

*affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.*

Amend the title so as to read as follows: "An Act to authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes."

Mr. GRASSLEY. I ask unanimous consent that the Senate agree to the House amendments.

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

#### LIBRARY OF CONGRESS FISCAL OPERATIONS IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5410, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 5410) to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

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

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5410) was read the third time and passed.

#### ORDERS FOR WEDNESDAY, NOVEMBER 1, 2000

Mr. GRASSLEY. I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, November 1st. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then proceed to a cloture vote on H.R. 2415, the bankruptcy legislation, as under the previous order.

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

Mr. WELLSTONE. Mr. President, I object. We need to have a discussion about this.

The PRESIDING OFFICER. The objection is heard.

Mr. GRASSLEY. I yield 15 minutes, and hopefully less, to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

#### BANKRUPTCY REFORM

Mr. ENZI. Mr. President, I congratulate the distinguished Senator from Iowa, Mr. GRASSLEY, for all of the work he has done on bankruptcy. He has

shown some real leadership and he has pulled a bipartisan group of people together to get this incredibly important work done.

The United States has been saying to other countries that if they were going to get the International Monetary Fund moneys to bail them out, they have to do bankruptcy reform. Guess who are the last ones demanding that other people do bankruptcy reform.

I thank the Senator from Iowa for his efforts on this, the people he has brought into it from both sides of the aisle, and I thank the Senator from Alabama for his incredible record, too.

#### BUDGET NEGOTIATIONS

Mr. ENZI. Mr. President, I need to address a slightly different issue at this point, to again explain why we are where we are. I began in June with regular speeches about how we were going to wind up in this position: The other side of the aisle was objecting to motions to proceed to appropriations bills and the extended debate we had to have on whether we could debate put the Senate in a situation where we had to do all of our negotiations with the White House, instead of, as the Constitution says, where the Senate will determine in conjunction with the House the expenditures of this Nation.

That is exactly what has happened. There has been delay after delay after delay that has pushed the appropriations process to this point. Yesterday, the President vetoed the Treasury-Postal bill. Through a quote from Congress Daily, we learn a top administration official confirmed Wednesday that the President will sign it; we didn't need to make changes to it.

There is a lot of speculation why this was vetoed. The President said yesterday there was nothing really wrong with the Treasury-Postal bill, but he just didn't think we ought to have that bill signed until we complete the few other remaining bills. He arbitrarily vetoed the bill after a top administration official said the President would sign it and after the Democratic leadership in Congress had agreed to it.

The President keeps moving the goalposts in an attempt to provoke a confrontation with Congress. As a result, it has made negotiations next to impossible. How can you negotiate when the commitments aren't kept, when the rules aren't followed?

One most important to me is the ergonomics amendment. That is an amendment passed in the Senate on a bipartisan vote. The exact same amendment was passed on the House side by a bipartisan vote. Labor-HHS has some monetary items that are different between the two sides but not that amendment. A conference committee was formed and they met. The White House said, we don't like the amendment on ergonomics. Both sides of the conference committee said that is not conferenceable. It was the same on both sides.

Now, because we get in this little bit of a jam and the President gets a little more leverage in his negotiations, we are now at a point where some of the leadership had said, OK, we won't make it a year's delay before more work can be done on OSHA with ergonomics; it will only be until March 1st. In the last minutes, that goalpost was moved again. The President said, no, I want to be able to put it into effect, and they can take it out of effect if there is a new administration next year.

Let me state how difficult a procedure that would be. It would be next to impossible to remove an absolutely ridiculous rule that is landsliding through this place by an agency out of control, that has known what it wanted to do from the very first day that it wrote the rule. It has done every single thing it can to make sure that rule comes into effect. They don't care who doesn't like it.

Our ergonomics amendment, which delays it one year, is not about whether we should have an ergonomics rule. It is not a prohibition against an ergonomics rule. It is most definitely not a dispute about the importance of safety for American workers. We need to have safety for American workers, but we need to do it the right way.

This amendment was passed in a bipartisan way. It is imperative that Congress insists there be a reasonable amount of time on this rule. The rule was only published a year ago. They are anticipating that maybe they can even squeak by before there is agreement and get this rule finalized and approved. That will be quicker than OSHA has done a rule. That would be record time.

They mention this was brought up about 12 or 13 years ago. There has not been agreement on it since that time. It never got published until a year ago. There has been no official action until a year ago.

Let me state why we ought to be concerned about this rule and why the delay occurred, in a bipartisan way, for a year. People didn't approve of the way OSHA was handling it, the way they were going about it. OSHA paid over 70 contractors a total of \$1.75 million to help with the ergonomics rule. They paid 28 contractors \$10,000 each to testify at the public rulemaking hearings. They didn't only pay the witnesses to testify; they didn't notify the public, and then they assisted the witnesses with the preparation of their testimony. Then they brought them in for practice runs for the hearing. Then they paid them to tear apart the testimony of the opposition. That is not the way we do things around here.

That resulted in people on both sides of the aisle being extremely upset with the way it was handled. The way that OSHA has handled this gives every indication that the way they wrote it is the way it has to be; that they are not going to pay attention to any of the comments or the additional testimony. They knew they were right when they

wrote it and they will be darned if they are going to change it. That is not how we do rules, particularly ones that cost billions of dollars, without getting the desired effect. That is the purpose of a rule, to get a desired effect. This one will not get the desired effect.

It is interesting to note the Bureau of Labor Statistics says, without the rule, United States employers reduced ergonomic injuries by 29 percent. What do the hearing records show? With the ergonomics rule they would get zero percent the first year and 7 percent the second year. American business is doing better than that without the rule. How are they doing it? Somebody is helping them to figure out what they need to do.

Small business in this country has trouble handling the OSHA rules. They have over 12,000 pages of regulations they have to digest. If you are a small employer, you cannot read 12,000 pages in a year. Any time they get help on knowing what they can do to provide safety in the business, they do it. It is shown time and time again on every kind of injury there is. So we put in the motion to slow down OSHA a little bit, to make sure they took the necessary time to look at the rule and to get rid of this perception that their first idea was the only idea and the right idea and going to be the final idea. Somehow, they have to work past that perception.

The amendment is a reasonable 1-year delay. It will ensure that OSHA takes the time to evaluate all 7,000 comments it has received and try to resolve the problems with the rule. It also gives Congress the time to perform its appropriate oversight function.

So there is a reason for a delay. Rules in OSHA have been extremely permanent. Any one that has ever passed has had court trials and a number of them have been reversed. But if they make it through the court trial, did you know they have not been revised in the time that OSHA has been around? Do you think technology has changed a little bit? Do you think there is any reason we ought to look at rules that are 29 years old? We probably ought to. Instead, we are rushing into an area here that not only provides a rule without sufficient oversight, but it provides a rule that gets into workers comp. Yes, it gets into workers comp. In its preamble, OSHA specifically prohibits any right to impose on workers comp, and there is good reason for that. Workers comp has been around a long time. There are precedents that have been developed. They are important precedents.

Here is the biggest problem with it. You can get paid twice for the same injury. It is kind of a rule of mine: If I can make more by not working than I can working, don't expect me to show up. That is going to cause some major problems for business in this country. It is something that needs to be revised. Again, there is no indication at all it would be revised.

So the House folks and the Senate folks—not just the House folks, as has been written up in some of the papers—have been incensed the President is insisting this rule be allowed to go into force but not to be enforced until next year. That is not the way we do it. That is one of the things that is keeping Labor-HHS from being approved now. It should not be the major crux of an appropriations bill, but it is a very important point that we need ensure that any changes made in rules that work on the worker get the proper amount of oversight.

That is all we are asking for, an opportunity to do the proper oversight on it and to get an indication of some sort from OSHA that they are going to pay attention to any of the 7,000 comments they received.

We are at a point where we need to wrap up this session. We are at a point where we need to get the work done. But that is one item I will stay around here for until next year, if I have to, to be sure we do the job right and not in a hurry. We do not need to rush things.

I thank the Senator from Iowa, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### ORDERS FOR WEDNESDAY, NOVEMBER 1, 2000

Mr. GRASSLEY. Mr. President, for the leader, I have a unanimous consent request.

I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, November 1. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a cloture vote on H.R. 2415, the bankruptcy legislation, as under the previous order.

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

Mr. GRASSLEY. Further, I ask unanimous consent that the Senate stand in recess from the hour of 12:30 to 2:15 p.m. for the weekly policy conference meetings.

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

#### PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will convene tomorrow at 9:30 a.m. A cloture vote on the bankruptcy bill is scheduled to occur immediately following the prayer and opening statement. Following the vote, under rule XXII, the Senate will begin 30 hours of postcloture debate on the bankruptcy bill. The Senate will recess for the weekly party conferences from 12:30 to 2:15 p.m. Senators can expect a vote on a continuing resolution late tomorrow afternoon and will be notified as to when that vote is scheduled.

#### ORDER FOR RECESS

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask the Senate stand in recess under the previous order, following the remarks of myself and Senator SESSIONS.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

#### BANKRUPTCY

Mr. GRASSLEY. We have had a good discussion on the bankruptcy bill. We will have further discussion postcloture. I think we have a good product. This conference report is basically the Senate-passed bankruptcy bill with certain minimal changes made to accommodate the House of Representatives. The means test retains the essential flexibility that we passed in the Senate. The new consumer protections sponsored by Senator REED of Rhode Island relating to reaffirmation is in our conference report before the Senate. The credit card disclosure sponsored by Senator TORRICELLI is also in this final conference report. We also maintain Senator LEAHY's special protections for victims of domestic violence and Senator FEINGOLD's special protections for expenses associated with caring for nondependent family members.

I think it is pretty clear that on the consumer bankruptcy side, we maintain the Senate's position. Anybody who says otherwise has not read the conference report.

It is also important to realize how much of an improvement this legislation is for child support claims. The organizations that specialize in tracking down deadbeat fathers think this bill will be a tremendous help in collecting child support.

I have a letter I am going to ask to have printed in the RECORD from Mr. Philip Strauss of the Family Support Bureau of the San Francisco district attorney's office. Mr. Strauss notes that professional organizations of people who actually collect child support

... have endorsed the child support provisions of the Bankruptcy Reform Act as crucially needed modifications of the Bankruptcy Code, which will significantly improve the collection of support during bankruptcy.

There you have it. According to people in the front lines, the bankruptcy bill is good for collecting child support. So I say to my colleagues, if you have concerns about child support, look at this letter.

I ask unanimous consent to have it printed in the RECORD.

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

DISTRICT ATTORNEY FAMILY  
SUPPORT BUREAU,

San Francisco, CA, September 14, 1999.

Re S. 625 [Bankruptcy Reform Act].

DEAR SENATORS: I am writing this letter in response to the July 14, 1999 letter prepared