should not be punished for doing his job and doing his job well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. BINGAMAN. Mr. President, is there time remaining on the amendment I have offered?

The PRESIDING OFFICER. There is not. All time has expired.

Mr. BINGAMAN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the vote occur in relation to the Bingaman amendment at 11:15, with 2 minutes equally divided prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, may we have 4 minutes equally divided?

Mr. COVERDELL. I change the unanimous consent to ask that we have 4 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

AMENDMENT NO. 1842

(Purpose: To express the sense of the Senate regarding the importance of determining the economic status of former recipients of temporary assistance to needy families)

Mr. WELLSTONE. I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 1842.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1842.

The amendment is as follows:

At the appropriate place add the following:

SEC. . It is the sense of the Senate that it is important that Congress determine the economic status of former recipients of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

Mr. WELLSTONE. Mr. President, let me first explain this amendment to colleagues and then marshal my evidence for it.

I believe we will have a good, strong vote on the floor of the Senate for this amendment. I have introduced a similar amendment in the past, which lost by one vote, but I have now changed the amendment which I think will make it more acceptable to colleagues.

In the 1996 welfare law we passed, we set aside $1 billion for high-performance bonuses to go to States, and currently this money goes to States. The way it works is, it uses a formula that takes into account the State's effectiveness in enabling TANF recipients to find jobs, which is terribly important. The whole goal of the welfare bill was to move families from welfare dependency to becoming economically independent.

This amendment would add three more criteria. We have had, in the last year or two, a dramatic decline in food stamp participation, about a 25-percent decline. This should be of concern to all of us because the Food Stamp Program has been the most important safety net program for poor children in our country. Indeed, it was President Nixon, a Republican President, who, in 1972, federalized this program and said: One thing we are going to do as a national community is make sure children aren't going hungry in our country. We are going to make sure we have a program with national standards and that those families who are eligible to participate are, indeed, able to obtain this assistance.

In addition, what we want to find out is the proportion of families leaving TANF who were covered by Medicaid or health insurance. Families USA, which is an organization that has tremendous credibility with all of us, issued a disturbing report a few months ago. To summarize it, because of the welfare bill, there are about 670,000 Americans who no longer have any health care coverage.

Maybe that is worth repeating. Because of the welfare bill, there are about 670,000 Americans who no longer have any coverage. Since about two-thirds of welfare recipients have always been children—this was, after all, mainly for mothers and children—we want to make sure these children and these families still have health care coverage.

We want to also make sure we get some information about the number of children in these working families who receive some form of affordable child care. In other words, again, what we want to find out is, as families move from welfare to work, which is the goal—and I think work with dignity is terribly important—we also want to make sure the children are OK.

Again, I will use but one of many examples. It will take me some time to develop my argument, but one very gripping example, I say to the Chair, is when I was in east LA, I was meeting with a group of Head Start mothers. As we were discussing the Head Start Program and their children, one of the mothers was telling me she had been a welfare mother and was emphasizing that she was working. Indeed, she was quite proud of working. In the middle of our discussion, all of a sudden she became upset and started to cry.

I asked her: If I am poking my nose into your business, pay no attention to me, but can you tell me why you are so upset? She said: The one problem with my working is when my second grader goes home—she lived in a housing project; later I visited that housing project—it is a pretty dangerous area. It used to be I could walk my second grader to school, and then I could walk her home, make sure she was OK. I was there with her. Now I am always frightened, especially after school. I tell her to go home, and I tell her to lock the door. I tell her not to take any phone calls because no one is there.

It makes us wonder how many children are in apartments where they have locked the door and can't take any phone calls and can't go outside to play, even when it is a beautiful day. I think we do need to know how the children are faring and what is going on. Again, this is a matter of doing some good policy evaluation.

Finally, for those States that have adopted the family violence option, which we were able to do with the help of my wife Sheila and Senator PATTY MURRAY, we want to know how well they are doing in providing the services for victims of domestic violence. This is important. The family violence option essentially said we are not saying these mothers should be exempt. What we are saying is there should be an opportunity for States to be able to say to the Federal Government—it would be up to States, and they would not be penalized for that—look, this woman has been battered and beaten over and over again and we are not going to get her to work as quickly as we are other mothers; there are additional support services she needs. When she goes to work, this guy is there threatening her. Because of these kinds of circumstances, please give us more flexibility.

We want to find out how these States are dealing with that. Otherwise, what happens is if you don't have that kind of flexibility, then a mother finds herself sanctioned if she doesn't take the job; but she can't really take the job and, therefore, the only thing she ends up doing is going back into a very dangerous home. She has left, she has tried to get away, and she is trying to be safe. If you cut off her assistance, then she has no other choice but to go back into a very dangerous home.

That should not happen in America. By the way, colleagues, I know it is an incredible statistic, but October is the month we focus on violence in homes. I wish it didn't happen. About the most conservative statistic is that every 13 seconds a woman is battered in her home in our country. I can't even grasp the meaning of that. A home should be a safe place.

As I have said before—and I hope my colleagues, Senator HOLLINGS and Senator JUDD GREGG, will help me keep this in conference committee—about 5 million children see this violence. So we talk about the fact children should not see the violence in movies and on television. A lot of them see the violence right in their homes. It has a devastating impact on their own lives. We need to make sure these kids don't fall between the cracks and that we provide some services.

I am going to start out in a moment with some examples. I am talking about nothing more than good policy evaluation. Let me wear my teacher hat. All I am saying—and we can disagree or agree about the bill, on should we have passed it or not, and some things are working well but some have questions; I have questions—let's at least do some good thorough policy evaluation. We are saying that the States just merge their tapes —they have the data—and present it to Health and Human Services. We have a report. We know what is going on in these areas.

This is a sense-of-the-Senate amendment because, otherwise, I would have been subject to a rule XVI point of order. I hoped I would not have had to do a sense of the Senate because, under normal circumstances, we would have had the House bill over here. If the House bill had been over here, then I could have introduced this amendment, and I would not have been subject to any rule XVI challenge. Since that has not happened, what I am doing is bringing this amendment out, getting, I hope, a good, strong vote, and if the House does, in fact, move forward with some work and gets the Labor-Health and Human Services Appropriation bill passed, then I will bring this amendment back as a regular amendment. I say to colleagues, all the time I spend today will have been well spent, and we can have 5 minutes of debate and then vote on it. In a way, I am trying to move us forward in an expeditious manner.

When we are talking about families that are worried about whether they can put food on the table or worried about whether they can pay the rent at the end of the month, I don't think they much care whether or not my amendment is subject to rule XVI; I don't think they much care whether or not this is an amendment on an appropriations bill; I don't think they much care about why the House hasn't sent an appropriations bill over to the Senate. What they care about are more pressing issues.

What I am concerned about is that there is, indeed, a segment of our population who are very poor, the majority of whom are children, who are, indeed, falling between the cracks. Let me also say at the very beginning that I think this is the question: Since the welfare bill passed, we have reduced the rolls by about 4.5 million people, the majority of them children. That has been about a 50-percent reduction in the welfare population. The question is whether or not the reduction of the welfare rolls has led to a reduction of poverty because the goal of the legislation was to move these families to some kind of economic self-sufficiency and certainly not to put them in a more precarious situation.

I think we ought to have the data. I think we ought to do the policy evaluation. I have said it before on the floor of the Senate, and I think it is worth saying again: One of my favorite sociologists, Gunnar Myrdal, a Swedish sociologist, once said, ''Ignorance is never random; sometimes we don't know what we don't want to know.'' I think we ought not to be ignorant about this. We ought to have the data.

My appeal is to do the policy evaluation. This amendment will not cost additional money. It can be absorbed into the existing amount of money, according to CBO. There is no reason why we should not want to know—especially since, in many States, the drop-dead date certain is approaching where everyone will have used up the number of years they can receive an AFDC benefit and will be cut off assistance. Before we do that with the rest of the population, let's at least have some kind of policy evaluation. Let's understand what is happening to these families.

By the way, I think among those families that are still on welfare, we are talking about a fair number of children who had children and who need, therefore, to get a high school diploma or are in need of job training. We are talking about single parents with severely disabled children. We are talking about a fair number of single parents who are women who struggle with substance abuse. I am being blunt about it. This is an issue I know well from work I have done all of my adult life in local communities. We are talking about women who have been victims of domestic violence. We need to be careful about what we are doing. Sometimes we forget it, but this is about the lives of people in the country and, in particular, poor women and children. I think we ought to have an honest policy evaluation.

I want to put this in a very personal context now. Before I do this, I wish to start out with some art work that will speak to this part of my presentation. We had a group of high school students from Minneapolis here—it was incredible—who were working with the Harriet Tubman Center, which is a very special shelter. These high school kids—I think 300 or 400 of them submitted their art, and these 11 or 12 students were the ones who had the best art, but all of it was exceptional—came to Washington, DC, 2 days ago. This display is now in the Russell Building Rotunda for a week. Every year, for the last 6 or 7 years, Sheila and I have brought different works from around the country—sometimes from Minnesota and sometimes from other States—to the Nation's Capitol. I want to show a little bit of these students' work.

So often the focus on students is so negative. These are inner-city high school students. It was a wonderful diversity, with all sorts of nationalities, cultures, histories, different colors, a great group of students. I was so pleased they came to Washington. This work I think speaks for itself. I will read from the top:

Is a corner in your home the only place your child felt safe today? Why is it always my fault? Stop it. Speak up. Seeing or hearing violence among family members hurts children in many ways. They do not have to be hit to feel the pain of violence.

I am going to hold this up for a moment so it can be seen by people who are watching this presentation. My colleagues can see this in the Russell Rotunda.

Next picture. I will hold it up. It says:

In the time it takes you to tie your shoe, a woman is beaten. . ..Go ahead, now tie your other one! Speak up! Domestic violence causes almost 100,000 days of hospitalization, 30,000 emergency room visits, and 40,000 trips to the doctor every single year.

I will just hold this up for a moment so it can be seen. This is pretty marvelous work. This is art from the heart. This is art from the heart of high school students. I say that to the pages; they are high school students.

The next work:

If we hear the violence and see the violence, why is it so hard to speak of the violence?

Is being a passer-by keeping a secret? ''Speak up.''

Ninety-two percent of women who are physically abused by their partners do not discuss these incidents with a physician. Fifty-seven percent do not discuss the incidents with anyone.

Finally, this is really powerful. I will show it this way, too.

So . . . how do your kids behave on a date? Love isn't supposed to hurt.

Two high school kids.

On average, 100 out of 300 school students are or have been in an abusive dating relationship. Only 4 out of 10 of these relationships end when the violence and abuse begin. One out of three high school students is or has been in an abusive dating relationship.

I say to my colleague from Nevada this is marvelous artwork done by high school students in inner-city Minneapolis. Twelve of them came to Washington, DC. I thank my colleague, Senator REID from Nevada, for having the courtesy and graciousness to acknowledge this work.

I want to tell you about a conversation I had. Maureen, who works with Interchange Food Pantry in Milwaukee, WI, told me about a phone call she received on Monday of this week—Monday this week. On Monday, Maureen received a phone call. It was a woman who was well known at the food pantry, a woman who has a file about an inch and a half thick documenting the domestic violence she has endured at the hands of an abusive husband.

Yesterday, this woman—we are talking about this week, right now. I want everyone to understand that this debate is about people's lives.

Yesterday, this woman ran out of her home with her 3-year-old child in her arms, fleeing her abusive husband. She went to school, and she picked up her three other young children. She went to a laundromat. She called Maureen. She was looking for help, and she didn't know where else to turn.

The people at the food pantry tried to place this woman in a domestic violence shelter. But homelessness right now seems to have reached epidemic proportions in Milwaukee. So many women are becoming homeless that all of the battered women's shelters are full to overflowing, and desperate women are presenting themselves as victims of domestic violence so they can be placed in shelters. The shelters don't have any room because there are so many homeless women and children. Some of these women are basically pretending as if they are victims. Plenty of them are. Because they are so battered, they try to find shelter. What this means is there is no place left to go for homeless women and women who are victims of domestic violence.

She couldn't find a shelter at this food pantry. They could find no shelter to place this woman. On the phone, they couldn't find anything for her.

This is 1999 in America. The economy is booming. We don't have this kind of discussion on the floor of the Senate enough.

All that food pantry was able to do was to give her some food vouchers and a bus ticket so they could go spend the night with her mother. But her mother lives in senior housing. She is not supposed to have overnight guests, and she could actually end up losing her house if they get caught.

So this woman, who has a 15-year history of abuse, is going to have to return to her home. That is where she is going. She will have to go back to this abusive, violent, dangerous situation for herself and for her children because she lacks the economic independence to do anything else.

No one should be forced to risk their life or the lives of their children because they are poor. This woman's story is a welfare nightmare. She is doing all she can. Her children are clean, and they are well cared for. But she is not making it economically. Her husband isn't willing to work. Therefore, the family has been sanctioned by the welfare department on and off. She has been forced to rely on the food pantry for help.

So she sells her plasma as often as possible—about three times a week. She doesn't have a high school degree. But the welfare agency, instead of making sure she gets her GED and the training she needs to get some kind of a living-wage job, has put her into a training program so she can become a housekeeper in a hotel. Their idea of getting this woman to a life of economic independence is to place her as a housekeeper in a hotel.

She has been in an abusive, dangerous situation for 15 years. Her caseworker is aware of her situation. But there is no help. There is no effort to make her economically independent so she can leave the marriage, and she is now being forced back into this home. She does not have the economic wherewithal to leave her home.

This woman has tried. She went to the welfare office. She asked to be placed in a job. They put her to work in a light manufacturing job, a job for which she had no training whatsoever. Making the situation even worse, they placed her in a job that was way out in the suburbs with a 45-minute commute each way on a bus.

Listen to this. This is why I think we need to know what is going on in the country. She had to get up at 4:30 in the morning, drop her kid off at child care—child care is hard to find at 4:30 in the morning—travel to her job, put in a full day's work, and ride all the way home, pick up her kids, and go back home to face her abusive husband. When she went to the welfare worker and explained the situation, she was told that if she quit this job, she would be sanctioned and she would lose her benefits.

This woman's life and the lives of her children are not going to get better until she can get out of her situation. But under the current welfare program—at least the way it is working in one State, in one community—this isn't going to happen.

Let me give a few examples from some of the studies that have been done. Then let me go into the overall debate.

Applying for cash assistance has become difficult in many places. In one Alabama county, a professor found that intake workers gave public assistance applications to only 6 out of 27 undergraduate students who requested them despite State policy that says anyone who asks for an application should get one.

This was from a Children's Defense Fund study. The study cited was by the professor who was doing fieldwork research on the application process in two Alabama counties.

Before I actually give the examples, let me go to the debate. There are those who argue that we don't need to do any policy evaluation because we have cut the rolls in half. But the goal was never cutting the rolls in half. The goal was to reduce poverty.

Let me cite some disturbing evidence: The reduction in the roles is not bringing a reduction in poverty. We want to know, what kind of jobs do the mothers have? What kind of wages? Are the families still receiving medical coverage? Is there affordable child care? Are children still participating in the Food Stamp Program? This is what we need to know.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Mr. President, I ask consent that following the vote which is to occur momentarily, Senator WELLSTONE be recognized for an additional 45 minutes, and following the use of or yielding back of time, Senator COVERDELL be recognized to move to table amendment No. 1842, no second-degree amendment be in order prior to the vote, and the vote would occur at 1:50.

Mr. WELLSTONE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I agree with the request and I am pleased to work within this framework. I have a judge I have to meet; he is going to be appearing before an important committee. I do not get done with that until a little bit after 2 o'clock. Could we say 2:15 instead of 1:50?

Mr. COVERDELL. I wonder if it could be 1:45? What I am dealing with is a total sequence of time. There are other amendments. I wonder if we voted at 1:45, would it give the Senator time to get to his introduction? It would be very helpful if we could do that.

Mr. WELLSTONE. Mr. President, I will figure out how to do it.

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

AMENDMENT NO. 1861

Who yields time on the Bingaman amendment?

Mr. BINGAMAN. Mr. President, how much time is there at this point?

The PRESIDING OFFICER. There are 4 minutes equally divided.

Mr. BINGAMAN. Mr. President, let me sum up what the amendment does. It is an amendment to set aside $200 million of title I funds to be targeted at helping schools that are failing. We give a lot of speeches about how we need to help failing schools. This is a chance to vote to help failing schools. The amendment does not add money to the bill. The amendment says we are serious about accountability. We are giving the States some funds, earmarking some funds so they also can be serious about accountability in the expenditure of title I funds.

I have a letter from the National Governors' Association. I ask unanimous consent it be printed in the RECORD.

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

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, October 7, 1999.

Hon. Senator JEFF BINGAMAN,
703 Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the nation's Governors, I write to express our

strong support for your amendment to provide states with additional funds to help turn around schools that are failing to provide a quality education for Title I students.

As you know, under current law, states are permitted to reserve one-half of one percent of their Title I monies to administer the Title I program and provide schools with additional assistance. However, this small set-aside does not provide the states with sufficient funds to improve the quality of Title I schools. A recent study by the U.S. Department of Education noted that the ''capacity of state school support teams to assist schools in need of improvement of Title I is a major concern.'' The programs authorized to fund such improvement efforts have not been funded. As a result, states have been unable to provide such services. According to ''Promising Results, Continuing Challenges: The Final Report of the National Assessment of Title I,'' in 1998, only eight states reported that school support teams had been able to serve the majority of schools identified as needing improvement. In twenty-four states, Title I directors reported more schools in need of school support teams than Title I could assist.

Earlier this year, the National Governors' Association (NGA) adopted an education policy that recognizes the important role of the states in providing technical assistance to local school districts to help them implement federal education programs. In addition, the policy calls for full implementation of the current Title I accountability provisions, including the requirements that states intervene in low performing schools. However, the policy calls on the federal government to provide states with sufficient funds to enable states to provide school districts with the tools to meet federal program requirements. Your amendment would provide such funding. Therefore, NGA supports your amendment and will urge other Senators to support the adoption of it.

We look forward to working with you towards the enactment of this and other provisions that will help states improve the quality of services provided to Title I students.

Sincerely,

RAYMOND C. SCHEPPACH.

Mr. BINGAMAN. Let me read a few sentences from it. This is addressed to me, Senator BINGAMAN.

On behalf of the nation's Governors, I write to express our strong support for your amendment to provide states with additional funds to help turn around schools that are failing to provide a quality education for Title I students.

It goes on to say:

Earlier this year, the National Governors' Association (NGA) adopted an education policy that recognizes the important role of the states in providing technical assistance to local school districts to help them implement federal education programs.

It goes on to say:

. . . the policy calls on the federal government to provide states with sufficient funds to enable states to provide school districts with the tools to meet federal program requirements. Your amendment would provide such funding. Therefore, NGA supports your amendment and will urge other Senators to support the adoption of it.

This is a good amendment. The States support it. It will help dramatically in improving our schools. We should not postpone this. We should not kick this down the road and say we will deal with it sometime in the future. We should do it today.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the amendment would take money that currently goes directly to school districts and give it to States for accountability purposes. The authorizing committee, chaired by Senator JEFFORDS of Vermont, wants to have an opportunity to take a careful look at this issue during reauthorization of the Elementary and Secondary Education Act. While the letter from the National Governors' Association states that the association supports the amendment, the fact remains that funds would still be taken from local school districts. While this may be a decision the authorizing committee may ultimately make, it needs to be decided at the authorizing committee level. This is a significant decision, to take money directly from classrooms, and should be carefully reviewed.

I yield the remainder of the majority's time, if any remains, and I move to table the Bingaman amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1861.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—53

Abraham	Fitzgerald	Murkowski
Allard	Frist	Nickles
Ashcroft	Gorton	Roberts
Bennett	Gramm	Roth
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Chafee	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Mack	Warner
Enzi	McConnell	

NAYS—45

Akaka	Byrd	Feinstein
Baucus	Cleland	Graham
Bayh	Conrad	Harkin
Biden	Daschle	Hollings
Bingaman	Dorgan	Inouye
Boxer	Durbin	Johnson
Breaux	Edwards	Kennedy
Bryan	Feingold	Kerrey
Kerry	Lincoln	Robb
Kohl	Lugar	Rockefeller
Landrieu	Mikulski	Sarbanes
Lautenberg	Moynihan	Schumer
Leahy	Murray	Torricelli
Levin	Reed	Wellstone
Lieberman	Reid	Wyden

NOT VOTING—2

Dodd	McCain

The motion was agreed to.

AMENDMENT NO. 1842

Mr. COVERDELL. Mr. President, it is my understanding of the previous unanimous consent that we now are ready to hear Senator WELLSTONE from Minnesota for up to 45 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank my colleague from Georgia.

Mr. President, since I had a chance to speak on this amendment, I can be brief and probably will not need to take anywhere near the full amount of time.

Let me remind Senators what the vote on this amendment will be: To express the sense of the Senate regarding the importance of determining the economic status of former recipients of temporary assistance to needy families. I am hoping not one Senator votes against this.

Again, the purpose of this amendment is to express the sense of the Senate that we want to know, what is the economic status of welfare mothers no longer on welfare? What is happening with this legislation? It is called policy evaluation.

It is a sense of the Senate because otherwise I would be subject to rule XVI. If the House had done their work and had sent over the Labor, Health and Human Services appropriations bill, I could do this amendment and I wouldn't have to do a sense-of-the-Senate amendment. I certainly hope there is not a motion to table this. I can't imagine why it would be controversial.

The Senate goes on record that we need to determine the economic status of these former recipients. We need to know how this legislation is working. We need to know whether or not these mothers, who have been sanctioned, actually have jobs. We need to know whether the jobs pay a living wage. We need to know whether these families have been cut off medical assistance when they are still eligible. We need to know whether or not families have been cut from food stamp assistance even when they are eligible, and we need to know what the child care situation is. We need to know the status of 2-year-olds and 3-year-olds.

This sense-of-the-Senate amendment has the support of some 120 different organizations: from Catholic Charities USA; Center for Community Change; Food Research and Action Center; National Center on Poverty Law; National Coalition Against Domestic Violence; NETWORK, a National Catholic Social Justice Lobby; YWCA of America—the list goes on and on—Children's Defense Fund; Women for Reform Judaism. There is a long list of organizations to which I think all of us give

some credibility as important justice organizations.

Again, I had a chance to speak about this amendment earlier. I will just summarize. Yes, the welfare rolls have been reduced by about half. There are 4.5 million fewer Americans receiving any assistance. But the goal wasn't to basically reduce the welfare rolls; the goal was to reduce poverty. There are still some 34-, 35 million poor Americans. Unfortunately, some 6.5 million children live in households with incomes less than half of the official poverty level. Among one subgroup of our population, the poorest of poor people, poverty has gone up.

Today, about 20 percent of all the children in our country and about a third of the children of color under the age of 6 are growing up poor. Still today the largest poverty-stricken group of Americans are children. Still today we have a set of social arrangements that allow children to be the most poverty-stricken group in our country. I cite as evidence, again, some disturbing studies. Families USA says we have about 670,000 fewer people who no longer receive medical coverage because of the welfare bill; 670,000 citizens no longer receiving any medical assistance because of the welfare bill. We have the U.S. Department of Agriculture telling us there has been about a 20- to 25-percent drop in food stamp participation, which has been the most important safety net program for children.

In addition, we have any number of different studies—NETWORK, Catholic Justice Organization being but one—which point out that most of the jobs these mothers are getting pay about $7 an hour. But if they don't have any health care coverage, they are worse off. There are too many examples I can give. Again, I want to make sure we have the data about children, 2 and 3 years old, who are not receiving adequate child care.

The question I am asking is embodied in the wording of this amendment: To express the sense of the Senate regarding the importance of determining the economic status of these former recipients.

What has happened to these women and children? How are they doing? Is this welfare bill working? We should do some honest policy evaluation. Today, at about quarter to 2, we will have a vote on an amendment every Senator should support. How can a Senator argue that it isn't important to know the economic status of these women and children? I don't see the case against it. I hope we get a strong vote, and then that will give us some momentum for finally moving forward with some legislation that eventually will have some teeth that will, in fact, call for this kind of policy evaluation.

I say to colleagues I could give many State-by-State examples of ways in which I don't think this is working quite the way we want it to. I won't. I could say to Democrats and Republicans that, in some cases, in some communities, there is success; in other cases, in other communities, what is going on it is rather brutal.

I can certainly say to all of my colleagues, in very good faith, we need to understand the drop in food stamp participation; they are so important to meeting the nutritional needs of children. We need to understand why so many people have been dropped from medical assistance. We need to know whether there is decent child care for these children, and we need to know whether or not these families are moving toward economic independence.

It is extremely important that we do this policy evaluation. That is all this amendment calls for. It is a sense-of-the-Senate amendment. It is to get Senators on record with a good, strong vote that we ''express the sense of the Senate regarding the importance of determining the economic status of former recipients of temporary assistance in needy families.''

Mr. President, I don't know that more needs to be said about this amendment. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, we will allow the majority to go to another amendment and we will reserve the time of the Senator from Minnesota.

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. A vote is set for 1:50 on the Wellstone amendment.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1825

(Purpose: To prohibit the use of funds for the promulgation or issuing of any standard relating to ergonomic protection)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1825.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. (a) FINDINGS.—Congress makes the following findings:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this section as ''OSHA'') plans to propose regulations during 1999 to regulate ergonomics in the workplace. A draft of OSHA's ergonomics regulation became available on February 19, 1999.

(2) A July 1997 report by the National Institute for Occupational Safety and Health that reviewed 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 evidence 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 reviewed existing research on musculoskeletal disorders. The workshop showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) In October 1998, Congress and the President agreed that the National Academy of Sciences should conduct a comprehensive study 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.

(5) To complete that study, Public Law 105-277 appropriated $890,000 for the National Academy of Sciences to complete 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.

(6) The National Academy of Sciences currently estimates that this study will be completed late in 2000 or early in 2001.

(7) Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(b) PROHIBITION.—None of the funds made available in this Act may be used by the Secretary of Labor or the Occupational Safety and Health Administration to promulgate or issue, or to continue the rulemaking process of promulgating or issuing, any standard or regulation regarding ergonomics prior to September 29, 2000.

AMENDMENT NO. 2270 TO AMENDMENT NO. 1825

(Purpose: To prohibit the use of funds for the promulgation or issuing of any standard, regulation, or guideline relating to ergonomic protection)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2270 to amendment No. 1825.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 1 of the amendment, strike all after the first word and insert the following:

___. (a) FINDINGS.—Congress makes the following findings:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this section as ''OSHA'') plans to propose regulations during 1999 to regulate ergonomics in the workplace. A draft of OSHA's ergonomics regulation became available on February 19, 1999.

(2) A July 1997 report by the National Institute for Occupational Safety and Health that reviewed 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 evidence would be necessary for OSHA and the Administration to write an efficient and effective regulation.

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

(4) In October 1998, Congress and the President agreed that the National Academy of Sciences should conduct a comprehensive study 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.

(5) To complete that study, Public Law 105-277 appropriated $890,000 for the National Academy of Sciences to complete 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.

(6) The National Academy of Sciences currently estimates that this study will be completed late in 2000 or early in 2001.

(7) Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(b) PROHIBITION.—None of the funds made available in this Act may be used by the Secretary of Labor or the Occupational Safety and Health Administration to promulgate or issue, or to continue the rulemaking process of promulgating or issuing, any standard, regulation, or guideline regarding ergonomics prior to September 30, 2000.

Mr. BOND. Mr. President, the perfecting amendment corrects an error in the date in the language we provided in the original amendment.

This is an amendment with respect to ergonomics. The issue of protecting employees against workplace injuries is critically important. We all can and must agree to that. However, we are concerned about the proposed actions of OSHA. Small businesses and concerned employers know that ensuring safe workplaces is critical to their employees and to their businesses. It is in their best interest to protect employees from workplace injury, but they can only accomplish that goal without regulations that are unduly harsh. They need to proceed on a basis that is carefully thought out, makes sense, and is based on sound science.

Since the 1990s, OSHA has been trying to develop a rule that would tell employers what they are supposed to do to protect employees from ergonomic injuries. But the agency still has no answers to fundamental questions that need to be answered before a regulation can be issued or will be effective. These questions are basic: How much lifting is too much? How many repetitions are too many? How can an employer determine what part of an injury is due to workplace factors? And, perhaps most important: What can an employer do to prevent injuries or to cure an injury that has happened?

After all the effort and time OSHA has spent on developing their proposal, there is not a single threshold or recommendation contained in it. Instead, it basically says to employers. ''We know there's a problem, and we can't figure it out. So we expect you to figure it out for us, and we will inspire you with fines and penalties if you don't.''

That doesn't make much sense.

As I said before, employers—particularly small businesses—know how much they can lose in lost time and lost employees through ergonomic injuries. They want help and good guidance. They don't want to say: Take your best guess and we will fine you if you are wrong. That is no way to do business.

The amendment I propose today delays the Occupational Safety and Health Administration's (OSHA) proposed standard on ergonomic protection until the essential scientific research to support this standard has been completed. Sound science to support a sound safety standard.

Some opponents have tried to deflect attention from the flaws and lack of scientific basic for OSHA's proposal by mischaracterizing this amendment as ''anti-women.'' Nothing could be further from the truth. To use the words of several women construction business owners representing the Associated General Contractors of America (AGC): ''Safety has no gender.''

We all want to promote safe and healthy workplaces. To date, voluntary efforts by the business community have led to a 17 percent decline in repetitive stress injuries over the past 3 years, according to the Bureau of Labor Statistics. This includes a 29 percent decline in carpal tunnel syndrome cases and a 28 percent decline in tendinitis cases—two of the most commonly cited ergonomic injuries. Such injuries make up just 4 percent of all workplace injuries and illnesses.

There are too many. We need to do better. But we need to do so based on sound science so employers, and particularly small businesses, will know what reasonable standards they should meet so they can protect their employees, which they, I believe, not only want to do but which is in their economic self-interest to do.

Despite this decline in ergonomic injuries, OSHA is on a rampage to impose new mandates with no clear thresholds or guidance to address the causes of these injuries. This irresponsible behavior helps no employee—woman or man.

Some proponents of OSHA's ergonomics standard have argued that because many large companies have been able to spend significant resources of time and money to solve ergonomic problems in their workplaces, all employers should now be required to do this. The problem with using these examples as the basis of a regulation is that each one of these companies approached the problem differently, and was able to address the problem in a way that made sense for them in their workplace and in their business with their employees. It does not follow from these examples that OSHA should seek to impose on all employers a regulation that will have to fit a wide variety of companies. There is a vast difference between Ford Motor Company being able to implement an ergonomics program and a small business being able to hire the necessary consultants, purchase the necessary equipment, and possibly redesign its processes to address ergonomic questions.

OSHA'a ergonomics rule is different from all other OSHA regulations that establish a threshold for exposure to a specific hazard and then tell the employer that if an employee exceeds that threshold, certain measures must be taken, or exposure must be reduced.

Because of this vagueness of OSHA's proposed standard, and the impact it would have on small businesses which would be forced to comply with it, I introduced the Sensible Ergonomics Needs Scientific Evidence Act—the SENSE Act—S. 1070 on May 18 of this year.

The amendment I offer today is fundamentally the same as that bill. It is simple and direct—it tells OSHA that it may not proceed with publishing a proposed rule on ergonomics until after fiscal year 2000. Why?

Because by that time National Academy of Sciences is expected to have completed a study that Congress and the President agreed upon last year. This study is intended to determine whether there is sufficient evidence to answer those questions I just laid out and to support a regulation on ergonomics.

We agreed to pay $890,000 for a study. As I said, Congress agreed, and the President signed it. If we are to disregard that, we waste the money, and we don't get the benefit of the investigation that has been going on during this period of time and is expected to make a sound basis for proceeding in a scientific manner to do something about workplace ergonomic injuries. But if OSHA publishes its proposal first, that is a classic example of what I have described as the bureaucracy's desire for, ready, fire, and aim. You need to figure out what you need to accomplish, and how you can do it before you start out and do it.

My amendment would not preclude OSHA from continuing its study of this issue, and I urgently call on the agency

to redouble its efforts, especially in light of the report of the SBA Chief Counsel for Advocacy, which I received last week.

That report is very critical of OSHA's estimates outlined in the agency's Preliminary Regulatory Flexibility Analysis of the proposed ergonomics standard. In fact, the report concludes that ''OSHA's estimates of the benefits of the proposed standard may be significantly overstated.'' In other words, this standard may not help employees—women and men—as much as OSHA would have us believe.

Equally troubling is the report's conclusion that the cost of the ergonomics standard to all businesses could be as much as 15 times more than what OSHA estimates. Moreover, the report emphasizes that the cost of the ergonomics standard could be as much as 10 times higher for small businesses than for large companies.

So for what a large company would have to do for employees, if it had to pay $1,000 per employee, a small business might have to pay $10,000 per employee. Those are some pretty significant margins of error. If this rule goes forward, small business, once again, is left holding the bag.

The report also points out that ''a small business is not simply a large business with fewer employees. Many factors affect how a standard may impact a small business much differently than a large business.'' It goes on to discuss the fact that small businesses often have higher employee turnover rates meaning that any training requirement will have a more significant impact on the small firm than the large one.

For women business owners, the cost issue is particularly worrisome. As AGC's women construction business owners put it: ''Women-owned companies are the fastest growing sector of our economy. Unfortunately, burdensome regulations are a barrier to women starting their own businesses. Often, these regulations discourage women from starting a new business or expanding an existing one.''

Mr. President, one thing is very clear—this is an extremely complicated issue. And we must have more reliable cost and benefit estimates—not to mention sound science and thorough medical evidence—before we push the Nation's small businesses into another maze of redtape.

If there are regulations which are burdensome but which are necessary on the basis of sound science to protect against ergonomic injuries, then let OSHA set them out. Let everybody abide by those standards. But when we don't even know what best medical and scientific evidence provides, why are we going forward down a blind alley with nothing but a huge cost at the other end?

Employees have a right to expect regulations will achieve realistic benefits to them—not exaggerated lofty goals that miss the mark and help no one.

Let me be clear about something. When you talk to workers who are in businesses or in jobs where they do lifting and work, they are very much concerned about their medical care.

They are very much concerned about their pension. They are also concerned about their job.

We are talking about something that could be a job killer. If we are telling this employee—because we have issued a standard without scientific basis—the cost may be so great that your employer can't afford to continue to hire you, what favor have we done that employee? If she is put out of work because the unknown requirements of a very expensive regulation are too much for the employer to bear, that woman could lose her job and lose the means of livelihood in the name of lessening ergonomic injuries, without any proof that they do so.

Let me stress again, we all agree in protecting employees from workplace injuries, it is extremely important. That is something we must do, we must assure. Employers want employees to be safe. If your mother, father, sister, or brother is working in a job with lifting or repetitive motions, the employers want them to be safe. However, small firms cannot accomplish the goal of worker protection through ill-conceived and poorly supported proposals such as OSHA's ergonomic standard which has such potential burden for small business. If the burdens are too high, the business may not survive.

As I indicated earlier, this has been a concern that women-owned businesses have shared. If a business folds, there are no employees to protect. Where is the sense in that? OSHA is doing everything in its power to get its proposal published soon. The House passed legislation on this issue, the Workplace Preservation Act, H.R. 987, by a vote of 217–209. I think it is time for the Senate to add its voice to the call for OSHA to act responsibly, to act dispassionately, but to act in good science.

To summarize: We don't have the science; we don't have the medical evidence; we don't have accurate cost figures; we don't know the benefits to employees; and we don't know what works in preventing injuries. Moreover, OSHA doesn't know those either. All we have is a potentially burdensome standard that small businesses, whether owned by a woman or a man, can ill afford.

I urge my colleagues to support this amendment to make certain that OSHA's ergonomic standard is based on sound science and ensure that we are protecting men and women in the workplace. I hope we can get a reasonable time agreement so views on both sides can be expressed and we can proceed to a vote on this very important amendment.

Mr. SPECTER. Mr. President, I seek to propound a unanimous-consent request for a time limit. I have already had some informal indications that Members on the other side of the aisle intend to speak at some length. I will propound a request for consent when the manager returns to the floor.

Mr. DURBIN. Will the Senator yield?

Mr. SPECTER. For a question.

Mr. DURBIN. I am happy to propound a question. Does the Senator from Pennsylvania not understand, the complexity of this issue virtually prohibits a time agreement? We will continue the debate until it is fully explored.

I think the Senator from Pennsylvania and Senator from Missouri are forewarned: Bringing an issue of this complexity to the floor invites a lengthy debate regarding worker safety, and we will object to a time limit.

Mr. SPECTER. This Senator does not understand how this matter—for that matter, any matter—is so complicated as not to be subject to a time agreement. We are all here under time limitations. I only have 5 years 3 months left on my term, for example. We all have some time limitations.

I think it is possible to have a time agreement. However, if the other side intends to talk at length—I do not want to inject the word ''filibuster'' into the discussion, but if the other side wishes to talk at length and is unwilling to enter into a time agreement, I do understand that; I do not understand that any matter is so complicated as to preclude a time agreement.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I will speak since I have the floor and I am manager of the bill.

Mr. President, this issue has been the subject of very contentious debate for years. Last year in the conference committee in the House and Senate, we debated at great length; the year before, we debated at great length. There is no doubt about emotions running high.

The subject of ergonomics is an effort to have some way to stop repetitious motions which cause physical injury to workers. Many of the big companies have adopted procedures which will protect their employees because it is cost effective to do so in the long run. Small businesses face a little different situation, which I understand. The distinguished chairman of the Small Business Committee has offered this amendment. I understand the point he is making.

I point out that there have been many studies on the issue. In 1998, a peer review of the National Academy of Sciences involving 85 of the world's leading ergonomic experts found ''research clearly demonstrates'' that specific interventions can reduce or prevent musculoskeletal disorders. The 6-month study answered the same seven questions the National Academy of Sciences is now reviewing.

A 1997 review by NIOSH of 600 studies produced the same result and found that ergonomic solutions were being successfully applied in many work settings. During last year's negotiations,

Congress and the administration agreed, by funding the study, they did not intend to delay OSHA's ruling. House Appropriations Chairman Livingston and ranking member OBEY—I think, on the record—made it clear that the Director of the Office of Management and Budget, Jack Lew, also concurred. We have had a letter from the Secretary of Labor with a veto threat. That is not unusual.

However, I believe there is a balance which can be obtained to protect workers and not to unduly burden businesses, including small businesses. That is why, as chairman of the subcommittee involved in the conference for several years, I have tried to work this out so we can find a way not to overburden small business and at the same time to protect workers from these musculoskeletal problems.

Right now, the Office of Management and Budget has the regulation and we do not know what form it will finally take. But someday we have to come to grips with the issue and stop studying it. Studies are very important to find out what the facts are, and then we must act on the facts. When studies are used to interminably delay, it doesn't become a study; it is a filibuster by study on one side, as it is filibuster by an assertion that it is too complicated, too intricate, to be able to come to grips with it and decide.

We are sent here to try to decide the issues. It is my hope we can debate the facts, try to understand what the underlying issues are, and then try to find a consensus on public policy. At some date, we will have to go ahead and act one way or another on the protection of the workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments made by the manager of the bill, and I also understand the Senate lingo that means if we offer this amendment, you will filibuster. That disappoints me greatly.

I ask unanimous consent to be a cosponsor of the Bond amendment.

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

Mr. NICKLES. I thank and compliment the Senator from Missouri for offering this amendment. It is needed. This amendment is needed because the administration is getting ready to promulgate some regulations in the near future that will cost hundreds of millions, if not billions, of dollars for American industry. When I say American industry, I am talking about small business, as well as, big business. I am talking about an unbelievably complex set of regulations and there is no telling how much it will cost to implement these regulations.

These regulations consist of how many motions you should make. That if you do more than a certain amount, then maybe that is not safe; or if you lift something, it cannot be lifted more than this number of times, or it will be too heavy or too stressful. OSHA and the Department of Labor try to make these very regulations and at the same time they say they honestly do not know what they are doing, so in many cases they will wait until laborers complain and then they will try to come up with regulations to alleviate their pain. These methods are not successful.

We have in fact already addressed this issue. The Senate houses the Congressional Research Service, a nonpartisan group, to research complex issues. There is a CRS study that was updated August 31, 1999. I will read from a copy of this report that addresses further ergonomic regulation:

> Due to the wide variety of circumstances, however, any comprehensive standard would probably have to be complex and costly, while scientific understanding of the problem is not complete.
>
> It would be costly, it would be complex, and, frankly, it would not be understandable. It would not be workable.
>
> The state of scientific knowledge about ergonomics—and especially the role of nonwork and psychological factors in producing observed syndromes—has become a key issue in the debate over how OSHA should proceed.
>
> Even if the problem were fully understood, the wide variety of circumstances will bedevil efforts to frame simple cost-effective rules. What are called ''ergonomic'' injuries are actually a range of distinct problems, much as ''cancer'' is not one but a family of diseases.

Throughout the summary of this report, the point is that, due to a lot of circumstances, any comprehensive rules would have to be complex and costly while scientific understanding of the problem is not complete.

What about a scientific study? Why don't we ask the scientists? If Congress' research arm says this is going to be costly, we do not have the scientific basis to do it, why don't we have scientific basis? Why don't we ask the experts to take a look at it and see if there is something they can come up with that would be workable?

Well, we did do that. Last year, Congress passed and almost every Member of this body, or the majority of the Members of both Houses of Congress, passed a bill that funded $900,000 for the National Academy of Sciences to complete a study and review the scientific literature as mandated by Congress and the President on ergonomics. They have not completed that study. They should complete the study in about a year, January 2001; in 13 or 14 months.

We are spending almost a million dollars on the study to ask the scientists to do an in-depth review. Yet many people say they want OSHA to go forth and come up with these complex rules in spite of the unfinished study. They are saying that they trust OSHA to come up with rules and regulations without this study, without the basis for making such rules? You talk about repetitive motions—OSHA often tells companies that they may possibly be doing something wrong and a company could ask OSHA whether or not they are in violation of certain standards and OSHA would reply: ''We don't know.''

These standards are almost impossible to define. What is repetitive motion? Standing at a machine on the job for 8 hours a day—that is ergonomic—is that too much? I grew up in a machine shop. I grew up in Nickles Machine Corporation. We lifted and moved a lot of heavy equipment. There is no way in the world some Federal bureaucrat knows what is the proper amount of weight that individuals should be moving around. There is no way to create a uniform standard that applies to each individual.

Are they going to come in and supervise and say: You should not be standing there for that period of time? Maybe you should not be working at your computer for this amount of time. Maybe you should not be engaged in moving heavy objects.

We are going to have the heavy hand of the Federal Government, Federal bureaucrats running all across the country trying to make those kinds of determinations, saying: If you do not comply with our infinite wisdom, we are going to fine you. We are going to close you down. Amazing. It is amazing that we would do such a thing.

The proposed regulations by OSHA are not workable. They are unbelievably complex. Anybody who has looked at them from a standpoint of real-life experience in the workforce agrees that this is not workable. So what have we done if we succeed with this amendment? We have passed restrictions keeping this administration from going forward on this enormously complex, expensive, regulatory scheme.

Last year, we said let's have this study, let's let this study go forward; let's look at real scientific facts before we implement a standard that could cost billions of dollars, and no telling how many jobs would be lost as a result. Let's let that happen. I regret that this was not already included in the committee bill.

I think most people will acknowledge we have a majority vote on this. We have the votes to do this. We have Democrats and Republicans who will support this amendment. We have a majority; we have a majority vote in the House as well. Now we have this implied senatorial discussion: If you have this amendment, due to its complexity, we will discuss it for a long time; i.e. we will filibuster this amendment. We will not let this bill pass. We don't care if we bring down the largest appropriations bill, that deals with Education, Labor, Health and a multitude of Governmental agencies—we don't care if we bring down the whole thing.

Why? Because organized labor wants this rule to go forward. I guess if the leadership of AFL/CIO wants this rule to go forward, we should absolutely let it go forward. That is what a few people are saying, although masked with niceties, in senatorial discussion: If

you insist on a vote on this amendment, we are going to talk for a long time and not let this bill pass.

As I said, we passed related legislation in 1998. We authorized the study I previously mentioned, to look deeper into the problems employees and industry face. Let's let the study work. Let's find out what the scientists have to say. Let's listen to the experts.

We had a couple of congressional hearings regarding this very issue. The following was concluded from a hearing in 1997:

> 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 counterproductive in its application and enforcement.

It is likely to be counterproductive. Does this give unions a chance to file complaints for harassment purposes? Has anybody thought of that? Of course they have. Does this increase people's leverage? ''If you work with us, maybe, a little bit, we will not be quite as vigorous in our complaints.'' Is this what we really want?

Another statement was made by Dr. Stephen Atcheson and others with the American Medical Association:

> The debate concerning whether certain occupations actually cause repetitive motion disorders is now well over a century old and far from settled.

This is complex business. You are talking about movements and actions in the workforce, and there are an unlimited number of movements and actions. Now we are going to have that regulated by the Federal Government? We are going to turn loose the Department of Labor, OSHA, to come up with regulations that have the force and the power to fine and assess and have bureaucrats telling people how to operate their businesses? As if people running those businesses could care less about their employees?

The whole premise of this regulation is Government knows best; employers certainly don't care about their employees—which I do not believe. I have been an employer. You show me an employer who doesn't care about his employees, and I will show you somebody who is going out of business in a very short period of time and probably deservedly so. It is this presumption—the Government knows best; we need Government as the caretaker for business operations—that I think is absurd. And we trust some bureaucrat in OSHA, who probably knows nothing about a particular operation, to come in and say: Here is how you should run your business. We know better than the people that have been managing that plant, working in that plant for years. There is no telling how much it will cost. No telling how many jobs will be lost, the costs that could be imposed, the costs that could result from unfair, unworkable regulations.

I compliment my colleague from Missouri, and I urge my colleagues to support the Bond amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am going to be brief because other colleagues are going to speak, and then I will come back later as we go forward in this debate.

I say to my colleagues on the other side, what Senator DURBIN from Illinois said is right on the mark. As ranking minority member on the Labor Committee, now called HELP, which has jurisdiction over OSHA and occupational health and safety issues which are very important to working people, I have a lot to say about this amendment. What I will say, as this debate goes forward, will be substantive, and it will be important in determining how all of us vote. This is an incredibly important issue.

I will start out for a few brief minutes right now and then turn it over to other colleagues. I will come back later as this debate develops.

This Bond amendment will basically stop OSHA from doing its job, which is the mission of the mandate of keeping American workers from getting injured at work. It basically stops OSHA from doing its job, and OSHA's job is to prevent workers from being injured at work.

This amendment will shut down the normal rulemaking process and stop OSHA from doing anything at all about ergonomic job hazards that are seriously injuring over 600,000 workers every year. That is a statistic my colleagues do not like to talk about. I have heard the arguments about bureaucrats and big government and all of the rest, but we ought not be too generous with the suffering of others. We are talking about 600,000 workers who are seriously injured every year. That is what this debate is all about.

Ergonomic injuries are serious injuries from repetitive motions, overexertion, and physical stress. They include carpal tunnel syndrome, back injuries, and tendonitis. The amendment before us will stop OSHA from issuing a standard to prevent these injuries until the National Academy of Sciences completes a new study which will take somewhere between 18 to 24 months. This amendment will stop OSHA from issuing not only a regulation, but even voluntary guidelines or standards. This amendment is an extreme amendment, extremely harsh in its impact on working people.

Last week, Secretary of Labor Herman wrote that she would recommend a veto of S. 1650 if this amendment is adopted. By the way, I also say to my colleagues, the reason Senator DURBIN was right in what he said earlier—that this debate will take some time—is because it is important to put a focus on the people and their lives and who is going to be affected by this.

With all due respect, quite often—and this particular case is a perfect example—when we talk about OSHA or NIOSH, when we talk about occupational health and safety, we are talking about a group of Americans who are rarely in the Senate or the House. These are not in the main, our sons or daughters. These are not in the main, our brothers or sisters or our parents. In fact, I think if they were, this amendment would not even be before the Senate. I do not want to lose sight of about whom we are talking.

There are four points I want to make as this debate develops. I will not develop any of these points right now, but I will mention them.

First, I want to spend some time later on talking about the people, real people who are affected by this debate. As we speak, there are workers who are injured needlessly because of the continuing efforts by this Congress, as represented by the Bond amendment, to keep OSHA from doing its job. These are real people with real health problems who are hurt at the workplace with disabling injuries. I want to spend a lot of time talking about who these people are. I want to present stories. I want to talk about these people in the most personal terms possible so we know what is at stake.

Second, I want to make the case that something can be done to stop people from being injured in this way, from stopping these physically disabling injuries, from stopping the pain. There is no need to wait another 2 years for another study. We do not need another study to show that ergonomic hazards cause injuries and these injuries can be prevented. We already know it. There are already reams of scientific evidence to prove it, and one more review of the scientific literature is not going to change anything. Later on in this debate, I will talk about the studies that have already taken place and what their conclusions are, all of which say we need to go forward right now.

Third, I want to dispel the mistaken impression among some Senators that a deal was worked out last year whereby OSHA would delay this rulemaking until the National Academy of Sciences completes its second study. Actually, that appears to be just the opposite of what happened.

According to the parties involved in those negotiations, there was an understanding that this new NAS study would not prevent OSHA from going forward. There was a clear understanding that this new NAS study would not prevent OSHA from going forward.

Finally, I want to make it clear that the issue is not the substance of OSHA's proposal. There is already a process in place for addressing any criticisms or any modifications that Senators and others may have. It is the same rulemaking process that is used for any other regulation: Interested parties are encouraged to comment and suggest changes. Criticisms or quibbles with OSHA's current proposal should not be used as an excuse to stop OSHA from doing anything whatsoever, and that is exactly what is happening. This

ergonomic standard has been delayed for far too long.

It was first proposed in 1990 by then-Secretary of Labor Elizabeth Dole. I will go back through that history as well, but I will conclude right now by saying that this amendment just shuts down the normal rulemaking process. It stops OSHA from doing its job. It does not speak to the 600,000 workers right now who are being injured and who are struggling because, in fact, we do not have ergonomic job standards. These injuries are serious injuries. They are disabling injuries. Surely, we can take action right now.

This is all about working people. It is all about making sure there is some safety at the workplace. It is all about our responsibility to move forward with a standard that will provide some protection. It is all about making sure OSHA is not gutted. It is all about making sure this amendment, which I view as a direct threat to many hard-working people, does not go forward.

Yes, we are here to debate this. My colleague, Senator DURBIN, is ready to speak. Senator HARKIN is going to speak. Senator KENNEDY will be here. And later on in the debate, I will come back and lay out story after story of families that will be affected by this amendment. I will talk about what this means in personal terms. I will talk about all the studies that have already taken place and what the science clearly suggests to us. We will have a major debate on this. I have no doubt the vast majority of people in this country expect the Senate to be on the side of providing some decent protection for hard-working Americans. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise in support of the Bond amendment, and I ask unanimous consent to be added as a cosponsor of the amendment.

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

Mr. HUTCHINSON. Mr. President, it is my understanding there are a number of colleagues on both sides of the aisle who want to speak on the amendment. I ask unanimous consent that we limit the debate to 1 hour on this amendment.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUTCHINSON. Mr. President, I will speak for a moment about why I think this amendment is so important.

When I travel through Arkansas and with the opportunities I have had to be in other parts of the country where we have had hearings on workforce protections, one of the complaints I hear so frequently from my constituents is that regulatory agencies in general exceed the authority that has been delegated by the Congress. One of the frustrations I hear expressed from so many small businesspeople and others is: If you in the Senate and the House are the ones elected by us to represent us, why do these regulatory agencies seem to go off on their own, contrary to what you have expressed in legislation?

It is a question that is always difficult to answer. Frankly, too often we have allowed, whether it be OSHA or the IRS, regulatory agencies to exceed their statutory authority, and we have done an insufficient job in reining in what they are doing.

In this particular case, I think we see exactly that. OSHA is an agency to which we have delegated power. It seems to be determined to extend its regulatory power in a negative way through the imminent implementation of this ergonomic standard, regardless of that standard's effectiveness in protecting workers or its cost to American industry.

So, yes, there is an issue of safety; yes, there is an issue of cost; and, yes, there is an issue of what is the scientific basis for what OSHA is propounding to do.

So often what we find regulatory agencies doing ends up having unintended consequences which the Congress must go back and try to rectify at some later date or which results in a reversal of the rulemaking process in these various agencies.

We have already heard, in evidence presented on the floor of the Senate today, that there is concern that a premature ergonomic standard could have counterproductive consequences.

I say to my colleagues, if you are concerned about the health and welfare of the American workplace, if you are concerned about the safety of the American worker, then let's be sure that when OSHA implements a rule, they do so with a sound scientific basis for what they are doing.

Now, I don't know. If we can't count on the nonpartisan, highly respected Congressional Research Service, then who do we look to? That is why we pay them. That is why we have established them. They are well-respected. This is what they said. Senator NICKLES earlier quoted part of the CRS report. Let me quote an additional part of what they said. They said:

> . . . because of the wide variety of tasks, equipment, stresses and injuries involved, any comprehensive standard would probably have to be complex and costly.

They continue:

> . . . ergonomics is a difficult issue because, while there is substantial evidence of a problem, it is very complex and only partially understood.

I think it is not prudent to move forward with a rule when the CRS has concluded the issue is complex and we do not understand it. It is only partially understood. How can you implement a rule that is in the best interest of the American worker, much less the American economy, if we do not understand what the problem is and we can only acknowledge it is partially understood and it is complex?

As an example, the CRS cites that while a whole ''host of new products and services have become popular—such as back braces and newly designed keyboards—there is little in the way of scientific evidence about whether they do any good.''

What the opponents of this amendment are suggesting is that though we do not understand the issue, though it is acknowledged to be complex, though the CRS says we have a host of new products and services out there but there is no scientific evidence as to whether they do any good or not, we should nonetheless give the green light for OSHA to move ahead in a rulemaking process without substantial scientific basis for that rule.

Proponents of the ergonomics standard claim this issue has been adequately studied, if not overstudied—and that is what my friend and colleague from Minnesota was just saying—but it is simply not the case.

The National Institute for Occupational Safety and Health, NIOSH, after conducting an extensive review of the literature, stated that there are ''huge, fundamental gaps in our understanding'' which ''make it clear how little we really know about ergonomics.''

So those who would say, well, we have studied it—we have studied it and studied it—we have studied it enough, so let's go ahead with the rule, they are ignoring the basic conclusion, the overwhelming conclusion of the evidence and the literature on this issue, which concludes we simply do not understand ergonomics.

There are ''huge, fundamental gaps in our understanding.''

To my colleagues, I say it is for that reason that the Congress wisely, I believe, last year, in the omnibus appropriations bill, appropriated $890,000 so that we could fill those huge, fundamental gaps in our understanding concerning the issue of ergonomics—$890,000 for a more thorough review of literature by the National Academy of Sciences, a thorough study by the NAS, which, if there is a more respected group than the CRS, certainly in the area of science, it would be the NAS.

We want a rule, but we want a rule to be based upon good science, not something that is moved forward without adequate study and without adequate scientific basis, that could have negative impacts upon workers, and certainly will have negative impacts upon the workplace and the economics of the workplace.

Nonetheless, in spite of the fact that we authorized, we spent, we appropriated $890,000, OSHA has refused to wait for the results of that study. They already released a discussion draft of the ergonomic standard in February of this year.

I simply find it inexplicable why OSHA cannot wait for this definitive study to be completed. To me, it does not seem prudent to rush to judgment. To me, it does not seem prudent to rush to implement a rule without knowing exactly what the consequence

of that rule would be, how much it would help workers, or how much it might hurt workers, or exactly how much of a burden it would be to businesses. We do not know the answers to those questions. We need to know the answers before we allow OSHA to move forward with the rule.

Finally, I do not know that I can justify to my constituents in Arkansas, and to the average Arkansas worker who makes a median income of $27,000, how the Federal Government effectively wasted $890,000 of their hard-earned tax dollars by not even waiting for the completion of this study.

Therefore, I urge my colleagues to adopt the Bond amendment and make OSHA await the outcome of the NAS study so they can devise an ergonomics standard that will be effective in protecting American workers without unnecessarily burdening American businesses.

I thank the Chair and yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I rise in opposition to the amendment of my friend from Missouri and the Chairman of the Small Business Committee. I heard not all but most of the opening comments by the offerer of the amendment, Senator BOND. What I heard mostly was the concerns expressed by Senator BOND regarding its impact on small businesses.

While I happen to serve on the Small Business Committee, Senator BOND is the chairman of that committee. It goes without saying that Senator BOND has had a long and intense interest in the impact of rules and regulations on small businesses. I think I can say without fear of contradiction that Senator BOND has done a very good job in protecting and defending the rights of small businesses. Quite frankly, I believe I have, too, and others on the committee. I can understand Senator BOND's concern, legitimate concern about what would happen with the small businesses.

In that regard, I support his thrust in terms of making sure that we do not impact unduly on small businesses and that we fulfill our obligation to ensure that small businesses get the support whatever it might be, to help change and redesign a workplace that would be injurious to workers suffering from ergonomic types of illnesses.

To say that it would have an impact on small businesses does not mean we can't do anything about it because I think we have an obligation to protect the health and the safety and the welfare of the workers of this country. Whether they work for IBM or General Motors or whether they work for a small concern that employs five people, I believe we have an obligation to be concerned about their health and their safety.

Obviously, we also have an obligation to be concerned about the small businesses in this country. That is why I say, to the extent we can, we better be prepared to help small businesses to cut down on the illnesses and injuries to workers from musculoskeletal disorders and the results of ergonomic illnesses.

So again, I hope this is not just the reason someone might vote against this, because of the impact on small businesses; think about the impact on the workers, what is happening to workers out there.

I would also like to point out that if a small business has no workers with work-related musculoskeletal disorders (MSDs), is not in manufacturing and does not have workers with significant handling duties, that small business doesn't have to do a thing. Millions of small businesses (drycleaners, banks, advertising agencies, shoe repair) will have no obligation to comply unless a worker gets hurt. Then let us have a meeting of the minds to do both. Let's protect our workers, and then meet our obligation to help small businesses. It seems to me this is the way to go.

I know the Senator from Illinois has been waiting to speak, but let me also comment upon the fact that Senator BOND had said something about women-owned businesses, that women-owned businesses will be at risk. Quite frankly, women are at risk.

Here is a study done on ergonomics, called A Women's Issue, from the Department of Labor. The title says: Who is at Risk? Women experienced 33 percent of all serious workplace injuries—those who required time off of work—in 1997, but they suffered 63 percent of repetitive motion injuries, including 91 percent of injuries resulting from repetitive typing or keying and 61 percent from repetitive placing. Women experienced 62 percent of work-related cases of tendonitis and 70 percent of carpal tunnel syndrome cases. So this is a women's issue. It is women who are suffering more from repetitive injury diseases and illnesses than men are. We should keep that in mind.

Secondly, we hear about doing a study and that we shouldn't promulgate or have these rules prior to the study being done. Well, first of all, for the record, there is no new study being done. The study being done by the National Academy of Sciences, which is referred to often, is just a study or a review of existing literature. They are not conducting any new research. All of the literature being reviewed by the National Academy of Sciences is already available to OSHA. The study the NAS is doing is a review of all the existing studies. We have studied this issue to death. There have been more than 2,000 ergonomic studies, and there have been 600 epidemiological studies done on ergonomics. We have more than enough information to move ahead in protecting workers. The study we keep hearing about is simply a study of all the studies. Let us keep that in mind.

We have been a long time in this rulemaking process. We have had over 8 years of study. I think it is well to note, too, the first Secretary of Labor who committed the agency to issuing an ergonomic standard. It was then-Labor Secretary Elizabeth Dole, who committed the agency to issuing an ergonomic standard. We have been studying it ever since.

Also, keep in mind, no rule has been issued, not even a proposed rule. Again, that is all we are talking about, letting OSHA go ahead with a proposed rule. That is not the end of it. Once the proposal is issued, the public, people on all sides of the debate will have ample opportunity to comment on the proposal.

Lastly, this really does kind of break the agreement we had last year. Our word is our bond around this place. If we don't keep our word, this place disintegrates. Last year, we had an agreement made with the House Members, Congressman Livingston, who at that time was chairman of the Appropriations Committee, and DAVID OBEY, who was the ranking member. They signed a letter dated October 19, 1998. What they said was: We understand that OSHA intends to issue a proposed rule on ergonomics late in the summer of 1999. We are writing to make clear 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. It was signed by Chairman Livingston and ranking member OBEY.

I happen to be a member of the Appropriations Committee. Obviously, we are on an appropriations bill. I was involved in the discussions on that last year. The agreement was made to go ahead and let the National Academy of Sciences do a review—that is all it is; it is not a new study—of the studies that have already been done.

Let's keep that in mind; this is not a new study. During that time, OSHA was not prevented from going ahead and issuing a proposed rule—not a final rule, a proposed rule, which I have pointed out, then, allows everyone to have their input and allows us in Congress to see it. Again, people talked about this study, and we had this agreement. We should live up to the agreement.

They talk about the cost. Here is a whole packet—I will have them here if anybody wants to read them—of ergonomic changes made by companies, both large and small, to help reduce the significance and the number of injuries. These are what companies on their own did.

One caught my eye. This is from Sun Microsystems. They make computer equipment and systems in California. Problem: In 1993, the average work-related musculoskeletal disorder disability claim was $45,000 to $55,000. The solution: Sun Microsystems purchased ergonomic chairs and provided education and work station assessments to all who requested them. The company also encouraged workers to adopt proper posture while working with computers. The impact: The average repetitive-strain-injury-related claim dropped from $45,000 to $55,000 in 1993 to $3,500 in 1997.

Does it work? Yes, it does. It works well. We ought to get on with it. Let OSHA issue their proposed rule. These delays hurt workers. More than 600,000 workers lose work each year because of ergonomic-related injuries. These are our cashiers, nurses, cleaning staff, assembly workers in manufacturing and processing plants, computer users, clerical staff, truck drivers, and meat cutters.

This amendment should be defeated because the workers of this country deserve to have their health and their safety protected.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Missouri, Mr. BOND.

During the course of this debate, we will hear many terms, which sound technical in nature, about the issue at hand. It has been described as ergonomics, musculoskeletal disorders. I think we ought to try to get this down to the real-world level of what this debate concerns.

I have before me a study from the Centers for Disease Control and the U.S. Department of Health and Human Services relative to this particular problem. They state, early in the study, the term ''musculoskeletal disorders'' refers to conditions that involve the nerves, tendons, muscles, and supporting structures of the body.

Another definition says: Ergonomic injuries have many names. They are called musculoskeletal disorders, repetitive stress injuries, cumulative trauma disorders, or just simply strains and sprains. These injuries occur when there is a mismatch between the physical requirements of a job and the physical capacity of a worker.

I wanted to make sure we said that at the outset, so those who are following this debate will understand that what is at issue is not a highly technical, scientific issue but something that every one of us who do manual chores at home or at the workplace understands. If you sit there and have to peel a bag of potatoes, when it is all over your hand is a little sore. What if you had to peel a bag of potatoes every half hour, 8 hours a day, 40 hours a week, 12 months a year? How would your hands react to it? That is what we are talking about—ergonomics; musculoskeletal disorders.

I note that the Republican majority wants to limit this debate. They have asked on two occasions that we agree to a limitation. I hope they will reflect on the fact that we are talking about injuries that occur to 600,000 workers a year. It is only fair to those workers, when we consider this amendment by Senator BOND of Missouri, that this debate reflect the gravity of the issue. I will not make a unanimous consent request at this time, but I think it is reasonable that we allot in this debate perhaps 1 minute for every 250 workers who were injured each year by one of these conditions.

That is 1 minute of debate for every 250 workers. By my calculation, that comes out to about 24,000 minutes, and it turns out to be a 40-hour work week. Wouldn't it be interesting if the Members of the Senate had to stand in their workplaces 4 and 5 hours at a time debating this amendment and then talk about the aches and pains they suffer. Imagine the worker who puts up with that every single day.

Each of us in the Senate brings our own personal experiences to this job. I am sure there are many colleagues in support of this amendment who have been engaged in manual labor. I oppose this amendment. I have had the experience, in my youth, of some pretty tough jobs. My folks were pretty adamant that I take on tough jobs so I would want to go back to school and finish my college and law school education.

Well, it worked. I grew up in East St. Louis, IL, and spent several summers working in the stockyards, sometimes working the graveyard shift, from midnight until 8 in the morning, and other times during the day. I did all sorts of manual labor, such as moving livestock, cleaning up in areas that needed to be cleaned up. It was a lot of hard, tough work. At the end of each summer, I was darn glad to go back to school.

But there were two jobs I had that educated me more than others about the workplace, and dangers, and why this debate is not about some dry concept but about real people who get up every single morning, pull themselves out of bed, brush their teeth, and head off to work to earn a paycheck to pay for their families' needs and maybe to realize the American dream.

One job I had was on a railroad. It was considered a clerical job. It involved a lot of moving back and forth, sometimes in the middle of the night, in Brooklyn, IL, between trains that stopped. I was a bill clerk walking up and down with a lantern, trying to keep track of these trains. One night, in the middle of the night, I climbed a ladder on the side of one of these gondolas to see if it was empty or full. As I started to jump down from that ladder, my college graduation ring caught on a burr on the ladder, causing a pretty serious injury and a scar I still carry. That was a minor injury. I was back at work in a few days. Some workers aren't so lucky.

But the job I had really educated me about this issue, so I understand it personally. I hope my colleagues can come to understand it. It is a fact that I worked four straight summers in a slaughterhouse, the Hunter Packing Company of East St. Louis, processing hogs and pork products. We were unionized, the Amalgamated Meat Cutters and Butcher Workers of Greater North America, and we had a contract. Thanks to that contract, I think I received $3.50 an hour, which, in the early 1960s, was a great wage for a college student. I could finish that summer and take $1,500 back to school and do my best to pay my bills. My kids, and a lot of college students today, laugh when they consider that amount of money, but that was a large amount of money in my youth. When you came to the slaughterhouse as a college student, you expected the worst jobs, and you took them if you wanted to make the salary you needed. So I worked all over this slaughterhouse.

The union had entered into an agreement with the company, Hunter Packing Company, which said: You will work an 8-hour day, but we define an 8-hour day in terms of the number of hogs that are processed. If I recall correctly, our contract said we would process 240 hogs an hour, which meant slaughtering or processing on 2 different floors, 2 different responsibilities.

Some people who worked there said: Wait a minute, if 240 hogs equals an hour, and we are supposed to work 8-hour days, and at the end of the day we are supposed to have processed or slaughtered 1,920 hogs, if we can speed up the line that carries these hogs, or speed up the conveyor belt that carries the meat products, we might be able to get out in 7 hours.

So it was a race every day to get to 1,920 hogs. Hundreds of men and women who were standing on these processing lines were receiving that piece of the animal or piece of meat to process it, knowing another one was right behind it, just as fast as they could move—repetitive action, day in and day out.

I saw injuries in that workplace because of the repetition and the speed. I can remember working on what we called the ''kill floor,'' where the first processing of a hog took place. I worked next to an elderly African American gentleman, a nice guy. He joked with me all the time because I was this green college student doing everything wrong. One day, I looked over as he slumped and fell to the floor; he passed out.

I can recall another day when I was working on a line where they were putting hams on a table to be boned and then stuck into a can so we could enjoy them at home. These men were—it was all men at that time—paid by the ham. The faster they could bone the hams, the more money they made. The knives they used were the sharpest they could possibly get their hands on. They covered the other hand with a metal mesh glove, and they would set out to bone the ham as quickly as they could. There were hams flying in every direction and hands flying in every direction. The next thing you know, there were injuries and cuts.

Of course, if your hand is cut and you work as a piece worker, you really don't make much money until it heals. You can't go back too soon into an environment with a lot of meat juices and water because it won't heal. I

would see these men with bandaged hands standing over to the side waiting for another chance to make a living for their family.

These images are as graphic in my mind today, in 1999, standing on the floor of the Senate, as they were in my experience as a kid in that packing house. As I looked around at the men and women who got up every single day and went to work—hard work, dirty work, but respectable work—and brought home a good paycheck for a hard day's work, I saw time and time again these injuries on the job.

The amendment offered by the Senator from Missouri, Mr. BOND, says to the Federal Government—in this case, it says to the Secretary of Labor—not to study and not to come up with regulations that would protect workers in the workplace from repetitive injuries.

It is a common question in legislatures and on Capitol Hill: Who wants this amendment? Who is pushing for this amendment? Who would want to leave millions of American workers vulnerable in the workplace from repetitive stress injuries when we know that over 600,000 workers a year are injured? Who is it who wants to stop or slow down this process?

Well, I am virtually certain it is some business interest. I don't know which one, because the curious thing is that every business that comes to talk to this Senator, or others, is quick to say: We care about our workers. We put things in place to protect our workers. We don't need the Federal Government to come in because safety in the workplace is No. 1 at our plant.

I hear that over and over again. I don't dispute it. When I talk to you a little later on about some of the companies that have responded to this particular challenge, you are going to find big names, Fortune 500 names, such as Caterpillar Tractor Company of Illinois, a big employer in my State. I am proud of what this company makes and exports around the world. You will hear about what they have done to deal with the problem. Chrysler Motor Company in Belvidere, IL. I have been there. We will talk about what they did.

Finally, you are going to say, if the Fortune 500 companies and the ones that talk to you are the good guys, the companies that are really trying to protect workers and understand how expensive and serious it is to have injuries in the workplace, who in the world is pushing for this amendment that would eliminate holding every business in America responsible for safety in the workplace?

My conclusion is that some bad actors out there in the business community who are not living up to the same standard as these companies are the ones behind this amendment. And the sad reality is, the larger companies, through the organizations that represent them in Washington, have joined ranks with the bad actors.

They are playing down the lowest common denominator. They are trying in a way to protect their competitors that aren't living up to the same good standards for their workers. I think that is shameful. I think it is disgraceful.

This Bond amendment—make no mistake—I want to read to you what it does—says after a lot of preparatory language:

> None of the funds made available in this act may be used by the Secretary of Labor, or the Occupational Safety and Health Administration, to promulgate, or to issue, or to continue the rulemaking process of promulgating or issuing any standard regulation or guideline regarding ergonomics prior to September 30, 2000.

In other words, turn out the lights downtown on establishing standards that you send down to businesses to protect workers.

Mr. SCHUMER. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield to the Senator from New York for a question.

Mr. SCHUMER. I thank the Senator for yielding.

As I go around my State of New York, I meet all kinds of people who are unable to use their hands anymore because of the kinds of jobs they have had. We have had, for instance, in New York City, workers from a variety of jobs come together to talk about the need for some kind of standard. Many have been disabled by workplace injuries and have had to limit the amount of hours they work. One woman, for instance, an editor for a local TV station, says she can't use her hands for cooking, for opening doors, or for carrying anything.

I ask my colleague from Illinois, how would this amendment affect people in that position?

Mr. DURBIN. The Bond amendment, offered by the Senator from Missouri, would basically say to those workers: Your Government can't establish a standard to protect you in the workplace. It stops the Government from establishing a standard for workers.

Mr. SCHUMER. Mr. President, if the Senator might yield for another question, I guess there is some talk about whether we need to study further; that they are not yet ready to have standards. Yet it is my understanding that scientific and medical journals have had over 2,000 articles about the need for some kinds of standard, about what the problems are, and that it is pretty clear cut that in many new kinds of industries the problems that have developed at the workplace are so real that we have far more than enough information to develop standards.

Would the Senator care to comment on whether or not the argument that we are not ready to have standards in ergonomics washes?

Mr. DURBIN. I say to the Senator from New York, he is correct. Over 2,000 studies have established a causal relationship between certain work patterns and certain injuries.

I also say to the Senator from New York that this large volume I referred to earlier from the Centers for Disease Control, which is not a political organization—it is an organization dedicated to public health in America—concluded after one of their more recent studies as follows:

> A substantial body of credible epidemiological research provides strong evidence of an association between musculoskeletal disorders and certain work-related physical factors when there are high levels of exposure, and especially in combination with exposure to more than one physical factor; that is to say, repetitive lifting of heavy objects in extreme or awkward postures.

So the Senator from New York is correct. The evidence is in. There is need for standard of protection.

Mr. SCHUMER. Mr. President, will the Senator yield for a further question?

Mr. DURBIN. I would be happy to yield.

Mr. SCHUMER. Mr. President, I thank the Senator. I respect his expertise on this issue. I know he has been involved in it for a long time.

It is my understanding that in 1990 the Secretary of Labor, Elizabeth Dole—not a member of our party, now a candidate for President—said that OSHA must take all the needed steps to develop an ergonomics standard. That was virtually 10 years ago. There has been lots of planning since. Am I correct in assuming that even at the beginning of the decade it was pretty clear we needed some kind of standard, and that we have delayed and delayed to the harm of thousands, tens of hundreds, and hundreds of thousands of workers?

Mr. DURBIN. The Senator from New York is accurate. At the conclusion of my remarks, I will ask unanimous consent to enter into the RECORD a news release from the U.S. Department of Labor that is dated Thursday, August 30, 1990, a release from then-Secretary of Labor, Elizabeth Dole, that says as follows in the opening paragraphs:

> Secretary of Labor, Elizabeth Dole——

The same person who is now a Republican candidate for President, I might add——

> * * * today launched a major initiative to reduce repetitive motion trauma, one of the Nation's most debilitating across-the-board worker safety and health illnesses of the 1990s.

She goes on with a quote that says:

> 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.

That was Secretary Elizabeth Dole, Republican administration, 1990.

Mr. President, I ask unanimous consent to have printed in the RECORD this news release in its entirety from the Department of Labor.

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

SECRETARY DOLE ANNOUNCES ERGONOMICS GUIDELINES TO PROTECT WORKERS FROM REPETITIVE MOTION ILLNESSES/CARPAL TUNNEL SYNDROME

Secretary of Labor Elizabeth Dole today launched a major initiative to reduce repetitive motion trauma, once of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's.

''These painful and sometime 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 Dole said.

''We are publishing these guidelines now because we want to eliminate as many illnesses as possible, as quickly as possible.

''The Department is committed to taking the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis. Thus, I intend to begin the rulemaking process by asking the public for information about ergonomic hazards across all industry. This could be accomplished through a Request for Information or an Advanced Notice of Proposed Rulemaking consistent with the Administration's Regulatory Program.

''We are emphasizing the need for employers to fit the job to the employee rather than the employee to the job,'' Secretary Dole said. ''This involves such measures as designing flexible work stations which can be adjusted to suit individuals and relying on tools developed to minimize physical stress and eliminate crippling injuries. It begins with organizing work processes with the physical needs of the workers in mind.''

Repetitive motion trauma, also referred to as cumulative trauma disorders (CTD's), are disorders of the musculoskeletal and nervous systems resulting from the repeated exertion, or awkward positioning, of the hand, arm, back, leg or other muscles over extended periods daily.

They include lower back injuries, carpal tunnel syndrome, (a nerve disorder of the hand and wrist), and various tendon disorders, among others.

''We are initially focussing on the red meat industry because its problems are well-documented and very severe,'' Secretary dole said.

The guidelines for the red meat industry, being issued in the form of a booklet by the Labor Department's Occupational Safety and Health Administration (OSHA), were developed to assist employers in the industry in developing ergonomic hazard abatement programs.

''The message in the guidelines is simple: repetitive motion illnesses can be minimized through proper workplace engineering and job design and by effective employee training and education,'' Secretary Dole said. ''The guidelines list the keys for success: commitment by top management, a written ergonomics program, employee involvement and regular program review and evaluation.

''We will be closely monitoring and assessing the success of the Red Meat Guidelines in addressing ergonomic hazards to give us more information on which to proceed as we deal with these issues on an industry-wide basis.

''We owe a debt of thanks to the United Food and Commercial Workers, AFL–CIO; the American Meat Institute, and the National Institute for Occupational Safety and Health for their expert assistance in developing these guidelines. Their willingness to join with us in finding and implementing solutions to ergonomic problems has been most encouraging.''

Assistant Secretary of Labor Gerard F. Scannel, who heads OSHA, said his agency would begin an inspection program early next year in the red meat industry as another phase of the special emphasis program initiated by the issuance of the guidelines.

He said the special emphasis program for the meat industry has been designed to ensure that the well-recognized ergonomic hazards in the industry are being adequately addressed and that ergonomic programs are in place in all major meatpacking plants.

Each red meat plant in the U.S. will be sent a copy of the meatpacking guidelines. As part of the special emphasis program, employers will be offered the opportunity to enter into agreements with OSHA to abate their ergonomic hazards.

Though those who sign such an agreement will be subject to monitoring visits and OSHA inspections in response to complaints, they will not be cited or penalized on ergonomic issues if the monitoring visits show a comprehensive effort and satisfactory progress in abating such hazards.

Scannell said that while the guidelines are advisory, ''compliance with them could demonstrate to an OSHA inspection team that an employer is committed to addressing ergonomic hazards.''

Scannell said the guidelines include a list of questions and answers about common problems to provide more specific assistance to small businesses.

''Ergonomics Program Management Guidelines for Meatpacking Plants,'' the official title of the booklet, builds on the cooperative approach of OSHA's safety and health program management guidelines issued in January 1989. Although strict adherence to today's guidelines is not mandatory, OSHA believes following them can produce significant reductions in repetitive motion illnesses.

The recommended program begins with analysis of the worksite to identify potential ergonomic problems. Ergonomic solutions may include: engineering controls such as proper work stations, work methods and tool designs, work practice controls such as proper cutting techniques, new employee training, monitoring adjustments and modifications, personal protective equipment such as assuring proper fit of gloves and appropriate protection against cold and administrative controls such as reducing the duration, frequency and severity of motions; slowing production rates; limiting overtime; providing adequate rest pauses; increasing the number of workers assigned to a particular task; rotating workers among jobs with different stressors; ensuring availability of relief workers; and maintaining equipment and tools in top condition.

Further, meatpackers need to develop an effective training program to explain to employees the importance of working in ways that limit stress and strain, and the need to report symptoms of CTDs early so that preventive treatment can forestall permanent damage.

Employers must also instruct employees in the proper techniques for their individual jobs. Annual retraining is necessary to assure that employees continue to do their jobs correctly.

An effective ergonomics program also includes medical management with trained health care providers to work with those implementing the ergonomics program and to treat employees. The guidelines describe helpful steps including periodic workplace walkthroughs, symptoms surveys and lists of light-duty jobs for employees recovering from repetitive motion injuries.

They stress the importance of a good health surveillance program; the need to encourage early reporting of symptoms; appropriate protocols for health care providers; and evaluation, treatment and follow-up for repetitive motion illnesses.

Finally, the booklet offers suggestions for recordkeeping and monitoring injury and illness trends.

The guidelines also include a glossary of terms and a list of references. Employers may contact OSHA regional offices with questions about ergonomics, recordkeeping or other safety and health issues by consulting the directory at the end of the booklet.

Single copies of ''Ergonomics Program Management Guidelines for Meatpacking Plants'' are available free from OSHA Publications, Room N3101, Frances Perkins Building, 200 Constitution Ave., NW, Washington, D.C. 20210 by sending a self-addressed mailing label.

Mr. SCHUMER. Mr. President, I rise today to state my opposition to this amendment.

When people say government is not responsive to people's problems or that it gets nothing done—they are talking about this amendment which bars OSHA from issuing a standard on ergonomics.

We know the facts. Ergonomics is no longer the mystery it once was. Over 2,000 articles related to this appear in scientific and medical journals.

We do not need new studies. How many studies do we need before everyone recognizes the obvious—ergonomic injury is real?

The 600,000 workers who experience severe back pain or hand and wrist pain have been studied ad nauseam.

So let's move forward and develop a standard. It will ultimately save businesses money and it will protect workers, because a standard will keep people in the workplace.

The Department of Labor has worked on formulating a standard since former-Secretary Elizabeth Dole said in 1990 that OSHA must take all the needed steps to develop an ergonomics standard. That's 10 years of planning. We don't need another year of delay.

This shouldn't be a partisan issue. We need not pit business versus labor. All sides will benefit.

If not now, I predict eventually we will develop an ergonomics standard. Because as this economy becomes more dependent on the computer, and more top level managers spend much of their day in front of a screen—they will develop the same injuries that are reserved now only for secretaries.

And that will be impetus to develop a standard for them and for those in construction and factories that develop repetitive motion stress.

Last April in New York City, workers from a variety of jobs came together to talk about the need for an ergonomics standard. Some have been permanently disabled by workplace injuries. Some have had to limit the hours they work.

One woman, an editor at a local television station, said can't use her hands ''not for cooking, opening doors, carrying anything.''

Passing this amendment means we believe these people are faking it. No wonder people are so frustrated by government.

Let's defeat this amendment.

Mr. President, will the Senator also answer another question?

Mr. DURBIN. Certainly.

Mr. SCHUMER. This is one other problem that I have heard from my constituents in New York. Workers who have labored long and hard who show up at the job day in, day out develop certain types of problems, and because there are no standards, all too often when they go to their supervisor, when they go to their boss, when they go to somebody of some authority in the company in which they work—it could be a large company, it could be a small company—and complain of these problems, they are told they are faking because these injuries are different. Many of them are the kinds of injuries we are used to where, God forbid, you see blood or bone or some bruise. These are injuries that hurt and affect their ability to work just as much, but they can't be seen in the same way.

Has the Senator from Illinois come across the same type of problem, and wouldn't the promulgation and maintenance of standards help these people prove they have a real problem?

Mr. DURBIN. I think the Senator from New York identifies the real problem here in defining the issue because in many cases we are talking about what is characterized as a ''soft tissue injury.'' In other words, examination by an x ray or an MRI may not disclose any problem and yet there is a very serious and real problem.

I used to find in my life experience people suffering neck and back injuries. You couldn't point to objective evidence of why this person was crippling up or why this person had a problem. In fact, the problem was very real.

What we are trying to do is establish a standard so the worker is not accused of malingering and the worker is not accused of faking it, but the worker has a recourse when there is a very real and serious injury to at least get time off and at least go for some medical attention.

The Senator from Missouri, Mr. BOND, with this amendment wants to stop this process, wants to say that this Government will not establish that standard of protection for American workers. The net result of it, of course, is that 600,000 victims of these injuries each year will not have the protection to which the Senator from New York has alluded.

Mr. SCHUMER. I thank the Senator.

Mr. DURBIN. Mr. President, let me go on to say that the objective of continuing to study this matter is one of the oldest strategies on Capitol Hill. It is the way many people who object to a certain thing occurring delay the inevitable and prolong the process of review.

I have been involved for years in the battle against the tobacco companies. I can't think of a product in America that has been studied more than tobacco. It shouldn't be. It is the No. 1 preventable cause of death in America today.

When the tobacco companies ruled the roost on Capitol Hill, they would postpone health standards and warning labels, and banning smoking on airplanes, for example, by saying: We just need another study. If we can get another study, then maybe we will arrive at the truth about what to deal with, what to do in dealing with tobacco products.

This is another good illustration. I listened to the Senator from Missouri. He said in his conclusion supporting this amendment, which I rise in opposition to: ''It is time for OSHA to act compassionately.''

I understand the virtue of compassion, and I hope I have some in my life. But there is no compassion for millions of American workers if we do not set out to establish a standard of protection when it comes to these types of injuries.

To postpone this for another year—which is what this amendment would do—is to put their health and safety at risk. For what? So that bad companies that care less about their worker injuries don't have to improve the workplace? That is what it is all about. That is the bottom line on this debate.

As I said earlier, major companies already recognize the problem and respond to it. Go into many of your discount stores and one sees workers wearing back brace belts. I have seen them at Wal-Mart and other stores. Their employers understand reaching over and pulling groceries hour after hour can cause some back strain, so they have done something about it. Voluntarily, on their own, they have done something. They don't want the workers to be off work and an expense to the company. They want them to continue on the job with good morale and they provide them some protection.

When I went to the Belvidere Chrysler plant where they make the Neon automobile in my State of Illinois, I was pleasantly surprised to see all the changes that had taken place on the assembly line. In the old days, a worker would turn around and pick up a piece of an automobile, move around, and put it on the automobile to fix it in place. That has changed. There are all sorts of cranes and devices so parts can be moved without strain or stress to the employee. That was done not just to protect the employee but to protect the bottom line of the company.

Frankly, worker injuries cost the companies in terms of time lost and in terms of productivity as the experienced workers leave the line and someone new takes their place. That is being done by conscientious companies. OSHA needs to develop a standard for those that are not conscientious. The Bond amendment is not compassionate. The Bond amendment stops the Department of Labor from establishing that standard of protection.

As I mentioned earlier, over 6 million workers have been injured in the course of keeping records on this particular type of injury, 600,000 each year. Over 2,000 studies on these hazards have detailed how the hazards in the workplace harm people and put them out of work, and the devastating impact they have had on the American workforce.

Yet the Bond amendment delays, stops it, says to the workers who go to work every single day, put your life and your earning capacity at risk in the workplace. And we in Congress, each year, for the sake of a handful of companies that refuse to act responsibly in dealing with their workers, will stop you from any standard of protection.

The following disorders in 1997 accounted for more than 600,000 workplace injuries. One is fairly common. In fact, some people who work in my office have dealt with this problem because of the nature of working on a keyboard. This type of musculoskeletal disorder is called carpal tunnel syndrome. It accounts for $20 billion annually in workers' compensation costs. As I am speaking now, there is a court reporter standing in front of me working away at her machine; she does that every single day. If she is not careful, she can develop problems, as people in ordinary clerical situations do on a regular basis.

I don't think these people are malingerers. I don't think these people are faking. Ever seen the scars from the surgery? That strikes me as a great length to go to to fake an injury. I think these people are in real pain and seeking real relief.

One of the things I have noticed, some of the keyboards have been changed now so there is less stress on the hands of workers who use them. Companies have decided in redesigning the keyboard that they will address that problem directly. It could be that the development of a standard by the Department of Labor will move our country in that direction and reduce the $20 billion paid out every year by American businesses for workers' compensation cases involving those with carpal tunnel syndrome.

Who is affected the most by the Bond amendment? Which workers will be hurt the most by the Bond amendment? Women across America. Women workers suffer a much higher rate of carpal tunnel syndrome. According to the Bureau of Labor Statistics, 86 percent of repetitive motion injury increases were suffered by women; 78 percent of tendinitis increases were suffered by women. Yet women make up 46 percent of the workforce.

What kind of jobs are these women in? We have talked about clerical jobs, obviously. But there are nurses, nurse's aides, cashiers, assemblers, maids, laborers, custodians, and, yes, many of these jobs employ minority workers. It is estimated between 25 and 50 percent of the workforce are Hispanic and African American workers in those particular jobs.

A 6-month study by the National Academy of Sciences in 1998 stated,

''The positive relationship between the occurrence of musculoskeletal disorders and the conduct of work is clear.''

We heard the Senator from Arkansas, we heard the Senator from Missouri—I am sure we hear others—stand up and defy this scientific conclusion. Despite 2,000 studies and this clear language, some would lead Members to believe that it is still a mystery how 600,000 workers could complain of this type of injury in America every single year. We know better. We know better from our life experience. That is why this amendment is so bad, why this amendment, in delaying protection for those workers, ignores the obvious, the injuries and the scientific conclusion that leads us to at least a standard of care to protect those same workers.

A few minutes ago, I made reference to the press release from the Department of Labor, 1990, at a time when the Secretary was Elizabeth Dole. Elizabeth Dole is a person I came to know and respect when she was Secretary of Transportation and appeared before my subcommittee in the House of Representatives. There was a time when we spoke of worker protection issues as bipartisan issues. Sadly, with a very few exceptions, that is not the case anymore.

If we are talking about increasing the minimum wage, which historically was a bipartisan issue—both Democrats and Republicans understanding that people who went to work every day deserve a living wage—that has changed. It has changed for the worse.

This amendment, if it comes to a vote, will evidence that this has become a very partisan matter. Those offering the amendment on the Republican side of the aisle will generally, if not exclusively, vote in support of the amendment; those on the Democratic side of the aisle will generally vote against it. We have broken down on partisan lines.

The sad reality is the workers we are talking about and the workers who were injured do not break down on partisan lines. The workers who come off that job with neck and back injuries and carpal tunnel syndromes are Republicans, Democrats, Independents, and nonvoters. They deserve better than to let this issue break down to the partisan battle which it has.

Secretary of Labor Elizabeth Dole said in August of 1990:

We must do our utmost to protect workers from these hazards in all U.S. industries.

She said at that time, 9 years ago:

We are publishing these guidelines now because we want to eliminate as many illnesses as possible as quickly as possible.

She goes on to say:

The Department [of Labor] is committed to taking the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis.

That was 9 years ago. Here we are today, without those standards of protection, and an effort underway by Senator BOND of Missouri to, once again, delay the establishment of these standards.

Secretary Elizabeth Dole said in 1990:

We are emphasizing the need for employers to fit the job to the employee, rather than the employee to the job. This involves such measures as designing flexible workstations which can be adjusted to suit individuals and relying on tools developed to minimize physical distress and eliminate crippling injuries. It begins by organizing work processes with the physical needs of the workers in mind.

That is basically what I have seen applied to businesses in my home State of Illinois, by companies that care. This entire news release has now been agreed to be part of the RECORD. Those who review this debate will see that Secretary Dole was on the right track—a Republican Secretary of Labor.

Why, today, the Republican Party, through the amendment of Senator BOND of Missouri, wants to take a different venue, a different tack, and to eliminate this responsibility, I cannot explain.

This press release is from a different Labor Secretary, not our current Secretary of Labor, Alexis Herman, who said if the Bond amendment is adopted, she will veto this entire important bill; it is from Secretary Elizabeth Dole. But it is from Secretary Elizabeth Dole. Secretaries Dole, Reich, and Herman have support this issue, but they are not alone. Other endorsements establishing the standard of protection for American workers come from the American Nurses Association, the American Academy of Orthopedic Surgeons, the National Academy of Sciences, the American Public Health Association, and the National Advisory Committee on Occupational Safety and Health.

I received a letter from the American Public Health Association, which I would like to make part of this record as well.

I ask unanimous consent this letter be printed in the RECORD.

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

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, September 27, 1999.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We are deeply concerned about S. 1070, legislation that would not only block OSHA from issuing an ergonomics standard, but even from issuing voluntary guidelines to protect working men and women from ergonomic hazards, the biggest safety and health problem facing workers today.

We strongly support OSHA's efforts to promulgate a standard to protect workers from ergonomic injuries and illnesses. These disorders are real, they are serious and they account for nearly a third of all serious job related injuries (more than 600,000 workers a year); moreover, they are preventable. One type, carpal tunnel syndrome, alone results in workers losing more time from their jobs than any other type of injury, including amputations. The workers' compensation costs of ergonomic injuries are estimated at $20 billion annually, the overall costs at $60 billion.

For women workers, OSHA's efforts are particularly important, because nearly half of all injuries and illnesses among women workers result from ergonomic hazards. Though these hazards are present in a variety of jobs, many of the occupations predominantly occupied by women are among the hardest hit by ergonomic injuries.

Workplace musculoskeletal disorders can be prevented. There is a clear and adequate foundation of scientific and practical evidence, including a 1998 congressionally requested National Academy of Sciences study demonstrating that these disorders are work-related and that ergonomic solutions in the workplace can prevent injuries. These workplace solutions can protect workers, decrease workers' compensation costs, and produce gains in productivity and workplace innovation.

We recognize that there is another National Academy of Sciences study pending, and that this is the reason for the legislation. We also recognize that useful information will come out of that study that can be applied to improve protections for workers. However, sufficient data already exists to protect workers. Failure to act on adequate data in this regard is irresponsible.

After almost a decade of work, OSHA is finally moving forward with a proposed ergonomics standard to prevent work-related musculoskeletal disorders. Upon official publication, this proposal will allow a public debate on ergonomics before a final rule is issued. We are aware of the differing views surrounding this proposal. However, such debate is not unique to ergonomics. Such differences in views have existed in almost all of OSHA's major rulemaking, including other serious workplace hazards such as asbestos, benzene and lead.

The rulemaking process—the proper forum for debate over regulatory proposals—will provide the opportunity for all parties to present their views, opinions and evidence.

We urge you to resist efforts to block OSHA from working on the development and adoption of an ergonomics standard by voting ''no'' on S. 1070 or any other effort to prevent OSHA from protecting workers from ergonomic hazards. Blocking these necessary safeguards will needlessly risk the health of millions more working people.

Sincerely,

ORGANIZATIONS

9–5, National Association of Working Women.
Alaska Health Project.
American Association of Occupational Health Nurses, Inc.
American Nurses Association.
American Public Health Association.
Central New York Occupational Health Clinical Center.
Chicago Area Committee on Occupational Safety and Health.
Connecticut Council on Occupational Safety and Health.
Johns Hopkins Education and Research Center.
Montana Tech of the University of Montana, Safety, Health and Industrial Hygiene Department.
National Organization for Women.
National Partnership for Women and Families.
National Women's Law Center.
New Hampshire Coalition for Occupational Safety and Health.
New York Committee for Occupational Safety and Health.
North Carolina Occupational Safety and Health Project.
Northwest Center for Occupational Health and Safety (University of Washington).
Rhode Island Committee on Occupational Safety and Health.

Rochester Council on Occupational Safety and Health.
San Diego State University, Graduate School of Public Health.
South Central Wisconsin Committee on Occupational Safety and Health.
Southeast Michigan Coalition on Occupational Safety and Health.
University of Puerto Rico School of Public Health.
Western New York Council on Occupational Safety and Health.
Wider Opportunities for Women.
Wisconsin Committee on Occupational Safety and Health.
Women Work! The National Network for Women's Employment.

Mr. DURBIN. Mr. President, this letter is dated September 27, 1999. It comes from a long list of organizations that comprise the American Public Health Association.

Reading the introductory paragraphs will make it clear where they stand, in opposition to the Bond amendment:

We are deeply concerned about S. 1070, legislation that would not only block OSHA from issuing an ergonomics standard, but even from issuing voluntary guidelines to protect working men and women from ergonomic hazards, the biggest safety and health problem facing workers today.

We strongly support OSHA's efforts to promulgate a standard to protect workers from ergonomic injuries and illnesses. These disorders are real, they are serious and they account for nearly a third of all serious job related injuries (more than 600,000 workers a year); moreover, they are preventable. One type, carpal tunnel syndrome, alone results in workers losing more time from their jobs than any other type of injury, including amputations. The worker's compensation costs of ergonomic injuries are estimated at $20 billion annually, the overall costs at $60 billion.

For women workers, OSHA's efforts are particularly important, because nearly half of all injuries and illnesses among women workers result from ergonomic hazards. Though these hazards are present in a variety of jobs, many of the occupations predominantly occupied by women are among the hardest hit by ergonomic injuries.

Why is it when it comes to this floor and the battle is worth fighting, if the well-heeled special interest groups with the strongest lobbies can come in, whether it is an oil company trying to avoid paying its fair share of royalties to drill for oil on public lands or other large companies, we take the time and end up giving the special favors, but when it comes to women in the workplace, minorities in the workplace, time and time again this Senate, this Congress, will cut a corner and say, ultimately: Perhaps we ought to give the benefit of the doubt to the employer, perhaps we ought to ignore the 600,000 who are injured?

As one who spent a small part of my life in the workplace, that standard is upside down. If the Senate in Washington, DC, is not here to protect those who are voiceless, then we have lost our bearings completely. This issue goes to the heart of that debate.

The General Accounting Office has found employers can reduce costs and injuries associated with musculoskeletal disorders and improve not only employee health but productivity and product quality.

When workers know their employer cares enough about them to make the workplace safer for them, it is a clear and strong message to them that increases employee morale. The time has come for the other side of the aisle to make good on its promise to the American people. The leader in the candidacy for the Presidency on the Republican side, Gov. George W. Bush of Texas, claims he is a compassionate conservative. During the course of this campaign, we will try to figure out what that means.

Today, we can ask ourselves if we are seeing an exhibition of compassionate conservatism from the Republican side of the aisle. I think not. With this amendment, I think we see an effort to turn our backs on people who need compassion, understanding, and protection.

Last year, the chairman of the House Appropriations Committee, Robert Livingston of Louisiana, and his ranking Democratic member, DAVID OBEY of Wisconsin, made it clear in a letter to the Secretary of Labor:

. . . by funding the National Academy of Sciences study [on this issue], it is no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics.

The reason I raise that is so those who are following the debate understand that this attempt at delay is nothing new. I have the letter. The letter makes it clear that both the Democratic and Republican leaders on the House Appropriations Committee last year made it clear they wanted to go forward with the rule or a standard of protection on these types of injuries.

I ask unanimous consent the letter be printed in the RECORD.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, October 19, 1998.

Hon. Alexis Herman,
Secretary of Labor,
Washington, DC.

DEAR MADAM SECRETARY: Congress has chosen not to include language in the Fiscal Year 1999 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act that would prohibit OSHA from using funds to issue or promulgate a proposed or final rule on ergonomics. As you are well aware, the Fiscal Year 1998 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act did contain such a prohibition, though OSHA was free to continue the work required to develop such a rule.

Congress has also chosen to provide $890,000 for the Secretary of Health and Human Services to fund a review by the National Academy of Sciences (NAS) of the scientific literature regarding work-related musculoskeletal disorders. We understand that OSHA intends to issue a proposed rule on ergonomics late in the summer of 1999. We are writing to make clear 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.

Sincerely,

BOB LIVINGSTON,
Chairman.
DAVID OBEY,
Ranking Member.

Mr. DURBIN. Here we have the Bond amendment which says the deal is off. For the sake of some companies which do not protect their workers in the workplace and do not care to spend the money to do it, we are basically going to say we will establish no standards for workplaces across America. Senator GREGG, my colleague, proposed the new National Academy of Sciences study last September in committee. Then he stated, ''. . . the study does not in any way limit OSHA'' in moving forward with the ergonomic standard.

By the way, this study asks exactly the same seven questions the previous study asked. Even Chairman STEVENS of Alaska stated, ''There is no moratorium under this agreement.''

So we are told the Department is supposed to go forward in establishing these standards. Along comes the Bond amendment. I remind my colleagues, the Bond amendment stops the Department of Labor in its tracks. It prohibits that department, OSHA, from promulgating or continuing the rulemaking process, issuing any standard, regulation, or guidelines regarding ergonomics for a year.

So the deal has been changed. The losers in this bargain are the workers across America who expect us to care and expect us to respond. I think it is time to bring an end to this charade. We have a real problem. We need real solutions. Workers across this country need real protection. The Bond amendment removes the possibility of establishing this standard of protection.

A few weeks ago I was visited by Madeleine Sherod. Madeleine is a victim of these injuries, a mother of five children who are now all grown. She has worked for an Illinois paint company for 20 years.

When she started, she literally lifted and moved work stations from one area of the plant to another. This job consisted of lifting several different sizes and weights of boxes. After several months of this type of work she transferred to the shipping department where she performed the duties of a warehouse worker. Her job consisted of driving a material handling truck and lifting cartons of paint that were packaged in various sizes and weights (5 gallon pails weighing approximately 20 lbs–90 lbs). She performed this job for at least 13 years. She later transferred to a job where she now operates several different pieces of machinery. She must keep the equipment operating efficiently—if the machinery breaks down then manual labor must be performed.

Her first injury occurred about 15 years ago. She was diagnosed with carpal tunnel syndrome and had surgery to relieve the pain. As a mother of 5 children her ability to perform the normal tasks as a parent was an everyday struggle. She was unable to comb her three daughters hair, wash dishes, sweep floors, or many other day-to-day tasks that working moms must perform.

Her second injury occurred about 7 years ago. Madeleine was diagnosed with tendinitis and this time had tenon release surgery. Even today she has to wear a wrist brace to help strengthen her wrist. Being extra cautious has become part of her everyday life when it comes to the use of her wrist.

She recently found a lump on her left wrist, and is preparing herself for yet another surgery.

The company has not been able to make any adjustments for her at this time. They say that there really is nothing they can do to change the work that is preformed in the shipping department to curtail repetitive use of the hands, knees and back.

And here's the clincher: the majority of the women who have worked for this company for more than 10 year have had similar surgeries for their injuries.

The PRESIDING OFFICER. If the Senator will suspend, we have an order to vote on the Wellstone amendment at 1:50.

Mr. DURBIN. I will suspend.

VOTE ON AMENDMENT NO. 1842

Mr. COVERDELL. Mr. President, I ask for the yeas and nays on the Wellstone amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1842. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—98

Abraham	Feinstein	Mack
Akaka	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Mikulski
Baucus	Graham	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grams	Murray
Biden	Grassley	Nickles
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Robb
Breaux	Hatch	Roberts
Brownback	Helms	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Coverdell	Kohl	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
Daschle	Lautenberg	Thurmond
DeWine	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden
Feingold	Lugar	

NAYS—1

Enzi

NOT VOTING—1

Dodd

The amendment (No. 1842) was agreed to.

AMENDMENT NO. 1825

Mr. NICKLES. Mr. President, parliamentary inquiry: What is the pending business before the Senate?

The PRESIDING OFFICER (Mr. VOINOVICH). Amendment No. 2270, in the second degree, offered by Senator BOND.

Mr. BURNS. Mr. President, I am pleased to support an amendment that I feel to be extremely important to the small business owners of Montana. That amendment is the Sensible Ergonomics Needs Scientific Evidence Act, the SENSE Act. This amendment makes the Occupational Safety and Health Administration, OSHA, to do the sensible thing—wait for a scientific report before OSHA can impose any new ergonomics regulations on small business.

According to the Bureau of Labor Statistics, BLS, the overall injury and illness rate is currently at its lowest level. Date shows that musculoskeletal disorders have declined by 17 percent over the past 3 years. But OSHA continues to aggressively move forward with an ergonomics regulation and ignoring the intent of Congress.

I have been hearing from small business owners of across the State of Montana. Businesses that range from construction companies to florists that fall under OSHA's mandated ergonomics regulations are telling me something has to be done. They are being forced to comply with ridiculous rules and regulations that OSHA cannot prove to be harmful to employees.

Before OSHA can move forward with any new regulations a few things need to be proven. First, OSHA needs to objectively define the medical conditions that should be addressed, not a broad category of all soft tissue and bone pains and injuries that might have resulted. Second, they need to identify the particular exposures in magnitude and nature which cause the defined medical conditions. Last they need to prescribe the changes necessary to prevent their recurrence. Right now OSHA cannot prove any of these things.

We need to make sure that OSHA is not running free and loose. They cannot have free rein to enact new rules and regulations without having significant scientific evidence to back up their new mandate. This amendment, to put it simply, will delay moving forward with any ergonomics rule or guideline until completion of an independent study of the medical and scientific evidence linking on-the-job activities and repetitive stress injuries.

This is a very complicated issue, and we need to make sure that there is sound science and through medical evidence to protect our small business and employees from misguided rules and regulations. The SENSE Act does not prohibit OSHA from continuing to research ergonomics or from exercising its enforcement authority, it just puts the small business owner on a level playing field. I yield the floor.

Mrs. MURRAY. Mr. President, I strongly oppose this amendment. It is our responsibility as the Nation's leader to reduce the hazards that America's workers face—not putting roadblocks in the way of increased workers safety. Ergonomic injuries are the single largest occupational health crisis faced by men and women in our workforce today. We should let the OSHA issue an ergonomics standard.

Ergonomic injuries hurt America's workers. Each year, more than 600,000 private sector workers in America are forced to miss time from work because of musculoskeletal disorders, MSDs. These injuries hurt our America's companies because these disorders can cause workers to miss three full weeks of work or more. Employers pay over $20 billion annually in worker's compensation benefits due to MSDs and up to $60 billion in lost productivity, disability benefits, and other associated costs.

The impact of MSDs on women workers is especially serious. While women make up 46 percent of the total workforce and only make up 33 percent of total injured workers, they receive 63 percent of all lost work time ergonomic injuries and 69 percent of lost work time carpal tunnel syndrome.

In addition, women in the health care, retail and textile industries are particularly hard hit by MSDs and carpal tunnel syndrome. In fact women suffer over 90 percent of the MSDs among nurses, nurse aides, health care aides, and sewing machine operators. Women also account for 91 percent of the carpal tunnel cases that occur among cashiers.

Despite all the overwhelming financial and physical impacts of MSDs and the disproportionate impact they have on our Nation's women, there have been several efforts over the years to prevent the Occupational Safety and Health Administration, OSHA from issuing an ergonomics standard.

Let's be clear, this amendment is intended to delay OSHA's ergonomic standard until yet another scientific study is performed on ergonomic injuries. We have examined the merits of this rule over and over again. Contrary to what those on the other side of this issue say, the science supports an ergonomics standard. We also had a bipartisan agreement that the current National Academy of Sciences, NAS, study would—in no way—impede implementation by OSHA.

NAS has already studied this issue. The new study would address the exact same issues that were dealt with in the previous study. They are also using the same science. No new science. It is mind boggling.

The National Institute for Occupational Safety and Health, NIOSH, studied ergonomics and conclude that there is ''clear and compelling evidence''

that MSDs are caused by work and can be reduced and prevented through workplace interventions. The American College of Occupational and Environmental Medicine, the world's largest occupational medical society, agreed with NIOSH and saw no reason to delay implementation. The studies and science are conclusive in the Senator's mind.

Further—and possibly most persuasive—last year, the administration and leaders in Congress on this side of the aisle only agreed to a new study because those on the other side said that this new study would not delay the issuance by OSHA of a rule on ergonomics. Now they are not standing by their word.

We cannot afford to delay an important standard which will greatly improve workplace safety.

I urge my colleagues to oppose this amendment. We should allow OSHA to issue an ergonomics standard. It will be an important first step in protecting our Nation's workers from crippling injuries.

Mr. KERRY. Mr. President, I want to spend some time this afternoon speaking to my colleagues to vote against the amendment before us today, the amendment that would prohibit the Department of Labor or the Occupational Safety and Health Administration from issuing any standard or regulation addressing ergonomic concerns in the workplace for one year.

Mr. President, this prohibition would come just as OSHA prepares, in the next few weeks, to publish its proposed rule on ergonomics for public comment. This would be a blow to American workers and a real step backwards for the kind of cooperative approach to business and the workplace that we need in this country.

Mr. President, let's be clear about the issue before us, the question of ergonomics and which workplace injuries will continue to occur if this amendment becomes law.

Ergonomics is the science of fitting workplace conditions and job demands to the capabilities of the working population. The study of ergonomics is large in scope, but generally, the term refers to the assessment of those work-related factors that may pose a risk of musculoskeletal disorders. It is well-settled that effective and successful ergonomics programs assure high productivity, avoidance of illness and injury risks, and increased satisfaction among the workforce.

Many businesses and trade associations have already implemented safety and health programs in the workplace and have seen productivity rise as fewer hours on the job are lost. According to Assistant Secretary of Labor Charles N. Jeffress in his testimony before the House Committee on Small Business, programs implemented by individual employers reduce total job-related injuries and illnesses by an average of 45 percent and lost work time injuries and illnesses by an average of 75 percent.

Ergonomic disorders include sprains and strains, which affect the muscles, nerves, tendons, ligaments, joints, cartilage, or spinal discs; repetitive stress injuries, that are typically not the result of any instantaneous or acute event but are usually chronic in nature, and brought on as a result of a poorly designed work environment (these injuries are common causes of muscoskeletal problems such as chronic and disabling lower-back pain); and carpal tunnel syndrome.

And let's be clear that this, Mr. President, is a real problem for American businesses and workers. Industry experts have estimated that injuries and illnesses caused by ergonomic hazards are the biggest job safety problem in the workplace today, as each year more than 600 thousand workers suffer from back injuries, tendinitis, and other ergonomic disorders. In fact, OSHA, estimates that injuries related to carpal tunnel syndrome alone result in more workers losing their jobs than any other injury. The worker compensation cost of all ergonomics injuries is estimated at over 20 billion dollars annually.

What is most troubling, Mr. President, is that these types of injuries are preventable. There is something that can be done to protect the American worker. It should be noted that in drafting its proposed rule—a rule Mr. President, that is scheduled to be issued in just a few weeks—OSHA worked extensively with a number of stakeholders, including representatives from industry, labor, safety and health organizations, State governments, trade associations, and insurance companies. OSHA has drafted an interactive, flexible rule that allows managers and labor to work in unison to create a safer workplace environment. OSHA even placed on its Website a preliminary version of the draft proposed rule, in order to facilitate comments from the public. Mr. President, this is not a ''command and control'' regulatory action.

As noted by Assistant Secretary Jeffress: ''An employer [should] work credibly with employees to find workplace hazards and fix them . . . the rule creates no new obligations for employers to control hazards that they have not already been required to control under the General Duty Clause under Section 5 of the Occupational Safety Act or existing OSHA standards.''

In other words, Mr. President, this rule is simply an interactive approach between employee and manager to protect the assets of the company in ways that are either already being done, or should be done under existing rules. This new rule is a guide and a tool, not an inflexible mandate.

According to the Department of Labor, thirty-two states have some form of safety and health program. Four States (Alaska, California, Hawaii, and Washington) have mandated comprehensive programs that have core elements similar to those in OSHA's draft proposal. In these four states, injury and illness rates fell by nearly 18 percent over the five years after implementation, in comparison with national rates over the same period.

I'd like to share with my colleagues two examples from my home state of Massachusetts that show how business and labor can benefit from successful ergonomics programs. Crane & Company, a paper company located in Dalton, Massachusetts signed an agreement with OSHA to establish comprehensive ergonomics programs at each of their plants. According to the company's own report, within three years of starting this program, the company's musculoskeletal injury rate was almost cut in half.

Lunt Silversmiths, a flatware manufacturer in Greenfield, was troubled by high worker's compensation costs. One OSHA log revealed that back injuries were the number one problem in three departments. By implementing basic ergonomic controls, lost workdays dropped from more that 300 in 1992 to 72 in 1997, and total worker's compensation costs for the company dropped from $192,500 in 1992 to $27,000 in 1997.

That's the difference this common sense approach can make. And, Mr. President, in spite of the arguments for the Bond amendment, there bulk of the science and the research proves that an ergonomic standard is needed in the American workplace.

The National Academy of Sciences, the same group directed in this amendment to complete a study on this issue, already has compiled a report entitled Work-Related Musculoskeletal Disorders. And the report tells us that workers exposed to ergonomic hazards have a higher level of pain, injury and disability, that there is a biological basis for these injuries, and that there exist today interventions to prevent these injuries.

In 1997, the National Institute for Occupational Safety and Health completed a critical review of epidemiologic evidence for work-related musculoskeletal disorders of the neck, upper extremity, and lower back. This critical review of 600 studies culled from a bibliographic database of more than 2,000 found that there is substantial evidence for a causal relationship between physical work factors and musculoskeletal disorders.

Furthermore, Mr. President, we are not talking about a new phenomenon, or the latest fad. In 1990, Secretary of Labor Elizabeth Dole, in response to evidence showing that repetitive stress disorders (such as carpal tunnel syndrome) were the fastest growing category of occupational illnesses, committed the agency to begin working on an ergonomics standard. This rulemaking has been almost ten years in the making. Now is the time to put something in place for the American worker.

This rule has been delayed for far too long. In 1996, the Senate and the House

agreed to language in an appropriations conference report that would prevent OSHA from developing an ergonomics standard in FY 1997. In 1997, Congress prevented OSHA from spending any of its FY 1998 budget on promulgating an ergonomics standard. Last year, money in the FY 1999 budget was set aside for the new NAS study cited in this amendment, and the then-Chairman and Ranking Members of the House Appropriations Committee sent a letter to Secretary of Labor Alexis Herman, stating that this study ''was not intended to block or delay OSHA from moving forward with its ergonomics standard.''

Mr. President, we should wait no longer for this standard to be proposed, and workers should not have to wait until a new study is completed to be directed from preventable injuries. The time to protect the American workplace is now.

People on the other side of this issue may argue that this is an expensive rule, or that the science is inadequate. This is simply not true. The changes envisioned by the rule will increase productivity and save costs. The studies have been numerous. Preventing OSHA from even working on an ergonomic standard, much less issuing one, at the eleventh hour is not the right approach for American workers.

This standard is a win-win for workers and management: the better that workers are protected, the more time they spend on the job. The more time they spend on the job, the more productive the workplace. And it is obvious, but it bears restating, the more productive the workplace, the more productive this country. Workers want to be at work, and their bosses want them at work.

We ought to be capable—as a Senate—to put that common sense approach and this simple ergonomics standard into place and we all be able to vote against the Bond amendment and help out workers and our businesses move forward together.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by the Senator from Missouri. This amendment would needlessly delay OSHA from implementing regulations to prevent one of the leading causes of work place injuries, musculoskeletal disorders (MSDs).

Each year, more than 600,000 American workers suffer work related MSDs and it is costing businesses $15 to $20 billion in workers' compensation costs alone. It is estimated that one out of every three dollars spent on worker's compensation is related to repetitive motion injuries.

Many of the jobs that are disproportionately subject to ergonomic injuries are held by women. In fact, while women experience 33 percent of all serious workplace injuries, they suffer 61 percent of repetitive motion injuries. This includes:

91 percent of all injuries related to repetitive typing;

61 percent of repetitive placing injuries;

62 percent of work related cases of tendinitis; and

70 percent of carpal tunnel syndrome cases.

The supporters of this amendment argue that OSHA should delay ergonomic protection until the National Academy of Sciences completes a second review of existing studies. This comes despite the fact that there is already substantial scientific evidence linking MSDs to the workplace.

The first study completed by the National Academy of Sciences found that ''research clearly demonstrates that specific interventions can reduce the reported rates of musculoskeletal disorders for workers who perform high-risk tasks.'' That peer reviewed study was conducted just last year.

The National Institute for Occupational Safety and Health reviewed more than 2,000 studies of work-related musculoskeletal disorders. They concluded that ''compelling scientific evidence shows a consistent relationship between musculoskeletal disorders and certain work related factors.''

In a letter to the Department of Labor, William Grieves, president of the American College of Occupational and Environmental Medicine, notes that ''there is an adequate scientific foundation for OSHA to proceed with a proposal and, therefore, no reason for OSHA to delay the rulemaking process while the National Academy of Science panel conducts its review.''

I ask unanimous consent that this letter be printed in the RECORD.

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

AMERICAN COLLEGE OF OCCUPATIONAL AND ENVIRONMENTAL MEDICINE,

February 15, 1999.

CHARLES N. JEFFRESS,
Assistant Secretary of Labor, Occupational Safety and Health, U.S. Department of Labor, Washington, DC.

DEAR MR. JEFFRESS: The American College of Occupational and Environmental Medicine (ACOEM) urges you to move forward with a proposed Ergonomics Program Standard.

The College represents over 7,000 physicians and is the world's largest occupational medical society concerned with the health of the workforce. Although the College and its members may not agree with all aspects of the draft proposal, we support the Occupational Safety and Health Administrations's (OSHA) efforts to promulgate a standard. An ergonomics program standard that ensures worker protection and provides certainty to employers is preferable to the uncertainties of the general duty clause. As physicians, the College's members will vigorously participate during rulemaking to ensure that a final standard is protective of workers, represents the best medical practices and is supported by the science of musculoskeletal diseases.

It is incumbent on OSHA to carefully consider the science and to give all due consideration to the results that will come from the National Academy of Science panel's review of the scientific literature regarding musculoskeletal disorders. However, there is an adequate scientific foundation for OSHA to proceed with a proposal and, therefore, no reason for OSHA to delay the rulemaking process while the National Academy of Science panel conducts its review.

The College looks forward to its active participation in this rulemaking. In the interim, please do not hesitate to contact me or Dr. Eugene Handley, Executive Director.

Sincerely,

WILLIAM GREAVES,
President.

Mrs. FEINSTEIN. All of these studies have found links between repetitive motion injuries and workplace factors and suggest that OSHA must be permitted to go forward with sensible regulations to insure a safe workplace.

Ergonomic programs have proven to be effective in reducing repetitive motion injuries in the workplace. Many businesses which have voluntarily instituted an ergonomic program have found the long term benefits to far outweigh the short term costs.

Red Wing Shoes in Minnesota found that their workers' compensation costs dropped 75 percent in the 4 years after they began an ergonomic program.

Fieldcrest-Cannon in Columbus, Georgia, saw the number of workers' suffering from repetitive motion injuries drop from 121 in 1993 to 21 in 1996.

By redesigning its workstations, Osh-Kosh B'Gosh reduced workers' compensation costs by one-third.

Mr. President, I certainly agree that decisions on government regulations should be based on sound science. In this case, there is already a substantial body of scientific evidence which concludes that there is a relationship between MSDs and the workplace and that ergonomic programs can significantly reduce these injuries.

During this decade, more than 6.1 million workers have suffered from serious workplace injuries as a result of ergonomic hazards. As we move into the next century, American workers must be given adequate protection from these preventable injuries. Congress must allow OSHA to move forward with sensible ergonomic regulations. I urge my colleagues to vote to defeat this amendment.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Bond Amendment. It's bad for American workers and bad for our economy.

OSHA must move forward with an ergonomics standard. Each year, more than 600,000 individuals in our private sector work force miss time due to ergonomic injuries, or musculoskeletal disorders (MSDs). These injuries cost our economy over $80 billion annually, including approximately $60 billion on lost productivity costs. Nearly $1 out of every $3 in worker's compensation payments result from MSDs.

More importantly, these injuries cause terrible pain and suffering—as well as increased health care costs. OSHA's ergonomics standard is supported by overwhelming scientific evidence. The National Academy of Sciences (NAS) study concluded that workplace interventions can reduce the incidence of MSDs. When this study

was funded in 1998, the Appropriations Committee and the Administration agreed that funding this study was not a mechanism for delaying the OSHA standard. We must honor our agreement and let OSHA do it's work on behalf of working men and women in our country.

Mr. President, ergonomics is also a women's issue. Women account for nearly 75% of lost work time due to carpal tunnel syndrome and 62% of lost time due to tendinitis. Many of the women affected by MSDs are in the health care industry, including nurses, nurse aides and health care aides. Women in the retail industry are also disproportionately affected by ergonomic injuries.

I strongly urge my colleagues to help improve workplace safety by joining me in opposing this amendment. As a great nation, it is our duty to protect our most valuable resource—our working men and women.

Mr. NICKLES. Mr. President, for the information of my colleagues, we have been debating for the last hour or so—although we did have a discussion on the Wellstone amendment—the issue of the Bond amendment dealing with ergonomics. We have been debating it for a significant period of time. I personally am ready to vote on the amendment. I know there has been some discussion on both sides, but I ask unanimous consent that we have 30 additional minutes equally divided on the Bond amendment.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, again, I think most things have been said on this amendment that need to be said. I don't know if Members want more debate. I will make an additional request, and that is that we have 2 hours of debate on the Bond amendment equally divided.

Mr. REID. Reserving the right to object, Mr. President, I say to my friend from Oklahoma, this deserves some attention. We have 600,000 people a year who are injured as a result of these accidents. We had over 2,000 studies. The time is here to go forward with some rules and regulations to protect American workers. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I will make one additional try. I ask unanimous consent that we have 4 hours equally divided on this bill.

Mr. REID. Reserving the right to object, I have been on the floor—this is the fifth or sixth day—trying to work with the majority to move this bill along. We have worked with the Members on the minority. We have moved a significant number of amendments, probably 65 or 70. We are to a point now where this bill could be completed but for this one contentious issue. From the very beginning, we have said this is an issue that deserves a lot of attention. We say, again, we are willing to work with the majority on this bill, but if this matter is here, we are going to have to discuss it. The American people, 600,000 a year, are injured with these accidents. It deserves more than 2 hours or 4 hours. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Senator KENNEDY.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a minimum wage amendment be in order and that we have 1 hour of debate on that.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in light of the fact that we are not going to get a time agreement on ergonomics, on the Bond amendment, in a moment I will move to table, as manager. First, I would like to move ahead on sequencing after the vote.

I ask unanimous consent that the Senator from West Virginia, Mr. BYRD, be recognized at the conclusion of the vote and then, following Senator BYRD's statement, we move to the amendment to be offered by the Senator from New Hampshire, Mr. SMITH, so we will be on notice that that will be the next order of business.

The PRESIDING OFFICER. Is there objection? Is there objection to the request?

Mr. KENNEDY. Mr. President, reserving the right to object, is it the intention to withdraw the amendment, then, if it is not tabled?

Mr. NICKLES. Let's have the vote.

Mr. KENNEDY. Is it the intention to withdraw the amendment if it is not tabled?

Mr. SPECTER. If I may respond to the Senator from Massachusetts, it is not my amendment, but it is my hope, as manager of the bill, that that would happen. But that is up to the offeror of the amendment.

Mr. KENNEDY. Well, unless such is clear, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I move to table the Bond amendment No. 1825 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, was the unanimous consent request agreed to?

The PRESIDING OFFICER. The request was objected to.

Mr. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the vote, I be recognized for not to exceed 30 minutes to speak on another matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator will have 30 minutes following the vote.

The PRESIDING OFFICER. The question is on the motion to table.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 2, nays 97, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—2

Jeffords	Specter

NAYS—97

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee	Inouye	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Stevens
Coverdell	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

NOT VOTING—1

Dodd

The motion to table was rejected.

Mr. LOTT. Mr. President, in view of the time that has been spent discussing this very important issue, and also the fact there have been several attempts to find ways to limit the debate, and now in view of the vote on the motion to table which was unanimous against tabling it, putting the Senate back to exactly the position we were in before, I think the thing to do at this time is to withdraw this amendment and move forward.

I think that is a mistake. I want to say to one and all, this issue will be joined further, and we will find a way for the content of this amendment to be in some legislation and passed through the Congress this year.

Mr. BOND. Mr. President, it has become clear to me that my amendment, which would force OSHA to do their job correctly instead of hastily, is a bigger concern to those on the other side than the wide range of benefits that the underlying Labor/HHS appropriations bill provides. This disappoints me tremendously.

However, because the Labor/HHS appropriations bill will provide funding for so many programs that will help causes I support, I will not allow my amendment to prevent passage of this bill.

By allowing OSHA to go forward at this moment, we are saying that it is

acceptable for an agency charged with protecting employees to promulgate a regulation that has insufficient scientific and medical support. We are saying that it is acceptable for OSHA to tell employers that we don't have the answers, but we expect you to come up with them, and we will fine you if you don't. We are saying that it is acceptable for an agency that should be focusing on helping employers protect their employees from hazards, instead to tell them that they have no idea how to help them do this, but it would be OK for them to be cited just the same.

The heart of this issue is that although there have indeed been many studies conducted, they have not managed to answer the critical questions that employers need to know to be able to protect their employees: ''How much lifting is too much?'', How many repetitions are too many?'', and ''What interventions can an employer implement to protect his or her employees?'' This is what we mean by saying that there is not sufficient sound science to support this regulation.

This regulation, whenever it comes out and takes effect, will be the most far reaching regulation ever issued by OSHA. It will be one of the most far reaching regulations from any agency and will ultimately effect every business in this country. To say that we will allow OSHA to proceed with a regulation of this nature, that we know is horribly flawed and without adequate scientific and medical support, borders on a dereliction of our duty.

Many speakers opposed to my amendment have focused on the number of workers who are believed to be suffering from ergonomics injuries. One of the great uncertainties about this issue is that we don't even know what it means to be in that group. That number includes many people who suffer from common problems like back pain which may or may not have any connection to the workplace. What constitutes a musculoskeletal disorder is one of those questions around which there is still no consensus within the medical and scientific communities.

Under the Occupational Safety and Health Act, OSHA has jurisdiction only over workplace safety questions. If the condition which represents a hazard is not part of the workplace, OSHA has no authority to compel an employer to address the problem. With ergonomics, there is no way for an employer to be able to tell when a condition has arisen because of exposures at the workplace or because of activities or conditions that have nothing to do with the workplace. Many factors such as age, physical condition, diet, weight, and even family history can influence whether someone is vulnerable to an ergonomic injury. We still don't know why two workers doing the same work for the same amount of time will have different experiences with injuries. It is simply beyond an employer's role and ability to ask them to determine how much of an injury may have been caused by factors outside their control. I do not believe that we should be telling employers that they should intrude into their employee's private lives to the degree that would be necessary to eliminate all possibility of suffering an ergonomic injury.

I will continue to seek opportunities to come back to this issue because I believe so strongly that without sound science on this issue, OSHA's regulation on ergonomics will force many small businesses to choose between complying and staying in business. Under this decision everyone loses. However, in the interest of moving the Labor/HHS appropriations bill, I will allow my amendment to be withdrawn.

AMENDMENT NO. 1825 WITHDRAWN

Mr. LOTT. I ask unanimous consent that amendment 1825 be withdrawn.

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

The amendment (No. 1825) was withdrawn.

The PRESIDING OFFICER. The Senator from West Virginia.

THE COMPREHENSIVE TEST BAN TREATY

Mr. BYRD. Mr. President, the Senate tomorrow is scheduled to begin debate on one of the most important and solemn matters that can come before this body—a resolution of ratification of a Treaty of the United States. The Treaty scheduled to come before us on Friday is the Comprehensive Nuclear Test Ban Treaty, commonly referred to as the CTBT.

Consideration of a Treaty of this stature is not—and it should never be—business as usual. A Treaty is the supreme law of this land along with the Constitution and the Laws that are made by Congress pursuant to that Constitution. Article VI of the Constitution so states: ''This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws of any State to the Contrary notwithstanding.''

Mr. President, consideration of a Treaty is not business as usual.

And yet, Mr. President, I regret to say that the Senate is prepared to begin consideration of the Comprehensive Test Ban Treaty under a common, garden-variety, unanimous consent agreement, the type of agreement that the Senate has come to rely upon to churn through the nuts-and-bolts legislation with which we must routinely deal, as well as to thread a course through the more contentious political minefields with which we are frequently confronted.

In fact, unanimous consent agreements have become so ubiquitous that silence from a Senator's office is often automatically assumed to be acquiescence. So it was the case when this unanimous consent request came to my office. I was not in the office at the time. We are very busy doing other things, working on appropriations bills, and so on. And so at the point when this unanimous consent agreement proposal reached my office, I was out of the office. When I came back to the office a little while later, the request was brought to my attention. But by the time it was brought to my attention, it was too late. I notified the Democratic Cloakroom that I would object to the unanimous consent agreement, but I was informed that the agreement had already been entered into.

I make this point not to criticize the well-intentioned objective of this unanimous consent agreement, which was to seek consensus on the handling of a controversial matter. I do not criticize the two leaders who devised the agreement. I criticize no one. I do, however, point out the unfortunate repercussions of the agreement as it affects the Senate's ability to consider the ratification of a treaty.

In short, unanimous consent is a useful tool, and it is a practical tool of the Senate. I suppose I may have, during the times I was majority leader of the Senate, constructed as many or more unanimous consent agreements than perhaps anybody else; I certainly have had my share of them, but it is not an all-purpose tool.

The unanimous consent agreement under which the Comprehensive Test Ban Treaty is to be considered reads as follows, and I now read from the Executive Calendar of the Senate dated Thursday, October 7, 1999.

Ordered, That on Friday, October 8, 1999, at 9:30 a.m., the Senate proceed to executive session for consideration of the Comprehensive Nuclear Test-Ban Treaty; that the treaty be advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification; that it be in order for the Majority Leader and the Democratic Leader to each offer one relevant amendment; that amendments must be filed at the desk 24 hours before being called up; and that there be a time limitation of four hours equally divided on each amendment.

Ordered further, That there be fourteen hours of debate on the resolution of ratification equally divided between the two Leaders, or their designees; that no other amendments, reservations, conditions, declaration, statements, understandings or motions be in order.

Ordered further, That following the use or yielding back of time and the disposition of the amendments, the Senate proceed to vote on adoption of the resolution of ratification, as amended, if amended, all without any intervening action or debate.

So if one reads the agreement, it is obvious that the treaty itself will not be before the Senate for consideration. I allude to the words in the unanimous consent request, namely:

. . . that the treaty be advanced through the various parliamentary stages, up to and including the presentation of the resolution of ratification.