

I am speaking of the commitment of the gentleman from Oklahoma (Chairman ISTOOK) to revisit provisions restricting the District from using even its own funds to pursue legal redress in Federal court on its voting rights claim.

□ 1730

The amendment of the gentlewoman from the District of Columbia (Ms. NORTON) to allow local funds to be used on this lawsuit lost on a tie vote, and the chairman of the appropriations subcommittee has given us a commitment that he will try to fix that because it was so close in the House.

The second issue is the needle exchange program. As my colleagues know, the amendment offered by the gentleman from Kansas (Mr. TIAHRT) prohibits the use of Federal or local funds for any needle exchange program in the District. The amendment goes even further to prevent any private organization or individual from offering a needle exchange program if they are in receipt of other Federal funds.

This amendment ties the hands of the District to respond to a public health crisis. D.C. has the highest rate of HIV infection in the United States, and intravenous drug use is the second leading cause. It is the most likely cause that we can reduce with action that we might take, or at least enabling the District to take such action.

It is wrong that the District suffers from the most restrictive language of any other city in the country, hampering its ability to stem the spread of AIDS. No such ban would ever be considered in any other jurisdiction where the other 113 needle exchange programs are operated throughout the country.

Since the Senate is silent on restricting the District's needle exchange program, many are confident that this language will be modified in conference. I hope this will be the case so that the final conference report will be a document we can all support and, thus, will be signed by the President.

Mr. Speaker, I thank the chairman for letting us express our views on this again. We are not going to try to instruct the conferees. We had an overwhelmingly positive vote, I hope we can continue that spirit in conference, and I hope we can bring back a bill to this floor that will get the same type of overwhelming vote in support of it and get a bill signed by the President.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I very much appreciate the gentleman's very positive comments, and like him, I am committed to accenting the positive on this bill.

As we know, I certainly made a commitment, which I intend to honor fully, regarding working something out on the local funding of the litigation that the gentleman described.

We are both aware of the issues surrounding the needle program, and there

is a privately funded needle program operated. We certainly do not intend anything that would go beyond the language the President signed into law last year.

I do not think we are in a position where he would take the extreme action of vetoing something, but I look forward to working with the gentleman on this and all other issues in this conference.

Mr. MORAN of Virginia. Mr. Speaker, reclaiming my time, I will just conclude that the President has indicated that if we could get that language that said no Federal funds could be used for such a program, that would certainly be acceptable to him, and I believe to the body of this House, in the conference report.

But again let me conclude where I started. I thank the chairman for his cooperation and his leadership on this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ISTOOK, CUNNINGHAM, TIAHRT, ADERHOLT, Mrs. EMERSON, and Messrs. SUNUNU, YOUNG of Florida, MORAN of Virginia, DIXON, MOLLOHAN and OBEY.

There was no objection.

#### ANNOUNCEMENT OF PASSING OF ROBERT H. MOLLOHAN, FORMER MEMBER OF THE HOUSE FROM WEST VIRGINIA

(Mr. RAHALL asked and was given permission to address the House for 1 minute.)

Mr. RAHALL. Mr. Speaker, it is with a great deal of sorrow that I rise to announce to the body the passing of a former Member of the House of Representatives from West Virginia, Robert H. Mollohan.

Bob Mollohan served the United States Senate early in his career as Clerk of the Senate Committee on the District of Columbia from 1949 to 1952. He was elected to this body in 1953, where he served until 1957, at which time he ran for governor of West Virginia.

He returned to the House in the 91st Congress, serving from 1969 to 1983 when he retired, and returned to the family insurance business in Fairmont, West Virginia.

Bob Mollohan is the father of our distinguished colleague and dear friend, ALAN B. MOLLOHAN, who succeeded his father when he was first elected to fill his seat in 1982.

Robert Mollohan served with distinction during his time in the House, working for the people of his Congressional District for 17 years. He was a compassionate and caring representative of his people, and a pillar of his community throughout his lifetime.

Indeed, Mr. Speaker, it was not until he retired from this body that this corner back here became known as the Pennsylvania Corner. Prior to that, it was known only as the West Virginia Corner.

He will be sorely missed by West Virginians who will remember his dedication, his compassion, and his thoughtful, caring nature. Robert Mollohan was greatly beloved by his people for his tireless efforts to bring quality and dignity to the lives of West Virginians, and for his deep personal commitment to making sure that their government served them well.

But more, he will be missed by his family. Our thoughts and prayers go out to Mrs. Robert, Helen, Mollohan, who survives her husband, and to his son, Representative ALAN B. MOLLOHAN, his wife, Barbara, and children, and to other family members as they mourn the great loss of a husband, father, and grandfather, Robert H. Mollohan.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-284) on the resolution (H.Res. 273) providing for the consideration of the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### WORKPLACE PRESERVATION ACT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 271 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 271

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 987) to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard or guideline on ergonomics. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be

printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 271 is a modified open rule, providing for the consideration of H.R. 987, the Workplace Preservation Act.

The purpose of this legislation is to ensure that the National Academy of Sciences completes and submits to Congress its study of a cause-and-effect relationship between repetitive tasks in the workplace and physical disorders or repetitive stress injuries before issuing standards or guidelines on ergonomics.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking member of the Committee on Education and the Workforce.

The rule also provides that the bill shall be open for amendment at any point and limits the amendment process to 2 hours.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Additionally, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for 1 motion to recommit with or without instructions.

Mr. Speaker, House Resolution 271 is a modified open and fair rule for consideration of H.R. 987. The rule provides for debate and amendments on this measure to consume up to 3 full hours. This is an extremely fair rule, given the amount of work Congress must complete this week.

The Workforce Preservation Act is a brief and simple measure that prohibits

OSHA from promulgating an ergonomics standard until the National Academy of Sciences completes its study and reports the results to Congress.

Mr. Speaker, this body has long been concerned with the issue of sound scientific definitions of these types of workplace injuries. This bill merely requires OSHA to base their definitions on sound, scientific data.

Last year, Congress authorized and American taxpayers paid almost \$1 million for the nonpartisan National Academy of Sciences to conduct a comprehensive study of all the available scientific literature examining the cause-and-effect relationship between repetitive tasks in the workplace. The study is currently underway and is expected to be completed within a 2-year time frame, and would be ready by mid-2001.

Mr. Speaker, the study of ergonomics is one of OSHA's top priorities. This bill recognizes the importance of this study and requires that the most up-to-date scientific information is analyzed and included. This bill will in no way prohibit or deny OSHA the opportunity to create these standards. Rather, it will make sure that we get the most accurate information based on sound science.

Mr. Speaker, I would like to commend the chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. BLUNT), the sponsor of this legislation. I urge my colleagues to support both this rule and the underlying bill.

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

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

Mr. Speaker, the Republican majority spends a lot of time opining about how they want to help working men and women in this country. Yet, Mr. Speaker, at a time when the Occupational Health and Safety Administration is poised to issue a rule which seeks to protect American workers from workplace hazards which can lead to serious injury, the Republican majority wants to call a time-out.

H.R. 987 does nothing to help working men and women in this country, and the Republican majority should not waste the time of this House by saying that it does. This bill is nothing more than another attack by the majority on establishing workplace protections that might very well save American businesses money in lost productivity, worker compensation claims, and disability insurance. If the House is going to call time-out, Mr. Speaker, it ought to be on the consideration of this bill and not on the health and safety of the American workforce.

Mr. Speaker, work-related musculoskeletal disorders cost employers between \$15 and \$20 billion a year in workers compensation costs. Ergonomic injuries and illnesses are the

single largest cause of injury-related lost workdays, with nearly 650,000 lost-time injuries each year. These injuries are found in every sector of our economy and cause real pain and suffering.

Women workers are particularly victimized by ergonomic injuries and illness. They represent 69 percent of workers who lose time due to carpal tunnel syndrome, 63 percent of those who suffer repetitive motion injuries, and 61 percent who lose work time to tendonitis.

□ 1745

In fact, Mr. Speaker, nearly half of all injuries and illnesses to women workers are due to ergonomic hazards.

Mr. Speaker, H.R. 987 proposes for at least another year and a half the promulgation of a rule that will provide needed health and safety standards for American workers. There is sound scientific evidence that shows that workplace factors cause musculoskeletal injuries and that show these injuries can be prevented.

Many employers have seen the benefit in improving workplace conditions to prevent these injuries and have, as a result, seen injuries fall and productivity rise.

If the Republican majority really wanted to do something for working men and women in this country, they would drop their opposition to these workplace protections and withdraw this bill.

I urge a "no" vote on the rule providing for consideration of H.R. 987 and a "no" vote on the bill.

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

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER.)

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this open rule.

Mr. Speaker, I also rise in strong support of H.R. 982. It is a very simple bill. It simply says that the National Academy of Sciences must complete its study on ergonomics and report to Congress before OSHA promulgates a proposed or final standard.

Clearly, the will of the House is that an almost million-dollar study on ergonomics by the National Academy of Sciences, NAS, should be completed before we rush to regulate. Science should precede regulation, not the other way around.

Let me just summarize the following points in support of the bill: first, ergonomics regulation would be a substantially mandated cost on the American companies and the American economy. OSHA's own estimates show that draft regulation could cost an additional \$3.5 billion annually. I believe that cost is greatly underestimated.

Before we consider imposing this standard on the American people, let us have the scientific and medical proof to back it up.

Second, there is no question that there is a great deal of scientific and medical uncertainty and debate about ergonomics. If OSHA regulates before the causes are understood, OSHA may very well regulate the wrong thing and impose a lot of unnecessary costs without benefiting workers.

Third, Congress and the President agree that we need a comprehensive study of ergonomics by NAS. The purpose of the study is to inform Congress, the Department of Labor, employers and employees about the state of scientific information on ergonomics. Only then can we determine whether a broad ergonomics regulation is appropriate. To issue a regulation before NAS completes its study is an outrage and a gross waste of taxpayers' funds.

Fourth, an appropriations letter does not take precedence over the will of Congress in calling for an NAS study.

Finally, the fact that OSHA has worked on ergonomics for over a decade is irrelevant since Congress decided the issue needed further study.

Moreover, the fact that there has been substantial study with no conclusions about ergonomics suggests that more study is needed before imposing a nationwide standard at a great cost.

In conclusion, I urge the Members to vote for the rule and H.R. 987.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the rule.

H.R. 987 is a measure of how antagonistic the majority of the Republican majority is to the interest of working people.

Despite 7 years of unprecedented prosperity under the Clinton administration, there remains much that this House can do to improve the well-being of workers. We should be considering legislation to make a job pay a decent salary and increase the minimum wage. We should be ensuring that all workers have affordable health care. We should be expanding pension coverage. We should be ensuring better family leave coverage.

Instead, Mr. Speaker, this rule makes in order a bill that will result in hundreds of thousands of workers suffering avoidable serious injury in the workplace.

We should not let special interests downplay the seriousness of ergonomic injuries and illnesses.

Imagine suffering from a workplace injury that prevents one from lifting anything over a half a pound. Imagine being disabled, so disabled that one cannot hold a book to read to their child. Imagine being unable to caress their newborn or to give him or her a shower or a bath.

Mr. Speaker, there is no excuse for further delaying OSHA's ergonomic standard.

The National Academy of Sciences study is a review of existing scientific

literature. It is not intended and will not produce new information. Two previous studies of the existing scientific literature, one by NIOSH and one by NAS, have already confirmed that ergonomic injuries and illnesses are work related and that they cannot be prevented by workplace interventions.

More importantly, Mr. Speaker, practical experience by thousands of companies has proven that ergonomic injuries and illnesses can be significantly reduced. Passage of H.R. 987 only ensures that some employers will continue to ignore the working welfare of the workers for that much longer.

So, Mr. Speaker, I urge a "no" vote on this rule.

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

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

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

Mr. HAYES. Mr. Speaker, I rise today in support of this rule and in support of the Workplace Preservation Act.

During the Easter recess, I embarked on an industry tour in my district in North Carolina. The industries of the 8th district are primarily agriculture and textile related.

I visited eight small- and medium-sized manufacturers, including Cuddy Farms in Monroe and Clayton Knitting Mill in Star. These companies and many others like them represent the backbone of our district's economy.

The number one concern on their minds was the new ergonomics regulations being considered by OSHA. They were truly fearful of the burdensome regulation that would not only create more paperwork and costly, unneeded changes but would also hinder communications between employer and employee.

All too often it appears as if the government is slightly behind the times. The current unemployment rate is so low that in many parts of the country employers do and in fact must offer the most attractive work environment in order to recruit and retain employees.

As one employer from the district wrote to me, "My company is begging for employees from laborers to drivers to high-tech computer operators. We are doing everything we can to attract employees." Plant managers, human resources managers, and office managers are more than willing to work with their own employees on grievances and workplace conditions rather than plow through layers of government bureaucracy.

The number of manufacturing jobs is on the decline. We are seeing more and more jobs going to Central America and overseas because, frankly, our government is making the cost of doing business in the United States too high for too many companies.

Rural areas in our Nation are being hit hardest by the decline in manufac-

turing jobs. Keeping more unsubstantiated government regulation on these industries will only encourage them to continue to flee.

Mr. Speaker, there is no question that politically powerful forces are at work here. Why else would OSHA hastily recognize a casual relationship between repetitive tasks and repetitive stress injuries without complete scientific documentation?

I urge my colleagues to support this legislation and allow the National Academy of Sciences to complete its work. With all the facts, Congress can step back and prudently evaluate the need for new ergonomic guidelines. We must resist another in a long line of attempts to impose costly restrictions upon employers and employees with the one-size-fits-all Federal approach.

Please support the rule and this bill.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, every time I tour a plant in my district I run into workers, especially women, who are wearing wrist braces. When I ask them about their problem, the answer over and over again is the same: carpal tunnel syndrome.

Where does carpal tunnel syndrome or many of those other injuries come from? They come from workers having to do the same thing hundreds of times and thousands of times without properly designed equipment and work stations. And workers I see are not isolated examples.

Repetitive motion injuries affect 650,000 workers each year. That is more than the number of people who die each year from cancer and stroke. Those injuries account for more lost workday injuries than any other cause, especially for women workers. Nearly half of all workplace injuries for women are due to repetitive motion problems.

Now, there are those in this body who say there ought to be more delay in protecting those workers, but they are virtually alone in the world. Every industrialized country has recognized that there is more than enough evidence to move forward on a repetitive motion standard.

Most progressive businesses recognize it is their duty to protect workers and to protect their stockholders from the economic impact of huge amounts of lost work time.

But a powerful band of economic royalists in this country and in this Congress continue to fight that protection, and it is time to get on with it.

In 1990, that well-known "radical" liberal Elizabeth Dole said that it was time to move forward on this. In 1995, the Republican majority attached a rider blocking the issuance of draft regulations. In 1996, they tried to prevent OSHA from even collecting the data on repetitive motion injuries.

In 1997, they tried to block it again but failed. At that time, the National Institutes for Occupational Health and Safety conducted a detailed review of

more than 600 scientific studies on the problem, and they found a strong correlation between workplace conditions and worker injuries.

That study was peer reviewed by 27 experts throughout the country. But that was not good enough for some of my colleagues. So in 1998, they pushed the National Institutes of Health to fund another study at the National Academy of Sciences. They convened 65 of the world's leading scientists, and again they found evidence that clearly demonstrates that specific intervention can reduce injury.

But that is not good enough for some of my colleagues. They want yet another delay. That delay does not hurt anybody in this room. The only repetitive motion injury that Members of Congress are likely to get are knee injuries from continuous genuflecting to big business special interests who want us to put their profit margins ahead of worker health.

Maybe the time has not come for my colleagues. But, by God, it has come for those workers. We need action and we need it now. No delays. No foot dragging. No excuses. We need action and we need action now.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I appreciate the gentleman yield me the time. I appreciate the opportunity.

Mr. Speaker, I want to address myself to the rule first because that is what we are debating. I have heard it said here today that we should not wait any longer for the scientific evidence to be evaluated by the National Academy of Science, what we should immediately do is proceed to pass rules and regulations.

That is a little bit like going into a waiting room of a sick patient and saying, let us just not do any diagnostic testing, let us go ahead and operate. It is risky business.

Secondly, I want to agree completely that this is about the cost to American business and the safety of American workers. In a period of unprecedented prosperity, in a period of full employment, the last thing an employer wants for a moment is to have workers getting hurt on the job, because there are not good replacements, because we are fully employed.

They want workplace safety. But the last thing they want, also, is conflicting scientific data dictating to a bureaucracy to go ahead and establish rules and regulations preceding a final determination.

In committee on this bill, whether my colleagues agree with the bill or not, no one can argue that professionals and physicians from both sides of the musculoskeletal disorder syndrome agree that there were conflicting data and it was time to have a decision.

Mr. Speaker, I believe we should move forward with what will be a very contested debate. To vote against this

rule makes no sense. When the debate on the rule is over and the rule passes, I think the evidence will come forward that we are doing what is right for workers and what is right for the employer and what is right for America, to depend on conclusive evidence and not conflict opinions.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. OWENS).

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

□ 1800

Mr. OWENS. Mr. Speaker, I rise in opposition to this rule, but I welcome the opportunity to discuss the platforms of the two parties in respect to the lives of working people and what kinds of programs we would like to offer for working people.

One party is clearly against working families and they express it in many ways. This particular piece of legislation has a symbolic significance far beyond what you see written on the paper. It is one part of an overall attack by the majority Republicans on working families.

I think the President has made it clear in his message on this bill what we are about here today and it is pretty simple. The administration has written that it strongly opposes enactment of H.R. 987, a bill that would unnecessarily delay the Occupational Safety and Health Administration's issuance of a protective standard on ergonomics until the National Academy of Sciences has completed a second study of the scientific literature regarding musculoskeletal disorders and ergonomics.

I think that it is very clear that what the Republican majority is saying is, let the workers suffer, let the working families suffer. Six hundred thousand people are affected yearly by these work-related musculoskeletal disorders, but it does not matter, let the workers suffer. They are only working families. We are Republicans. We care only about the upper income and we want to spend our time getting benefits out to them in the form of a massive, \$794 billion tax cut over 10 years.

I would like to see all of the Members come to the floor and use this opportunity. I think we may have about 3 hours to discuss the working families of America and which party really represents them and their welfare. Let them suffer for another 2 years, that is what the immediate concrete message is. So what?

We have had studies. The studies clearly show that there is a cause and effect. The new studies that the NAS will be attempting and continuing to undertake relate to intervention strategies. How do you intervene to prevent these disorders. How do you intervene to lessen the impact of the kinds of unhealthy working conditions in the workplace? They want to go on gathering evidence and data which can go

on forever and that is the way that any scientific gathering of evidence should take place. But why make the workers wait before you issue standards and you begin the process of intervening to lessen the impact of the injuries?

The Republicans say, let them wait. Small businesses and even big businesses are going to suffer because the amount of workmen's compensation payments will continue to go up. It is around \$20 billion a year now, related to these various disorders, and there have been many successful attempts by businesses to install ergonomic standards and to take steps to deal with the ergonomics of the workplace which have benefited the businesses as well as the workers.

By preventing OSHA from formalizing these procedures and allowing DSHA to do what some businesses have done and what the State of California has done with their standards; by preventing OSHA from moving forward with the number of positive kinds of developments that have taken place, we are going to force more workers to suffer unnecessarily. We have case histories of workers in every State in the union; terrible things have happened in terms of injuries that have wrecked whole families. No, people do not bleed a great deal, they do not have concussions, it is not the kind of dramatic workplace accident situation that you have in the construction industry, but the slow death that is taking place more and more as we increase our digital world and people are more and more sitting before keyboards, eye-strain, all kinds of carpal tunnel syndromes from the actions of the wrists, all kinds of disorders are developing rapidly that injure more and more workers. More and more women, also, are drawn into this, more and more women incidentally who happen to be the wage earners and their families have been drawn into this.

Why let the workers suffer? Let us get it over with. Let us get the standards out there and stop the suffering of the workers. The Democrats want to stop the suffering.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

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

Mr. BONILLA. Mr. Speaker, the American worker makes up the lifeblood of our economy and we can all agree in this Chamber that our utmost concern is their safety and well-being in the workplace. Every employer in America understands that it is to their advantage and the employee's advantage to keep workers healthy and happy on the job. In fact, we should all be celebrating today here that because of the safety measures that have been taken in the private sector. Working with some folks in OSHA, we have dropped employee injuries by 17 percent. The number of injuries dropped by 17 percent since 1995 because of the

changes that employers have made in the workplace. There is no crisis at hand. Let us be honest about what we are debating here. We are debating a power grab by a government agency and by America's big labor unions who are trying to get a stranglehold on America's businesses both small and large. The debate we have here today is about the rush to promulgate and to write a rule dealing with repetitive stress injuries, with ergonomics, something that would be far more dangerous to the American worker if it is written too fast versus waiting for sound science to guide them versus having political science guide them.

Imagine for 1 second if OSHA rushes to write a rule without sound science, a one-size-fits-all rule that would apply to florists as it would to people who work in manufacturing plants, to people who work in auto parts stores, at restaurants and on farms and ranches throughout this country. What a nightmare this would be for the American workers. They would suddenly have their bosses having to spend gobs of money, money that could go to raises and better benefits and instead trying to comply with a one-size-fits-all regulation.

Let us all remember that the first draft that OSHA had of this rule was 600 pages long. Imagine if you are working in a bakery out in the heartland in America, you are working in a dentist's office, in a lab, in an auto parts store or a restaurant and you suddenly saw this regulation show up on your doorstep. That is why the calculation of what this would cost the American workers in this country is at about \$4 billion, because this is the kind of penalty we pay in our American society when we have a one-size-fits-all regulation hastily written and showing up at the doorstep of America's workplaces.

All we are asking in this bill and in this rule is to allow us to stop the rush. There is no need to rush. We can wait for the sound science to take over and have the political science take a back seat so that we can do this the right way. There is no guarantee. When this National Academy of Science study is ultimately completed, it could in fact recommend that an ergonomics regulation move forward. We understand that. But let us let the scientists decide, let us let the researchers decide. Let us not turn this process over to a power-hungry Federal agency and labor unions that are also behind it.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Speaker, I rise in opposition to this rule and in opposition to this measure which is not letting the scientists decide, it is not letting the experts at OSHA decide. It is putting it here on the floor in a political way and letting all the experts here, the political experts, decide.

This is not something being pushed by labor. If labor is interested in it, they are only interested because they are trying to protect the safety and health of workers. This is not some arcane problem that exists with regards to workers. Almost half the injuries that occur on the part of workers are related to repetitive stress type of injuries.

If we wait another year, another year and a half, we are going to have another million people that are injured in this way. For those of you that love science, it sounds like you like it just to study. You do not want to apply the science. It is time we take the knowledge and information we have and put it in place so that we can protect the workers that are intended to be protected by the Occupational Safety and Health Administration that has been working on this for a decade, that depended upon 600 studies to base their decision upon. Over 2,000 articles and reviews were written of those studies and endless hearings to make certain as to the appropriateness of such rule.

This bill is just an effort to study this into infinity, to frustrate the implementation of a legitimate law and rule. What is the cost? The cost in the end is a very high cost, because it means that individuals that are on the job, that are trying to work, will have to lay down their bodies, they will cripple their bodies simply to earn a living. That is really what this is about.

We have to open our eyes up and begin to see what is happening. This is like some bad film. "Eyes Wide Shut" on the other side, disregarding reality is what we really have here with regards to this repetitive stress issue. Open them up to the people you shake hands with when you are out campaigning and they draw their hand back because of the injuries that they have sustained in the world of work. We can change it. We can make it better.

This Congress ought to take its political act and go home with it and leave the experts that are supposed to be working on this issue and rule do their job. We should defeat this rule and defeat this bill.

This measure, H.R. 987, seeks to study to infinity worker injuries and yet again delay Occupational Safety and Health Act (OSHA) action on rules that would govern and prevent such injuries. This is no less than a frontal attack on all of OSHA to frustrate, dismantle and renege on worker safety embodied in the Occupational Safety Health Act. Repetitive work related motion trauma is not some arcane, isolated occurrence—nearly half of all workplace illnesses documented are caused by such repetitive motion, ergonomics.

Each year injuries which result from such work-related musculoskeletal disorders harm nearly 650,000 workers and are estimated to cost businesses \$60 billion dollars in worker compensation payments and other costs. More than 100 different injuries can result from repetitive motions causing painful wear and tear to the bodies of working men and women. Women are especially affected by this

problem, comprising 60 to 70 percent of those injured in many categories.

This repetitive injury OSHA rule is an all too common case of good news, bad news. The good news is that for almost every job that results in such injuries, there are alternative methods of performing work which can decrease the risk of harm. The bad news is that there isn't a focus on such prevention, and in fact some want to frustrate implementation. In February 1999, OSHA released a discussion draft for an ergonomics standard which would implement the use of ergonomics in the workplace. This draft proposal is an important step toward protecting workers from musculoskeletal disorders in a way which allows employers the flexibility to adopt solutions that fit their workplaces.

The legislation we are debating today, H.R. 987, is euphemistically titled the "Workplace Preservation Act." This bill is an unnecessary tactic which could ultimately result in thousands more workers being needlessly injured on the job—650,000 in one year more. Proponents of H.R. 987, playing a game of delay, mock and question the soundness and effectiveness of a well researched ergonomics standard, all the time wrapping themselves in "sound science". However, both a 1998 National Academy of Science study and a 1997 National Institute for Occupational Safety and Health study provides scientific evidence linking musculoskeletal disorders to the job. A document based on 600 research studies of such injuries and 2000 scientific articles build a solid foundation upon which to act. Even beyond official studies, there is practical proof that ergonomics programs work. The draft standard that OSHA is developing is actually based on programs which have been implemented and proven successful in various work sites across the country. OSHA would be irresponsible and derelict in its duties to not act upon such a clear record which pinpoints the cause of one half of workplace illnesses.

We have waited long enough to address this problem, any opposition by Congress now will serve to needlessly delay the process even further. For every day that we waste on redundant research, life-altering impairment which could have been avoided will occur. It is truly a travesty that our workforce continues to suffer serious disabling injuries while Congress debates whether or not a known solution should be set in place. Clearly, this is exactly the kind of issue that OSHA was created to address, and attempts to block this organization from implementing solution to improve harmful work environments are disingenuous, misdirected and counterproductive.

This Congressional measure to delay sound OSHA action should be identified for what it is; "The Right to Risk Worker's Health Act." Enough is enough—too many bodies and limbs have been needlessly worn to numbness and a life of pain and permanent injury. We owe it to elemental common sense and fairness to accord workers the OSHA rule and safeguard, to prevent working conditions which force them to sacrifice their health and cripple their bodies to earn a living.

Mr. Speaker, I will oppose this harmful legislation and encourage my colleagues to do the same.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I cannot believe the rhetoric I

am hearing today. I listened to the gentleman from Texas (Mr. BONILLA). He is absolutely on track. All that is happening is a takeover by big government trying to interfere in individuals' lives.

Last year, the Congress and the President agreed to spend nearly \$1 million on a study, and it is going to be completed in 2001. Why can we not wait until then? OSHA instead wants to rush forward and eliminate thousands of jobs and cost us billions of dollars while failing to assure the prevention of one single injury. Some single industry estimates go as high as \$18 to \$30 billion of cost. It is going to cost our businesses money. That means you, the consumer, the taxpayer, you are not only going to pay taxes, you are going to pay higher costs on everything you do.

Let me just tell my colleagues something. When I was down at Homestead Air Force Base as commander, we had a little platform out on every level in a three-story barracks that our men lived in. OSHA came in and said you have to put a rail around there so when the guys get out there to clean the windows, they will not fall off. And furthermore, they have to have a hook to hook on that rail to make sure that if they do fall off, they will not fall and hurt themselves.

Now, that is your government at work. Let me tell you what happened. A hurricane came through and destroyed that base totally. It does not anymore exist. So we got rid of the OSHA requirement in that way.

Mr. Speaker, we need water here pretty bad. I hope we get a hurricane and just push OSHA out to sea.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KLINK).

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

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. It is very plain to me that this rule should not be on the floor and this bill should not be on the floor. This is probably the biggest health and safety vote that we will see this year if not this Congress. The impact that ergonomic injuries have had on workers will touch every part of the family of labor. If this is such a big organized labor deal as some of the speakers have talked about, then that tool of organized labor, Elizabeth Dole, back in 1990 when she was Secretary of Labor, and I do not think anyone has ever accused her of being that closely aligned with organized labor, but her comment was that these injuries, and this is a direct quote, "one of the Nation's most debilitating across-the-board worker safety and health illnesses of the 1990s." Ms. Dole was right then and she is right today.

Business has to recognize the need to incorporate a new philosophy. We have to be able to adjust the way we manufacture, to adjust our equipment rather

than asking workers to adjust their bodies to the way we manufacture. If we do that, the workers will be healthier and they will miss fewer days of work; workers' comp costs are going to go down, productivity would be higher, jobs would be secure and, yes, profit margins for our companies would go up.

Let us look at the figures in 1997. There were 620,459 lost workdays due to workplace ergonomic injuries. These injuries were overexertion, repetitive motion, carpal tunnel syndrome, back injuries. This represents 34 percent, over one-third, of all the workdays that were lost by injured workers were due to ergonomic injuries.

There has been some discussion on the other side about what this might cost the employers of this Nation. Someone threw out the figure of \$4 billion. I do not know if that is true, I do not know if it is an exaggerated figure, but these ergonomic injuries each year cost business and workers between \$15 and \$20 billion.

We ought to take a look at what Red Wing Shoes did. Here is an example of a company that modified its work stations. This was not an inexpensive thing for them to do. It cost them money. But at Red Wing, they reduced their workers' comp costs by 75 percent over a 4-year period.

There was also some discussion on the other side about the fact that studies have not been done yet. The fact is the studies have been done. If you take a look at the NIOSH report it says, and I am quoting here, NIOSH director Dr. Linda Rosenstock, it found strong evidence of its association between musculoskeletal disorders and work factors such as heavy lifting.

Then we go to this bill, H.R. 987, in the "Findings" section, you quoted exactly the opposite. You say that there is insufficient evidence to assess the level of risk that workers have from repetitive motion.

□ 1815

When the finding section of their own bill is exactly opposite of the finding that is actually in the study, no wonder they brought a cockeyed bill to the floor, because they do not know how to read the findings.

Whoops, I am sorry.

What was it Gilda Radner said? Excuse me.

My colleagues have got to read the finding section. NIOSH has found that in fact repetitive motion does cause injuries. We have seen it; we have heard the stories. People who injure themselves on the job through ergonomic problems, they cannot comb their children's hair, cannot wash dishes, cannot sweep the floors at home.

This bill should go down; the rule should go down. In fact, we should not even be here.

Mr. REYNOLDS. Mr. Speaker, I yield myself as much time as I may consume just to make out a simple point that House Resolution 271 is a modified and

open, fair rule for consideration of H.R. 987. The rule provides for the debate and amendments on this measure to consume up to three full hours. It is an extremely fair rule, and given the amount of work that Congress is needed to do to complete its work this week, there will be ample time to have great debate on the merits of the legislation.

But I remind my colleagues my view is we have a fair and open rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

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

Mr. GOODLING. Mr. Speaker, I want to make sure that everybody understands exactly what we are doing today. No one is saying that we are here to say that there will not be any ergonomic regulations in the future. In fact, I am sure there will be, but it seems to me, if there are going to be, then we should have the best scientific knowledge we possibly can so we do it right because we may just do the opposite of what we should be doing to try to help the people who we are trying to help.

I would point out very quickly to my colleague from Pennsylvania that the NIOSH study also said additional research would be very, very valuable, and that is what it is all about. That is what it is all about; that is what the discussion is all about.

We said in legislation, agreed by the President and by the Congress, that we would spend up to almost a million dollars of taxpayers' money to get the kind of scientific knowledge that we need in order to make sure what regulations are promulgated, that they are done properly, that they are done to help. That is all this legislation says:

Get the study, colleagues asked for the study, they are willing to pay taxpayers' dollars for the study, get the study, use it, and then write the regulations that go with it.

As my colleagues know, we have had 2 years of hearings where we have heard, if nothing else, a lot of inconclusive evidence, a lot of people who are not positively sure what the cause is and are not positively sure how to solve the problem. That is why we are asking the National Academy of Sciences to help us, help us determine what the problem is, help us determine what the direction is that we should be going.

We had one of the finest back surgeons, one of the most prominent back surgeons in the country who said after years of his study and years of his dealing with the issue he found that in many instances it is not physical factors like how often you lift or how often you bend. In fact, he said that it is in many instances nonphysical factors, just stress in life, not enjoying one's job, and I think we can all relate

to that. Get down low enough, boy, people can have aches and pains. We all go through that process.

And so here is a back surgeon, a prominent back surgeon who made that statement. So again, all the hearings that we have had, there is so much indecision as to what is the proper way to go, what do we specifically know and how do we handle the issue? And so all we say is, wait, get the study. We are paying almost a million bucks for it, and then see whether you can promulgate regulations that will truly help the men and women that we are trying to help.

So no one is here trying to prevent forever ergonomic regulations. We are here saying let us do it right, let us get the scientific evidence first, and then proceed.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, today we vote on legislation to block OSHA from protecting America's working men and women from workplace injuries and illnesses caused by ergonomic-related issues. My colleagues have the figures, but they bear repeating. Each year more than 2 million workers suffer these injuries, more than 640,000 workers lose time at work, and each year this costs the economy \$15 to \$20 billion in worker compensation, an overall \$60 billion, all things considered.

I oppose this legislation and support workplace protection for American workers.

What is ergonomics? What is that word? What does it mean? Ergonomics and what are ergonomic-related injuries? Ergonomics is the science of adapting the workplace to the physical needs of the workers such as giving telephone headsets to telephone operators to avoid cradling the phone to reduce neck and shoulder pain, a work place that is poorly adapted to workers' causes, ergonomic injuries.

One type of injury, repetitive motion injuries frequently mentioned here, is caused when a worker repeats a specific motion hundreds or thousands of times. For example, secretaries and office workers who type all day at their computer keyboards often suffer wrist and arm injuries.

Similarly, America's poultry workers who cut up and sliced up the chicken parts for our meals repeat the same cutting and slicing motion hundreds of times an hour each day as they cut up thousands of chickens for our meals. The cumulative stress of these repetitive motions cause secretaries, poultry workers, and other workers to suffer health problems.

But I want to get personal about this, Mr. Speaker. I want to talk about one particular poultry worker.

Betty Yvonne Green. Betty worked as a chicken fillet puller for seven years. Her job required her to use her

thumbs to separate the fillet from the bone, cut the tips off the fillet with scissors and then place the product in a tub. Betty performed this task 16 to 17 times a minute for 2½ hours straight without a break.

In 1984, Betty began to feel pain in her right arm and reported it to her supervisor, the directors of personnel and the plant manager. They all told her there was nothing wrong and she would have to live with this problem. Management felt her pain did not warrant medical assistance, and nothing was to be done until Betty went to her personal physician.

Betty's doctor found that both her rotator cuffs had been torn and required surgery. She went back to work after both surgeries, but was unable to continue to do her fillet job. She worked some light duty, but to no avail. Betty was terminated by the company for what they said was excessive absenteeism. She was denied unemployment and only received workers compensation after retaining an attorney.

On behalf of Betty Yvonne Green and many, many workers throughout this country who deserve our respect, in fact deserve our protection, I urge our colleagues to vote no on this so-called Workplace Preservation Act. Indeed it should be called the Workplace Persecution Act because that is exactly what it does to the American worker. We can study this thing to death. Of course we are always open to more science, but we have to also know when we have enough science to proceed and learn many more ways that we can do better in the workplace, but not to deny, not to deny what has been fully documented by NIOSH, which has been fully documented by the National Academy of Sciences as a relationship between repetitive motion and ergonomic disease.

I urge my colleagues to vote "no."

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

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

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Texas (Mr. FROST) says that the Democrats are for working people, for working men and women, but yet every piece of legislation that they had out of here in support are against 90 percent of the working people. But if it is for the union bosses, they will support it. In 1993, they put the highest tax on the American people possible and increased the tax on middle-income workers, and this year they are trying to stop tax relief for those same workers. Salting for the unions where the unions go in and just destroy a small business, not even looking to overtake that business. That is wrong, but yet our union brothers over here support it.

Davis-Bacon, that increases inflation 15 to 35 percent of construction for school buildings, but yet will they

waive for the children? No, they will support the unions. Now we are asking for a scientific study, and I would say that even Republicans, we need to go one step further because when colleagues say based on science you need to look at who pays for the science. Is it the Republican groups or the Democrat groups, and people need an individual peer review to be fair, a non-partisan independent review. Sometimes that does not exist, and I will give into that and we need that.

As my colleagues know, in the office the people that work with computers all the times, they have carpal tunnel. There is good scientific basis that we need to help those people and provide the pads and make sure there is rotation and lights, and we have some pretty good science on it. But the problem is our colleagues want to go in without a study or agenda instead of science, and we are saying, no, let us back it up with the science to show so there will not be a big input on it, and I brought up yesterday [www.dsa/usa](http://www.dsa/usa).

Democrat Socialists of America, progressive caucus, has a 12 point agenda: government control of health care, government control of education, government control of private property, and guess what? Union over small business and cut military by half, by 50 percent, and it is to support the union. That is their working men and women, but not the 90 percent of the people that have all of the other jobs.

My colleagues should put their mouth and money where their rhetoric is. Support the people, the working men and women.

Who is for this? The union bosses. Who is against it? Chamber, NFIB, every small business group out there because they know that the only thing that my colleagues are focusing on is the union bosses who give them their campaign finance money. Admit it. Why do they fight against 90 percent of the small businesses and workers every single bill that we have? They do not support the networking men and women in this country; they only support the union members.

As my colleagues know, I take a look at the gentleman from Missouri (Mr. GEPHARDT) who gets up here and says, Oh, the poor lady in the red dress, not again, and he talks about the working men and women and the class warfare, only the rich versus the poor.

Well, cut out the rhetoric. Do things based on science; the environmentalists, the same thing. We want environmental changes. Do my colleagues think we want bad environment, the Republicans over the Democrats? We just want it based on good science, and then we want a peer review. The same thing with ergonomics. We want a good science and peer review so they do not destroy the 90 percent of the jobs that are out there in favor of their union bosses.

And that is what we are asking, Mr. Speaker. We are tired and tired and tired of the Democrats' rhetoric trying



to make points for the year 2000 where they get their campaign money, and that is what they support.

If colleagues really support the working men and women, support the Republican position on this.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today in opposition to this rule and this bill, and I would hope that we could cut back a little bit on the rhetoric.

First of all, people need to understand this talk about this study. There is no study that is going on. All that is happening is it is going to be a compilation of a bunch of studies that have already been done. So we need to get that clear.

Second thing I think that people need to understand is that it would help if somebody would have talked to the people in the department that are actually working on this.

□ 1830

I have met with Secretary Jeffers more than once and talked to him about this proposed rule that they are looking at. They have been working on it a long time. There is a lot of science that has gone into this. I do not think a lot of people that are talking on this floor have actually looked into what this is about.

This only applies to manufacturing and manual lifting businesses, where 60 percent of these injuries take place. If you do not have an injury, this is not going to apply to you. It only applies when you have an injury where there is ergonomics involved, and at that point, you have to come up with a way to deal with it.

If you have got a situation where it is only one injury and you are a small employer, they have something called a quick fix where you can go in and work on this without having to put a plan together. So they have listened to small business, they have tried to make this workable, and if anybody sat down and read this, they would understand that.

The other thing is that businesses that have gone out and actually worked on this have found it to be cost effective. It saves money for their company, and it is good for their employees. This afternoon I talked to 3M. They have an ergonomist on their staff. That person has saved them money. It is better for the company and better for the workers. This is something that clearly works. So I hope that people will focus on what is really going on here.

Back in October of 1998, then appropriations Chairman Livingston and the gentleman from Wisconsin (Mr. OBEY) sent a letter to Alexis Herman saying we are funding this NAS study and it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics.

Well, it looks to me today like what is going on here is delay, and is con-

trary to what was said. So I urge my colleagues to reject this rule and reject this bill.

Mr. REYNOLDS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER) the Chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time, and I assure him I will reserve time for my friend from Louisiana and will not fill out the entire hour here.

Mr. Speaker, I rise in strong support of the rule and congratulate my friend from Buffalo for his super management.

We have an expression that we have been trying our doggonedest to successfully implement around here in the 106th Congress, and we call it regular order. We try to, as much as possible, follow regular order.

Frankly, that is exactly what the gentleman from Pennsylvania (Chairman GOODLING) is trying to do with this legislation. We authorized \$1 million for the National Academy of Sciences to come up with some sort of finding before the Occupational Safety and Health Administration proceeds with implementation of its regulations on ergonomics.

The fact of the matter is, nothing, as has been said by several of my colleagues, nothing prevents them from moving ahead. But what we are saying is get every bit of information you possibly can so that you come up with good public policy.

Now, that will be unique for OSHA in the eyes of many, because a number of us have been very critical of the fact that regulations that they over the years have imposed have been extraordinarily costly to the private sector, and, in turn, to the consumers of this country.

But, obviously we are all wanting to deal with the problems of stress-related repetitive actions that people take in their work, so all we are saying is let us do it right. This is a very fair and balanced rule which allows for a free-flowing debate, while at the same time recognizing that most of my colleagues with whom I have spoken over the last few days want us to complete our work by the end of this week so we can go home for August. This rule allows us to have a debate and do it in a fair way, and also get this, and I hope the rest of our work, done. So I urge support of the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from Texas for yielding me time.

Mr. Speaker, I rise in opposition to the rule. I listened intently to my

friend from New York, a member of the Committee on Rules who spoke about this rule a few minutes ago, and I wanted to make several points about the rule.

We are operating here under the facade that this will give, as the chairman of the Committee on Rules just said, a free-flowing and open debate about worker safety.

I want to point something out: There are many of us who believe that OSHA is understaffed, that OSHA does not have enough inspectors to go find workplace violations and do something about them. But, if I am not mistaken, and my friend from the Committee on Rules can correct me, an amendment that would add inspectors to OSHA's inspection force would be ruled out of order because it is not germane.

There are many of us who are concerned about sick building syndrome, about people going to work, day after day, in buildings where the heating and air conditioning systems do not work properly and they cannot breathe properly and their asthma is aggravated or their other breathing related disabilities are aggravated, and many of us believe OSHA should do something about that. An amendment that would address that problem would be out of order because it would not be germane.

In fact, it is almost impossible to think of any amendment that could be offered under this bill that would do anything other than kill this regulation or delay this regulation that would be germane.

So let us get the record straight here. There are dozens of important worker safety issues that confront this country. None of them, none of them, are in order for debate under this rule on the floor. The only thing we can do is either accept or reject this attempt to delay, and I think ultimately defeat, the new ergonomic standard by OSHA.

So let us be very clear about this, that this is an open rule in form only. Every other consideration in worker safety is not in order. That is why the rule should be defeated.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York, Mr. CROWLEY.

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

Mr. CROWLEY. Mr. Speaker, I rise today in strong opposition to my good friend from Buffalo, New York, a fellow New Yorker, to this rule and to, even more importantly, to H.R. 987, the Workforce Preservation Act.

Injuries resulting from workplace stress and strain have long been studied. We cannot continue to needlessly put off a standard by the Occupational Safety and Health Administration. There is overwhelming scientific evidence supporting the belief that ergonomically unsafe conditions result in repetitive strain injuries, also called RSIs.

Approximately 700,000 serious workplace injuries result from ergonomically unsafe working conditions. This



accounts for 31 percent of all injuries and illnesses involving lost workdays. The cost of these lost workdays has been estimated to be between \$15 and 20 billion.

Now, these are not made-up injuries, they are not fantasies in workers' minds. These are real injuries, not only costing billions of dollars, but destroying people's everyday lives, people who can no longer work in their chosen professions, no longer cook at home, no longer play the guitar, no longer ride their bicycles even, and even no longer picking up their little children. That is what we are talking about here.

I cannot understand how my colleagues could want to delay the implementation of a standard that would not only reduce pain and suffering but save the business community of this country billions of dollars each year. I applaud last year's appropriation funding of the National Academy of Sciences study of ergonomic injuries. However, that is no reason to delay the implementation of a highly researched and needed OSHA standard. Stand up for working Americans, stand up for healthy workplaces. Vote against this rule, H.R. 987, to help prevent thousands of injuries and save employers up to \$20 billion a year.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to the rule and to the bill. Like many of my colleagues, I feel as if I am in a time warp. Last year when the latest NAS scientific review was funded, there was an agreement that this study should not and would not block or delay a proposed rule on ergonomics. Yet here we are again.

The bill is not about the need for more research. Both NAS and NIOSH have conducted exhaustive reviews of the scientific literature and concluded that this is a compelling workplace safety and health issue.

This is about delaying the implementation of sensible regulations that OSHA has crafted after consulting with and taking advice from employers around the country on the actions those employers have taken to prevent workplace injuries.

There is simply no need to further delay OSHA from issuing a standard or guideline. In fact, there is an urgent need to let them move ahead to prevent these workplace problems.

Each year more than three-quarters of a million serious and chronic disorders related to repetitive motion, heavy lifting, or awkward postures occur in our workplaces. These ergonomic injuries cost billions annually.

Let me remind colleagues this is a women's health issue. Women are five times more likely to develop carpal tunnel syndrome than men, one of the most painful ergonomic problems. Women are disproportionately represented in the jobs and workplaces where ergonomic hazards are the most common.

We know that many ergonomic problems are preventable. OSHA's draft proposal provides clear guidance to employers and employees on how to prevent ergonomic injuries, relieve the suffering, and save billions in healthcare and productivity costs.

Let us stop delaying. Let us give OSHA the authority they need to work with employers to prevent these serious health problems. I urge a "no" vote.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Mr. Speaker, I am often asked when I am at home, when is the government going to live by the same rules and by the same procedures that it asks other Americans to live by? For example, if I wanted to get a permit from the government in an area that might be considered a wetland, I have got to go through all the procedures of finding out whether or not an EPA assessment is required, and we have to file all those reports before we can get a permit.

If I have a drug I want to sell in this country, I cannot say to the FDA, let me sell it first; we will do the scientific work later on, whether or not it works or whether or not it is going to hurt anybody.

Americans are subjected to a simple rule when it comes to many of those agencies; get the science done, and then we will tell you whether you can do something or not.

What the gentleman from Pennsylvania (Chairman GOODLING) is doing, what this rule proposes, is a simple proposition, that this agency, OSHA, ought to get its good science done before it issues a regulation. It ought to have in front of it the best science possible to make the best rule that is the most efficient in our society. Not that it should not regulate, not that this is not a problem in the workplace, we know it is, but it ought to do it right, it ought to do it efficiently, and, most importantly, it ought to do it according to the best science.

Now, this Congress funded that good science. This Congress put out nearly \$900,000 to get that work done. All the gentleman from Pennsylvania (Mr. GOODLING) is asking is that that work be completed so that we can have the best rule, the most efficient rule, one that works, without causing undue cost or burden on the rest of the citizens of this country who pay their taxes and go to work every day and expect to be treated decently in our society.

They are asking, is this government agency going to live by the rules we have to live by? Is this government agency going to do the good science first before it imposes a regulation on us, the same way we are required to do the good science first before we can get a permit from this government? It is that simple.

Please support this rule, and please support the gentleman from Pennsylvania (Chairman GOODLING) in the bill.

Mr. FROST. Mr. Speaker, I urge the rule be defeated, and I yield back the balance of my time.

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

Mr. Speaker, in closing, as an up-through-the-ranks legislator of town, county and State before getting elected to Congress, and as a small businessman, I have watched small businesses, I have watched farmers, I have watched local volunteer fire companies, and I have watched local municipalities hindered by OSHA when they were asked to enforce regulations that were sometimes hastily written and created by Federal bureaucrats.]

□ 1845

Mr. Speaker, this body has long been concerned about the issue of sound scientific definitions of these types of workplace injuries. The bill merely requires OSHA to base their definitions on sound scientific data.

Last year the Congress authorized and American taxpayers paid almost \$1 million for the nonpartisan National Academy of Sciences to conduct a comprehensive study of all the available scientific literature, examining the cause and effect relationship between repetitive tasks in the workplace. The study is currently under way. It is expected to be completed within a 2-year time frame, and would be ready by 2001.

As my colleague, the gentleman from Texas (Mr. BONILLA) said, we should make sure that OSHA bases its regulations on sound science, not political science.

Mr. Speaker, I urge my colleagues to support this fair rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 271 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 987.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 987) to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a study or guideline on ergonomics, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the

gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

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

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

Mr. Chairman, H.R. 987 is a very simple bill. It ensures that the National Academy of Sciences completes the congressionally mandated study of ergonomics and reports its findings to Congress before OSHA promulgates a proposed or final standard.

As I said during the debate on the rule, everyone knows that eventually there probably will be standards and regulations, but certainly we should make sure that science precedes regulation, not the other way around. We get in real trouble when we reverse that.

There is a great deal of scientific and medical uncertainty in this debate about ergonomics. Our Subcommittee on WorkForce Protections, as I indicated also during the discussion of the rule, has had many hearings during the last 2 years. The only thing that was certain was that there was a great deal of uncertainty.

I indicated that even a very well known back surgeon indicated that, with all of the work that he has done, he realizes that in many instances, it is distress in life and job dissatisfaction. Well, I sure hope that OSHA does not start writing regulations in relationship to distress in life and job dissatisfaction, or we will be in real trouble. So we really need to wait, because that is what the Congress said.

Who said that in the Congress? Three hundred thirty-three Members, 333 Members said that there should be an in-depth scientific study, and we will put up almost \$1 million for that purpose, agreed to by the President, agreed to by the Congress. Three hundred thirty-three voted for that legislation that contained that.

Now all of a sudden we hear, oh, but two people said that they do not have to pay any attention to what the Congress said and what the law said. That is a pretty interesting turn of events. Two people said? That probably was the best kept secret. Probably 331 others who voted for it did not know that. They thought that as a matter of fact, they were saying let us get the facts before we write regulations.

So again, I would hope that we remind ourselves that it was we, the Congress, 333 Members, who said it is very necessary to get this additional information by a nonpartisan group, by people who do this for a living, people who are scientists, before we delve into regulating something that we are not sure will help or hurt the very people we are trying to help.

Any time a broad government regulation like this proposal goes into effect, livelihoods of our constituents are in jeopardy, so we want to make very, very sure that we have the facts, the scientific facts, so that we can write

regulations that as a matter of fact will help, not hurt. One-size-fits-all could really do great damage to the very people we are trying to help.

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

Mr. CLAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in opposition to this bill. Mr. Chairman, there is such a thing as political speech, and courts have sanctioned it under the first amendment. In reality, it allows politicians to exaggerate incidents, to embellish facts, and still maintain protection under that first amendment.

What we just heard is a perfect example of political speech. Members will probably hear it over and over from that side today. President Clinton never agreed to delaying the issuance of ergonomic rules while the study is being conducted.

Of course, they are entitled to political speech, according to the Federal courts. Mr. Chairman, H.R. 987 prohibits the Secretary of Labor from promulgating any standard or guidelines on ergonomics until the National Academy of Sciences completes a study. This bill is simply one more attempt to delay and ultimately block the issuance of critical ergonomic workplace guidelines which are needed to reduce an epidemic of work-related stress and strain injuries.

Ergonomic injuries and illnesses remain the most common, the most serious health risk workers face, and ergonomic illnesses and injuries remain the single largest cause of injury-related lost work days. In 1997, there were more than 600,000 lost workday injuries and illnesses due to overexertion, repetitive motion, and other bodily reactions related to ergonomic hazards. This represents 34 percent of all lost workday illnesses and injuries.

Work-related musculoskeletal disorders cost employers between \$15 and \$20 billion in workers compensation costs each year. Women workers are particularly victimized by ergonomic injuries and illnesses. For example, women are 69 percent of those who lose work time due to carpal tunnel syndrome.

The contention that we do not know enough to regulate in this area is disputed by the overwhelming majority of scientific opinion, and has been disproved by the real world experiences of thousands of employers who have taken steps to address ergonomic hazards and have substantially reduced injuries as a result.

This bill is opposed by the AFL-CIO and all the major labor organizations that represent working people. It is contrary to the recommendations of the major occupational associations, the National Institute of Occupational Safety and Health, and the clear conclusions of the National Academy of Sciences.

Additionally, President Clinton will veto this bill if it reaches his desk.

Mr. Chairman, how odd, how unfortunate, that the first significant labor

bill to come to the floor of this Congress attempts to strip working people of their rights, instead of enhancing them. We should be taking action on behalf of working families to pass a comprehensive Patients' Bill of Rights, to pass an increase in the minimum wage, and to address inadequate family leave and retirement savings of workers.

This bill says a good deal about the misguided priorities of the majority and the failure of this Congress to take action on behalf of working families.

Mr. Chairman, I urge Members to oppose this anti-worker legislation, and I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT), the author of the legislation.

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

Mr. Chairman, where I am from, and where my friend, the gentleman from Missouri (Mr. CLAY) is from, the State of Missouri, \$1 million is still a lot of money. It may not be a lot of money here in Washington, but it is a lot of money where I am from.

I keep asking myself as I hear this debate, as I have looked at this issue over the last several months, why are we spending this money? Why did the administration agree to this study? Why did the Congress appropriate the money? Why are we spending the money?

We are spending the money because the one weekend study that NAS has already done is not adequate. We are spending the money because there is a tremendous lack of clarity and agreement on these issues. In fact, if Members read the draft standard, I think it is clear why we are spending the money. The draft standard is not clear. The draft standard is ambiguous.

The reviews on the draft standard, from the SBREFA panel, the Small Business Review Panel, to all kinds of journals that have reviewed this, have talked about the problems the draft standard would create. We need to be sure, when we talk about people's jobs, that we are talking about specific and certain facts.

One of the facts we hear here tonight is the groups that are disproportionately affected by these kinds of injuries. I am sure later we will eventually hear what the source for that is, but I would tell the Members that the whole work force is ill affected by standards that are not based on sound science.

My concern is that as we look at these standards, as we look at the liability, as we look at the vagueness if those did become the standards, that people who are in the business of creating jobs, people who are in the business of sustaining jobs, would have to look at these standards, and their push would be not to hire more people but their push would be to make a greater capital investment instead of a people investment, because of the way the standards are written.

In our country, a person's job has a degree of sanctity to it that I think we have to be careful about here in Washington if we treat that casually. If we decide that, based on the instincts of some bureaucrat over at OSHA who had not lifted anything that day heavier than a pencil, that that is the person who is going to decide what is hard to do at the workplace and somebody's job winds up eliminated because of that, I think that is a serious concern. I think that is a serious problem.

I think there is much evidence as to why we need this standard. The SBREFA group said that the draft standard was a problem. One of the reasons was the vagueness. One of the reasons was the vagueness of the terms. Well, this study will solve problems like that. This study will create the sound science. This study will create an atmosphere where people are encouraged to show up at a safe workplace every day, but that their jobs are still there.

This is about people's jobs. This is not about some political play here in Washington, this is about people's jobs. It is about a \$1 million study, and it is about seeing that study before the final regulation is drafted.

Mr. Chairman, I urge support of the bill.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, back in the seventies, I was the human resources manager at an electronic manufacturing company. At one point we started to see a large number of repeated stress injuries. It was not hard for us to figure out why the problems were occurring, because our printed circuit board assemblers were using the same motions repeatedly to insert electronic components into their printed circuit boards. But it was difficult to figure out why it was happening and what was the solution.

So I did something that most of those who speak so negatively about OSHA on the other side probably would think very odd. I asked CAL OSHA to come to our company and help us work through our problems. With their help, we changed some of our assembly processes and the symptoms stopped.

Mr. Chairman, we knew that it was important to protect our workers from injuries because if we did not, our company was not going to be able to become a Fortune 300 company, which, by the way, it did.

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But it would not have without a healthy workforce.

Mr. Chairman, all businesses and all employers and all employees will benefit from ergonomic standards. We already have sound science regarding the problems caused by repetitive motion. The problem appears that, when the

Republican majority disagrees with science, they insist on more studies. They hope that science will eventually support what they want it to say.

H.R. 987 is an inexcusable delay tactic. It is a tactic that benefits no one, not business, and certainly not workers. I urge my colleagues to oppose it. A vote against H.R. 987 is a vote for workers.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER), chairman of the Subcommittee on Employer-Employee Relations.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, for yielding me this time, and I appreciate his efforts and my colleagues' efforts for bringing this bill before us.

Mr. Chairman, I rise tonight in favor of H.R. 987, the Workplace Preservation Act. I am sure that if we went out and explained this bill to most Americans, they would wonder why we are even here tonight having to debate this.

First, let us be very clear about this. We are not prohibiting OSHA from regulating ergonomics. We are simply saying that before OSHA issues a set of sweeping new regulations that impact millions of employees and employers, we ought to at least look at the science that we paid for just a year ago and what the American people paid for when Congress appropriated \$980,000 to the National Academy of Sciences to take a comprehensive look at this issue. We are simply saying let us let good science precede regulation, not the other way around.

If OSHA meets its current timetable, the final ergonomics regulations will be in place before the National Academy of Science's studies are even finished. Not only will the efforts of the National Academy be wasted, but the money that the taxpayers put up last year for the study will be wasted as well.

Mr. Chairman, that is just not acceptable. That is why we are here to pass H.R. 987 tonight. OSHA's decision to disregard the need for sound science, not to mention the will of this Congress, is an example of the kind of bureaucratic arrogance that is making Americans cynical about their government today.

Many questions remain about the nature of the relationship between workplace activities and these types of injuries. But OSHA has concluded that it does not need to wait for medical and scientific communities to answer these questions. OSHA has decided it already has the answers, and it is going ahead with its new regulation as it sees fit.

I think we can all agree that this kind of bureaucratic free-wheeling is wrong. Mr. Chairman, the debate today is not about whether we need to assure the safety in the workplace for the American workers. There can be no debate about that. The debate today is

about whether we expect regulatory agencies to base their rules on medical evidence and sound science. I do not think there can be any debate about that either, Mr. Chairman.

So I urge my colleagues on both sides of the aisle to support the bill of the gentleman from Missouri (Mr. BLUNT), H.R. 987, and allow the taxpayers to get their money's worth for the science and the study that we paid for last year before proceeding down this very dangerous path.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, recently I traveled to the Eastern Shore of Maryland and the district of the gentleman from Maryland (Mr. GILCHREST) to learn about the poultry industry and to talk with some of the people who have been suffering injuries in the Nation's chicken processing plants.

Chickens are processed on something akin to an assembly line. Most of the actual cutting up is done hand by hand, chicken by chicken, day after day, hour after hour.

One of the cutters that we talked to was a woman named Sharon Mitchell. She made her living as a cutter on the line, standing on a wet concrete floor, in a factory as cold as a refrigerator, with a knife in her hand, deboning breasts and thighs.

Earlier today, as I was in my office, I had the sound off, I had it on mute, and I was watching the screen and this debate, and the gentleman from Louisiana (Mr. TAUZIN) was making this motion.

Sharon Mitchell makes that motion. She told us as we were sitting there, "You try to do this." I invite everybody who is watching me today to do this. Because she does this 50 times a minute, 8 hours a day, at least 5 days a week. I want my colleagues to feel the repetitiveness of what this is about.

That means that Sharon Mitchell performs the same cutting motion 3,000 times an hour, 24,000 times a day, 120,000 times per week, and more than 6 million times a year. It is no wonder that the poultry industry has a hard time keeping healthy workers.

Ergonomic industries are the leading cause of turnover, 100 percent in some of the plants. Do my colleagues know what the wage is, the average wage for people who do this 6 million times a year, 3,000 times an hour? Five dollars and sixty-one cents.

Ergonomic injuries affect virtually every economic sector in the country, truckers, nurses, cashiers, computer operators, construction workers, meat cutters, assembly line workers. 600,000 Americans are hurt every year from these injuries.

Workers compensation costs related to these injuries top \$20 billion a year. Study after study have documented the problems, beginning with studies under the Bush administration a decade ago.

So ignoring Sharon Mitchell's concern and that of the literally thousands

of people that work with her will not make this go away.

Now, several companies like Ford and 3M and AT&T, for example, have adopted a low-cost measure to prevent these injuries from happening. It is time that we follow their lead.

I will never forget that woman standing there with tears in her eyes doing this and suggesting to us that we can do better. Think about it. One hundred percent of the workers in some of these plants turn over every year because of these injuries.

Mr. GOODLING. Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I appreciate the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, my first job out of college was in a salmon cannery in Alaska. The opportunities for injury associated with repetitive motions were ones our employers new an awful lot about and upon which they spent a lot of time ensuring safety came first. They understood it to be an economic issue, as well as one that, in the context of humane treatment of employees and compassion of workers, was an integral part of business.

I have often said that standing boot deep in fish heads, gut, and entrails was probably the best training that I ever received for serving in Congress. But I also point out that OSHA's decision to move forward on regulations without benefit of thorough study is a classic example of the phrase often used in business "ready, fire, aim."

Our goal here in proposing this bill's passage is to arrive at a set of goals, rules, and regulations that actually hit the mark, that actually are useful goals and regulations that actually can, with some confidence, be attributed to a safer workplace.

Now, it is rare for the current President and the current Congress to agree so completely on such a topic, but in October of 1998 both the executive branch and the Congress did agree that a comprehensive study by the National Academy of Sciences of the medical and scientific evidence regarding musculoskeletal disorders be initiated. That study was and is to become the basis for future OSHA regulations. That study is not yet completed. This is the one fact that we need to keep in mind.

It is often argued that the fact Congress requested and funded the study by the National Academy of Sciences does not matter because there was some kind of letter signed by the chairman of the Committee on Appropriations and the ranking member telling OSHA it was not barred from going forward with its intended regulations. But the fact of the matter is, while everyone knew about the study, no one, with the exception of a few Members of Congress, was aware of the letter. It certainly would not stand up in any court as the basis for expression of legislative intent.

Second, the opponents argue that OSHA has worked on ergonomics for almost a decade and that fact somehow makes the NAS study irrelevant. Well, again, Congress and the President agreed to fund the comprehensive study by the National Academy of Sciences just in October, not 10 years ago. We, Congress, decided the issue needed more study, and we were willing to spend nearly a million taxpayer dollars to finally get the comprehensive and impartial look at the scientific and medical evidence before OSHA should regulate.

Looking back, 10 years is instructive in one regard. Ten years ago, the Department of Labor claimed that ergonomics-related injuries accounted for about 3 percent of all workplace injuries and illnesses. OSHA now claims that ergonomic-related injuries account for 34 percent of workplace injuries.

Now, that huge difference is not just because of an increase in injuries. In fact, workplace injuries have been declining in recent years. The difference between the 3 percent in 1990 and the 34 percent that OSHA refers to today is simply due to the Department of Labor's changing definition.

There has not even been a consistent, uniform definition of what injuries would be addressed by an ergonomics regulation. Now that in itself is a good indication of the scientific and medical uncertainty itself surrounding this issue and why we need the NAS study that OSHA wants to ignore.

A vote in favor of H.R. 987 is an exercise in prudent judgment and a responsible step towards sound workplace safety regulation. To reject this bill is to advance the misguided philosophy of "ready, fire, aim."

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, it would be good to have a few facts on the record. I think it is important to take another section from the President's veto message where he states that the administration agreed to the inclusion of funding for this study based on a clear understanding that the study would not be used as a reason to delay OSHA's proposed ergonomic standards.

H.R. 987 would reverse this agreement by forcing OSHA to wait up to 2 years before issuing a standard in expectation that the conclusions of a new NAS study were different from those reached by NAS just last year and already reached by the National Institute for Occupational Safety and Health which completed an exhaustive study in 1997.

Both of these studies concluded that musculoskeletal disorders are caused by physical forces in the workplace and that ergonomic solutions can reduce those forces and the incidence of MSDs. These two studies do exist. They keep

saying they do not exist. This NAS study was completed in 1998, published in 1999.

The conclusion reached here in the study is that: "better understanding of the course of these disorders would provide information that would assist in formulating strategies for tertiary intervention."

So the new studies, the continuing studies will seek ways to intervene. There is certainly room in this complex area for studies for a long time to come. I hope that we do not stop after we complete 2 more years of study. But there will be an ongoing set of gathering of evidence and development of intervention strategies that will make it safer for the people in the workplace. That is no reason to delay.

What we really hear today is a clear statement of the Republican platform on the workplace. The workplace is not a place that they want to make safe for the workers. They are indicating their great contempt for workers, as they have indicated repeatedly. OSHA, of course, is a major target.

They have several bills which attack OSHA, and they always give them strange names or names that camouflage the real intent. There is the "Science Integrity Act," which is actually a bill to allow businesses with financial interest in particular regulations to place their own experts on the peer review panels. That is a majority Republican bill for OSHA.

There is a "Safety Advancement For Employees Act," and that is a bill to exempt penalties to employers who violate the OSHA standards.

There is the "OSHA Reform Act of 1999" which would totally eliminate OSHA's enforcement of standards in its protection of whistle blowers. Then there is the "Fair Access to Indemnity and Reimbursement Act" which would chill OSHA enforcement by awarding attorney fees to businesses whenever OSHA lost a case.

They are consistent. They have been plugging away at OSHA for a long time. They are consistently hostile to working families. That is what we are hearing today. It is good that we are having this debate to have the destructive Republican platform for working families clearly stated on this floor.

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Mr. GOODLING. What is the division of time at the present time, Mr. Chairman?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) has 17 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 18½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MCKEON), our erstwhile subcommittee chair.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 987, the Workplace Preservation Act.

For years, the issue of ergonomics has been fiercely debated. Unfortunately, many would like to make this a partisan debate, when, in fact, we all want what is best for the American worker. Therefore, in order to best address the issue, last year Congress and the President agreed to fund a comprehensive 2-year study to look at the scientific evidence surrounding repetitive tasks and workplace injuries.

I supported this provision when it was included in last year's omnibus bill because it provided a commonsense solution to a very difficult issue. As such, I was alarmed when I heard that OSHA was moving forward earlier this year on a proposed ergonomics standard barely before the study had begun. Consequently, I cosponsored H.R. 987 and voted for it when it was considered by the Committee on Education and the Workforce.

To me, this bill is very basic. It simply says that the Labor Department must wait to move forward until the fundamental medical and scientific questions surrounding ergonomics are answered. We owe that to the Members of this body who supported the provision. We owe that to the taxpayers, who funded this million dollar study. We owe it to the thousands of businesses who would be accountable to the new standards. And most importantly, we owe it to the American workers who deserve a safe and healthy workplace.

Again, I urge all my colleagues to vote for H.R. 987.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member for yielding me this time and for his leadership on this issue, as well as the ranking member on the subcommittee of jurisdiction, the gentleman from New York (Mr. OWENS).

Mr. Chairman, I think it is quite ironic that many people have said in the course of this year that this century began with violence in the Balkans and it is ending with violence in the Balkans. So too with this issue. This century began with the muckrakers, with Ida Tarbell and Upton Sinclair pointing out dangers in the workplace for American workers. They showed the exploitation of the worker. And here we are at the end of the century, much enlightened, much improved, but not completely.

And ironically, the new information technology age has presented new and additional challenges. As more people work on keyboards and look at screens, it presents more possibilities for ergonomic disease. So let us not ignore the history of it. We look with great embarrassment at what happened at the beginning of the century. We know so much more now. We owe it to the American worker to do better.

But I do not ask my colleagues to take my word for it. In saying this, I am joining the major national occupational and safety health groups, which

believe that existing science supports the need for an ergonomics standard and oppose H.R. 987. The American Public Health Association, the American Nurses Association, the American Association of Occupational Health Nurses, the American College of Occupational and Environmental Medicine, representing over 2.7 million safety and health professionals, have documented the need for and support an ergonomics safety standard to protect workers from workplace injuries.

The American College of Occupational and Environmental Medicine is America's largest occupational medicine society concerned with workforce health, and they have said and I quote, "There is adequate scientific foundation for OSHA to proceed with a proposal and, therefore, no reason for OSHA to delay the rulemaking process."

The American Public Health Association's national women's groups, according to Women Work, the National Network for Women's Employment, all urge a "no" vote on this resolution. I urge my colleagues to join them.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS) from the committee.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me this time. I am very sympathetic to the problems of ergonomics. That may not be a statement that my colleagues have heard too much from this side of the aisle, but I am sympathetic for reasons relating to the ailments I have encountered, and I will amplify on that during debate later on.

At the same time, I still support this bill, because I have learned that the issues revolving around some of the things I have had, including a herniated disk in my back, and surgery for that; carpal tunnel syndrome, with surgery on both hands for that; and chronic asthma, I have learned that all of these issues are extremely complex as related to the workplace.

These issues are so complex that it is important that we do the National Academy study. I want to make certain that we do it not because we are trying to delay the issue or somehow avoid the issue, I think it is important to wait until the National Academy study is finished simply because we should have the result of the National Academy study before any final decisions are made on precisely what we should do, and what the best approach is regarding ergonomics.

So I support the bill. I think it is very important that we do take the time to deal with the complexities of the issue, make certain that whatever we decide in this body or through the regulatory agencies is the appropriate approach, the right way to deal with the problem, so that we actually come up with good solutions rather than just have individuals sitting at desks saying, well, this makes sense, let us do this, let us do that, let us try this.

We have to make certain we do it right. So I urge you to vote for this bill, demonstrate our ability to be patient and study the complexities of the issue before taking action.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Workplace Preservation Act, which bars OSHA from issuing vital ergonomics standards until the National Academy of Sciences has completed its study on this issue.

This legislation is unnecessary. The NAS study duplicates work that has already been completed by the National Association for Occupational Safety and Health. OSHA could have published regulations this year if it could move forward on this issue. This is another scheme to prohibit OSHA from carrying out its mandate, which is to protect employees across the country from hazards of the workplace.

Ergonomic injuries are the most common serious workplace health problems that face workers. Each delay means another 620,000 employees involved in everything from heavy lifting to data entry will suffer injuries associated with repeated trauma such as carpal tunnel syndrome. One of three workers' compensation dollars goes to repetitive stress injuries. The number continues to rise.

Let me just mention that, in fact, ergonomic guidelines are good for employees and are good for business. Let me give my colleagues two examples from the State of Connecticut. In New Haven, at the Ives Company, which is a hardware manufacturer, they reduced employee injuries by 90 percent by cutting out manual lifting. Aetna Life redesigned its workstations and productivity increased by 64 percent. Businesses can win. Ives cut its injury costs from \$88,400 to \$8,700. Aetna calculated its productivity increase and brought it to \$621,000 annually.

Ergonomic guidelines are good for hard-working men and women. They are good for businesses, large and small. We need to end this delay, and we need to support progress. We need to support and protect hard-working men and women and save money in health care costs and lost wages.

I urge my colleagues to oppose this bill.

Mr. GOODLING. Mr. Chairman, may I have the division of time again?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) has 13½ minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 14½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), a member of the committee.

Mr. ISAKSON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of H.R. 987, as introduced by the distinguished gentleman from Missouri.

I rise to make really two points. The first is based on experience. In the State of Georgia, for years, where I worked in the legislature on workers compensation legislation, without question, the preponderance of the cases that went to final court were cases over musculoskeletal disorders. I believe if we were to check the other 50 States in the United States of America, we would find also the preponderance of those cases that had to go to court were over musculoskeletal disorders. And we would also find that in every case a physician of renown, a physician with experience, testified on behalf of the injured party and on behalf of the business. And decisions fell on both sides. And why? For a very simple reason. It is a very difficult task to determine exactly what the cause was.

To wait for scientific data to be conclusive is important, and to wait for this study that has been funded to come back before those regulations is also very important.

But I also want to address what the gentleman from New York (Mr. OWENS) said. This is not a battle of us against workers and someone else for them. This is not a battle against the lady that the gentleman from Michigan (Mr. BONIOR) mentioned, who over and over repeated those motions. But it is a battle over looking at all the interest of regulation.

So let me personalize the story. Let me talk about James Abney, a doctor in Marietta, Georgia, who employs his wife and two dental assistants. A few years ago, when a major problem in our country arose over the possible spread of AIDS in the use of dentistry, and many will remember that case, immediate regulations came down which caused the acquisition of almost \$40,000 in additional equipment, additional techniques, additional coverings in treatment and additional policies.

None of us would argue that was not the appropriate response, but they were so quick, and in the absence of data, that over half of those within a year were repealed as being unnecessary. But the \$40,000 was not paid back to Dr. Abney.

Businesses deserve the right to have scientific data before business does what it will do, and that is take care of the best interest of its workers.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Earlier, one of our colleagues said this was ready, fire, aim. I think what we really have here is ready, aim, delay, delay some more, delay forever, if we can.

They talked about this being an effort not to prohibit, but it is in fact an effort to delay this for up to 2 years.

They talked about wanting to make sure they have all the studies before there are some sweeping regulations. The irony is that their proposed study

would merely review existing information in literature.

This is the same group standing up saying delay, we want to await the National Academy of Sciences report that rejected the National Academy of Sciences report saying that there should be statistical sampling in the census. They threw that out. But now, because it is to their benefit to wait and delay, they want to wait for the National Academy of Sciences report.

There are reports out there, Mr. Chairman. Let me say that the National Institute of Safety and Health has already had the most comprehensive compilation of review research on this issue to date. And the relationship between those types of injuries and the exposure to the workplace risk factors was shown. They have identified over 2,000 studies of work-related injuries and hazards, two thousand.

They selected 600 of the studies for detailed review based on well-accepted criteria, that included strength of association, consistency, temporality, and coherence of evidence. Twenty-seven peer reviewers examined that document, including epidemiologists and other scientists, physicians, ergonomists, engineers, industrial hygienists, employers and employee representatives. Based on that review of the scientific evidence, they had a substantial body of credible research that showed strong evidence of association between those types of injuries and work-related physical factors.

The NAS study in 1998, Mr. Chairman, reviewed the same body of evidence, but it supplemented that evidence by including reviews of biomechanical and other control intervention studies. They then had scientists review it and had panel discussions. They had a 10-member steering committee prepare the report. They had a peer review by an additional 10 scientists.

Mr. Chairman, I think my colleagues get the point. This is ready, aim, delay, delay, delay.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume to again remind everyone that NIOSH said that an in-depth study would be very, very beneficial.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in support of H.R. 987. Prior to my service here in the House, I was a trial lawyer in Omaha, Nebraska. Now, I know that is not necessarily a term of endearment on this side of the aisle; but it does give me certain experiences and insight into issues such as this because as much as 50 percent of my practice was representing people with injuries, worker compensation claims.

I represented many clients who suffered from repetitive motion injuries, the most common of which is to the wrists, known as carpal tunnel syndrome, and I sympathize with these folks. I have seen it affect people mini-

mally, and I have seen it affect them seriously, some enough to lose their jobs.

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I have learned from speaking to many medical experts and reading a great many medical studies on this subject that there is much controversy on the cause of these injuries, including how much repetitive motion versus trauma is necessary to cause the onset of symptoms.

Until we know more facts about the various causes of repetitive motion injuries, how do we know the best method to avoid reducing these injuries? We are only guessing at the best way to protect workers.

I am concerned that without the National Academy of Sciences study, we may allow regulations that have the unintended consequences of one extreme doing nothing and the other exacerbating injuries or causing different types of injuries. And I am not willing to accept that risk.

Mr. Chairman, I support H.R. 987; and I urge my colleagues to join me in voting for it.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the distinguished gentleman for yielding me the time.

Mr. Chairman, I urge my colleagues to vote against H.R. 987, the so-called "Workplace Preservation Act." Perhaps it ought to be called "Woman Out of the Workplace Act." Because this legislation is against working women.

This bill is about our aunts. It is about our mothers, our sisters. It is about women who have many responsibilities not only in the workplace but at home that when they have a repetitive motion problem it compounds their life.

H.R. 987 would stop the writing of regulations that protects workers, primarily women, who suffer the crippling and painful injuries caused by repetitive motion.

Each year, according to the AFL-CIO, 400,000 women workers suffer injuries from ergonomic hazards. Sixty-nine percent of all workers who suffer from carpal tunnel syndrome are women.

Now, everyone has their personal stories. A dear aunt of mine who worked as a secretary required surgery in both wrists to deal with carpal tunnel. I have a sister who worked as a meat cutter who because of repetitive motion injury could not do her job anymore; and then when she tried to file a workers comp claim, the company fought her.

That is typical, also. It is not just the people get injured; it is that they often cannot get help, so they are victimized further.

Besides the physical and emotional costs caused by these workplace injuries, there is a huge economic cost. workers compensation costs of repetitive motion injuries is \$20 billion each

year. So this, of course, hurts families, but it also hurts businesses in reduced productivity. It cuts business profits. It increases claims. It increases litigation.

This is time for new thinking. We are entering a new millennium. Let us have new thinking and let us start by voting "no" on H.R. 987.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. HILLEARY), another member of the committee.

Mr. HILLEARY. Mr. Chairman, I am proud to stand before this House today as a cosponsor and strong supporter of H.R. 987, the Workplace Preservation Act.

Do not let some of the opponents of this legislation fool us. They say that if this legislation passes, workers will be subject to an endless amount of illnesses and workplace injuries.

However, they seem to forget that passage of this bill maintains the status quo and simply allows the National Academy of Sciences to complete a study on ergonomics to ensure the safety of American workers.

In last year's omnibus appropriations bill, Congress gave the Clinton administration almost \$1 million to complete this study. That is the law. The President signed the bill. He agreed to do this study as a prudent first step.

What I do not understand is why we should not wait until the National Academy of Sciences study comes back with that study paid for by Mr. and Mrs. American taxpayer before we make a decision on the issue. It is silly to throw the American taxpayers' money down the drain in order to prematurely enact a regulation that has been referred to as counterproductive.

While the administration continues to threaten to enact a regulation on ergonomics before a study is completed, I find their actions akin to a doctor delivering a treatment before diagnosis. There is no scientific certainty in the causes, the diagnosis, prevention, and correction of workplace injuries, and we should not hastily make rules without having proper scientific evidence.

Meanwhile, the potential impact of the administration's regulatory scheme could reach into the billions of dollars. OSHA estimated the compliance cost within the trucking industry alone at \$257 million and \$3.5 billion for all industries. Private studies have estimated that it might cost as much as \$6.5 billion.

Now, who is going to pay for this additional cost? Consumers? Businesses, of course, will pass on this new cost to those who purchase products. So not only are we throwing away the \$1 million the taxpayers give us, but we are also telling them that they would have to pay more in order to provide food and other items for their families.

Another claim my colleagues may hear is that ergonomics regulations will help the American worker. Yet, these regulations also alarm many of

the people that they are designed to help. Several workers who would be covered under an ergonomics standard make their money based on the number of items they deliver. If we restrict the amount they can officially deliver, the workers themselves lose money.

So let us see, where does this leave us?

The American taxpayers. They lose under any new regulation because we are throwing \$1 million of their money away and forcing them to pay higher prices.

American business? They lose because it will likely cost billions for them to comply with these prospective regulations.

Does the American worker win? No. Many of them will lose because they will receive less in salary and commissions thanks to the new regulations. And some of them will lose their jobs altogether to off-shore labor.

Let us protect hard-working Americans and not establish uncertain ergonomic standards.

I urge a "yes" vote on H.R. 987.

Mr. CLAY. Mr. Chairman, may I inquire as to how much time remains on both sides?

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) has 10½ minutes remaining. The gentleman from Pennsylvania (Mr. GOODLING) has 7 minutes remaining.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, I thank the ranking member for yielding to me the time.

There has been a lot of reference this evening in regards to the money appropriated last fall in the omnibus appropriations bill for the 2-year NAS study. While that may be true, the legislative history behind that was also perfectly clear. At least it was on this side, and it was with the chairman and ranking member of the Committee on Appropriations when they wrote to Secretary Herman a letter in which they stated, "We are writing to make clear that by funding the NAS study, it is no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics."

Mr. Chairman, as a member of the Committee on Education and the Workforce, I rise in opposition to H.R. 987. And let us also be clear that if H.R. 987 does pass tonight, it will be the fourth time in 5 years in which this Congress was able to effectively block any movement, any progress, on issuing ergonomics rules from the Department of Labor and OSHA.

Proponents of the legislation claim that there is not enough science to justify moving forward. This, however, is an issue that has been studied to death, over 2,000 studies exist examining ergonomics.

As my friend from Massachusetts (Mr. TIERNEY) already indicated, in 1997

the National Institute of Occupational Safety and Health evaluated over 600 of those 2,000 studies; and they concluded that there is a substantial body of credible evidence showing the cause and effects of repetitive motion and injuries in the workplace.

I am concerned that Members are using the 2-year NAS study as an excuse to go into a four-corner offense and just delay, delay, and delay and hope that no rule is every promulgated.

Quite frankly, I do not understand why. There are a lot of companies in western Wisconsin that are already implementing their only ergonomic standards in the workplace, one of which is 3M, one of the largest manufacturing companies in the Nation, three fairly large significant plants are located in my district. And they are doing it for two reasons: first, because they recognize the need for it and, second, because it makes good business sense.

In fact, the chief ergonomics officer for 3M, Tom Alban stated, "Our experience has shown that incorporating good ergonomics into our manufacturing and administrative process can be effective in reducing the number of and the severity of work-related MSDS, which not only benefits our employees but also makes good business sense."

3M's evolving ergonomics process has been effective at reducing the impacts of these disorders on their employees and their business.

From 1993 to 1997, 3M has experienced a 50-percent reduction in ergonomics-related OSHA recordables and a 70-percent reduction in ergonomics-related lost time. I think that is another good reason to vote against this legislation tonight.

I would encourage my colleagues tonight to stand up for working families. Do what a lot of good businesses are already doing. Allow OSHA to move forward on implementing rules on ergonomics standards. It makes sense. It makes good business sense. And in the long run it is going to help the working people in this country.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise in support of the bipartisan Workplace Preservation Act.

I do so because of a very simple premise: we cannot prescribe a solution until we diagnose the problem. Doctors know this. In fact, every day they examine patients' symptoms hoping to discover the underlying disease. But no doctor will ever order a specific medication until he or she is satisfied the actual sickness has been discovered.

Mr. Chairman, I believe it would serve us well to remember this analogy as we consider this issue. Workplace injuries is a serious matter. There is no question this issue is an important concern to millions of Americans. But there are a great many questions as to the cause and effect of ergonomics.



In fact, over the last few years, many of the country's leading physicians and researchers on injuries of hand, back, and upper extremities have testified before Congress that the causes and impact of these disorders are not easy to discern.

Are they caused by too much typing on a computer or too many hours in front of a scanner? We do not know. But we need to know, and we are trying to find out.

That is why last year Congress appropriated \$890,000 for the National Academy of Sciences to conduct a study of all the available scientific literature examining the cause-and-effect relationship between repetitive task and physical pain. The study is scheduled to be concluded by the middle of the year 2001.

Yet, amazingly, in a March hearing before the Subcommittee on Workforce Protections, the Assistant Secretary of the Office of Health and Safety Administration vowed that issuing an ergonomic standard was the agency's top priority for this year.

Mr. Chairman, I urge my colleagues not to confuse motion with action. I am afraid that is exactly what the Office of Health and Safety Administration is about to do.

Congress had it right last fall. Let us take our time and let us do it right. Let us put science before politics, and let us determine exactly what the problem is before we prescribe the solution.

I hope all of my colleagues will support this common sense bill, which simply requires the Secretary of Labor to wait for the National Academy of Sciences to complete their study before it issues any new regulations.

Is this too much to ask? After all, is this not what we expect when we do see our doctors? Why should we expect our Congress to do anything less?

Mr. Chairman, let us get our facts straight before we legislate. Let us pause before we determine a cause. I urge my colleagues to support this bipartisan bill.

Mr. CLAY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I rise in strong opposition to the passage of H.R. 987, the Workplace Preservation Act. It is merely another delaying tactic. We have seen this every year when this matter comes up.

H.R. 987 requires the Secretary of Labor to wait for the completion of another National Academy of Science study. We have had many studies. This delay is simply not supportable by the evidence. Scientific literature supported by safety experts already shows that the workplace factors cause musculoskeletal disorders.

The National Academy of Sciences and National Institute for Occupational Safety and Environmental Medicine have clearly demonstrated the re-

lationship between ergonomic problems and the onset of these disorders.

The American College of Occupational and Environmental Medicine has confirmed that there is adequate scientific foundation for the OSHA to proceed.

Since 1995, we have seen one request after another for a delay. The Department of Labor is prepared to issue these standards. We need the standards to prevent injuries.

It is incomprehensible why an industry that is suffering from \$20 billion of losses because of these injuries is still seeking to block the issuance of standards which could save these injuries and in fact keep the workers at the workplace producing the goods, producing the values that these industries fully need.

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I hope that this bill will be defeated and that the workers' safety will come first.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. NORWOOD), a member of the committee.

Mr. NORWOOD. I thank the gentleman very much for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 987, the Workplace Preservation Act, and I commend the gentleman from Missouri (Mr. BLUNT) for pushing this bill.

The purpose of this bill is pretty clear and I think very compelling. It requires the Secretary of Labor to hold off before issuing standards or regulations on ergonomics until the National Academy of Sciences completes a study on the actual cause of ergonomic injuries.

This Congress has spent nearly \$1 million to determine with some degree of accuracy just what is the status of medical science with respect to the diagnosis and the classification of ergonomics problems. Why in the world OSHA would want to proceed before we have a good understanding of this is frankly beyond me. I do not know how many hearings over the last 3 years I have sat through where scientists and doctors have come before us and testified they do not know or understand the cause-and-effect relationship between work activities and musculoskeletal disorders.

Now, what is ergonomics? It is simply a repetitive motion syndrome. If you take two people and both of them work and in their work they move their hand like this all day in doing their job, that is in fact repetitive motion. The question may be, will one of them have a carpal tunnel, will one of them have a musculoskeletal pain? If that is the case, why does one have it and not the other? We do not understand that. Medicine does not understand why one does and one does not. In addition to that, one of those two people may go home at night and knit and they use that motion over and over

again. If they have musculoskeletal pain, the question then would be, what caused it? Is there a direct correlation between that motion and the pain? Is that pain being caused by knitting every night or is that pain being caused by working every day?

Never fear, OSHA is here. OSHA is an agency that is incompetent in writing these standards. OSHA cops are incompetent in regulating people on this subject. The business community, it is true, is working very, very hard to try to make the workplace an easier place, in lifting, in turning, in twisting, in doing the same repetitive motion all day. They frankly are doing a pretty good job. Why is OSHA wanting to regulate that? Well, it is an agency that likes to regulate. They are trying their best to give themselves something else to do. We all know agencies up here spend a lot of the taxpayers' money getting studies to say exactly what they want to say. What the doctors and scientists tell us is that they do not know for sure. There is not a direct correlation. OSHA, of course, tells us it is very sure, that it knows, and it is sure they know what to do.

Mr. Chairman, we should absolutely wait until this study is complete. Use good science.

Mr. CLAY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I want to thank the ranking member for yielding me this time.

American workers should not have to wait for OSHA to proceed with its ergonomic standards. In fact, 16 years ago while an MBA student, we as future employees and employers were studying ergonomic standards and what to do in the work area. This is not new.

Scientists and researchers have documented over and over again that musculoskeletal disorders, or MSDs, are related to workplace risk factors. These disorders affect people of all types of occupations, laborers, nurses, accountants, and many of us here know about the injuries personally.

For example, my first job in high school was scooping ice cream 20 hours a week, 6 years. That job involved the same motion over and over and over again 20 hours a week. I still have problems with one of my wrists today.

It is estimated that every year, over 600,000 workers suffer from work-related MSDs. For many workers, these injuries are debilitating, causing constant and intense pain. It is estimated that these work-related injuries cost employers between \$15 and \$20 billion a year in workers' compensation.

We need to allow OSHA to proceed with its ergonomic standards. I ask that my colleagues vote "no" on this bill.

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

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

Mr. ROEMER. Mr. Chairman, we all know in Congress and throughout the country that smoking is bad for you and that cigarettes can do great harm to your health and possibly kill you. We also know that repetitive stress disorders and ergonomics hurt, harm, put people out of work to the number of 600,000 people a year.

Now, we did not wait with cigarettes to identify every carcinogenic agent before we finally said, "We are going to do something about cigarettes." We have had 2,000 studies on ergonomics and what they do to people to harm them doing the same thing over and over in the workplace. We need to now act. That is why people in our home States send us here.

Now, who supports this kind of action? I have a press release here from the Secretary of Labor:

"These painful and sometimes crippling illnesses now make up 48 percent of all recordable industrial workplace illnesses. We must do our utmost to protect workers from these hazards not only in the red meat industry but all U.S. industries." Secretary Reich? No. Secretary Herman? No. That is dated August 30, 1990. That is Secretary Elizabeth Dole. Secretary Elizabeth Dole.

Now, who else supports this on science that we need to act and act now? Well, the list goes on and on. The American College of Occupational and Environmental Medicine, a pretty reputable organization. The National Advisory Committee on Occupational Safety and Health. I would go with them. The National Academy of Sciences. Those are pretty good organizations, Mr. Chairman.

When you have businesses like Intel and Chrysler and 3M and Ford Motor Company out there doing this in the workplace, we need to act now.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong opposition to this bill.

There is something attractive about the argument that we should just wait and listen for more science. But that was the argument that was made prior to 1990 when Secretary of Labor Elizabeth Dole said, "It's time to do this." And that was the argument that was made prior to 1992 and Secretary of Labor Lynn Martin said, "No, it's time to do this."

Mr. Chairman, this is not about more science or when we do this because, I assure you, there will be another attempt later on to stop this regulation. This debate is about the merits of this regulation. I would ask my Republican friends, Mr. Chairman, to think about doing what comes naturally to them and, that is, trusting the marketplace.

This regulation reminds me of the furor that took place in the late 1960s

and early 1970s about unleaded gasoline. There was a proposal to have a Federal law that would eventually bar the use of leaded gasoline by making us make cars that could not use it. We were told at that time it would be the end of the auto industry, the end of the gasoline industry, it would cripple domestic producers of automobiles. It would raise costs. It would be a disaster. But we went forward and did it, anyway.

What happened? The marketplace responded. People throughout American industry built a better mousetrap. The amount of ambient lead in our air dropped dramatically and so did the price of gasoline, in real terms.

I believe here as well, if we set a clear standard that says you shall protect your workers from repetitive stress syndrome, it will say to a whole class of inventors and entrepreneurs and good businesspeople, there is profit in finding ways to do that. Different kind of chairs, different kind of screens, different kind of keyboards on computers. The market will respond. Trust the market. Let entrepreneurs get to work in finding safer working conditions to help workers stay safer.

Mr. Chairman, this is going to be a very close vote. I would urge Members to consider the merits and reject this bill.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 1½ minutes.

Mr. GOODLING. Mr. Chairman, two quick observations: One, OPEC has a lot to say about the price of gasoline. Secondly, they always say if you are going to get a campaign, you have to get to be known. Elizabeth could not have paid for any more attention than she got this evening. She certainly is known all over the country, if she was not before, after this debate and I am sure she thanks all of you for giving her that great opportunity this evening.

Let me again say that so many times we rush into things, so many times we do legislation, so many times we promulgate regulation without any scientific knowledge as to will this help the people we are trying to help or will it not?

Last October, 333 Members of this House of Representatives, the Senate, the President said, "We believe that the National Academy of Sciences should do an in-depth study so that when we regulate, we regulate to help, not regulate to harm." They also said at that time, we should pay \$800,000 of taxpayers' money to do it. All we say now is, "Let's see what they say," so that we do it. Let us not regulate and then see that we have caused more problems than we have cured. Let us regulate with the scientific knowledge before the regulations are written.

Again, I would ask all to vote in favor of the legislation and try to help those that we want to protect in the

workplace. Vote "yes" on this legislation.

Mr. PAYNE. Mr. Chairman, the implication of the so-called "Workplace Preservation Act" is clear—passage of this bill will do nothing more than unnecessarily delay the adoption of a standard for ergonomics in the workplace. As a matter of fact, the only thing preserved by H.R. 987 is the employers' ability to further exploit the hard-working American laborer.

Since 1990 the number of workers that have suffered from MSDs totals over 5 million people. Adoption of this bill won't do anything to help our workforce, rather it would only ensure that another 1 million workers will suffer the same fate. And as if these 5 million injured workers isn't enough evidence that something has to be done, we have studies from the National Institute of Occupational Safety and Health and the National Academy of Sciences that conclude that musculoskeletal disorders can be reduced and prevented through ergonomic intervention in the workplace.

The evidence is comprehensive and clear this request for more research is a weak attempt to stall the adoption of safe ergonomic conditions for our hard-working laborers. We already know what must be done to provide our workforce with safe working conditions and we therefore owe it to every American worker to vote against this bill, H.R. 987.

Mr. HOLT. Mr. Chairman, I oppose H.R. 987, the Workplace Preservation Act.

The human body is a complicated machine. There is a lot we are still learning about the body, how it works, and how to protect it. Far be it for me as a scientist to say that we should avoid studies to get the facts. I expect, in fact, that we will learn a lot about the human body and how to take care of it in the workplace for decades to come.

But several of my colleagues here have talked about the unpredictability of workplace injuries. They may not be sure why they have back problems or other injuries. Well, in fact that is the point. Because the human body is so complicated, in many cases, it is difficult to determine the cause of an individual musculoskeletal disorder.

If we could identify the cause of injury in each case, we could rely on the employer's altruism or self-interest or worker's comp findings or even the threat of a lawsuit to see that each individual threatening situation was taken care of. But it is in just such circumstances where we have statistical evidence about this complicated machine that we need the kind of general regulations and protections that OSHA provides. We want to continue the effort to obtain the best evidence, but that is not a reason to delay providing guidelines.

There is now concrete evidence. There are clear relationships between occupational assignments and musculoskeletal injuries. See the National Research Council, National Academy report and the NIOSH report. There are clear techniques and equipment for reducing injury or, as the National Academy says, specific interventions.

Ergonomic guidelines are not antibusiness. There are hundreds of outstanding businesses around the country that are working on ergonomic solutions and applying ergonomic remedies. There is an industry total of something like \$20 billion a year lost due to ergonomic injuries. And we have to remember there are hundreds of thousands of people who are not able to pick up and hug their children due to ergonomic injuries.

So what we need, of course, are good studies and good facts, and I hope we will continue to get them. But we have now enough knowledge about specific interventions in the workplace that will help reduce this cost to our economy and, more important, will reduce this harm and pain and suffering to individuals. We don't need political delay.

Congress should vote against H.R. 987.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to express my opposition to the passage of H.R. 987, the Workplace Preservation Act.

H.R. 987 requires the Secretary of Labor to wait for completion of a National Academy of Sciences study before issuing regulations creating standards or guidelines for ergonomics in the workplace.

This delay is unnecessary. Scientific literature supported by safety and health experts already shows that workplace factors cause musculoskeletal disorders. The National Academy of Sciences and National Institute for Occupational Safety and Environmental Medicine have clearly demonstrated a relationship between ergonomic problems and the onset of musculoskeletal disorders.

The American College of Occupational and Environmental Medicine has confirmed that "there is an adequate scientific foundation for OSHA to proceed . . . and no reason for OSHA to delay the rulemaking process while the National Academy of Science panel conducts its review."

Duplicative studies are doing nothing to prevent injuries already being suffered by millions of workers in all sectors of society: nurses, meatpackers, cashiers, computer users, and construction workers. Since 1995 the implementation of ergonomic guidelines have been repeatedly blocked, and this opposition has resulted in over 6 million workers suffering preventable injuries. Workers' compensation costs have totaled \$20 billion annually.

Further delay will be even more costly to industries as well as to workers. Clearly, we cannot afford to wait any longer for the issuance of workplace standards on ergonomics.

For the health and safety of America's workers, I urge my colleagues to vote against the passage of H.R. 987.

Mr. PACKARD. Mr. Chairman, I would like to express my support for H.R. 987, The Workplace Preservation Act. This legislation will block proposed OSHA rules regarding ergonomic injuries until a scientific study comparing work place conditions and repetitive stress injuries is complete.

It is estimated that if the OSHA rules are put into effect, it could cost American businesses an extra \$3.5 billion per year. H.R. 987 simply allows for the completion of the study by the National Academy of Sciences, which is expected in the next year, to discover if in fact there is a link between repetitive stress injuries and work conditions. Completing this study before implementing this costly regulation is simply common sense.

The fact is, these regulations could cost our country billions of dollars without guaranteeing the prevention of a single injury. Small business is the engine which drives our economy. We owe more to small business owners than to blindly allow implementation of these potentially devastating regulations. We must correct this proposed federal rule.

Mr. Chairman, I agree American workers should have the best working conditions. How-

ever, I do not believe we are moving forward to prevent work place injuries by initiating rules that may not even address the problem. I urge my colleagues to support the further examination of these regulations by voting in favor of H.R. 987.

Mr. STARK. Mr. Chairman, I oppose H.R. 987, the Workplace Preservation Act.

This legislation would prevent the Occupational Safety and Health Administration (OSHA) from promulgating a desperately needed rule on ergonomics. H.R. 987 will needlessly subject hundreds of thousands of workers to occupational injuries while yet another study is completed.

Repetitive injuries are one of the leading causes of work-related illness. More than 647,000 Americans suffer serious injuries and illnesses due to musculoskeletal disorders, costing businesses \$15 to \$20 billion annually in workers' compensation costs. Total costs of these injuries are estimated at \$60 billion a year.

Ergonomics is the science of fitting the job physically to a worker—for example, by altering chairs, adjusting the speed of an assembly line, or using special braces to ease back strain from lifting heavy loads. A federal ergonomics standard is needed to protect American workers from those organizations who refuse to protect their employees. Unfortunately, the majority leadership would rather kowtow to industry and delay promulgation of an inevitable standard.

For the past several years, OSHA has been working toward the implementation of a regulation designed to reduce workplace injuries attributable to ergonomic factors in the workplace. OSHA has advanced a draft proposal that would provide an urgently needed health and safety standard for working Americans. The proposal draws from the businesses that have successfully prevented ergonomic injuries or reduced their severity in the workplace.

The issue of ergonomics and its impact on workplace injuries has been studied. It has been documented that ergonomics prevent workplace injuries. For example, in 1997, the National Institute of Occupational Safety and Health produced a study demonstrating the validity of the science underlying an ergonomics standard. A 1998 review by the National Academy of Sciences also found that musculoskeletal disorders in workers are caused by ergonomic hazards in the workplace.

A nursing home in Maine implemented ergonomics changes in the workplace. The nursing home cut their number of lost workdays from 573 in 1991 to 12 in 1996 by investing \$60,000 on patient lifting devices and instituting a policy banning the lifting of patients unless there was more than one worker present to assist. This saved the employer more than \$730,000 annually in workers' compensation premiums as a result of this policy. This nursing home provides a clear example of the potential benefits of a uniform ergonomics standard.

Despite the multiple studies already completed, the FY 1999 Labor, Health and Human Services Appropriations Act provided \$890,000 for the National Academy of Sciences (NAS) to review the scientific literature on the issue of work-related musculoskeletal disorders. The study was expected to take at least 24 months to complete. However, on October 19, 1998, Appropriations Chair-

man BOB LIVINGSTON and Ranking Democrat DAVID OBEY assured Labor Secretary Alexis Herman in a letter that "by funding the NAS study, it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics."

Unfortunately, nine months later, the Republicans have broken their promise. This bill requires OSHA to delay its work until yet another government study is concluded. The facts are clear—providing guidance to employers and employees on ergonomics will prevent tens of thousands of injuries, alleviate considerable human suffering, and save billions of dollars.

We should not have to wait for completion of yet another study to tell us what we already know. We must defeat H.R. 987. I urge my colleagues to join me in opposing H.R. 987.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 2 hours and is considered read.

The text of H.R. 987 is as follows:

H.R. 987

*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 "Workplace Preservation Act".

#### SEC. 2. FINDINGS.

(a) Congress finds the following:

(1) The Department of Labor, Occupational Safety and Health Administration (OSHA) has announced that it plans to propose regulations during 1999 to regulate "ergonomics" in the workplace. A draft of OSHA's ergonomics regulation became available in January 1999.

(2) A July, 1997, report by the National Institute for Occupational Safety and Health (NIOSH) reviewing epidemiological studies that have been conducted of "work related musculoskeletal disorders of the neck, upper extremity, and low back" showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such characterization would be necessary to write an efficient and effective regulation.

(3) An August 1998, workshop on "work related musculoskeletal injuries" held by the National Academy of Sciences also reviewed existing research on musculoskeletal disorders. It also showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) The risk of OSHA imposing a "solution" to ailments and disorders that are grouped as "repetitive stress injuries" and "musculoskeletal disorders" before sufficient information about the diagnosis, causes, and prevention of such injuries and disorders is shown by the fact that such disorders have often increased in workplaces and industries in which OSHA has focused ergonomics-related enforcement actions under the General Duty Clause of the Occupational Safety and Health Act, while such disorders have been decreasing in workplaces generally.

(5) In October, 1998, Congress and the President agreed upon a comprehensive study by the National Academy of Science of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders. Given the level of uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study

by the National Academy of Science, it is premature for OSHA to decide that a regulation on ergonomics is necessary or appropriate to improving workers' health and safety before such study is completed.

(6) The estimated costs of OSHA's proposed ergonomics regulation range from OSHA's low national estimate of \$20,000,000,000 to some single industry costs of \$18,000,000,000 to \$30,000,000,000. Any regulation with this potential impact on the Nation's economy merits a sound scientific and medical foundation.

### SEC. 3. DELAY OF STANDARD OR GUIDELINE.

The Secretary of Labor, acting through the Occupational Safety and Health Administration, may not promulgate or issue any standard or guideline on ergonomics until the National Academy of Sciences—

(1) completes a peer-reviewed scientific study of the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries; and

(2) submits to Congress a report setting forth the findings resulting from such study.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Chairman, I rise to speak in strong opposition against the Workplace Preservation Act. I do that with recognition that what we did in the appropriation bill last time when we indeed funded \$890,000 for a study to be completed by the National Academy of Sciences was the right thing to do.

Mr. Chairman, I think the question is, why is this bill needed? Why is this act needed? Assuming the very best intention, the sponsors of this bill say this act is needed because we have a study that is in progress, a study that indeed would give us additional scientific information as to how best to respond to the illness caused by repetitive motion. I support that study. I think we ought to go forward and complete that study.

But that reason is so faulty on its premise. Why delay the issuing of higher standards before you get that? You do not do that with cancer, you do not do that with AIDS, you do not do that with any other illness. You work with the scientific knowledge you have, because you want to alleviate the illness there may be.

□ 2000

In fact, if this study is completed, and I hope it is, and I think it will give us valuable information, it would supplement what is already there.

By the way, in 1998 I think the gentleman from New York (Mr. OWENS) put it poignantly. In 1996 there was a study. Again in 1998, the year we passed this bill, there was a study that showed a direct relationship, a cause factor, between the illness suffered and the repetitive motion.

So there is not any question that indeed there is evidence, scientific evidence.

Now do we need more studies? Of course we do. Even after the next study is completed, if we are true to trying to relieve this illness, we will always have to do diligent, frugal and always doing the kind of research that will allow us to gain the best scientific method.

I say we should really be about protecting our workers with the current science we have now as we seek additional science. They are not in contradiction with each other. This is only a stalling tactic, to use it as a reason to do nothing. We should not see this as a reason to stall; we should see this as a reason to look forward for additional information that gives us additional ways in which we can respond to the workers.

So I urge our colleagues to understand that this study completion does not deny and should not prevent us from having enough scientific data to go into the workplace and say we need to raise these standards, and if we get additional information, as I hope we will, we will have the courage again to say that we need to refine that.

Consider also there are already companies not waiting for these studies. They are doing it on their own. Why? Because they want to protect their workers. They also want to have a more productive workforce.

In my district alone, I know many of the workers compensation claims I get from workers are related to repeated motion, and those people are suffering severely. They are not producing for their workers, and they are certainly not producing for themselves.

So this bill needs to be defeated. It is flawed in its logic, and it is only a stalling tactic that should be recognized for what it is. We should be protecting the workers with the clear, scientific data we have in hand, and there is sufficient scientific data to know.

In fact, I heard one of my colleagues say that there have been thousands of studies, and this is not something new. This is something that will be evolving as we go forward, and to use this as a tactic to not do anything clearly is seen by the workers as a way of not respecting their rights, and I think we do a dishonor.

We indeed support this. I urge a defeat of the Workplace Preservation Act.

Mrs. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, tonight, as we consider this bill, I think it is important that we consider the consequences that the bill will have. I think it is interesting that the bill is called the Workplace Protection Act, and I would just like to point out that maybe what we are really doing by passing this bill is protecting the jobs that we have in the workplace today.

The truth is that we all know that we are in an international competition in that we are working hard to make sure that our jobs stay here in the United States, and so every time we consider the costs that are involved in jobs, we have to consider that what government does may create such high costs that we drive additional good jobs, good jobs for working men and women, overseas.

As we look at workers compensation, it is a very delicate balance that we have designed the workers compensation program for. We are trying to balance the very important aspect of protecting workers who are injured on the job, to provide for their medical expenses, to pay them a portion of their missed wages and to help them get back to work as quickly as they possibly can.

At the same time we are eager not to just write a blank check because the Congress does not write the blank check; the workplace writes the check for paying for these workers' costs, and so if we drive workers compensation costs higher and higher, if we begin to incur a super amount of costs that have not been paid for in the past, what we really do is encourage our companies to finally realize that, if they are going to compete internationally, that they are going to have to move these workplaces overseas in order to avoid an absolutely unassumable cost.

Mr. Chairman, we know that the human body wears out. All of us that have moms and dads know today that they are getting hip replacements; they are getting knee replacement operations. As my colleagues know, I myself after fixing dinner for years for a family of 6 children find that slicing up food has caused my thumb joint to wear out. The fact is who can say whether it is that or the fact that I sit at a desk now and write that has caused that thumb joint to wear out.

So, Mr. Chairman, before we enact huge new costs on the workplace, a workplace that might steal away our best jobs, we ought to have the science to figure out whether or not these are work induced, what we can do to prevent them and make sure that we do not create an enormous cost that take away our good jobs.

As my colleagues know, the truth is today that Congress could pass workers compensation laws that would cover everything. We could cover employees that get sick and miss a day because they caught a cold or caught a virus or the flu at work. We could cover everything for our workers, and all of us who care about workers would like to do

that. But if in doing that we caused some of our best jobs to leave this country so that they could continue to be competitive, we would create the worst for our workers.

Secondly, the effect we have is that we supersede all State laws here. What we do is we not only say this is a new standard, not only do we say this has to be prevented, but we say all workers who have an injury and suffer an injury get super benefits over and above any other benefits that are established in State laws today.

We would say they get a hundred percent of their weekly pay; we say that this has to continue for 6 months, and so all the State programs right now that are designed in a way to help the worker and the employer have the incentive to get the worker back to work so that they can have the best resolution of this and they can have the opportunity to get back to work, all of that is lost.

It creates an incentive for every worker, no matter what the particular cause is, to see to it that their injury would fall under the repetitive motion scheme so that they would get more than anybody else in their workplace that would have an injury under any other scheme. We take away all of the ways that workers compensation has been designed to fairly meet workers' needs and workers' compensations for injuries and instead drive everybody into this new super-sized scheme for paying for injuries.

I am sorry tonight that this debate has been framed as a debate about pro workers or against workers because I believe that everybody here in this Congress wants workers to have the best. They want our American workers to have their good jobs, and they want them to stay in this country, and they want the workers compensation to be affordable.

Let us vote yes on this bill and continue this.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

I rise in opposition to this legislation. I appreciate the speech just given by the gentlewoman, except this is a little different than the problem she outlined. This is about preventing the injuries to those workers. This is about the fact that if we do this right, those workers will not have to go on workers comp, their employers will not have to pay their health costs, they will not have to pay their compensation costs, and people can stay on the job, and they can feed their families and provide the wherewithal for their children. That is what this legislation is about.

To suggest somehow that what we need is one more study, we need good science. The opposition to this legislation is not about good science; it is not about one more study. It is about a flat out opposition to the imposition of these rules and regulations to try to protect workers from musculoskeletal syndrome, and the purpose of that is

this, that we can keep people on the job where they can remain productive.

Now to listen to the Republican argument here simply we must suspend reality, we must suspend the reality of what every Member of Congress experiences when they fly back to their districts, and that is the number of flight attendants and others who are working on the airplane, delivering meals, taking care of us while we are there, who are wearing wrist braces, elbow braces, tendon braces, all the rest of it because of repetitive motion. The redesign of the carts on the airplanes because of repetitive motion, the baggage handlers and others because of repetitive motion who are wearing belts and back supports and all those kinds of activities because of repetitive motion because they understand that if they do not do that, they are going to end up disabled, they are going to end up with health care costs, and they are going to end up out of work, and their employer understands that.

Suspend reality when going into the Home Depot, suspend reality when going into the Price Club or into Costco where we see people engaged in repetitive motion, who are wearing the kinds of preventive apparatus on their backs, on their arms and the rest of it so that they will not lose the working hours; they will not lose that kind of income. Again, their employers understand that, their insurers understand that, and they require that to be part of the workplace.

Mr. Chairman, that is what this legislation is really about. It is about the recognition of the reality of the workplace and what we can now do, what we have the ability to do, and what we know from a medical/scientific standpoint will help prevent these kinds of injuries, injuries that plague hundreds of thousands of workers a year who are disabled and lose income, employers who lose the productivity of those workers, who have to train and retrain new people, who have to go out and find replacements for those individuals. That is what this legislation is about. It is not about one more study. We have peer reviewed the evidence here until we are blue in the face. We have provided the studies, and it has been going on and on and on.

As somebody mentioned earlier, it was originally Elizabeth Dole who said the time has come now to deal with this problem because of the injuries that were occurring in the workplace. We see this being responded to where we redesign keyboards or structuring for the keyboard that will not induce the kind of pain for people who have to work at it all the time at the checkout counters in the supermarket. We are redesigning the checkout counter so that people, the clerks there, will not suffer these kinds of injuries to their arms and to their elbows as they do their job.

So that is the kind of recognition that we are looking for; that is the kind of remedial activities that can be

dealt with that can reduce the cost to the employer, can reduce the cost in the workplace and reduce health care costs.

That is why it is so urgent that we not pass this legislation which is an attempt to obstruct the imposition of this rule, because this is a rule that workers deserve. This is a rule that workers need, that their families need if they are going to be able to continue to be gainfully employed.

The evidence is clear, the science is clear, the health is clear on this measure, and the time has come, the time has come to implement this rule.

We have had statements before from the Committee on Appropriations, as I was saying, that the effort was not to delay this. We now see that this is an effort to delay this because the Republicans believe somehow that if they win the election, they can cut a better deal 18 months from now. Well, the better deal is not for the American workers. It may be for the Republican Party, but it is not for the workers.

This rule ought to be implemented, it ought to go into force and effect, and we ought to start protecting. We ought to start protecting working men and women in this country who exhibit to us every day in the crafts and the trades and in the occupations in which they are employed at, the need for this rule because of the damage that is done to them. This damage is evident on its face, and that is why we ought to deal with this rule.

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

Mr. Chairman, I rise in support of this bill. I think OSHA should not be trying to tie down American businesses and the American worker with regulations based on potentially unsound science.

□ 2015

The gentleman from California said we should be doing what is right. Well, Mr. Chairman, how does he know what is right, because what we are wanting is a study, a pure scientific study, not some conjecture, not something that has been cooked up by some politico sitting over in OSHA or the Department of Labor, real science.

The gentleman listed all kinds of wonderful things that are happening for the workers out there. Most of what is happening, in order to work with repetitive action, is happening within the marketplace without regulations.

I am not saying we should not regulate, but we should know what we are doing and have a study and rely on these studies in order to know what we are doing, because if we do not, we end up costing these same workers their jobs.

Last fall, President Clinton agreed with this Congress to authorize a study by the National Academy of Sciences to determine whether there is a need for some ergonomic regulation. I guess to the President and his OSHA, that agreement with this Congress is no

good anymore, that his word is no good anymore.

This study will be done in a year or so. Despite this sincere effort to guarantee that regulations are at least based on sound science, OSHA has decided that it does not want to wait for the scientific findings. Why, do you ask, do they not want to wait? It is amazing to me that the workers or the unions would be against this bill because it is to the benefit of the workers to do what is right and what science dictates.

No, this is a political move by Washington union bosses in order to control the marketplace. That is all this is about. It has nothing to do with protecting the workers, because if they truly wanted to protect the workers, they would want to do it based on sound science.

OSHA wants to regulate as much as it can as soon as possible, and they are planning to do so, in direct contradiction to the will of this body.

Mr. Chairman, burdensome regulations already hinder American businesses and American workers. Too many of these regulations are outdated, they have been unnecessarily oppressive or they are just simply based on trendy but unproven scientific theories of the moment.

It is amazing, when the bureaucrats have taken this approach, and many times are proven to be embarrassed by the approach that they take because in actual practice, the regulations are undermined and proven to be onerous and unproductive.

Irresponsible regulation of this kind hurts American companies and the workers that they employ. Despite the excessive regulatory zeal of OSHA, it should be the policy of the United States to research before we regulate, and this is all that this legislation does, it mandates that OSHA must wait until the ergonomic research is completed by NAS before it starts sticking its fingers deeper into American business.

It is age-old advice, Mr. Chairman, to look before you leap. Likewise, government must research before it regulates.

So, Mr. Chairman, there is simply no consensus in the scientific community regarding the need to implement widespread, oppressive ergonomic policies. No new OSHA regulation should be enforced until conclusive research shows actions should be taken. But that time has not yet come, and I urge my colleagues to vote for this legislation.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, ergonomic standards have been delayed enough. I have been here long enough myself to be able to get the pattern and the rhythm of what goes on on the other side of the aisle when they do not agree with scientific studies. When we get scientific answers to studies and

that science does not say what they wanted to hear, then they demand more studies, and that is exactly what is happening right now. We know it, they know it, and it is not going to work. We can only delay this so long.

Mr. Chairman, before I came to Congress I was a human resources professional in the electronics manufacturing industry. That was back in the seventies when I first went into that business. And at that time, we understood the problems that were caused by related stress injuries. In fact, it was trendy to take care of our employees and find solutions when we had carpal tunnel syndrome on our assembly floor.

In fact, the company I worked for began to see a large number of repeated stress injuries. And when we figured out that the problems were occurring with one group of workers, we realized that our printed circuit board assemblers were using the same motions repeatedly in order to do their job as efficiently as possible but in inserting electronic components into printed circuit boards, they were causing themselves carpal tunnel syndrome. The company was causing it without knowing it.

In fact, what happened was in hand-inserting components into printed circuit boards, one of the components was just not going in smoothly, and it was the same component over and over, and workers had to use their thumb to push that component into the board.

Well, little by little, you can imagine what started happening to their arm. Now, today, to prevent such injury to employees, most electronic companies have automatic insertion machines. Employees do not even use those same processes, but back then the repeated push with the thumb did result in carpal tunnel syndrome over time.

Well, what I did as the human resources manager for this company was something that I am sure everybody over there would think is pretty darn odd. I called CAL-OSHA and brought them into the company, and they came. They observed the workers carrying out their task. We worked with them as partners and came up with the appropriate solution for our workers, and their symptoms disappeared.

You see, it was important for us, because we were a company that was growing rapidly. And we knew that our workers' injuries would certainly inhibit our growth and we probably would not become what had been our goal, to become a Fortune 300 company, which we did, but it would not have happened without a healthy work force.

The point is that business knew about repetitive stress injuries years and years and years ago. Many employers have stepped up to the challenge to prevent repetitive stress injuries. They worked with OSHA, they worked with their workers comp carriers, because they know that their workers comp costs go up when they have injured

workers. So we do not need further studies. Employers and employees will not benefit from further studies, but they will benefit from ergonomic standards.

We already have sound science regarding the problems caused by repetitive motion. The problem, I said it before and I will say it again, the problem appears to be when the Republican majority disagrees with science, they insist on more studies. The problem really should be to put together ergonomic standards to prevent injury in the workplace, to make the workplace safe for our employees, and this bill, H.R. 987, is an inexcusable delay tactic.

This delay tactic benefits no one. It does not benefit business, and it certainly does not benefit workers. I would urge my colleagues to oppose H.R. 987, because a vote against H.R. 987 is a vote for workers.

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

Mr. Chairman, I rise in strong support of this legislation. First, I want to commend the gentleman from Missouri (Mr. BLUNT) and the Committee on Education and Workforce, the proper committee of jurisdiction on this issue, for advancing through the normal process this legislation to address ergonomics.

This is an issue that we have examined in Appropriations Committee hearings in recent years, and it is an issue of major concern to both employers and employees. Indeed, through fiscal year 1998, we carried a provision in appropriations law to bar any ergonomics regulation before agreeing in that year that such a bar was better left to consideration by the authorizers.

Mr. Chairman, there are situations where poor workplace ergonomics cause serious injuries that can and should be avoided. Clearly, in modern times, insurers demand risk management of employers, and employers are concerned not only with the health and safety of their workers, but also with the minimizing of the cost burden of injuries and illnesses of their employees on the bottom line. As Director Jeffries of OSHA has testified before our subcommittee on other occasions, such cases are already actionable in many circumstances under the general duty clause.

The issue today is whether the present state of science justifies imposing a prophylactic regulation of broad scope. I think that it does not. And make no mistake about it, the draft proposed regulation is a very broad one. It would apply to any general industry whose employees engage in manufacture or manual handling, and such workplaces would be required to implement a full ergonomics program upon the reporting of a work-related musculoskeletal disorder, notwithstanding the difficulties in determining whether such disorders are in fact work-related.

My own exploration of this issue has left me convinced that such a broad



regulatory approach cannot be justified at this time in light of the state of science, and should not be advanced without further study.

In 1996, after OSHA had already moved forward with stakeholder discussions on a draft ergonomic standard, I asked Dr. Katz, the director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases at the National Institutes of Health if we knew enough scientifically for the Federal Government to be promulgating ergonomic standards.

His response was not yet. He went on to explain that despite extensive study, we are a long way from knowing the best medical management of repetitive motion disorders.

I do not believe the science has moved enough in the intervening years, that is, 2 years, to justify OSHA's draft proposed regulation. I note that the Academy of Orthopedic Surgeons supports this conclusion as well.

At a minimum, the burden of proof should be upon the proponents of broad ergonomics regulation to show that there has been such a dramatic change in the state of science in the past 2 years that a sweeping regulation can be justified. It seems to me that the NAS study provides such a needed check.

Mr. Chairman, this is a major regulatory change and one that should not be undertaken lightly. I think the gentleman from Missouri's legislation adopts a wise approach to the issue, and I urge all Members to support passage of this bill.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I am rising really in opposition strongly to H.R. 987. This is a needless delay to give American workers the protection that they need and deserve. Since 1995, this is the fourth delay in 5 years. And each year the standard is delayed, another 650,000 workers will suffer disabling injuries.

In the interest of time, because many of my colleagues want to speak on this subject, I would like to put in the record case studies of constituents who have suffered from this disease and really the success stories of several businesses that have implemented their own ergonomic programs and greatly reduced the repetitive motion injury claims in their companies.

We need to go forward with these OSHA rules. It truly helps businesses too, because these disorders cost employers between \$15 billion and \$20 billion each year in workers compensation costs.

□ 2030

I would also like to point out that it is very much of a woman's issue. Sixty percent of the claims are women that are in these repetitive typing jobs.

Mr. Chairman, I include for the RECORD information on ergonomics from articles and studies.

The material referred to is as follows:

#### SUCCESS WITH ERGONOMICS

State: New York, 14th.

Company: The New York Times, New York, NY.

Industry: Newspaper.

Employees: 5,000.

Success Brief: Reduced the number of workers' compensation cases by 84%, cut lost-time cases by 75% and reduced the total days lost by 91%.

#### THE PROBLEM

In 1991, The New York Times began addressing work-related musculoskeletal disorders (MSDs) informally. By 1992 the company realized it needed to take a more structured approach to reduce the increasing number of MSDs. Many of the newspaper's hardest working and most creative employees were getting hurt.

#### THE SOLUTION

The newspaper implemented an ergonomics program that included worksite and work-process evaluations, workplace redesign and renovation, training, on-site medical management, ergonomic equipment, a computerized tracking system and an in-house hot line telephone number to address ergonomic concerns and requests. Workstations were redesigned to fit the variety of jobs (graphic designers, reporters, editors) at the newspaper. Management support and employee involvement were key factors to the success of the newspaper's program.

#### THE IMPACT

Over the four-year period (1992-1996), the company's efforts resulted in an 84% drop in the number of MSD workers' compensation cases, a 75% drop in lost-time case and a 91% decrease in total days lost.

Source: CTD News, January 1998.

ANGELA DIAZ (ILGWU)—NEW YORK, NY,

LADIES' GARMENT WORKERS

Angela Diaz has been a seamstress for 25 years.

Now 48, Diaz has suffered with a severe case of carpal tunnel syndrome for seven years.

With help from the ILGWU, she finally has gotten some relief through treatment at the union's Occupational Health Clinic and surgery. The ILGWU also guided Diaz through the maze of applying for workers' compensation; a two-year wait is normal for victims of carpal tunnel syndrome. During that period, most workers lose their health benefits and some must apply for welfare benefits to support their families.

Diaz says her life has been turned upside down. She cannot physically do the work necessary to maintain her home and family, much less the activities she once enjoyed.

#### SUCCESS WITH ERGONOMICS

State: New York, 8th.

Company: Banker's Trust Co., New York, N.Y.

Industry: Banking and Finance.

Employees: Not available.

Success Brief: Claims tied to ergonomic issues dropped by almost 50% in one year.

#### THE PROBLEM

With one employee facing her second surgery for carpal tunnel syndrome, Banker's Trust recognized a potential problem early on and decided to implement an ergonomics program. In 1995, the company received more than 100 workers' compensation claims tied to ergonomic issues.

#### THE SOLUTION

Banker's Trust initiated an ergonomics program in 1993. The company's program fo-

cuses on two main issues: acquiring the right equipment and making sure it is used properly. An ergonomics committee, comprised of representatives from all departments, was formed to design new work stations, and a video was created to train staff on proper postures and the correct way to set up one's workstation. Banker's Trust also distributes a workstation safety handout to employees.

#### THE IMPACT

In one year, Banker's Trust significantly reduced repetitive motion injury claims. In 1995, the bank faced more than 100 claims tied to ergonomic issues, while in 1996 there were only 60 claims. Employee morale has increased, and the company has seen an improvement in its lost workday injury rate.

Source: "Ergonomics project exemplifies Opferkuch's ambition," Business Insurance, April 1997.

#### ERGONOMICS IS A WOMAN'S ISSUE

Women are Affected Disproportionately. In 1997 women made up 46% of the American workforce and accounted for 33% of all workplace injuries. Yet, in certain jobs such as typing or key entry, they suffered 91% of all repetitive motion injuries. Overall, women experienced 70% of all lost-time cases caused by carpal tunnel syndrome and close to two-thirds of all lost work-time cases caused by tendinitis. A study from Washington State reported that while women submit less than 1/3 of all workers compensation claims in the state, 61% of all claims for Carpal Tunnel Syndrome are submitted by women.

Many Occupations with a Majority of Women Employees are Disproportionately Impacted by Musculoskeletal Disorders (MSDs). For example, women in the health care profession are hard hit by musculoskeletal disorders. Just one profession—Registered nurses, Licensed Practical Nurses, Nurses Aides, and Healthcare Aides—accounted for 12% of all MSDS reported in 1997 according to BLS. A significant number of textile sewing machine operators, data key operators, and secretaries suffer numerous cases of MSDs.

Carpal Tunnel Syndrome is More Prevalent in Female-Dominated Industries. Ninety-one percent of cashiers who suffer from carpal tunnel syndrome are women. Women make up 85% of packagers who experience carpal tunnel syndrome. Female assemblers experience 70% of all cases. Virtually all cases of carpal tunnel syndrome among data-entry keyers, textile sewing machine operators, general office clerks, telephone operators, bank tellers, and typists are experienced by women.

Top Jobs in which women are at risk for MSDs. (1) Nursing Aids and Orderlies; (2) Registered nurses; (3) Assemblers; (4) Cashiers; (5) Miscellaneous Machine Operators; (6) Maid.

Top Jobs in which women are at risk for Carpal Tunnel Syndrome. (1) Assemblers; (2) Secretaries; (3) Miscellaneous machine operators; (4) Data-Entry Keyers; (5) Textile Sewing Machines; (6) Cashier.

Ergonomic-Related Injuries are crippling. According to BLS, workers with Carpal Tunnel Syndrome average more days away from work than workers who suffer amputations, falls, and fractures. Carpal Tunnel Syndrome cases average 25 days away from work; amputations average 18 days. Workers who suffer MSDs may never return to the job or may never be able to handle simple, everyday task such as combing their hair or picking up a baby.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. TIERNEY).



Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from New York for yielding to me.

Mr. Chairman, what we are talking about here is whether or not OSHA should be allowed to go forward with the rules they have established. Proponents of this bill say no, kill it, delay it, do whatever you can, but do not implement it. They use the same excuse or tactic that they have used before, simply to propose yet another study.

The irony here is that the delay would be for 24 months, 2 years. The irony in particular is that the proposed study would merely review existing literature. Even more ironic is the study that they seek to be done, they seek it by the National Academy of Sciences, a group whose studies they rejected when it came time for the Census, because this particular group said the Census should be done with statistical sampling.

Our friends on the other side did not like it then, but now, because they want a delay, they do not want to see the standards go into effect, they cannot wait to put this off and have the National Academy of Sciences do yet another study.

The harm is not just to working men and women, although that harm is severe. The harm is also to businesses. We do not hear that from the other side, but \$15 billion to \$20 billion a year is going to be spent on workers' compensation costs because of workers' injuries.

My small businesses want to know that they can rely on reasonable regulations to help them stop that kind of expenditures. Up to \$60 billion is spent every year on these kinds of injuries. The harm to workers, Mr. Chairman, each year more than 600,000 American workers suffer work-related musculoskeletal disorders.

No one champions excessive regulation, but no one can seriously argue that there should be a total absence of oversight, or that that is appropriate. If it is the government's appropriate function to strike a balance for business, for workers, and for consumers, it is especially so, Mr. Chairman, in this particular instance, when good regulation can save business money, can enhance efficiency, as well as save individuals from painful and debilitating injuries.

Mr. Chairman, the standards in this particular instance are limited in scope. They are based on science. There have been, in fact, some 2,000 studies done, and they have been reviewed and reviewed again by peer groups and scientists from all walks. These proposals provide flexibility for each employer to tailor the program to their particular workplace. It covers manufacturing and manual handling operations, which account for about 60 percent of these types of injuries.

Mr. Chairman, the science shows that this is warranted. There is no need to delay it again for yet another study

when that in fact has been done. Workers say they need it, and businesses clearly say they see the merits and need these standards.

Mr. Chairman, we have to just listen to what some of these businesses say. 3M said they estimate that because of these efforts since 1993, over 1,000 employees did not develop work-related musculoskeletal disorders, and it resulted in approximately 16,000 fewer lost work days. 3M's experience is that implementing an ergonomics program is effective for reducing the number of work-related musculoskeletal disorders, and additionally, is good business, Mr. Chairman.

Peter Meyer, the human resources director for Sequins International Quality in New York, Mr. Chairman, agrees, as does the General Accounting Office, this is good for business, as well as good for workers.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that all debate on the bill and amendments thereto be limited to 20 minutes, divided equally between myself and the gentleman from Missouri (Mr. CLAY).

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

Mr. CLAY. Reserving the right to object, Mr. Chairman, the gentleman said 20 minutes, 10 on each side?

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

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Yes, Mr. Chairman.

Mr. CLAY. I have no objection, Mr. Chairman, and I withdraw my reservation of objection.

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

There was no objection.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

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

Mr. Chairman, as I mentioned earlier, I am somewhat sympathetic to this because of my experience with a serious back problem, a lumbar laminectomy and carpal tunnel surgery.

At the same time, when I asked where these came from, did they come from the workplace, I am not engaged in heavy lifting, unless I am dealing with heavy issues on the floor; or did it come from my history of driving a 30-foot semi trailer truck when I was younger? Again, the answers are not clear.

My carpal tunnel injury, did it come from repetitive motion? No. I rarely engage in repetitive motion with my hands.

My point simply is that these are very, very complex issues. That is why Congress asked for and provided funding for the National Academy of Sciences study, because of the continuing controversy of the medical and scientific questions relating to ergonomics.

There are other issues here, other than separating out what happens at home, such as what are the effective treatments? For example, I wore wrist splints for my carpal tunnel surgery. Did it help? It turned out to be more important to wear them at night than during the day when I was at work.

I think one of the key factors that we need is education on this issue. As my wife commented to me after I had back surgery, and I studied the problems involved with backs, if we had known all this beforehand, we could have prevented it, and that is exactly true. Preventative medicine is the answer, in many cases. That involves education, it involves accommodation to the problems that individuals have.

Something else I have heard commonly during this debate is the need for sound science. As a scientist, I find this amusing. Sometimes people saying that really means they want science that supports their opinion, rather than really what people mean by sound science.

Nevertheless, we do need that in this case, but also we need a good dose of plain, ordinary common sense in designing regulations and meeting the needs of the workplace, and particularly ensuring that our workers do not suffer. I support the bill, but I also want to make clear, I support efforts to provide proper ergonomic controls in the workplace.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I rise in strong opposition to this irresponsible legislation, which threatens the health and safety of our Nation's work force.

Each year, Mr. Chairman, more than 650,000 American workers suffer from work-related musculoskeletal disorders, 650,000. That is not just a number. That is working people, our constituents throughout our districts. It is nurses injured while they try to transfer patients from a bed to a wheelchair. It is machinists injured on the job. It is workers throughout our districts.

I can tell my colleagues that these are hardly minor aches and pains, these are serious disabling conditions that have extensive impacts on workers' lives, and are estimated to cost the American public something in the realm of \$20 billion a year.

Mr. Chairman, those costs are not just economic. When a mother has carpal tunnel syndrome and cannot lift her child as a result, when a father injures his back on the workplace and cannot play ball with his daughter or son, those are also real impacts. We need to stop those impacts. This legislation would limit our ability to stop those impacts.

People do not just lose time with their families, they lose their jobs. They sometimes become permanently unemployed or are forced to take severe pay cuts. I want to emphasize that as a scientist myself, as a teacher of

the scientific method and as a practicing clinician, I am dogged in demanding a strong peer reviewed science in making important public health decisions.

But my colleagues should know by now that the American Public Health Association, the National Academy of Sciences, the National Institute for Occupational Safety and Health, and the American College of Occupational and Environmental Medicine, have all indicated the strong need for a standard. We have that draft standard. We need to implement it.

This bill is not really about requiring science, because if it were, the people who have introduced it would have supported funding for scientific studies in the past, but in fact they have opposed it.

It is not about science, because common sense tells us if we do the same repetitive motion for 8 hours a day, we are going to injure ourselves. We do not need more science, we need to implement the regulations we have put forward.

There was a time, Mr. Chairman, when in our country workers were considered expendable. If they injured themselves on the job, tough luck, they were dismissed with no compensation, their family lost a breadwinner, they lost mobility, and they simply replaced them with whoever else was willing to work for the cheapest wage in the most dangerous conditions imaginable.

That time was past, but this legislation would like to see us move back. This legislation is wrong.

A very interesting thing just happened on the floor of this House. We saw a negotiation between the two parties, which was good. We said, folks, we are all tired. It has been a long day. It is going to be a long week. We have worked hard. Let us cut this debate a little short so we can go home to our families. I favor that negotiation. I am glad we supported it.

But here is the problem. Working people, men and women in this country who work in unsafe conditions, or where they risk ergonomic injuries, do not always have that opportunity. They cannot go to their boss or their supervisor and say, I am getting injured on this job.

We need to change the conditions. They do not have that right to negotiate, the very negotiation we just conducted here. They are forced to work in situations that injure them. We have an obligation to create standards that protect them from those injuries, to protect the mothers, fathers, and the working people throughout this country.

I urge my colleagues to vote no on this anti-worker, anti-safety, anti-family legislation.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, my subcommittee had several hearings with specialists in these fields. This is what the experts said.

For example, Dr. Morton Kasden, a clinical professor of surgery at the University of Louisville, testified that "There is a lack of scientific evidence that using our hands repetitively causes so-called cumulative trauma."

A quote on the chart from Dr. Stanley Bigos, professor of orthopedics at the University of Washington:

We cannot provide a universal mandate without knowing specific dimensions that might work. How high should the bench be? How tall is too tall and too short? What about differences in age?

Who will all of a sudden determine, without data, what is right or wrong, legal or illegal, borderline or punishable? From whose pockets will the costs come? As usual, they will probably come from the employees take-home pay. Do not be confused by those who want to oversimplify the model of the human body. Usually the human body does not mean you wear it out. Discomfort from spring gardening and spring training is not caused by damage but deconditioning of the winter rest.

Dr. Howard Sandler, a former medical officer with NIOSH and a consultant to OSHA, said

Considerable interest and concern has been focused on the relationship between work and musculoskeletal disorders. At the present time, the risk factors, their interactions and their thresholds for causing effects have not been sufficiently identified. Once this information is established, risk can be effectively predicted and appropriate preventive actions can be instituted across a wide range of business and industry. Research presently underway should help to establish the scientific data which is currently lacking.

Finally, on the chart, Dr. Morton Hadler, who is from the University of North Carolina:

Any attempt to construct an ergonomic standard as a remedy for regional musculoskeletal injuries in the workplace is not just premature, it is likely to be counter-productive in its application and enforcement.

Finally, Dr. Michael Vender, who is with the American Society of Surgery of the Hand: "With our present level of understanding, we cannot distinguish between on-the-job or off-the-job activities because the quantitative relationships" are bad. This proves that we need a complete study.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, the following informational items can contribute greatly to the lifting of the veil of confusion being promulgated by the Republican majority.

I am also submitting examples of victims of ergonomic disorders and examples of business owners in establishing their own ergonomic standards.

Truth is on the side of the American working families.

The material referred to is as follows:

#### MISLEADING MYTHS ON ERGONOMICS

Myth: There is no sound science tying musculoskeletal disorders to work.

Fact: There is a tremendous wealth of solid, scientific evidence linking musculoskeletal disorders and work. NIOSH evaluated 600 of 2,000 studies available in 1997 and the National Academy of Sciences surveyed the literature in 1998. The academy concluded there is compelling evidence that reducing physical stress on the job reduces the risk of injuries.

Myth: There is no need to act until we know exactly how many repetitions produce injuries.

Fact: We don't know how many cigarettes someone must smoke before developing cancer—individuals vary—but we do know smoking significantly increases cancer risk. The same is true with awkward postures, repetitive motion, heavy lifting and forceful exertions. Reducing these risk can prevent work-related musculoskeletal disorders.

Myth: Medical professionals disagree about the need for ergonomics regulations.

Fact: Most of the medical community has strongly encouraged OSHA to act without further delay in promulgating a proposed ergonomics program rule. This includes the American College of Occupational and Environmental Medicine, the American Academy of Orthopaedic Surgeons, the American Association of Occupational Health Nurses, the American Nurses Association and the American Public Health Association.

Myth: A new NAS study will produce definitive conclusions supporting/dismissing the need for an OSHA ergonomics standard.

Fact: Another review of the literature will not produce any new information and is most likely to replicate the findings and conclusions of the earlier NIOSH and NAS evaluations, which critics refused to accept as definitive. And those who are adamantly opposed to an OSHA ergonomics standard have declined to commit themselves to support the findings of the second NAS review, whatever they may be.

Myth: Work-related musculoskeletal disorders are decreasing; therefore, there is no need for an OSHA ergonomics standard.

Fact: All workplace injuries and illnesses are declining—that's great news. Repetitive motion injuries, as they are reported on the OSHA 200 Log, constitute a small portion of these injuries—just 4 percent. However, when these injuries are combined with back injuries that are due to repetitive motions or overexertion, they account for over one-third of lost workday injuries and illnesses. An OSHA standard would help protect the more than 600,000 workers who suffer serious and potentially disabling work-related musculoskeletal disorders each year.

Myth: There is no proof that ergonomics programs reduce injuries.

Fact: There are many examples of companies that have established ergonomic programs, reduced injuries, cut costs and increased productivity and employee morale. Hundreds of stakeholders have shared their successes with OSHA in stakeholder meetings and best practices ergonomics conferences.

Myth: An OSHA ergonomics standard will be extremely costly for businesses.

Fact: Today, U.S. businesses are spending \$15 to \$20 billion each year in workers' compensation costs alone for work-related musculoskeletal disorders. As employers fix ergonomic problems in line with their ergonomic programs, injuries—and costs—will decline. Ergonomics programs ultimately save money—for everyone. Good ergonomics is good economics.

#### SUCCESS WITH ERGONOMICS

State: New York, 8th; Company: King Kullen Grocery, New York; Industry: Retail

grocery; Employees: 4,500; Success Brief: Over four years, reduced workers' compensation claims from 21 to 5.

#### THE PROBLEM

In 1992, King Kullen faced a rising rate of carpal tunnel syndrome (CTS) among its cashiers. The company attributed the increase in CTS cases to the checkout scanners introduced in their stores in the late 1980s.

#### THE SOLUTION

The company implemented a comprehensive ergonomics program. King Kullen modified its checkout stations and scanners to reduce lifting and twisting motions. The company's medical management program ensured immediate care and treatment to employees who were experiencing problems on the job. Employees also received training on the causes and symptoms of work-related musculoskeletal disorders (MSDs) and on good work practices.

#### THE IMPACT

Over a four-year period, workers' compensation claims for MSDs dropped from 21 to 5. Source: "Keeping Grocery Checkout Lines Moving," Risk Management, January 1998.

Angela Diaz (ILGWU), New York, NY; Ladies Garment Workers.

Angela Diaz has been a seamstress for 25 years.

Now 48, Diaz has suffered with a severe case of carpal tunnel syndrome for seven years.

With help from the ILGWU, she finally has gotten some relief through treatment at the union's Occupational Health Clinic and surgery. The ILGWU also guided Diaz through the maze of applying for workers' compensation; a two-year wait is normal for victims of carpal tunnel syndrome. During that period, most workers lost their health benefits and some must apply for welfare benefits to support their families.

Diaz says here life has been turned upside down. She cannot physically do the work necessary to maintain her home and family, much less the activities she once enjoyed.

Nadine Brown (USWA Local 1753), Buffalo, NY; FEDCO Automotive.

Nadine works for FEDCO Automotive Components Company, Inc. of Buffalo, a manufacturer of heat exchangers for the automotive industry. She has worked at FEDCO for ten years. For the past five years, Nadine has worked lifting heater cores that weigh at least 2-4 pounds onto an assembly line. Each day, Nadine lifts between 4,000 and 6,000 heater cores. She gets 2 fifteen minute breaks a day, plus a half hour for lunch. Last August Nadine underwent surgery to relieve the pain in her hand caused by carpal tunnel syndrome.

The pain in her hand started several years ago. It made it difficult to grip things, to drive and to fix her children's hair. She went to the company doctor, who referred her to a specialist. He told her she needed surgery. Nadine spent about four months recovering from the surgery and returned back to work in the same job. No adjustments have been made, so she is doing the exact same work now that caused her injury. Several other people in the company have had surgery for similar injuries.

Lorraine Baker (USWA), Solvay, NY; Landis Plastics.

Lorraine was injured on the job and was diagnosed with bilateral carpal tunnel in 1996.

Lorraine found out that she had been fired when she tried to use her insurance for her daughter and was told that it had been canceled even though she continued to make her weekly co-payments to her employer.

She was forced to file a lawsuit in Federal Court before her employer would reinstate her and her insurance. In 1997 the company's doctors agreed that she did in fact have bilateral carpal tunnel but they said that it didn't happen at work. Her compensation was reduced by 50 percent and would not approve the surgery that two orthopedic surgeons recommended. Her attorney was seeking an expedited hearing with the Workers' Compensation Board.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, let me first of all commend the chairman of the Committee on Education and the Workforce for bringing this commonsense legislation to the floor today. This really is common sense.

One thing we can all agree on in this Chamber, all 435 of us, is we do not want to have workplace injuries. We want to eliminate them. We want to minimize them. We all agree on that. The debate is where we want power and the influence to control that.

My friends on the other side believe Washington knows the answer. The more power we can bring to Washington, the better it is for the Washington bureaucracy, and also for the benefit of organized labor. Those of us on this side of the aisle believe it belongs to business and State and local regulations. It does not belong in Washington. Washington does not know all the answers.

I am a former small business man. Before I entered Congress, I served for 19 years in family businesses back in Florida. We were highly motivated in our business to keep workplace injuries to a minimum. First of all, it is the right thing to do. You do not want to see your friends and employees hurt. But workmens compensation insurance was so expensive you were highly motivated to keep injuries at a minimum, because it made economic sense, because it affected your bottom line by not having people injured. So you were motivated to have people trained to avoid injuries, lifting injuries or hand injuries and such.

The other reason you are motivated is that you do not want to have your employees lose work. You have a trained employee and that is a valuable asset. The last thing you want to do is have that person hurt and miss work. So employers are motivated to minimize those injuries, just like the government thinks they can decide it up here in Washington. This regulation is common sense. This says, let science address the issue.

The other question that is unanswered, besides science, is cost. I know OSHA says, Oh, it is only \$3.5 billion a year on business. That is costing jobs, \$3.5 billion, and that is a ball park estimate. Other estimates are in the tens of billions of dollars a year. That is like a tax on small business.

This makes common sense. Let us wait for science to give us some answers.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I have been an elected official for 17 years, and never in those 17 years have I voted against the working people of the country. I rise today in opposition to this bill. This is another attempt by the Republicans to trample upon the rights of the American workers.

Working men and women are the backbone of this country. As usual, this Republican bill ignores the problems of worker safety.

□ 2045

It is the working men and women who have built up this country, and the Republicans would rather conduct a study than take real action to protect these men and women. Work-related injuries are a critical problem that affect more than 600,000 workers each year.

OSHA is finally moving forward to develop a standard to prevent unnecessary injuries, and this bill would only cause those workers more pain.

I urge my colleagues to stand up for the working men and women and vote "no" on this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER), a member of the committee.

Mr. FLETCHER. Mr. Chairman, I rise to speak in support of the bill, and I certainly thank the gentleman from Missouri (Mr. BLUNT) and the gentleman from Pennsylvania (Mr. GOODLING), the committee chairman, for their work to ensure that we make sure that we evaluate fully what we are doing before we begin to promulgate regulations that can have extensive effects upon the workers, the workplace, and job availability.

I think we all agree on both sides of the aisle that paramount in our concern is worker safety, making sure that we have the kind of jobs that are needed, that are safe jobs, that folks do have the kind of protections that they need so that they do not have injury, permanent injury and problems that will affect their livelihood and their families.

But when we look at past history of OSHA, sometimes they promulgated regulations that really do not make a whole lot of sense. Let me give my colleagues just one simple illustration of what they do in a physician's office.

I generally keep a cup of coffee sitting right on the counter, so that when I come out from seeing a patient, I just grab it and get a sip of coffee. But OSHA passed a regulation that, because I have got a microscope right there on the counter, and I do some urinalysis on it, that somehow this is a major safety hazard, and this is against the law for me to have that cup of coffee sitting there because it may be a detriment to my health.

I think it is clearly that, many times, regulations are promulgated

that are not fully thought out, that have not been investigated thoroughly.

We have certainly petitioned, the Congress has, a study by the National Academy of Sciences to study this. We have allocated almost \$1 million of taxpayers' money so that they can do this study so that we can hopefully resolve the conflict.

We find physicians in medical organizations on both sides of this issue. Clearly it is not resolved. Musculoskeletal disorders are very complicated disorders. There are folks that have opinions on both sides.

I think it is paramount and very necessary that we make sure that we have definitive studies, a review of studies by an organization of the National Academy of Sciences. Then we can promulgate the regulations that are necessary to ensure the safety, ensure that we do things properly, right, and do not do some ridiculous things that OSHA has a history of doing in the past.

I encourage my colleagues to vote for this bill.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I rise to raise an enormous and strong opposition to H.R. 987. Mr. Chairman, just a few weeks ago, I visited a factory in my district that was about to close. As I was walking through, I inquired of those who were there, the working people of America, "How long have you been at this plant, using your hands, and putting things together?" Forty years, 25 years, 18 years. The working people of America are committed to their work.

This is a horrific bill that takes away the respect and the humanity and the dignity of working men and women. It says to them we do not care about their injuries. We do not care about the fact that they need to work to provide for their family. If they get hurt, there will be no regulations. We will just throw them out the door.

OSHA has worked yesterday, it works today, and it will work tomorrow. Any time we start hearing people talking about putting in a study on working people's rights, we know what they are trying to do. Cast them aside.

H.R. 987 does not address the question of the commitment of working men and women to their positions. It is a bad bill. It should be defeated.

Mr. CLAY. Mr. Chairman, I yield 4½ minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I am observing this debate in somewhat disbelief. About 25, 30 years ago, when I was a young lawyer just starting to practice law in North Carolina, I tried the first carpal tunnel syndrome case under the North Carolina workers compensation law. Ever since that time, in North Carolina, carpal tunnel has been recognized as a compensable workers compensation injury in North Carolina.

It comes as a substantial surprise to me that my colleagues who say that they are using the States as laboratories on many issues are now back here 25 or 30 years later questioning whether carpal tunnel and other ergonomic injuries are even workplace injuries.

It strikes me that, if a number of people were getting sick in a plant, and we did not know exactly the best way to solve the problem of keeping them from getting sick, maybe we should write some regulations and not pass any kind of safety rules to address the situation in the interim. That is what my Republican colleagues seem to be suggesting here.

I am not opposed to the study that is being done. But what I do wonder is, what happens between now and the time the study is completed. Why should the American workers not be protected when we know that they are walking into these workplace situations, engaging in repetitive motion activities, developing carpal tunnel syndrome and other kinds of ergonomic injuries; and we should just turn around and walk away and pretend that this is not happening.

This is an unbelievable, unreal debate that we are having here on this bill. It is like we want the perfect to be the enemy of the good. Because the department had not written the perfect set of regulations to deal with this issue, we want to delay any kind of regulations when we know full well that these injuries are caused by repetitive motion and workplace conditions.

This is an unreal debate that can only be engaged in in a Congress that has no acknowledgment of the rights of working people. Over 650,000 workers were injured last year by repetitive motion and ergonomic-related injuries. The bulk of those were women who sit at a desk or do some repetitive motion kind of activity, and they do it over and over and over again. We are going to penalize those people trying to say that we ought to hold off on writing any kind of regulations until we can get a perfect set of regulations.

We can revise a regulation at any point in the process. It is not a big deal. We revise regulations all the time in the Federal Government. So what is the problem with putting some regulations in place, operating under those, allowing the study to be completed, and then, if necessary, in response to that study, revising the regulations to make them better?

We cannot afford in this situation to let the perfect be the enemy of the good. I urge my colleagues not to engage in this unbelievable kind of activity and slam against the working people of this country to vote against this bill and let us get on with some real business of the country.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. TALENT), a valued member of our committee and the chairman of the Committee on Small Business.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we have had discussion on the floor of the House tonight about this regulation having taken 8 years, 9 years, 12 years. We do not know how long OSHA has been working on this. Does that not tell us something about the process?

It has taken a long time. Because OSHA sits like this great brooding planning agency, planning for everybody in America, trying to shove down the throats of small business people a regulation that will hurt them, that will hurt their employees, and will accomplish nothing. The small business community is not going to take that anymore.

It is exactly to prevent this kind of thing that the Congress passed SBREFA 3 years ago, the Small Business Regulatory Enforcement Fairness Act. What we said to the agencies of the Federal Government is, Look, we do not want you to hurt small business people while accomplishing nothing. So listen to them. Tell them what you are going to do and listen. Do not discount what they are telling you. Make adjustments in the regulation. Work in partnership with them because they want worker safety. They are not out to hurt their people.

OSHA has over and over and over again with this regulation and so many others systematically and deliberately overestimated the benefits of it, underestimated the costs, and tried to pass vague regulations that nobody understands and push it down the throats of America's small businesses; and they are not taking it, and that is why this is taking so long.

In March, the Small Business Advocacy Review Panel met and said that OSHA has underestimated the costs of this regulation by a factor of 4 to 10 times on America's small business people. A dentist, a lady came and said, Look, it is going to cost me \$5,000 just to determine the extent to which I am covered by this regulation.

OSHA says, Well, we do not take into account costs like that because they are indirect. We do not figure out the costs that people are going to have to incur to determine whether or not they are covered. We are not going to change the regulation to accommodate people like you.

That is why we are here year after year after year. That is what this bill is trying to address.

Mr. Chairman, look, it is time to stop treating America's small business people like they were the enemies of their workers, like they were the enemies of the public interest. They want worker safety. Let us work in partnership with them. Develop a regulation based on good science; that is what this bill is about.

The CHAIRMAN. All time for debate has expired. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the Chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 987) to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard or guideline on ergonomics, pursuant to House Resolution 271, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 209, not voting 8, as follows:

[Roll No. 366]

YEAS—217

Aderholt	Davis (VA)	Hobson
Archer	Deal	Hoekstra
Armey	DeLay	Hostettler
Bachus	DeMint	Houghton
Baker	Diaz-Balart	Hulshof
Ballenger	Dickey	Hunter
Barr	Dooley	Hutchinson
Barrett (NE)	Doolittle	Hyde
Bartlett	Dreier	Isakson
Barton	Duncan	Istook
Bass	Dunn	Jenkins
Bateman	Ehlers	John
Bereuter	Ehrlich	Johnson (CT)
Berry	Emerson	Johnson, Sam
Biggert	Everett	Jones (NC)
Bilirakis	Ewing	Kasich
Bliley	Fletcher	Kelly
Blunt	Foley	Kingston
Boehner	Fossella	Knollenberg
Bonilla	Fowler	Kolbe
Bono	Franks (NJ)	Kuykendall
Boyd	Frelinghuysen	Largent
Brady (TX)	Gallegly	Latham
Bryant	Ganske	LaTourette
Burr	Gekas	Leach
Burton	Gibbons	Lewis (CA)
Buyer	Gilchrest	Lewis (KY)
Callahan	Gillmor	Linder
Calvert	Goode	Lucas (OK)
Camp	Goodlatte	Manzullo
Canady	Goodling	McCollum
Cannon	Goss	McCrery
Castle	Graham	McInnis
Chabot	Granger	McIntosh
Chambliss	Green (WI)	McIntyre
Chenoweth	Greenwood	McKeon
Clement	Gutknecht	Mica
Coble	Hall (TX)	Miller (FL)
Coburn	Hansen	Miller, Gary
Collins	Hastert	Moran (KS)
Combust	Hastings (WA)	Morella
Cook	Hayes	Myrick
Cooksey	Hayworth	Nethercutt
Cox	Hefley	Ney
Crane	Herger	Northup
Cubin	Hill (MT)	Norwood
Cunningham	Hilleary	Nussle

Ose
Oxley
Packard
Paul
Pease
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner

NAYS—209

Abercrombie	Gutierrez	Oberstar
Ackerman	Hall (OH)	Obey
Allen	Hastings (FL)	Olver
Andrews	Hill (IN)	Ortiz
Baird	Hilliard	Owens
Baldacci	Hinchey	Pallone
Baldwin	Hinojosa	Pascarell
Barcia	Hoefel	Pastor
Barrett (WI)	Holden	Payne
Becerra	Holt	Pelosi
Bentsen	Hooley	Peterson (MN)
Berkley	Horn	Petri
Berman	Hoyer	Phelps
Bishop	Inslee	Pomeroy
Blagojevich	Jackson (IL)	Price (NC)
Blumenauer	Jackson-Lee	Quinn
Boehlert	(TX)	Rahall
Bonior	Johnson, E. B.	Rangel
Borski	Jones (OH)	Reyes
Boswell	Kanjorski	Rivers
Boucher	Kaptur	Rodriguez
Brady (PA)	Kennedy	Roemer
Brown (FL)	Kildee	Rothman
Brown (OH)	Kilpatrick	Roybal-Allard
Campbell	Kind (WI)	Rush
Capps	King (NY)	Ryan (WI)
Capuano	Klecza	Sabo
Cardin	Klink	Sanchez
Carson	Kucinich	Sanders
Clay	LaFalce	Sandlin
Clayton	LaHood	Sawyer
Clyburn	Lampson	Schakowsky
Condit	Larson	Scott
Conyers	Lazio	Serrano
Costello	Lee	Sherman
Coyne	Levin	Skelton
Cramer	Lewis (GA)	Slaughter
Crowley	Lipinski	Smith (NJ)
Cummings	LoBiondo	Smith (WA)
Danner	Lofgren	Snyder
Davis (FL)	Lowe	Spratt
Davis (IL)	Lucas (KY)	Stabenow
DeFazio	Luther	Stark
DeGette	Maloney (CT)	Strickland
Delahunt	Maloney (NY)	Stupak
DeLauro	Markey	Sweeney
Deutsch	Martinez	Tauscher
Dicks	Mascara	Thompson (CA)
Dingell	Matsui	Thurman
Dixon	McCarthy (MO)	Tierney
Doggett	McCarthy (NY)	Towns
Doyle	McGovern	Traficant
Edwards	McHugh	Udall (CO)
Engel	McKinney	Udall (NM)
English	McNulty	Velazquez
Eshoo	Meehan	Vento
Etheridge	Meek (FL)	Visclosky
Evans	Meeks (NY)	Waters
Farr	Menendez	Watt (NC)
Fattah	Millender	Waxman
Filner	McDonald	Weiner
Forbes	Miller, George	Weldon (PA)
Ford	Minge	Weller
Frank (MA)	Mink	Wexler
Frost	Moakley	Weygand
Gejdenson	Moore	Wise
Gephardt	Moran (VA)	Woolsey
Gilman	Murtha	Wu
Gonzalez	Nadler	Wynn
Gordon	Napolitano	
Green (TX)	Neal	

NOT VOTING—8

Bilbray	McDermott	Peterson (PA)
Jefferson	Metcalfe	Thompson (MS)
Lantos	Mollohan	

□ 2121

Mr. BALDACCIO changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 987, the Workplace Preservation Act.

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

There was no objection.

#### REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. WALSH, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106-286) on the bill (H.R. 2684) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. MILLER of Florida). All points of order are reserved on the bill.

#### MAKING IN ORDER ON AUGUST 4, 1999, OR ANY DAY THEREAFTER, MOTION TO CONCUR IN SENATE AMENDMENTS TO H.R. 1664, KOSOVO AND SOUTHWEST ASIA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time on August 4, 1999, or any day thereafter, to take from the Speaker's table H.R. 1664, with Senate amendments thereto, and to consider in the House, any rule of the House to the contrary notwithstanding, a single motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendments; that the Senate amendments and the motion to be considered as read; that the motion be debatable for 1 hour equally divided and controlled among the gentleman from Ohio (Mr. REGULA), the gentleman from West Virginia (Mr. MOLLOHAN), and the chairman and ranking minority member of the Committee on Banking and