulgated. The standard shall—

(A) address work-related musculoskeletal disorders and workplace ergonomic hazards;

(B) not apply to non-work-related musculoskeletal disorders that occur outside the workplace or non-work-related musculoskeletal disorders that are aggravated by work; and

(C) set forth in clear terms—

(i) the circumstances under which an employer is required to take action to address ergonomic hazards;

(ii) the measures required of an employer under the standard; and

(iii) the compliance obligations of an employer under the standard.

(2) AUTHORIZATION.—Paragraph (1) shall be considered a specific authorization by Congress in accordance with section 801(b)(2) of title 5, United States Code, with respect to the issuance of a new ergonomic rule.

(3) PROHIBITION.—In issuing a new rule under this subsection, the Secretary of Labor shall ensure that nothing in the rule expands the application of State workers' compensation laws.

(4) STANDARD SETTING AUTHORITY.—Nothing in this subsection shall be construed to restrict or alter the authority of the Secretary of Labor under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) to adopt health or safety standards (as defined in section 3(8) (29 U.S.C. 652(8)) of such Act) for other hazards pursuant to section 6 (29 U.S.C. 655) of such Act.

(5) INFORMATION AND TRAINING MATERIALS.—The Secretary of Labor shall, prior to the date on which the new rule under this subsection becomes effective, develop information and training materials, and implement an outreach program and other initiatives, to provide compliance assistance to employers and employees concerning the new rule and the requirements under the rule.

SA 95. Mr. SMITH of Oregon (for himself and Mr. WYDEN) proposed an amendment to amendment SA 78 proposed by Mr. WYDEN to the bill (S. 420)

to amend title II, United States Code, and for other purposes; as follows:

Strike all after the first word and insert the following:

**420. NONDISCHARGEABILITY OF DEBTS ARISING FROM THE EXCHANGE OF ELECTRIC ENERGY.**

(a) IN GENERAL.—Section 1141(d) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(6) The confirmation of a plan does not discharge a debtor—

"(A) in the case of a debtor that is a corporation, from any debt for wholesale electric power received that is incurred by that debtor under an order issued by the Secretary of Energy (or any amendment of or attachment to that order) under section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) and requested by the California Independent System Operator; or

"(B) in the case of debt owed to a Federal, State, or local government agency named in an order referred to in subparagraph (A) for wholesale electric power received by the debtor except to the extent the rate charged for power traded by the California Power Exchange delivered to the California Independent System Operator is determined by the Federal Energy Regulatory Commission (Commission) to be unjust and unreasonable in which case this subparagraph shall only apply to debt determined by the Commission to be just and reasonable."

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by this Act, is amended—

(1) in paragraph (28), as added by section 907(d) of this Act, by striking "or" at the end;

(2) in paragraph (29), as added by section 1106 of this Act, by striking the period at the end and inserting " or "; and

(3) by inserting after that paragraph (29) the following:

"(30) under subsection (a), of the commencement or continuation, and conclusion to the entry of final judgment or order, of a judicial, administrative, or other action or proceeding for debts that are nondischargeable under section 1141(d)(6)."

(c) APPLICABILITY.—This section and the amendments made by this section shall apply with respect to any petition for bankruptcy filed under title 11 United States Code, as amended by this bill, on or after March 7, 2001.

**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 14, 2001 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to consider the committee's views and estimates on the President's FY 2002 Budget Request for Indian Programs to be followed immediately by a hearing on S. 211, the Native American Education Improvement Act of 2001.

Those wishing additional information may contact Committee staff at 202/224-2251.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 13, 2001, at 9:30 a.m. on S. 415—Aviation Competition Restoration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 13, 2001, at 2 p.m. on S. 361—Age 60 Rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 13, 2001, to consider the Affordable Education Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 13, 2001, to hear testimony regarding Living Without Health Insurance: Who's Uninsured and Why?

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, March 13, 2001, at 10 a.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet to hold a hearing on the Administration's proposed budget for veterans' programs for fiscal year 2002. The hearing will be held on Tuesday, March 13, 2001, at 9:30 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**APPOINTMENT**

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to Public Law 101-509, the reappointment of Elizabeth Scott of South Dakota to the Advisory Committee on the Records of Congress.

## NATIONAL GIRL SCOUT WEEK

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration S. Res. 59 submitted earlier by Senator HUTCHISON of Texas for herself and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 59) designating the week of March 11 through March 17, 2001, as "National Girl Scout Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 59) was agreed to.

The preamble was agreed to.

(The text of S. Res. 59 is located in today's RECORD under "Submitted Resolutions.")

## ORDERS FOR WEDNESDAY, MARCH 14, 2001

Mr. GRASSLEY. 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 14. I further ask 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 10:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator THOMAS or his designee, 9:30 to 10 o'clock; Senator FEINGOLD or his designee, 10 o'clock to 10:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the bankruptcy reform legislation. Votes will occur on the following amendments in a stacked sequence at approximately 10:45 a.m.: the Carnahan amendment No. 40, the Smith of Oregon amendment No. 95, and the Wyden amendment No. 78. Following the votes, debate on the Wellstone amendment regarding debt collection will resume. Further amendments are ex-

pected to be offered, debated, and also voted on.

By previous consent, the cloture vote will occur at 4 p.m. Therefore, pursuant to rule XXII, second-degree amendments must be filed by 3 p.m.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:35 p.m., adjourned until March 14, 2001, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 13, 2001:

## DEPARTMENT OF DEFENSE

DOV S. ZAKHEIM, OF MARYLAND, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER), VICE WILLIAM J. LYNN, III.

## DEPARTMENT OF JUSTICE

THEODORE BEVRY OLSON, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE SETH WAXMAN, RESIGNED.

## FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## AGENCY FOR INTERNATIONAL DEVELOPMENT

E. CECILE ADAMS, OF TEXAS  
WILLIAM HAMMINK, OF FLORIDA

## DEPARTMENT OF STATE

FRANK J. MANGANIELLO, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## AGENCY FOR INTERNATIONAL DEVELOPMENT

MATTHEW PHILIP RATHGEBER, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## AGENCY FOR INTERNATIONAL DEVELOPMENT

CHARISSE A. ADAMSON, OF MARYLAND  
KENNETH L. BARBERI, OF NEVADA  
KOJO O.F. BUSIA, OF VIRGINIA  
KURT ALDWIN CLARK, OF NORTH CAROLINA  
CELESTE FULGHAM, OF ILLINOIS  
SCOTT HOWARD KLEINBERG, OF FLORIDA  
JOHN MICHAEL TINCOFF, OF TEXAS  
ROSLYN M. WATERS-JENSEN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ANDREA BROUILLETTE-RODRIGUEZ, OF FLORIDA  
MARK B. BURNETT, OF CALIFORNIA  
GERARD CHEYNE, OF CONNECTICUT  
CHRISTOPHER JAMES DEL CORSO, OF NEW YORK  
STEWART TRAVIS DEVINE, OF FLORIDA  
ALISON ELIZABETH DILWORTH, OF VIRGINIA  
ELLEN MICHELE DUNLAP, OF FLORIDA  
DERECK JAMAL HOGAN, OF NEW JERSEY  
C. WAKEFIELD MARTIN, OF TEXAS  
DAVID J. MICO, OF INDIANA  
CHRISTOPHER STEPHEN MISCIAGNO, OF FLORIDA  
STEPHEN P. NEWHOUSE, OF CALIFORNIA  
KAREN CHOE REIDER, OF NEW YORK  
JONATHAN A. SCHOOLS, OF TEXAS  
KEENAN J. SMITH, OF PENNSYLVANIA  
HOWARD T. SOLOMON, OF VIRGINIA  
ANTHONY KENNETH STAPLETON, OF FLORIDA  
FREDRIC W. STERN, OF CALIFORNIA  
PETER M. THOMPSON, OF CONNECTICUT

SONYA ANJALI ENGSTROM WATTS, OF IOWA  
MARK E. WILSON, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ALICIA P. ALLISON, OF THE DISTRICT OF COLUMBIA  
EUGENE JOSEPH ARNOLD, OF MISSOURI  
CHARLES A. ATKINSON, OF VIRGINIA  
JEFFREY J. BAKER, OF VIRGINIA  
JULIANA KINAL BALLARD, OF THE DISTRICT OF COLUMBIA  
SANDILLO BANERJEE, OF CALIFORNIA  
DOROTHY B. BARDZELL, OF VIRGINIA  
WANDA E. BARQUIN, OF CALIFORNIA  
MARIETTA LOUISE BARTOLETTI, OF CALIFORNIA  
ROIS MEGHAN BEAL, OF GEORGIA  
RUTH BENNETT, OF OREGON  
CYRUS V. BHARUCHA, OF VIRGINIA  
TANYA MARIE BIETH, OF VIRGINIA  
J. GREGORY BRISCOE, OF TENNESSEE  
JAMES M. BROOKS, OF VIRGINIA  
BRIAN BENJAMIN BROWN, OF MARYLAND  
RACHEL K. BROWNE, OF VIRGINIA  
JENNIFER A. BUCALO, OF VIRGINIA  
PAUL MATTHEW CAMPIONE, OF VIRGINIA  
STEVEN CHAN, OF HAWAII  
CARLA M. CHILDRRESS, OF VIRGINIA  
KATELYN CHOE, OF VIRGINIA  
CARYN R. CIESLIK, OF VIRGINIA  
KENNETH CLARKE, OF VIRGINIA  
IREAS C. COOK, OF TEXAS  
JANAE ELIZABETH COOLEY, OF MICHIGAN  
KEVIN COSTANZI, OF VIRGINIA  
JOHN REID CROSBY, OF TEXAS  
MARY EILEEN DASCHBACH, OF NEW HAMPSHIRE  
ARTINA M. DAVIS, OF MARYLAND  
JAMES R. DAYRINGER, OF VIRGINIA  
DAVID S. DOUCETTE, OF VIRGINIA  
BRADLEY RICHARD EVANS, OF TEXAS  
DAVID M. FORAN, OF CONNECTICUT  
CLARK N. FOULKE JR., OF VIRGINIA  
MARY H. GAUGHAN, OF VIRGINIA  
DAVID LINDGREN GEHRENBECK, OF RHODE ISLAND  
KARL A. GINYARD, OF MARYLAND  
REBECCA S. GRAHAM, OF THE DISTRICT OF COLUMBIA  
SHIRENE HANSOTIA, OF VIRGINIA  
BRADLEY A. HARKER, OF NEVADA  
MARGARET REIKO HARTLEY, OF CALIFORNIA  
KRISTINE A. HELSTROM, OF VIRGINIA  
MARCO HENRY, OF VIRGINIA  
JANELLE SUZANNE HIRONIMUS, OF CALIFORNIA  
KELLIE L. HOLLOWAY, OF ARIZONA  
CATHERINE E. HOLT, OF NEBRASKA  
JOEY R. HOOD, OF NEW HAMPSHIRE  
STEPHEN R. JACQUES, OF VIRGINIA  
MICHELLE M. JONES, OF VIRGINIA  
DENNIS T.P. KEENE, OF FLORIDA  
ROBERT L. KINGMAN, OF WASHINGTON  
KERESA M. KIPP, OF VIRGINIA  
LAURA HOPE KIRKPATRICK, OF VIRGINIA  
STEPHEN P. KNODE, OF FLORIDA  
JOAN C. KOZAR, OF VIRGINIA  
KAMAL IMHOTEP LATHAM, OF NEW YORK  
PAIGE SARGENT LEGENHAUSEN, OF VIRGINIA  
ELLEN LENNY-PESSAGNO, OF COLORADO  
KELLY RENE LIZARRAGA, OF CALIFORNIA  
CARLOS A. MACIAS, OF VIRGINIA  
JASON ROSS MACK, OF NEW YORK  
EDWARD F. MALINOWSKI, OF ILLINOIS  
BETTINA ANNE MALONE, OF VIRGINIA  
TYLER L. MASON, OF NEW YORK  
GREGORY CHARLES MAY, OF MARYLAND  
JAMES W. MAYFIELD JR., OF MARYLAND  
KARA C. MCDONALD, OF THE DISTRICT OF COLUMBIA  
DAVID J. MCGUIRE, OF TENNESSEE  
JEFFREY G. MILLER, OF MARYLAND  
SCOTT MODELL, OF VIRGINIA  
BRIAN MOORE, OF PENNSYLVANIA  
SHANTE JERMAINE MOORE, OF VIRGINIA  
KENNETH R. MOURADIAN, OF NEW HAMPSHIRE  
NORMAN D. NELSON, OF VIRGINIA  
ROBERT F. O'SABEN, OF VIRGINIA  
DONALD L. PARNELL, OF VIRGINIA  
SUSAN M. PARNELL, OF VIRGINIA  
ROBERT A. PEASLEE, OF COLORADO  
ERIC L. PERRYMAN, OF MARYLAND  
GABRIELLE M. PRICE, OF PENNSYLVANIA  
KATHARINE C. RICE, OF VIRGINIA  
ALYCE CAMILLE RICHARDSON, OF FLORIDA  
TODD C. ROBERTS, OF VIRGINIA  
EARL S. ROBINSON III, OF THE DISTRICT OF COLUMBIA  
JOHN GREEN ROBINSON, OF MISSISSIPPI  
LARRY E. ROBINSON, OF VIRGINIA  
RYAN DEAN ROWLAND, OF CALIFORNIA  
ANTJE M. SCHMIDT, OF VIRGINIA  
FIONA CLARE SCHOLAND, OF CONNECTICUT  
PETER ALBAN SCHROEDER, OF WASHINGTON  
MARC LONDON SHAW, OF MISSOURI  
JEFFREY W. SHEPARD, OF VIRGINIA  
ANDREW K. SHERR, OF COLORADO  
KEITH L. SILVER, OF NEW HAMPSHIRE  
JEFFERSON D. SMITH, OF TEXAS  
PAMELA J. SMITH, OF TEXAS  
JOHN M. SPIWAK JR., OF VIRGINIA  
TIMOTHY MICHAEL STANDAERT, OF NEW YORK  
MONA P. SWEATT, OF THE DISTRICT OF COLUMBIA  
DANIEL ALEXANDER STEWART, OF VIRGINIA