

Dreier	Kind (WI)	Radanovich
Duncan	King (NY)	Rahall
Dunn	Kingston	Regula
Edwards	Kirk	Rehberg
Ehlers	Kleczka	Reyes
Ehrlich	Knollenberg	Reynolds
Emerson	Kolbe	Rivers
Engel	LaHood	Rodriguez
Eshoo	Lampson	Roemer
Etheridge	Lantos	Rogers (KY)
Evans	Largent	Rogers (MI)
Everett	Latham	Rohrabacher
Fattah	LaTourette	Ros-Lehtinen
Ferguson	Leach	Ross
Flake	Lee	Rothman
Fletcher	Levin	Roybal-Allard
Foley	Lewis (KY)	Royce
Fossella	Linder	Rush
Frank	Lipinski	Ryan (WI)
Frelinghuysen	Lofgren	Ryun (KS)
Gallely	Lowey	Sanchez
Ganske	Lucas (KY)	Sawyer
Gekas	Lucas (OK)	Saxton
Gibbons	Luther	Scarborough
Gilchrest	Maloney (NY)	Schiff
Gillmor	Manzullo	Schrock
Gilman	Markey	Sensenbrenner
Goode	Mascara	Serrano
Goodlatte	Matheson	Sessions
Gordon	Matsui	Shadegg
Goss	McCarthy (MO)	Shaw
Graham	McCarthy (NY)	Shays
Granger	McCollum	Sherman
Graves	McHugh	Sherwood
Green (WI)	McInnis	Shimkus
Greenwood	McIntyre	Simmons
Grucci	McKeon	Simpson
Hall (OH)	McKinney	Sisisky
Hall (TX)	Meek (FL)	Skeen
Hansen	Meeks (NY)	Skelton
Harman	Mica	Smith (MI)
Hart	Millender	Smith (NJ)
Hastings (WA)	McDonald	Smith (TX)
Hayes	Miller (FL)	Smith (WA)
Hayworth	Miller, Gary	Snyder
Hefley	Mink	Solis
Herger	Mollohan	Souder
Hilleary	Moran (KS)	Spence
Hinojosa	Moran (VA)	Spratt
Hobson	Morella	Stearns
Hoeffel	Murtha	Stump
Hoekstra	Myrick	Sununu
Holden	Nadler	Tanner
Honda	Napolitano	Tauscher
Hooley	Neal	Tauzin
Horn	Nethercutt	Taylor (NC)
Hostettler	Ney	Terry
Houghton	Northup	Thomas
Hoyer	Norwood	Thornberry
Hutchinson	Nussle	Thune
Hyde	Obey	Thurman
Inslee	Ortiz	Tiahrt
Isakson	Osborne	Tiberi
Israel	Ose	Tierney
Issa	Otter	Toomey
Istook	Owens	Towns
Jackson (IL)	Oxley	Trafficant
Jackson-Lee	Pascarell	Turner
(TX)	Pastor	Upton
Jefferson	Paul	Vitter
Jenkins	Payne	Walden
John	Pelosi	Wamp
Johnson (CT)	Pence	Watkins
Johnson (IL)	Peterson (PA)	Watts (OK)
Johnson, E. B.	Petri	Weldon (FL)
Johnson, Sam	Phelps	Weldon (PA)
Jones (NC)	Pickering	Wexler
Kanjorski	Pitts	Whitfield
Kaptur	Platts	Wicker
Keller	Pombo	Wilson
Kelly	Pomeroy	Wolf
Kennedy (MN)	Portman	Woolsey
Kennedy (RI)	Price (NC)	Wu
Kerns	Pryce (OH)	Wynn
Kildee	Putnam	Young (AK)
Kilpatrick	Quinn	Young (FL)

NAYS—72

Aderholt	Costello	Gonzalez
Allen	Crane	Green (TX)
Baca	DeFazio	Gutierrez
Baird	DeLauro	Gutknecht
Berry	Dicks	Hastings (FL)
Boniior	English	Hill
Borski	Farr	Hilliard
Brady (PA)	Filner	Holt
Brown (OH)	Ford	Hulshof
Clay	Frost	Jones (OH)
Condit	Gephardt	Kucinich

LaFalce	Oberstar	Strickland
Langevin	Olver	Sweeney
Larsen (WA)	Pallone	Taylor (MS)
Larson (CT)	Peterson (MN)	Thompson (CA)
Lewis (GA)	Ramstad	Thompson (MS)
LoBiondo	Riley	Udall (CO)
McDermott	Sabo	Udall (NM)
McGovern	Sandlin	Velazquez
McNulty	Schaffer	Visclosky
Meehan	Schakowsky	Waters
Menendez	Scott	Watt (NC)
Miller, George	Stark	Weiner
Moore	Stenholm	Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—22

Ackerman	Hinchey	Sanders
Becerra	Hunter	Shows
Bilirakis	Lewis (CA)	Slaughter
Bishop	Maloney (CT)	Stupak
Boucher	McCrery	Walsh
Burr	Moakley	Waxman
Capuano	Rangel	
Diaz-Balart	Roukema	

□ 1057

Ms. VELÁZQUEZ and Mr. LANGEVIN changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 28 I was inadvertently detained. Had I been present, I would have voted "yea."

Stated against:

Mr. CAPUANO. Mr. Speaker, today I was engaged in questions with the Department of Health and Human Services Secretary Tommy Thompson during a hearing of the Budget Committee and was therefore unable to cast a vote on rollcall 28. Had I been present, I would have voted in the following manner: "Nay" on rollcall 28.

PROVIDING FOR CONSIDERATION OF S.J. RES. 6, DISAPPROVING DEPARTMENT OF LABOR RULE RELATING TO ERGONOMICS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 79 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 79

Resolved, That upon receipt of a message from the Senate transmitting the joint resolution (S.J. Res. 6) providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics, it shall be in order without intervention of any point of order to consider the joint resolution in the House. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I

yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 79 is a closed rule providing for consideration of S.J. Res. 6. This bill provides for congressional disapproval of the rule submitted by the Department of Labor relating to ergonomics.

Mr. Speaker, H. Res. 79 provides for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule also waives all points of order against consideration of S.J. Res. 6 in the House. Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, the ergonomics rule finalized by OSHA on November 14, 2000 is fatally flawed. This unworkable rule would require employers to implement a full blown, company-wide ergonomics program based on the report of just one injury by one employee.

□ 1100

The ergonomic symptom need not even be caused by work activity, as long as work activities aggravate it. Under this rule, employers could end up responsible for workers' injuries sustained on the softball field.

This regulation also undermines State workers' compensation laws by creating a Federal workers' compensation system for musculoskeletal disorders. The parallel workers' compensation system mandated by OSHA for ergonomics injuries tramples on the State's ability to define what constitutes a work-related injury.

It is important to understand that disapproving this regulation would not permit the Department of Labor from revisiting ergonomics. Secretary Chao has stated that she intends to pursue a comprehensive approach to ergonomics, including new rulemaking that addresses the fatal flaws in the current standard.

The Congressional Review Act was made for regulations like the Department of Labor's ergonomics rule. This overly burdensome and impractical ergonomics standard was imposed by the Clinton administration as part of the same pattern of regulatory overreach that held employers responsible for unsafe conditions in telecommuters' home offices. By disapproving the ergonomics standard, Congress can support the voluntary efforts of employers who have made real reductions in ergonomics injuries and allow OSHA to focus on developing reasonable and workable ergonomics protections for the workplace.

Mr. Speaker, some of my colleagues on the other side of the aisle will no doubt insist that the rule does not allow for sufficient time for debate. In fact, the question before us is straightforward. Does OSHA's ergonomics rule overly constrain employers without

providing real benefits to employees? If Members confine their remarks to the matter at hand, which is the acceptance of the rule, there will be sufficient time to this question.

This rule was approved by the Committee on Rules yesterday, and I urge my colleagues to support it, so that we may proceed with general debate and consideration of the bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time. I rise to oppose this closed rule. The rule will allow for the consideration of S.J. Res. 6. This is a resolution that would overturn the new Federal regulation to reduce workplace injuries.

Under this rule, no amendments may be offered. Debate time is limited to only 1 hour.

Last November, the Occupational Safety and Health Administration issued an ergonomics standard that would require employers to take steps to reduce work-related muscle, back and related bone disorders. These disorders are often the result of heavy lifting, repetitive motion and awkward working positions.

The standard was issued after 10 years of discussion and study. It is intended to reduce the enormous number of job-related ergonomics injuries. An estimated 1.8 million Americans suffer from these kinds of disorders, and about one-third of these works require time off as a result of their injuries. The standard is aimed at improving the health of workers, as well as improving productivity.

It is a good regulation. It is based on sound scientific studies. It will prevent hundreds of thousands of work-related injuries. If we approve this resolution, we will kill the regulation.

The regulation does not go into effect until next October, and by killing it now we are not even giving the regulation a chance to work.

Mr. Speaker, I am particularly concerned that we are acting through the special authority created by the Congressional Review Act to overturn Executive Branch regulations. I believe that never before has Congress used this authority.

The resolution we are considering was brought up suddenly. In fact, Members of the Committee on Rules had only about an hour's notice last night before it came to the committee.

The rule we are now considering permits only 1 hour of debate for the disapproval resolution. That is woefully inadequate, considering the importance of this issue to the American worker.

Because Congress has never used the Congressional Review Act, we are now establishing the procedural precedent that could be followed in the future. It is not a good precedent.

American workers deserve better treatment than this shabby attempt to deny them important protection from job-related injuries, and the American people deserve more deliberation from their representatives when making sweeping changes in the law. I urge my colleagues to defeat the rule and the resolution.

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

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, I rise to speak in favor of this rule and in favor of the invocation of the Congressional Review Act.

First of all, let us remember what the Congressional Review Act is for. It is for remedying extraordinary rules that would cause extreme damage in our country. It was signed by the former President. It was agreed to by both Chambers of Congress, and it was seen to be a good way to address a problem that might come up and be needed in the future. And if ever it is needed, today it is needed.

We have a new rule that has been promulgated that would cause extreme damage to our workplace. Let us admit it, we are a land of prosperity right now primarily because of our workers. Let us give our workers their just due.

They go to work every day. They are hard working. They are productive. They work smart, and they are dependable. It is those qualities that have remade our economy from the years where we wondered whether we could be internationally competitive, and it is those workers that have worked so hard, worked so smart, been so dependable that are at the core of the prosperity that Americans all over this country enjoy.

The worst thing we can do as a government is to create regulations that would be so high in costs that they would push our best jobs outside of this country. It is a reoccurring challenge that we face every day to keep good jobs here in this country. We ought to dedicate ourselves to it.

As I have seen workers and companies do in my district that have reversed decisions, in fact, to keep work on shore in this country, in my community instead of transferring it offshore, we have to work harder at that, and we have to be very careful that as we all work towards what we believe in that we do not create a rule that has the law of unintended consequences, of pushing our best jobs out of this country. That would be a terrible thank you to the workers of this country that have meant so much to our prosperity and will mean so much to our children's prosperity.

Let us all say it and say it again, we are all for the same thing, we are for safe workplaces. We are for healthy workers, and we are here to make sure that investments in our economy are important so that we can balance both safe workplaces and healthy workers and keeping our jobs on shore.

Mr. Speaker, I am from the position that I believe we can have both, prosperity, healthy workers and keep jobs in this country. Some people do not believe that is possible, but the workers in this country are the very best. They deserve an environment where they can keep the good jobs that they have earned and prospered in.

Mr. Speaker, this regulation was passed in the final days of the last administration. It was passed in a hurry. It did not review the law of unintended consequences, and it did not consider what the costs would be to the economy.

Mr. Speaker, I have six children. They are ages 19 to 29, and they believe that this country and the jobs that they are going to have in the future will mirror the good jobs that my generation has had and depended on so that they can raise families and buy their first home and enjoy the benefits that our good jobs and our best workers have made possible for us.

Please, let us not let our government tinker around in a regulation that would cost so much money, that would drive the cost of every good up, that would reduce our ability to be internationally competitive, that would make older workers and I want to say middle-aged workers, because that is where I consider myself, impossible to employ for the fear that workplaces would be wary of the costs they would incur to accommodate those workers.

We have to protect the workplace for our workers, they are the best for our country.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise today in strong opposition to this rule and to the resolution for overturning the new OSHA standards for worker safety. Repealing this standard would not only eliminate this important worker protection, but it would effectively prohibit OSHA from ever issuing a similar standard to protect workers from musculoskeletal disorders. How appalling.

OSHA's standards for worker safety is critically important to working men and women. The lives of workers who suffer from disorders like carpal tunnel syndrome, tendinitis or back injuries are changed forever. Many workers lose their jobs, are permanently unemployed or forced to take severe pay cuts in order to continue working. This injustice must end.

As a public health nurse, I know how debilitating these injuries and illnesses can be. For example, nursing home employees experienced more on-the-job back injuries as a percentage of their overall injuries than any other occupation. Most of them are women.

Mr. Speaker, I support the OSHA standard because it is based on sound science and good employer practices. It is the most effective means to prevent workplace injuries. And under this standard, I believe that businesses will

save money in the long run through reduced workers claims for compensation and other health insurance claims.

Mr. Speaker, I am so disappointed that Congress is attempting to repeal this important safeguard and to deny significant medical and scientific findings. These objective studies all agree that workers need safety protection for repetitive motion injuries. Injuries like these are only going to increase in our economy as so many sit at computers or stand at assembly lines.

It is time to stop the pain, to start the healing and to protect workers from workplace injuries. Let us vote down this rule and this resolution.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, I rise in opposition to the rule and in opposition to this proposal to undo a set of regulations that I believe will be beneficial not only to American workers but to small businesses.

Some 25 years ago, before I came to this body, I did a lot of workers' compensation work in the practice of law on behalf of employees, and we were light-years behind at that time, because I remember in North Carolina litigating the first case that established carpal tunnel syndrome as an occupational disease under the North Carolina Workers' Compensation law.

What was required on one side, on my side, the employee's side, was a group of experts that connected these injuries to conditions in the workplace, and on the employer side, a group of experts that denied that there was any connection between the workplace setting and these kinds of diseases. So what we would have is hours and hours and thousands of dollars of expert opinion time on both sides of this issue.

We got through that, and we set up a standard in North Carolina, and we have gotten through that. And after 5 years of study now, we have set up a standard at the national level, and what I am going to submit to my colleagues is that while this undoing of regulations might be beneficial to big businesses who have experts on their payroll accessible to them at all points, small businesses are going to have to go back to a situation where they have to go out and hire experts to come in and defend these cases, and employees are going to be put to the burden, financial and otherwise, of hiring experts.

It is going to be a swearing contest again in the absence of these regulations. While I think what my colleagues on the Republican side are trying to do will, in fact, benefit and advantage big business, that is what they are all about, I do not think this is going to be beneficial at all to small businesses.

Mr. Speaker, I think it is going to have a tremendously negative impact on employees because there will be no standards, and we will be turning the clock back and going back to a time when even in the face of compelling and overwhelming scientific evidence each individual case will have to be litigated separately with an absence of standards.

□ 1115

Mr. LINDER. Mr. Speaker, I yield myself such time as I might consume to respond that. With respect to litigation, these rules would begin it all over again. Any little accident on a football field could be said to hurt more when one is working and, therefore, is workplace related; and, therefore, there is a requirement that the entire business has to change its position, its offices to facilitate one injury.

With respect to whether big business is being helped by this or not, most big businesses have made a mantra out of the phrase "safety is job one." Most big businesses have very few problems with safety. They would be fine with this.

But most of the new jobs are created by small business. Perhaps 95 percent of the jobs created in the last 8 years were created by entrepreneurs who started with one employee and hopefully ended up with 50. They are the ones who are going to be the most burdened by these rules.

Let me lastly say that we are not least in the interest of harming workers. We are neither in the interest of harming workers or reducing the ability of OSHA through the Labor Department to come up with some real protections regarding ergonomics; we are opposed to this overreaching intrusive rule that could shut down businesses.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, what is taking place here today is not terribly complicated. It is pretty straightforward. It is an unapologetic assault on some of the hardest working men and women in this country. It is an assault on the right to be pain free in their job. It is an assault on their right not to be injured on their job. It is an assault on their right to provide the wherewithal for their families.

Because the workers who suffer these workplace injuries lose wages, they lose hours, and they lose jobs, which means they cannot provide what they want for their families.

But the Republicans in the Congress have decided that they are going to assault these workplace rules in spite of all the science, in spite of all the evidence, in spite of all the medical testimony about the terrible toll that these

workplace injuries take upon America's working men and women, and disproportionately on women. Women are 40 percent of the work force. There is over 63 percent of the injuries.

They have decided also that, not only are they going to assault America's workers, they are going to insult America's workers. They are going to insult them in the manner in which they bring this to the floor of the Congress. They are not going to use a procedure that allows for 10 hours of debate so those who are pro this regulation and against this regulation can debate it. But they have decided we will only be given 1 hour of debate. That will be a half an hour on each side for 435 Members of Congress.

So they are going to take 10 years of work, 10 years of scientific study, 10 years of medical evidence, 10 years of worker testimony and business testimony, and they are going to overturn it in 1 hour of debate.

Now, I guess one could argue that maybe the Republicans do not know who these workers are. They do not see them with the wrist braces, with the finger braces, with the elbow brace, with the shoulder braces, with their arms in a sling, with the back braces. They do not see them at Home Depot. They do not see them at Wal-Mart. They do not see them at United Airline as they are making out their tickets or as their flight attendants on their airplane are serving them meals or the people who handle their baggage.

They do not see them when the UPS driver comes by or the FedEx worker comes by and drops off their packages and is wearing a brace on their arm. They do not see them in the lumber mills. They do not see them as the health-care attendants and the nurses in our hospitals. They do not see them in the Safeway stores, the checkers at the stand who are wearing braces on their arms because of repetitive motion injuries to them.

They do not see these workers when it is painful for them to get into the car to drive to work because their arms and their wrists and their hands are so badly damaged from being a key punch operator. They do not see them when they get into their cars painfully to drive home. They do not see them when they get into their house and they cannot pick up their children because their arms are so badly damaged from repetitive motion or their back is badly damaged from repetitive motion or from loads on their back.

Somehow the Republicans do not see these individuals. But America sees them. We see them when we fly. We see them when we go to the supermarket. We see them when we go to the hardware store. We see them in the hospitals as they take care of members of our family. We see them as they turn over a patient in bed. And they are wearing braces on their arms because of these kinds of workplace injuries, the very same injuries that Republicans are insisting now that American

workers do not have the right of protection from.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, in this new atmosphere of bipartisanship, I am going to avoid being insulted by the claim of the gentleman from California (Mr. GEORGE MILLER), the previous speaker, that somehow we do not see these things.

But I do for the record want to make a note that my daughter, who works for UPS from 4 a.m. to 8 a.m. in the morning actually had two of these braces on her hand. She does suffer from carpal tunnel syndrome. As a credit to the company, they do every single thing they can in terms of job rotation, in terms of remediation in remedying this problem.

How dare we, how dare we act as though we do not care about these workers or that they are not our own daughters and our own sons.

Let me just say that, first of all, I would like to respond to the fact that this will save money. If this rule would really save money, then the Federal Government ought to apply this rule to its own workers. One may notice that the Labor cabinet does not inflict this rule on Federal employees, which means that, if there is money to be saved, our taxpayers will not save this money that could be saved.

Why would we ever apply something to the private workplace and not apply it to Federal workers and hold Federal employers responsible at exactly the same level that we hold the private workplace?

Let me also congratulate the workplaces that are already spending enormous sums of money to address this issue. All of us know in workplaces that, where we are, maybe in our own offices, I might add, where we have spent money to address these problems, we are to recognize that, as a country, we are addressing this problem.

But the big problem here is that, as we address this problem, because let us face it, in our economy, we need every worker we can get. It is important to us that we keep them healthy and able to work so that we are able to keep our economy growing.

But there is someplace where there is not every worker working. There are places overseas where they are desperate to have our jobs and they are eager for our data processing jobs and they would be glad to have them at the less cost. It is very easy to transfer those jobs overseas; and with one click of the mouse, one can send all that processed information back into this country and not have the unreasonable cost that this rule invokes.

This problem is not that we went on 10 years, it is that we had a Labor cabinet that was totally tone deaf. They did not learn anything from all of the testimony they took. They were determined to take an idea that was hatched back in the early 1990s, and let us give

Elizabeth Dole credit for the first person that raised this issue and had a good idea about ergonomic problems, and hijacked it and took it in a very wrong direction.

There is no balance to this rule. That is why we are here today because 10 years have been wasted by somebody that never listened to what the balance was in this issue.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise in opposition to bringing this resolution forward, Senate Joint Resolution 6 to the floor. This legislation would repeal the worker-safety standards recently established by OSHA. Remember, it took 10 long years to get here. We studied this thing to death.

The worker-safety standards are critically important to preventing work-related injuries, and it is shameful that the Republican majority is trying to overturn them.

Maybe those of us in Congress do not have to worry about repetitive injuries or forceful exertion or awkward postures because of the type of work we do. But look at the stenographers right in front of us that sit here day in and day out, does one not think that they might have had some problems with carpal tunnel syndrome?

Take a look around your own offices. I know in my district office it is very important that we have safety protections put in place.

Mr. Speaker, I know also in my district we have many constituents who work in a hard and unsafe manner, many of them work in sweat shops, many of them work for big garment industries, they work 10 and 12 hours sewing materials, barely being able to lift up their heads. Many of them are women, many of them are new immigrants that come to this country with the hope of prosperity in bringing up their families. They sacrifice themselves for that. The least that we can do is provide them with better protections in the workplace.

I know that myself and many of my colleagues in California have worked hard to study this issue as well. As a member of the State Senate and former chair of the labor committee there, we worked hard to try to bring labor and businesses together on this.

Mr. Speaker, it is shameful to see that the Chamber of Commerce is opposing this very important legislation.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from Georgia for the time, and as our ranking minority member said a few minutes ago, this is not a very complicated issue. This is not an issue about basically ergonomics and workforce problems with repetitive motion, this is an issue about a rule that is absolutely awful. It is about a rule that will stop repetitive motion injuries by making sure people

cannot work. It is a rule that must be rewritten in a fair and balanced way.

On November 14, 2000, OSHA finalized a fatally flawed rule that regulates every motion in the workplace. But OSHA did not stop there. As they did years ago with the blood-borne pathogen standard, OSHA also created a Federal workers' compensation system that will undermine State workers' compensation laws.

This ergonomics regulation simply cannot be salvaged as written. This must be sent back to the drawing board, and that is what this debate is about, that is what this vote is about. This is a bad rule. Let us begin again and get it right.

Although OSHA tells us that this is an ergonomics regulation, this regulation is not limited to those repetitive stress injuries generally associated with ergonomics; no, this ergonomics regulation covers all disorders of the muscles, the nerves, the tendons, the ligaments, the joints, cartilage, blood vessels, and spinal disks.

To make matters worse, OSHA has made it nearly impossible in this rule for an employer to claim that an injury is not work related. Any MSD injury, no matter how caused, will be considered work related if work makes it hurt. Think about that.

Instead of creating an ergonomics regulation that helps employers and employees prevent repetitive stress syndrome, OSHA has created a rule that makes employers responsible for softball injuries. Despite this wide-open definition, OSHA felt that some employees would still find some way to claim that softball injuries were not work related. So OSHA made it illegal for employers to ask the employee's doctor about nonwork causes of injury. Think about that.

Despite the extreme difficulty of determining the cause of any MSD injury, OSHA requires employers to begin redesigning their workplaces based upon the report of one injury by one employee. The single-injury trigger raises the likelihood that employers will be required to embark on expensive redesigns of their workplaces because of injuries that were not caused at work. Think of the connotation of that and what it does to jobs.

OSHA was not content, however, to merely require expensive redesigns of workplaces across the country, OSHA also set up a Federal workers' compensation system that will undermine existing State workers' compensation laws. OSHA has mandated a parallel workers' compensation system for ergonomic injuries that will pay higher rates of compensation than for other injuries covered by State workers' compensation. Think about that.

□ 1130

The tragedy of this regulation is that workers do suffer injuries caused by repetitive stress. Fortunately, these injuries have declined by 22 percent over the past 5 years, thanks to the voluntary efforts of employers. Instead of

building on these efforts, OSHA has issued a rule that assumes that every employer is a bad actor that will not help its own employees, even when it saves the employer money. Think about that.

By finalizing a regulation that is universally opposed by the regulated community, OSHA has shown its contempt for employers, many of whom have made a great effort to establish comprehensive, voluntary ergonomic programs in the workplace. By disapproving the ergonomics regulation, Congress can support the voluntary efforts of employers that have brought real reduction in ergonomic injuries, and OSHA can focus on promoting reasonable and workable ergonomic protections for the workplace.

This is about eliminating a bad rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise in the strongest opposition to this abandonment of American workers. Elections have consequences, and today the Republican leadership starts down a road on what I believe will be a long list of repealing worker rights. It is shameful.

Today, the Republican leadership will sacrifice the health and safety of hard-working Americans for pure political gain. This is nothing more than Republicans paying back their big contributors who helped them get all elected. It is certainly not compassionate, and the process being used today to overturn workplace safety is not bipartisan.

Common sense tells us that workers are our most valuable asset. Without them there are no corporate profits, without them there are not going to be increasing stock prices, without them as the hard-working engine there is no one fueling our economy. But Republicans argue that it would cost companies too much to protect them, despite the fact that these workplace injuries are already costing businesses \$50 billion a year and that there are 600,000 men and women suffering from such injuries each year.

These are men and women who cannot prepare dinner for their families or help dress their kids for school because their hands have been crippled by repetitive-stress injuries; or who cannot have the joy of picking up their child because of back injuries, injuries that are no fault of the workers themselves.

To argue these protections were rushed through at the last minute is to deny that more than 10 years ago this effort was started by a Republican Labor Secretary. My colleagues should understand that if they vote for this resolution they will repeal and strip away a right American workers have now and that there will be no recourse.

American workers have been driving our Nation's economy. Today, Republicans throw them in the back seat and take them for a ride. Vote against the rule and the resolution. Protect Amer-

ica's workers. Help our families and stand by what is right in making sure that that which drives this economy, which is the labor of men and women, is preserved.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to point out this does not repeal anything. This is us standing up as the Congress of the United States and saying this Federal agency wrote a bad rule. We have let them get away with this over and over again.

This does not mean that Secretary Chao, the new Secretary, will not write ergonomic regulations; but it does mean, however, we will repeal, we will disagree, we will say the way they wrote these rules will not do.

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

Mr. NORWOOD. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Speaker, I think the gentleman clearly recognizes that if we have a set of rules that protect workers today and we repeal them we are taking away a right they presently have.

Mr. NORWOOD. Mr. Speaker, reclaiming my time, the gentleman does recognize that this set of rules may well not protect workers because they may not have a job in which to be protected.

OSHA people are not going to Mexico and they are not going to Canada to check on them. We need to write a set of rules that will encourage employers in the workplace to be healthy and safe, including ergonomic rules. But this rule is a bad rule, and that is all we are talking about.

The Labor Department issued a bad rule. Let us get rid of it and write a good rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, Republicans have a bad reputation for supporting the rich and the powerful and disregarding the needs and concerns of low-wage workers, poor people, and working people in general; and they have wasted no time in attempting to repeal worker safety standards.

I am surprised that they would move so quickly and so blatantly to do this. This attempt by Republicans to disapprove the results of the congressionally mandated OSHA study is a blatant example again of the extent the Republicans will go to protect those corporate interests.

During all of this delay and these delaying tactics, over 600,000 workers suffered injuries caused by repetitive motion, heavy lifting, and forceful exertion. These kinds of injuries affect every sector of the economy: nurses, who are lifting people, rolling over the sick, taking care of their bed sores; cashiers who stand there all day punching and counting and adding; computer operators.

Everybody knows about this. Members should talk to the computer operators in their own offices, talk to their office workers. Many of them are requiring special equipment to work with to protect them. Truck drivers, construction workers and meat cutters, all of these people are affected; and we should want to do something to help the workers that basically make the least amount of money, that are the most vulnerable, the ones who have the least dollars to take care of their families with to get the kind of medical help that they need to address these kinds of issues. I think it is obvious.

I certainly hope that the Members of this House will not support this disapproval resolution by the opposite side of the aisle. I hope that we can draw attention to what they are trying to do. American workers deserve better than this.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to start out just asking a couple of questions here.

Should a grocery store employee be prohibited from bagging a turkey that weighs more than 15 pounds? Now, I have a family of four, so if I can find a 15 pound turkey, I am going to buy it. Now, my wife can pick up a 15 pound turkey because she has been picking up four children. Most kids quickly get to be in excess of 15 pounds. But let us just think this through. Libby Kingston goes to the Piggly-Wiggly to buy the 15 pound turkey and she lifts it up; yet the 18-year-old football player from Savannah High School, Johnny Simmons, cannot lift it from the cashier to the bag.

Maybe we need to install forklifts at all the Piggly-Wigglys so that we can get those 15 pound turkeys into the bags so that the mamas can pick them right up and carry them and put them into the SUVs.

Another question. Should hospitals and nursing home employees be restricted in their ability to help lift patients from their bed? I have an employee right now whose father, very sadly, has suffered a stroke, and he needs assistance when he goes to the bathroom. Now, under these rules it is no problem, all an employee has to do is say, Well, you are on your own. We know you had your stroke, but, good luck, sorry, I am on break right now. That is what these rules do.

Should a worker be prohibited from spending more than 4 hours a day at a keyboard? I am glad the previous speaker said her employees seem to be suffering from this every day at the word processors. I do not know, but maybe she should move them to another job. My folks over at the first district of Georgia, they can spend 4 hours a day at a keyboard. And if they cannot, they can tell me and we can work it out.

Here is one of the questions. Maybe not all employees should be picking up

15 pound turkeys, maybe not all employees in hospitals should be helping patients go to the bathroom, and maybe not all employees should be sitting at a keyboard for 4 hours; but that, my colleagues, should be the decisions made locally at the place of employment, not by some bureaucrat in Washington who knows everything.

What is it with the Democrat Party that they think the wizards of Oz are in Washington, D.C. and that they should dictated to all the businesses all over the country who should do what, when they should do it, and how they should do it?

I will give another example. A couple of years ago this same outfit came into my district and told a woman who runs a courier service with two cars, she takes packages from the north side of town to the south side of town, it is real complicated business, from a government standpoint, they came in and told her that she would need to have a smoking and a nonsmoking car for her smoking and nonsmoking employees to deliver packages to smoking and nonsmoking businesses. She said, "Guys, I only have two cars. I can figure this out in Savannah, Georgia. Why don't you all go back to Washington and solve real problems. Get a real life."

All this is about is common sense. We are not pulling out the rug on workers' safety. This is saying there is still going to be Federal worker-protection laws. There will still be State worker-protection laws. There will be all kinds of insurance and business premises rules and regulations.

I know it is hard for some people to understand, but there are business owners and entrepreneurs who do not want their employees hurt. Hey, what a revolutionary thought for the liberal party.

The fact is the National Academy of Sciences was coming out with rules and regulations on ergonomics; but the Clinton folks, on their way out of town, along with pardoning a lot of people at 2 in the morning, decided, hey, lets jam this through on the small businesses and the entrepreneurs of America on the way out of town, and let the next administration try to make sense of it.

That is all this legislation does. It lets the current administration try to make some sense, some common sense, out of another bureaucratic nightmare out of Washington, D.C.

Mr. HALL of Ohio. Mr. Speaker, can the Chair tell me how much time we have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Ohio (Mr. HALL) has 13½ minutes remaining, and the gentleman from Georgia (Mr. LINDER) has 8 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time, and to the previous speaker I would say, I am not the Wizard of Oz,

I am Dorothy, and I am pulling the cloak off the wizard to let you know that the rule here, the disapproval resolution, does not only rescind the rule, it prohibits issuance of a similar rule. A bad rule.

I am worried about my mother, 80 years old, who folded boxes for a company. Her hand looks like this. I have said this on the floor before. It is like this because she cannot move it as a result of the repetitive motion of folding a box. Let us make the argument that instead of just saving money for companies, we might save the health care costs for all these workers who are stuck like this, or stuck like this, from doing repetitive motion.

Wake up, Republican Party. Understand that we are not saying Republican-Democrats. We are for workers. Democrat-Republican, black-white, male-female, old-young. Lifting a turkey? Lifting a turkey all day every day may present a problem. Women can lift babies, all women have lifted babies forever; but maybe that is the problem they have currently as a result of doing the repetitive motion.

We are Dorothy, not the Wizard.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to the rule and the resolution.

I came to Congress to represent the working men and women of Minnesota's fourth district, and they deserve the right to be protected in the workplace.

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This resolution denies American workers the protection that they need from needless injuries. Repetitive motion injuries are painful and they are crippling. These injuries disproportionately impact women and workers in low wage jobs. The good news is that these injuries are preventable. My largest employer in the Fourth District, 3M, has reported that following the implementation of an ergonomics program, they reduced lost time injuries by 58 percent.

The fact that the voices of millions of American workers have been restricted to 1 hour of debate is also an insult. This procedure not only repeals the ergonomic rule but will effectively prohibit OSHA from issuing workplace safety standards on this issue. That is the legacy of this resolution. As a result, millions of Americans will be needlessly injured.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, the previous speaker from the Democratic side made the point very nicely that if you will not have onerous rules, the workforce today, the employers today recognize the value of having workforce protections, and they have indeed. There is no question about it. Left alone, they have reduced repet-

itive motion stress in the workplace. But you are not going to get it reduced any further with the kind of onerous rule we are putting on them now.

Remember what this is. This is about repealing a bad rule. It is not about making ergonomics go away. Lastly, I would simply add, it dawned on me as I was listening about the 15-pound turkey. I am more interested in the 15-pound child. What about the mothers all across America that have a 15-pound baby who is 8 months, 10 months old? What are we going to do next? In leaving the Labor Department to its own devices, we might. Should the Federal Government furnish a helper for every mother in America that has a 15-pound child that she lifts up and down all day?

There are things in life we have to do in terms of our workforce. Can we make those better? Yes, of course we can make them better. It is pretty clear to me that the small businesses and large businesses of America are working on that, but we are not going to help them at all if we pass this rule. Let us get rid of a bad rule. For once let us say a Federal agency has written a bad rule and a bad regulation that will not solve the problem and let us try to relook at that and see if in fact we can help the workforce.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I rise against the rule. It is a shameful act that is being committed against the American worker this week. The Republicans have decided to strip away worker safety rules, protections we have fought hard for for working families across America. These protections have been under development for over a decade. In fact, they were initiated by former President Bush. They save money in the long term by reducing workplace injuries and keeping workers' compensation costs down. Many businesses have already adopted programs to reduce injuries. But opponents have repeatedly tried to block these protections. As a result, over 6 million workers have suffered injuries that could have been prevented. This affects everybody, nurses, construction workers, white collar workers. This is an attack on the American worker. We should oppose this cowardly effort.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I rise in opposition to the rule and to the effort to repeal the ergonomics standard. As the ranking Democrat on the Subcommittee on Workforce Protections, I have followed this deliberation for the last 5 years. I have in my hand a chronology which shows it has gone on for 10 years. We have been considering what we should do about ergonomics.

Reasonable people, reasonable legislators, scientists, we have all been involved in this since August of 1990. At that time the Republican Secretary of Labor, Elizabeth Dole, committed herself to taking the most effective steps necessary to address the problem of ergonomic hazards on an industrywide basis and to begin rulemaking on an ergonomics standard. Secretary Dole said this is "one of the Nation's most debilitating across-the-board worker safety and health illnesses of the 1990s."

The present Republican majority committed themselves to complying with the results of a study. We get one study and then they want another. I think we appropriated about a million dollars for the last study requested by the Republican majority. Now we are engaged in a process which says we are not interested in reason, logic, science, we are going to use brute political force. As Newt Gingrich says, politics is war without blood. We have the numbers, we have an army of business lobbyists behind us, and we are just going to overwhelm the Congress and make a decision which is inhumane and an unwise decision.

A 10-year process ended in January of this year when the ergonomics standard was issued. In the same month, the results of a study was released and the scientists said again, in its second report in 3 years on musculoskeletal disorders, the report confirms that musculoskeletal disorders are caused by workplace exposures to risk factors, including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

I have copies of this chronology for all people who have forgotten, especially those members of the Committee on Education and the Workforce. What we are experiencing today is the beginning of warfare on a large scale which has a psychological significance. It is very strategic. After we roll over ergonomics, it is going to be Davis-Bacon's prevailing wage act. It is going to be onward marching toward the elimination of any consideration of any minimum wage from now until this administration goes out of power.

This is war. It is war on the working families of America. You are declaring war. The working families of America need to understand this. The only way this war is going to be won is to let it be understood that the overwhelming power that appears to be in place for the Republicans in Washington at this point will not be utilized to wipe out all the gains we have made over the years for working families.

Mr. Speaker, I include the following material for the RECORD:

CHRONOLOGY OF OSHA'S ERGONOMICS STANDARD

August 1990—In response to statistics indicating that RSIs are the fastest growing category of occupational illnesses, Secretary of

Labor Elizabeth Dole commits the Labor Department to "taking the most effective steps necessary to address the problem of ergonomic hazards on an industry-wide basis" and to begin rulemaking on an ergonomics standard. According to Secretary Dole, there was sufficient scientific evidence to proceed to address "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's."

July 1991—The AFL-CIO and 30 affiliated unions petition OSHA to issue an emergency temporary standard on ergonomics. Secretary of Labor Lynn Martin declines to issue an emergency standard, but commits the agency to developing and issuing a standard using normal rulemaking procedures.

June 1992—OSHA, under acting Assistant-Secretary Dorothy Strunk, issues an Advanced Notice of Proposed Rulemaking on ergonomics.

January 1993—The Clinton Administration makes the promulgation of an ergonomics standard a regulatory priority. OSHA commits to issuing a proposed rule for public comment by September 30, 1994.

March 1995—The House passes its FY 1995 rescission bill that prohibits OSHA from developing or promulgating a proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for the measure. Industry ally and outspoken critic of government regulation, Rep. Tom DeLay (R-TX), acts as the principal advocate of the measure.

—OSHA circulates draft ergonomics standard and begins holding stakeholders' meetings to seek comment and input prior to issuing a proposed rule.

June 1995—President Clinton vetoes the rescission measure.

July 1995—Outspoken critic of government regulation Rep. David McIntosh (R-IN) holds oversight hearings on OSHA's ergonomics standard. National Coalition on Ergonomics members testify. By the end of the hearing, McIntosh acknowledges that the problem must be addressed, particularly in high risk industries.

—Compromise rescission bill signed into law; prohibits OSHA from issuing, but not from working on, an ergonomics standard. Subsequent continuing resolution passed by Congress continues the prohibition.

August 1995—Following intense industry lobbying, the House passes a FY 1996 appropriations bill that would prohibit OSHA from issuing, or developing, a standard or guidelines on ergonomics. The bill even prohibits OSHA from requiring employers to record ergonomic-related injuries and illnesses. The Senate refuses to go along with such language.

November 1995—OSHA issues its 1996 regulatory agenda which does not include any dates for the issuance of an ergonomics proposal.

December 1995—Bureau of Labor Statistics (BLS) releases 1994 Annual Survey of Injuries and Illnesses which shows that the number and rate of disorders associated with repeated trauma continues to increase.

April 1996—House and Senate conferees agree on a FY 1996 appropriation for OSHA that contains a rider prohibiting the agency from issuing a standard or guidelines on ergonomics. The compromise agreement does permit OSHA to collect information on the need for a standard.

June 1996—The House Appropriations Committee passes a 1997 funding measure (H.R. 3755) that includes a rider prohibiting OSHA from issuing a standard or guidelines on ergonomics. The rider also prohibits OSHA from collecting data on the extent of such injuries and, for all intents and purposes, prohibits OSHA from doing any work on the issue of ergonomics.

July 1996—The House of Representatives approves the Pelosi amendment to H.R. 3755 stripping the ergonomics rider from the measure. The vote was 216-205. Ergonomic opponents vow to reattach the rider in the Senate or on a continuing resolution.

February 1997—Rep. Henry Bonilla (R-TX) circulates a draft rider which would prohibit OSHA from issuing an ergonomics proposal until the National Academy of Sciences completes a study on the scientific basis for an ergonomics standard. The rider, supported by the new coalition, is criticized as a further delay tactic.

—During a hearing on the proposed FY 1998 budget for the National Institute for Occupational Safety and Health, Rep. Bonilla questions Centers for Disease Control head David Satcher on the scientific underpinnings for an ergonomics standard. Bonilla submits more than 100 questions on ergonomics to Satcher.

April 1997—Rep. Bonilla raises questions about OSHA's plans for an ergonomics standard during a hearing on the agency's proposed FY 1998 budget.

July 1997—NIOSH releases its report Musculoskeletal Disorders and Workplace Factors. Over 600 studies were reviewed. NIOSH concludes that "a large body of credible epidemiological research exists that shows a consistent relationship between MSDs and certain physical factors, especially at higher exposure levels."

—California's ergonomics regulation is initially adopted by the Cal/OSHA Standard Board, approved by the Office of Administrative Law, and becomes effective. (July 3)

October 1997—A California superior court judge rules in the AFL-CIO's favor and struck down the most objectionable provisions of the CA ergonomics standard.

November 1997—Congress prohibits OSHA from spending any of its FY 1998 budget to promulgate or issue a proposed or final ergonomics standard or guidelines, with an agreement that FY 1998 would be the last year any restriction on ergonomics would be imposed.

May 1998—At the request of Rep. Bonilla and Rep. Livingston, The National Academy of Sciences (NAS) receives \$490,000 from the National Institutes of Health (NIH) to conduct a review of the scientific evidence on the work-relatedness of musculoskeletal disorders and to prepare a report for delivery to NIH and Congress by September 30, 1998.

August 1998—NAS brings together more than 65 of the leading national and international scientific and medical experts on MSDs and ergonomics for a two day meeting to review the scientific evidence for the work relatedness of the disorders and to assess whether workplace interventions were effective in reducing ergonomic hazards.

October 1998—NAS releases its report Work-Related Musculoskeletal Disorders: A Review of the Evidence. The NAS panel finds that scientific evidence shows that workplace ergonomic factors cause musculoskeletal disorders.

—Left as one of the last issues on the table because of its contentiousness, in its massive Omnibus spending bill Congress appropriates \$890,000 in the FY 1999 budget for another NAS study on ergonomics. The bill, however, freed OSHA from a prohibition on the rulemaking that began in 1994. This point was emphasized by a letter to Secretary of Labor Alexis Herman from then Chair of the Appropriations Committee Rep. Livingston and Ranking member Rep. Obey expressly stating that the study was not intended to block or delay OSHA from moving forward with its ergonomics standard.

December 1998—Bureau of Labor Statistics (BLS) releases 1997 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to

make up nearly two-thirds of all illness cases and musculoskeletal disorders continue to account for one-third of all lost-workday injuries and illnesses.

February 1999—OSHA releases its draft proposed ergonomics standard and it is sent for review by small business groups under the Small Business Regulatory and Enforcement Fairness Act (SBREFA).

March 1999—Rep. Blunt (R-MO) introduces H.R. 987, a bill which would prohibit OSHA from issuing a final ergonomics standard until NAS completes its second ergonomics study (24 months).

April 1999—The Small Business Review Panel submits its report on OSHA's draft proposed ergonomics standard to Assistant Secretary Jeffress.

May 1999—The second NAS panel on Musculoskeletal Disorders and the Workplace holds its first meeting on May 10–11 in Washington, DC.

—Senator Kit Bond (R-MO) introduces legislation (S. 1070) that would block OSHA from moving forward with its ergonomics standard until 30 days after the NAS report is released to Congress.

—House Subcommittee on Workforce Protections holds mark-up on H.R. 987 and reports out the bill along party line vote to forward it to Full Committee.

June 1999—House Committee on Education and the Workforce holds mark-up on H.R. 987 and reports out the bill in a 23–18 vote.

August 1999—House votes 217–209 to pass H.R. 987, preventing OSHA from issuing an ergonomics standard for at least 18 months until NAS completes its study.

October 1999—Senator Bond offers an amendment to the LHHS appropriations bill which would prohibit OSHA from issuing an ergonomics standard during FY 2000. The amendment is withdrawn after it becomes apparent that Democrats are set to filibuster the amendment.

—The California Court of Appeals upholds the ergonomics standard—the first in the nation—which covers all California workers.

November 1999—Washington State Department of Labor and Industries issues a proposed ergonomics regulation on November 15 to help employers reduce ergonomic hazards that cripple and injure workers.

—Federal OSHA issues the proposed ergonomics standard on November 22. Written comments will be taken until February 1, 2000. Public hearings will be held in February, March, and April.

February 2000—OSHA extends the period for submitting written comments and testimony until March 2. Public hearings are rescheduled to begin March 13 in Washington, DC followed by public hearings in Chicago, IL and Portland, OR in April and May.

March 2000—OSHA commences 9 weeks of public hearings on proposed ergonomics standard.

May 2000—OSHA concludes public hearings on proposed ergonomics standard. More than one thousand witnesses testified at the 9 weeks of public hearings held in Washington, DC, Chicago, Illinois, and Portland, Oregon. The due date for post hearing comments is set for June 26; and the due date for post hearing briefs is set for August 10.

—The House Appropriations Committee adopts on a party line vote a rider to the FY 2001 Labor-HHS funding bill (H.R. 4577) that prohibits OSHA from moving forward on any proposed or final ergonomics standard. The rider was adopted despite a commitment made by the Committee in the FY 1998 funding bill to “refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998.”

June 2000—An amendment to strip the ergo rider from the FY 2001 Labor-HHS Approp-

riations bill on the House floor fails on a vote of 203–220.

—The Senate adopts an amendment to the FY 2001 Labor-HHS bill to prohibit OSHA from issuing the ergonomics rule for another year by a vote of 57–41.

—President Clinton promises to veto the Labor-HHS bill passed by the Senate and the House stating, “I am deeply disappointed that the Senate chose to follow the House's imprudent action to block the Department of Labor's standard to protect our nation's workers from ergonomic injuries. After more than a decade of experience and scientific study, and millions of unnecessary injuries, it is clearly time to finalize this standard.”

October 2000—Republican negotiators agree to a compromise that would have permitted OSHA to issue the final rule, but would have delayed enforcement and compliance requirements until June 1, 2001. Despite the agreement on this compromise, Republican Congressional leaders, acting at the behest of the business community, override their negotiators and refuse to stand by the agreement.

November 2000—On November 14, OSHA issues the final ergonomics standard.

—In an effort to overturn the ergonomics standard several business groups file petitions for review of the rule. Unions file petitions for review in an effort to strengthen the standard.

December 2000—House and Senate adopt Labor-Health and Human Services funding bill. The bill does not include a rider affecting the ergonomics standard.

January 2001—Ergonomics standard takes effect January 16.

—NAS releases its second report in three years on musculoskeletal disorders and the workplace. The report confirms that musculoskeletal disorders are caused by workplace exposures to risk factors including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

Mr. LINDER. Mr. Speaker, I was prepared to respond to that, but I was afraid I would laugh so hard I would hurt myself.

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

Mr. NORWOOD. Mr. Speaker, since supposedly Republicans are not interested in reason or science, one might conclude that we have not read the study done by the National Academy of Sciences and maybe others have not, either. Let me just give my colleagues one little quote out of that study: “None of the common musculoskeletal disorders is uniquely caused by work exposure.” The study notes that non-work factors can cause MSD, also, which is why we believe this particular rule and regulation, this particular standard, should be opposed.

I would like to point out that though President Bush and Secretary Dole did bring to the forefront the discussion of workplace injuries and repetitive motion syndrome, none of them approve of how we got there with this rule. This is a bad set of rules and regulations that will only worsen the problem, not make it better. Today let us disapprove of the work that the Labor Department did over the last 8 years, because it will not do what we all want to do, which is

to make sure that our workplace is healthy and is safe.

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

Mr. NORWOOD. I yield to the gentleman from New York.

Mr. OWENS. Mr. Speaker, would the gentleman like a new study?

Mr. NORWOOD. I just quoted right out of the new study.

Mr. OWENS. Would he like another study? Or does he want to repeal it forever and ever? This is off the table forever?

Mr. NORWOOD. Mr. Speaker, reclaiming my time, I am glad the gentleman asked that because what we are basically saying is the Labor Department last year issued a bad rule. We want the opportunity for the Secretary of Labor and the Bush administration to look at this and issue a good rule that in the end does help patients and does help workers in the workplace.

Mr. OWENS. Mr. Speaker, does that mean that the gentleman does not agree with what the Senate passed?

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Ohio of the Committee on Rules for yielding me this time. I hope my words will carry forth through the general debate, and I hope that they will be listened to and that my colleagues will come to their senses and realize that we are not paid by the tax dollars of the American people to kneel on bended knee to financial interests who pay us to write their legislation.

Members can sense from my words that I am particularly outraged that worker safety rules will fall today in the United States Congress. I am not only outraged but I am saddened. It brings me to near tears that we are so engaged with responding to special business interests that we cannot accept the fact that 600,000 workers have suffered injury from repetitive motion and heavy lifting. I say this in pain because I watched my father, just a laborer, work for a great part of his life, like most Americans, using a heavy pressing iron, up and down and up and down, to be able to afford a good life at that time in our economy for his family. As a young person, I worked in the United States Postal Service. I am very proud of that. I did the kind of work that men and women are doing every day in this country, up and down and up and down and moving one's arm. It is a kind of injury that you cannot see. The person looks perfectly fine, but the pain is severe.

Today this rule disallows us to even add amendments to suggest that it is appropriate that we move forward with the OSHA rules which protects these workers all over America, waitresses and bus drivers and factory workers and small business workers who time

after time are injured and we cannot solve their problem.

I wonder what my good friend is asking for when he says he needs a study. The January 2001 National Academy of Sciences study once again concluded that there is abundant scientific evidence demonstrating that repetitive workplace motion can cause injuries and that such injuries can be prevented through work safety intervention. Did we not just hear Seattle, Washington, say thank you for the instructions that you gave us on how to secure our buildings against earthquakes? You saved lives.

But yet on the floor of this House we are so committed to the rich interests of people who are saying it is going to cost us too much that the lives of working Americans, it pains me, it hurts my heart, are of disinterest. But yet we can come on the floor tomorrow and talk about returning tax dollars to the great Americans of this Nation. But it is hardworking Americans today that we just step on. I believe it is an outrage. As a member of the House Committee on Science, I have never heard anybody question the National Academy of Sciences. Give us a study. We will take a study. These rules have been coming for 25 years. Today we crush them in the name of my father and all Americans. This is a disgrace.

Vote against the rule and vote against this legislation. It is a disgrace.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. BONIOR), our leader, the minority whip.

Mr. BONIOR. Mr. Speaker, I thank my dear colleague the gentleman from Ohio (Mr. HALL) for yielding me this time.

Mr. Speaker, let me take a moment to tell my colleagues about a woman by the name of Shirley Mack. Shirley is the mother of four and she is someone who is proud of the fact that she has always worked to support her children. That is why she took a job at a poultry plant. Shirley's job was to pull chicken bones out with her hands and then feed them into a Skinner machine. She did this repetitively, hour after hour, day after day, month after month, year after year. Before long, Shirley began suffering some very intense pain in her arm and in her wrist. The company gave her some pills and sent her back to the line. The pills did not help her.

□ 1200

Finally, Shirley saw a trained physician and found out her problem had a name. It was called carpal tunnel syndrome. Her boss reassigned Shirley to do cleanup work; and then 3 days later, they fired her. This is not an uncommon story to hear of a worker in a poultry plant.

The company took away Shirley's job, but they never took away her pain; pain that was so bad she cannot fix supper or she cannot push a grocery

cart in a grocery store; pain so bad she cannot even hug her children without feeling that terrible hurt all over again.

The National Academy of Sciences tells us workplace injuries like Shirley's are now so widespread that they cost our economy more than \$20 billion a year, \$20 billion a year.

We have 1.8 million workers affected by an injury every year in this country. Over this 10-year period of study, we could have prevented 4.6 million workers from having to go through what Shirley went through.

Now, Mr. Speaker, smart businesses are working to reduce the risk of workplace injuries but not every employer is smart and not every employer cares about his or her employees. That is why the Republican Secretary of Labor, Elizabeth Dole, launched an effort that led to these very rules that we are considering and are in place and are law today; and that was 10 years ago.

More than six million workers have suffered serious injury since; and many of them, as I said, could have been prevented.

Now, I want my colleagues to think about that when they vote today. I want them to think about the price that Shirley Mack and her brothers and sisters who work in that chicken plant and pull out those bones and feed them into the Skinner time after time, repetitively doing that, try to do this for more than 5 or 10 minutes in a day. I want them to think about other working mothers who cannot even use their hands and their arms to lift their crying babies out of their crib. When they are thought about, I want my colleagues to ask themselves, who is going to comfort those mothers and those children? Because I can say, it will not be the Business Roundtable and it will not be the Chamber of Commerce and it will not be the National Association of Manufacturers and it will not be the Republican leadership and it will not be this President.

Mr. Speaker, this is the most important worker-safety rule that we have had on the floor of this House in decades. It means a lot to a lot of people. It means a lot to the people who work with their hands, who work with their back, who make this country work every single day. For us to go back on these rules, to cast them aside, to ignore them as if they were a piece of chicken is to do injustice to the people that make this country work. I beg my colleagues today to vote to retain these rules, to vote against this present rule and to give a sense of justice and dignity back to the working people who make America work.

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

Mr. Speaker, I would just like to clear up a couple of things that have been said. These rules that have been put in force are not Mr. Bush's rules. Although they had the good sense to begin worrying about ergonomics 10

years ago, they would never have come up with these rules.

If these rules were so simple and straightforward, why were they not brought forth during the legislative session? Why were they dropped on the table after the election when no Congress was in session?

I am amazed they had time to do it when they were walking out the door with the furniture and the silverware, but they dropped it on the table to become effective 2 days before a new President was sworn in.

They are not in effect now. They do not go into effect until October. So we are not taking away something that they already have. We have heard all kinds of things about numbers.

One person said it is going to cost \$20 billion a year and another \$50 billion a year. Documents show about \$6 billion a year. But nobody has mentioned the \$125-billion-a-year cost on businesses. Nobody has concerned themselves with reshaping the workforce.

I do not doubt that repetitive motion causes injuries. I do not dispute the 600,000 people number. But should we create an additional workers' compensation program on top of the States' programs for just these kinds of injuries? Are they worse injuries than someone who loses an arm or a leg on their job?

Right now, a typical workers' compensation package for businesses lasts only 3 years and is rotated out because it is very expensive. Are we prepared here with these regulations to double that cost on our employees and employers over the next few years? Should we allow rules that presume injuries are work related? If the employer wants to find out if it is truly work related, should we not question a rule that says it is against the law for the employer to talk to the doctor about the work-related connection to even determine? Should we demand a workplace design based on the claim of one person, with one injury that may or may not have been workplace related?

We are saying that common sense ought to prevail. If we carried this ruling to its ultimate conclusion, the Coca-Cola truck driver would be bringing the Coke bottles into the store one bottle at a time. Who is going to pay for that? The consumer, of course, will ultimately pay for all of this.

We are saying get these egregious, overreaching rules off the table and let an administration with just as much care about worker safety as anyone else on this floor today impose some rules that would be helpful and not hurtful, and let us at least admit one thing. Workplace safety today, based on the initiatives of the employers, without some bureaucrat telling them how to live their lives, is safer than it has ever been at any time in the history of this great country. They have done it because it is in their best interest. It is in their financial interest to improve the workplace safety because

it costs them money to have days out of work.

It is my guess that there is not a single agency of the Federal Government that has workplace safety as safe, with as few days lost, as virtually any major corporation in the United States; and yet these are not going to be promulgated for this Federal Government. They are not going to be watched over.

Let us take the time to take this rule off the table, give a new Secretary of Labor an opportunity to do the right thing with common sense.

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

The previous question was ordered. The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 198, not voting 12, as follows:

[Roll No. 29]
YEAS—222

Aderholt	Doolittle	Isakson
Akin	Dreier	Issa
Armye	Duncan	Istook
Bachus	Dunn	Jenkins
Baker	Ehlers	Johnson (CT)
Ballenger	Ehrlich	Johnson (IL)
Barr	Emerson	Johnson, Sam
Bartlett	English	Jones (NC)
Barton	Everett	Keller
Bass	Ferguson	Kelly
Bereuter	Flake	Kennedy (MN)
Biggert	Fletcher	Kerns
Bilirakis	Foley	King (NY)
Blunt	Fossella	Kingston
Boehert	Frelinghuysen	Kirk
Boehner	Gallely	Knollenberg
Bonilla	Ganske	Kolbe
Bono	Gekas	LaHood
Brady (TX)	Gibbons	Largent
Brown (SC)	Gilchrest	Latham
Bryant	Gillmor	LaTourette
Burr	Gilman	Leach
Burton	Goode	Lewis (KY)
Buyer	Goodlatte	Linder
Callahan	Goss	LoBiondo
Calvert	Graham	Lucas (OK)
Camp	Granger	Manzullo
Cannon	Graves	McCreery
Cantor	Green (WI)	McHugh
Capito	Greenwood	McInnis
Carson (OK)	Grucci	McKeon
Castle	Gutknecht	Mica
Chabot	Hall (TX)	Miller (FL)
Chambliss	Hansen	Miller, Gary
Coble	Hart	Moran (KS)
Collins	Hastings (WA)	Morella
Combest	Hayes	Myrick
Cooksey	Hayworth	Nethercutt
Cox	Hefley	Ney
Crane	Herger	Northup
Crenshaw	Hilleary	Norwood
Cubin	Hobson	Nussle
Culberson	Hoekstra	Osborne
Cunningham	Horn	Ose
Davis, Jo Ann	Hostettler	Otter
Davis, Tom	Houghton	Oxley
Deal	Hulshof	Paul
DeLay	Hunter	Pence
DeMint	Hutchinson	Peterson (PA)
Diaz-Balart	Hyde	Petri

Pickering	Schrock	Terry
Pitts	Sensenbrenner	Thomas
Platts	Sessions	Thornberry
Pombo	Shadegg	Thune
Portman	Shaw	Tiahrt
Pryce (OH)	Shays	Tiberi
Putnam	Sherwood	Toomey
Quinn	Shimkus	Trafficant
Radanovich	Simmons	Turner
Ramstad	Simpson	Upton
Regula	Skeen	Vitter
Rehberg	Smith (MI)	Walden
Reynolds	Smith (NJ)	Wamp
Riley	Smith (TX)	Watkins
Rogers (KY)	Souder	Watts (OK)
Rogers (MI)	Spence	Weldon (FL)
Rohrabacher	Stearns	Weldon (PA)
Ros-Lehtinen	Stump	Weller
Royce	Sununu	Whitfield
Ryan (WI)	Sweeney	Wicker
Ryun (KS)	Tancredo	Wilson
Saxton	Tauzin	Wolf
Scarborough	Taylor (MS)	Young (AK)
Schaffer	Taylor (NC)	Young (FL)

NAYS—198

Abercrombie	Hill	Murtha
Allen	Hilliard	Nadler
Andrews	Hinchey	Napolitano
Baca	Hinojosa	Neal
Baird	Hoeffel	Oberstar
Baldacci	Holden	Obey
Baldwin	Holt	Olver
Barcia	Honda	Ortiz
Barrett	Hooley	Owens
Bentsen	Hoyer	Pallone
Berkley	Insee	Pascarell
Berman	Israel	Pastor
Berry	Jackson (IL)	Payne
Blagojevich	Jackson-Lee	Pelosi
Blumenauer	(TX)	Peterson (MN)
Bonior	Jefferson	Phelps
Borski	John	Pomeroy
Boswell	Johnson, E. B.	Price (NC)
Boucher	Jones (OH)	Rahall
Boyd	Kanjorski	Rangel
Brady (PA)	Kaptur	Reyes
Brown (FL)	Kennedy (RI)	Rivers
Brown (OH)	Kildee	Rodriguez
Capps	Kilpatrick	Roemer
Capuano	Kind (WI)	Ross
Cardin	Kleccka	Rothman
Carson (IN)	Kucinich	Roybal-Allard
Clay	LaFalce	Rush
Clayton	Lampson	Sabo
Clement	Langevin	Sanchez
Clyburn	Lantos	Sandlin
Condit	Larsen (WA)	Sawyer
Conyers	Larson (CT)	Schakowsky
Costello	Lee	Schiff
Coyne	Levin	Scott
Cramer	Lewis (GA)	Serrano
Crowley	Lipinski	Sherman
Cummings	Lofgren	Sisisky
Davis (CA)	Lowe	Skelton
Davis (FL)	Lucas (KY)	Slaughter
Davis (IL)	Luther	Smith (WA)
DeFazio	Maloney (CT)	Snyder
DeGette	Maloney (NY)	Solis
DeLahunt	Markey	Spratt
DeLauro	Mascara	Stark
Deutsch	Matheson	Stenholm
Doggett	Matsui	Strickland
Dooley	McCarthy (MO)	Tanner
Doyle	McCarthy (NY)	Tauscher
Engel	McCollum	Thompson (CA)
Eshoo	McDermott	Thompson (MS)
Etheridge	McGovern	Thurman
Evans	McIntyre	Tierney
Farr	McKinney	Towns
Fattah	McNulty	Udall (CO)
Finler	Meehan	Udall (NM)
Ford	Meek (FL)	Velazquez
Frank	Meeks (NY)	Visclosky
Frost	Menendez	Waters
Gephardt	Millender	Watt (NC)
Gonzalez	McDonald	Waxman
Gordon	Miller, George	Weiner
Green (TX)	Mink	Wexler
Gutierrez	Moakley	Woolsey
Hall (OH)	Mollohan	Wu
Harman	Moore	Wynn
Hastings (FL)	Moran (VA)	

NOT VOTING—12

Ackerman	Dingell	Sanders
Becerra	Edwards	Shows
Bishop	Lewis (CA)	Stupak
Dicks	Roukema	Walsh

□ 1232

Ms. BERKELEY and Mr. HONDA changed their vote from “yea” to “nay.”

Mr. BOYD, Mr. LUCAS of Kentucky and Mr. SANDLIN changed their vote from “present” to “nay.”

Mr. CARSON of Oklahoma and Mr. TURNER changed their vote from “present” to “yea.”

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 78 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 78

Resolved, That it shall be in order at any time on the legislative day of Wednesday, March 7, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The concurrent resolution (H. Con. Res. 31) expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day;

(2) The bill (H.R. 624) to amend the Public Health Service Act to promote organ donation; and

(3) The concurrent resolution (H. Con. Res. 47) honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001, in south-central Georgia.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

Yesterday, the Committee on Rules met and passed this resolution, providing that it shall be in order at any time on the legislative day of Wednesday, March 7, for the Speaker to entertain motions to suspend the rules relating to the following measures: The concurrent resolution, H. Con. Res. 31, expressing the sense of Congress regarding the importance of organ, tissue, bone marrow and blood donations and supporting National Donor Day; the bill, H.R. 624, to amend the Public Health Service Act to promote organ donation; and the concurrent resolution, H. Con. Res. 47, honoring the 21 members of the National Guard who were killed in the crash of a National Guard aircraft on March 3, 2001 in south-central Georgia.

Mr. Speaker, this resolution allows us to consider three important bills