

to hand count all the ballots. Second, it would be prohibitively expensive. But the idea that somehow machines are more accurate than human counts is just nonsensical. It is just not true. The human count is still the most accurate.

When the votes are really close and when the office is at stake because of the closeness of the votes—.0067 percent of the votes in Florida, as I stand here—it is incumbent upon us to do what we would do in a local sheriff's race or supervisor's race, and that is to hand count these ballots.

Again, having said that, I will have more to say about it later on this afternoon. I see the hour is 12:30 so the time has come for our recess. We will be back in at 2:15. At that time, I want to explore a little further the idea of having a standardized procedure for standardized voting machines for the entire country, one on which people can rely no matter where they live. People move all the time. They should not have to be confronted with different voting machines.

Mr. President, I ask unanimous consent to be listed as a cosponsor of the legislation just introduced by Senator SPECTER of Pennsylvania.

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

Mr. HARKIN. Has the hour of 12:30 arrived, Mr. President?

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. I think the resolution we have been waiting for has arrived.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: I understand that the Senate will reconvene at 2:15.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2:15 I be recognized for up to 15 minutes to finish my statement.

The PRESIDING OFFICER. I think we have a previous consent agreement that allows for each of the leaders to present a list of those who wish to speak.

Mr. HARKIN. I did not hear the President.

The PRESIDING OFFICER. I guess it is not an actual unanimous consent request.

Is there objection to the request? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. SPECTER. Mr. President, I had asked for a quorum call for just a mo-

ment so that staff could complete certain paperwork. So it may be understood why I asked for the quorum call and asked that it be rescinded so promptly. On behalf of our distinguished majority leader, I have been asked to make this unanimous consent request.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the continuing resolution, H.J. Res. 125, funding the Federal Government through December 5, 2000; that the joint resolution be read the third time and passed, and the motion to reconsider be laid upon the table, all without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The joint resolution (H.J. Res. 125) was read the third time and passed.

Mr. REID. Mr. President, it is my understanding that when we come back at 2:15, there will be a time for morning business.

The PRESIDING OFFICER. That is correct.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 442

Mr. SPECTER. Again, on behalf of the majority leader, I ask unanimous consent that when the Senate receives the adjournment resolution from the House, the resolution be agreed to and the motion to reconsider be laid upon the table, all without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FITZGERALD).

The PRESIDING OFFICER. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. MURKOWSKI. On behalf of the majority leader, I ask unanimous consent that following the 15 minutes allotted to Senator HARKIN, Senator

LOTT or his designee be recognized for up to 15 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I indicated to the majority leader I would indicate when I came back how many speakers we have. Senator DODD indicated he wants to speak for half an hour. Senator HARKIN will speak for 15 minutes. The Democratic leader, Senator DASCHLE, wishes to speak for 15 or 20 minutes. Those are the only speakers we have had request time on this side. If there are any others, I will be happy to inform the Chair.

Mr. MURKOWSKI. Mr. President, in view of the request of the minority, I ask unanimous consent that following the 15 minutes allotted to Senator LOTT or his designee, there be an additional period for morning business until 4:15, with the time equally divided between the two leaders or their designees.

Mr. REID. Reserving the right to object, I just add to that unanimous consent request that during that period of time, Senator DODD be recognized for up to 30 minutes, and the Democratic leader for up to 20 minutes.

Mr. MURKOWSKI. It is my understanding that will be off of their time.

Mr. REID. Yes.

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

Mr. MURKOWSKI. The time will be equally divided between the two sides. I thank the Chair and I trust that meets the requests of all interested Senators.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I request 5 minutes of the time the majority leader has reserved.

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. Senator from Missouri is recognized.

OSHA ERGONOMICS RULE

Mr. BOND. Mr. President, I rise to call to the attention of my colleagues and the many people across this Nation the fact that the Occupational Safety and Health Administration has rushed to judgment and published a huge, extremely burdensome ergonomics rule. They had talked about this previously with bipartisan support. We had included in the Labor-HHS bill, as well as others, legislative vehicles stating that they should not go forward with this measure because of the burdens it imposed. I have in my hand the voluminous computer printout of the rule. I chair the small business committee, and I can just see the thrill and excitement with which a small business will view this rule coming down on their backs.

I hope this body can take action to stop the implementation of this rule

until OSHA itself and the scientific evidence can provide real guidance to small business and other businesses on how to reduce ergonomics injuries.

In the last 7 years, the incidence of ergonomics injuries has gone down by a third—26 percent in carpal tunnel syndrome and 33 percent in tendonitis. It is in the interest of employers and employees to reduce to the greatest extent possible the very painful, time-consuming and profit-consuming impact of ergonomics injuries.

Well, OSHA decided they had been working on this for a long time and they wanted to get something out the door before the Clinton administration left office. Our political friends said we have to have an ergonomics rule. This overrules State workers compensation laws and tells employees if they have an ergonomics injury, they can collect more workers comp than the State provides them. We are overruling State workers comp laws.

It also tells employees that if you get an ergonomics injury—say you are in a bowling league on your own time, or you are crocheting in the evening and you come up with an ergonomics injury—if that is made worse by the job that you are doing, then your employer has had it. This ergonomics rule doesn't give any sound guidelines on how employers and employees working together can reduce ergonomics injuries. That is what we need from OSHA, not a punitive measure which says if somebody has an ergonomics injury, you are dead; your workers comp account is going to be held hostage and you are going to be subject to lawsuits.

All this says is, that if the highway speed limit sign says don't drive too fast and you are driving down the road at what you think is a reasonable speed and a State trooper flags you over and says: You know what, you were going 40 miles an hour, and I think 35 miles an hour is a reasonable speed, so you are guilty. That is precisely what they propose to do with this ergonomics regulation, and it affects businesses of all sizes.

I have talked to soft drink distributors who say: If we don't go out of business, we are going to have to buy equipment and get rid of employees to have machines doing the work. You can talk to people in the delivery business—express delivery or any other delivery business—and they know that no matter what they try to do, even if they continue to reduce the incidence of ergonomics injuries, any time there is an ergonomics injury, they are going to be held responsible even if they didn't initially cause it. Well, we have the Small Business Regulatory Enforcement and Fairness Act and we have lawsuits that are about to be filed by many organizations representing small business. I support those lawsuits. I hope this body can act to stop the implementation of this draconian rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa now has 15 minutes.

Mr. HARKIN. Mr. President, I understand I am recognized for up to 15 minutes.

The PRESIDING OFFICER. That is correct.

THE CLOSEST ELECTION IN OUR NATION'S HISTORY

Mr. HARKIN. Mr. President, as I said this morning, we can certainly all agree that this Presidential election is one of the closest in our Nation's history. While AL GORE appears to have won the popular vote, leading by 223,000 votes, the electoral college outcome is much less clear, even though Vice President GORE also leads in the electoral college vote at this time. At this point, whichever candidate wins Florida will probably win the Presidency. Right now, according to the latest reports, only 388 votes separate the two candidates. That is 0.0067 percent of the votes in Florida—less than seven-thousandths of 1 percent.

Yet when it appeared that the extremely close vote in Florida would decide the election, rather than waiting for a careful counting of the ballots as required by Florida law, the Bush campaign pushed for acceptance of the current count. The American people disagree. According to a recent Newsweek poll, 72 percent of American adults believe that making certain the count is fair and accurate is more important than rushing to judgment to get matters resolved quickly. Democracy is slow, yes; democracy takes time, yes; but democracy is still the fairest system of all, and the American people understand that.

It was very discouraging that just days after the Bush campaign sharply criticized our respected former Secretary of State, Warren Christopher, for leaving open the possibility of seeking judicial review of highly questionable portions of the process, the Bush lawyers themselves went to Federal court to block a hand recount of questionable ballots—a process that is generally recognized as much more accurate than machine counting.

I also find it highly ironic that the Bush lawyers chose to try to block a hand recount when they themselves, according to news reports, supported a hand recount in New Mexico. In fact, in 1997, Governor Bush himself signed a Texas law that seems to encourage hand recounts of disputed votes.

Now, as we all know, just a few hours ago, the latest attempt to block a complete and fair count has been upheld by a court in Florida, although an appeal is expected shortly, if in fact it hasn't happened by now.

The court ruled that Florida's Secretary of State, who was an active Bush supporter and traveled around the Nation on his behalf, could cut off the county's recount efforts at 5 p.m. this afternoon. She made the decision to end the count at that time, 5 p.m. today, knowing full well that the hand count of the ballots allowed by Florida

law cannot possibly be completed by that point in time.

In America, we are certainly used to getting results of our elections from the news networks almost immediately after the polls close, sometimes 3 or 4 hours later in relatively close elections but almost certainly the next morning. However, we have to realize that what we heard from the networks early on election night were not actual election results but exit poll results based on a very few counted ballots. When the difference between the candidates falls below a couple of points, we have to wait for an actual vote count. When the difference falls below a few tenths of 1 percent, we have to wait for a careful recounting of the votes.

There are several important reasons for these procedures. First, precinct and county election officials are dealing with many numbers quickly on election night. Mistakes are unavoidable. But in this case, where the difference is not 1 percent or a half percent but less than seven one-thousandths of 1 percent, or just over 300 votes out of over 5 million cast, we cannot allow any room for error.

The very machines that we use to count votes are prone to inaccuracies. The inaccuracies in some Florida counties occurred because not all voters marked their ballots to the preset machine standards. In some cases, they were using punch cards. Well, people don't always push the paper dot out of the hole, and sometimes they don't totally fill in the circle with the No. 2 lead pencil; thus, the machines can't always detect these votes. In a typical election, this isn't a problem.

Election officials know that one out of every so many votes won't be counted by machines. I wonder how many American people know it is a given fact that one out of so many votes will not be counted by a machine. They are very inaccurate. In an election where one candidate wins by 5 percent or 8 percent of the vote, these inaccuracies make very little difference in the final outcome.

But in an election as close as this, every single one of these votes matters. We have to count every single last one of them. No American should be disenfranchised because of a mechanical error. That is why I believe we have to be patient and allow the process to continue.

Again, former Secretary of State James Baker keeps saying that we have already counted the votes twice. But what he doesn't mention is that these counts were both done with machines that have error rates far larger than the percentage of votes separating the two candidates. Machine error rates are far higher than seven-thousandths of 1 percent. Mr. Baker says that machines don't have bias, that they are neither Democratic nor Republican. I keep hearing this statement.

It is also true that machines are far too inaccurate for the kind of count we