

Farmers and small business owners cannot easily pass their businesses on to their families because the huge estate and gift taxes still exist. The government imposes a 43 percent tax on all American couples simply because they are married. Even seniors—retired people in our country, our senior citizens—they have their earned benefits taxed.

If the 105th Congress was supposed to be about cutting taxes and forever reforming the tax system—and I believe that was our mandate—the 105th Congress did not complete the job.

Our progress has fizzled not because our efforts have lost the support of the people—in fact, two thirds of the American people supported tax relief during the 1996 elections, and broad tax relief still enjoys overwhelming support today—but because some in Congress have lost their backbones. They have lost the courage to make a stand on principle and not abandon their moral compass at the first sign of resistance.

In too many instances, this Congress has become a willing collaborator of President Clinton's tax-and-spend policies. We have helped to build a bigger, more expensive government, and in doing so have abandoned our promise of tax relief for working Americans.

Mr. President, each time Congress makes a promise to the taxpayers—and then deserts them—Congress comforts itself by saying it would come back next year and enact an even larger tax cut. This is self-deceiving at best.

If we do not take a stand today, what is going to happen to make us more courageous a year from now? Besides, each year we wait, the Government takes an ever-greater bite of the earnings of working Americans and the Government gets bigger and becomes harder to trim in the future.

Another point I would like to make, Mr. President, is that a tax cut is not spending. Only in convoluted book-keeping practices of Washington would we consider a cut in tax rates to be spending. The reason is simple: first, it is the taxpayers' money that supports and keeps the Government running; second, tax relief not only ensures a healthy and strong economy, but also generates more revenues for the Government.

In a recent study, economists at the Institute for Policy Innovation concluded that the House-passed tax relief bill of \$80 billion—an unforgivably moderate tax relief measure, in my view—would add an additional \$300 billion to our GDP and create more than 135,000 jobs. This economic growth would in turn generate about \$80 billion in additional revenues to the Federal Government.

Mr. President, when it comes to federal spending, Washington rarely asks how the American taxpayers can afford to give up more of their income to the government, and how such excessive spending will affect a working family's budget and finances. Equally upsetting is the fact that when it comes to tax

relief, Washington is always reluctant to act.

Oh, they say it is easy to give an election year tax cut. That is impossible around here. It is hard to get a tax cut. It is easy to spend; it is very hard to give tax relief. Congress even goes so far as to compel tax cut advocates to pay for any tax relief via Washington's PAYGO rule. That is a rule that requires increasing taxes on some or lowering entitlement benefits in order to cut tax relief to others. Nothing is more ridiculous than the requirement of the PAYGO rule. We must repeal it so we can do the job of shrinking the size of the Government and let working families keep more of the money, the money they earn in order to spend it on their priorities—not Washington priorities.

One major reason for the failure of this year's tax relief bill is that Washington's spin doctors took full advantage of Americans' anxiety about Social Security. "Save Social Security first" is just another Washington lie. Mark my word, Mr. President, Social Security crisis or not, Washington has spent, and will continue to spend, surplus dollars whenever it can for its pet programs.

Since 1983, Washington has raided more than \$700 billion from the trust funds for non-Social Security programs, and Congress approved that spending every time. In the next 5 years, the Federal Government will raid another \$600 billion from the Social Security trust funds. Those politicians who insist on using the surplus for Social Security have voted for most, if not all, of those spending bills, and so it is those politicians who in the last 15 years have stripped the trust funds of any surplus.

Mr. President, despite the rhetoric about saving Social Security, few have come up with a concrete plan to save it. The problem is that by law, the Social Security surplus has to be put into Treasury securities. That means Washington can legally use the money to fund its favorite non-Social Security programs, rendering these "assets" little more than Treasury IOUs. Unless we change the law, Washington will continue to abuse Social Security until it goes broke.

I agree that reforming Social Security to ensure its solvency is vitally important. Any projected budget surplus should be used partly for that purpose. In fact, I have introduced a bill to just do that. Yet, I believe strongly that the surplus alone will not save Social Security and therefore fundamental reform is needed to change it from a pay-as-you-go system to a fully funded one.

Mr. President, the States offer us an excellent model of how we should use the budget surplus. In recent years, many Governors have cut taxes and shrunk the size of their governments, and in the process have turned budget deficits into surpluses. They are now using those surpluses to provide even

further tax relief. Some States, such as Missouri and Florida, even have constitutional or statutory requirements to return to taxpayers any revenues that exceed income growth.

The States have proved that if government performs only legitimate and necessary functions, and does so without waste, it can leave much more money in the pockets of the people. And it is the people who can best spend their money, whether it is for their children's health care, saving for a college education, giving more to their church and charities, or just helping to set something aside for their retirement.

Now, Mr. President, back to the question of the budget surplus and who should spend this money—the Government or the workers who earned it?

In conclusion, Washington's tax and spending policies have systematically ignored our children's future and severely undermined the basic functions of the family. We must abandon those policies and help restore the family to an economic position capable of fulfilling its vital responsibilities. In answer to my own question, we must provide American families with meaningful tax relief, allowing them to keep more of their hard-earned money.

It is their money. Let us give it back.

Thank you very much, Mr. President. I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

ORDER FOR RECORD TO REMAIN OPEN FOR INTRODUCTION OF A BILL

Mr. ENZI. Mr. President, I ask unanimous consent that the Senators from Mexico, Mr. DOMENICI and Mr. BINGAMAN, have until 6 p.m. tonight to file the Valles Caldera Preservation Act for purposes of introducing the bill.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

OSHA LEGISLATION DURING THE 105TH CONGRESS

Mr. ENZI. Mr. President, I can think of few issues that are more important to the average American than the safety and health of our Nation's workers. During the last 2 years, Congress stepped up to the plate and confronted this important issue head-on. The end result was three separate bills becoming law that amended the Occupational Safety and Health Act of 1970. Until this year, in 28 years, the act was amended one time—in 1990—and that was to increase fines. The American workplace has changed quite a bit over the last three decades and I'm pleased that Congress is now changing, too.

During the first session of the 105th Congress, I introduced a comprehensive piece of legislation with the support of

Senator GREGG and FRIST and 20 other Senate cosponsors, entitled the Safety Advancement for Employees Act or SAFE Act. At the same time, my good friend, JIM TALENT, introduced similar legislation in the House which received strong, bipartisan support—a rarity for such a polarized issue.

It is important to understand that both the Senate and House versions did not attempt to reinvent OSHA's wheel, just change its tires. Treading water for 27 years, OSHA has never seriously attempted to encourage employers and employees in their efforts to create safe and healthful workplaces. Instead, OSHA chose to operate according to a command and control mentality. This approach has led to burdensome and often incomprehensible regulations which do not relate to worker safety and health and are, quite often, only sporadically enforced.

The AFL-CIO publically acknowledges that with only 2,450 State and Federal inspectors regulating 6.2 million American worksites, an employer can expect to see an inspector once every 167 years. In addition to this enormous time lapse, the sheer diversity of safety and health concerns stemming from restaurants to funeral homes across America prohibits an inspector from fully understanding each worker's needs and concerns.

OSHA seems more concerned about collecting fines each year than it is about improving worker safety. OSHA proposes over \$140 million in fines to be paid by the regulated public each year—over \$100 million of that total gets assessed. Even more troubling is that OSHA's existing voluntary and cooperative compliance programs impact a mere fraction of worksites and consume only a small share of the agency's annual budget. Despite OSHA's claim that it is "putting a lot of resources into compliance assistance and partnership initiatives," only 22 percent of OSHA's 1997 fiscal appropriation was spent on federal and state plan compliance assistance. It is difficult for anyone to say that current initiatives are having an impact on the number of workplace fatalities and injuries when OSHA spends so little of its annual funds on preventive measures.

It is important to point out that the SAFE Act would not have dismantled OSHA's enforcement capabilities. It was that approach that kept Congress from amending the 1970 statute for so long. Enforcement alone, though, will never ensure the safety of our nation's workplaces and the health of our working population. By encouraging employers to seek individualized compliance assistance from OSHA qualified third party consultants, the SAFE Act would ensure that more American workplaces are in compliance with existing law while allowing OSHA to concentrate its enforcement resources on those worksites that truly need immediate attention. America would be better served by an OSHA that manages its resources more wisely and the

SAFE Act was crafted to strike that balance.

In addition to establishing OSHA qualified third party consultations, the SAFE Act included additional voluntary and technical compliance initiatives to assist employers in deeming their worksites "safe" for their employees. I firmly believe that it is this approach that will ultimately bring a greater number of workplaces into compliance with existing law and help prevent more workers from being injured or killed on the job.

The SAFE Act would ensure that federal occupational safety and health standards are based on sound, scientific data that all vested parties can live with. By injecting independent scientific peer review into the rule-making process, future regulations would reflect greater clarity and simplicity—helping businesses to better understand what they are required to do. I also believe that scientific peer review will help speed up the implementation process for OSHA's rules by eliminating conflicts of interest. Under the present system, draft rules can idle in the process for more than 15 years, because no one agrees on the rule's scientific validity. At the same time, annual funding continues to be channeled toward research at the expense of the taxpayer. That must change.

Last October, we marked up the SAFE Act in the Senate Committee on Labor and Human Resources and favorably reported the bill out of committee. In the following months, I continued to work with Senators KENNEDY, DODD, WELLSTONE, and REED—as well as with Assistant Secretary of Labor, Charles Jeffress, to find common ground that would result in a bill that would pass the House and Senate and be signed by the President into law. A number of good suggestions were made to improve the bill, but remaining differences and the lack of floor time quickly became an insurmountable obstacle.

I was pleased to have the opportunity to testify at a hearing chaired by Chairman TALENT in the House Small Business Committee. As the House author of the SAFE Act, Representative TALENT understood the importance of third party consultations. He invited specialists in occupational safety and health to share their candid opinions of the bill. Having witnessed the testimony firsthand, I was pleased that safety and health professionals—those who have the most education, training, and field experience in abating occupational hazards—embraced this bill so enthusiastically.

In both Chambers, the SAFE Act gained considerable momentum after its introduction. The bill stuck to a theme—advancing safety and health in the workplace. Maintaining this spirit of cooperation, it is my intention to promote this theme well into the 106th Congress. Until each of the SAFE Act's provisions become law, this debate is far from over.

Despite the Senate's inability to complete its consideration of the SAFE Act, legislative successes were still abundant. Last June, I was pleased to have had the opportunity to pass two bills in the Senate that were authored by Representative BALLENGER. One was the Occupational Safety and Health Administration Compliance Assistance Authorization Act, and the other was H.R. 2877, which eliminated the imposition of quotas in the context of OSHA's enforcement activities. Both bills are now law and have already been implemented by OSHA.

Following the same lines as the SAFE Act, these two bills were written to increase the joint cooperation of employees, employers, and OSHA in the effort to ensure safe and healthful working conditions. It will never be productive to threaten employers with fines for non-compliance when millions of safety conscious employers don't know how they are supposed to comply. Nor is it effective to burden employers with more compliance materials than they can possibly digest or understand, many of which have no application to their business. To achieve a new, cooperative approach, the vast majority of employers who are concerned about worker safety and health must have compliance assistance programs made more accessible to them and more related to their actual operation. Passage of H.R. 2864 was a good, first step in providing employers just that.

H.R. 2877 eliminated enforcement quotas for OSHA compliance inspectors. This bill prohibits OSHA from establishing a specific number of citations issued, or the amount of penalties collected. I believe that inspectors must not face institutional pressure to issue citations or collect fines, but rather they should work to identify potential hazards and assist the employer in abating them. OSHA's success must depend upon whether the nation's workforce is safer and healthier, and not upon meeting or surpassing goals for inspections, citations, or penalties.

In July, both the Senate Committee on Labor and Human Resources and full Senate unanimously passed S. 2112, the Postal Employees Safety Enhancement Act. The bill was written to bring the Postal Service and its more than 800,000 employees under the full jurisdiction of OSHA. Government must play by its own rules. Although all federal agencies must comply with the 1970 Occupational Safety and Health statute, they are not required to pay penalties issued to them by OSHA. The lack of any enforcement tool renders compliance requirements for the public sector ineffective at best.

My first look at this issue occurred when Yellowstone National Park was cited by OSHA last February for 600 violations—92 of them serious. One of those serious violations was the park's failure to report an employee's death to OSHA. In fact, Yellowstone posted five employee deaths in the past three

and one-half years. Although there are these and other serious problems noted in the park's safety and health record, overall federal injury, illness, lost work-time, fatality and workers's compensation rates show the United States Postal Service leading the pack in almost every category.

Postal workers injuries and illnesses represent 42 percent of the government's lost-time cases. From 1992 to 1997, the Postal Service paid an annual average of \$505 million in workers' compensation costs and its annual contribution accounted for almost one-third of the federal program's \$1.8 billion price tag. These alarming statistics made my decision to slowly bring the federal government into compliance rather easy.

In 1982, the Postal Service became fiscally self-sufficient—depending entirely on market-driven revenues rather than taxpayer dollars. They should be congratulated for that. Today, the United States Postal Service handles over 43 percent of the world's mail—delivering more mail in one week than Federal Express and the United Parcel Service combined deliver in an entire year. With annual profits that exceed \$1.5 billion, if the Postal Service were a private company, it would be the 9th largest business in the United States and 29th in the entire world.

Realistically speaking, the Postal Service is hardly a federal agency. It's better characterized as a self-sufficient, quasi-government entity. It is the only federal agency where its employees can collectively bargain under the 1935 National Labor Relations Act. It's the only federal agency that posts annual profits exceeding \$1.5 billion. In fact, the Postal Service exhibits almost every characteristic of a private business, yet it never had to fully comply with federal occupational safety and health law—until now. Last month, Representative GREENWOOD, author of the House bill, took the initiative to pass the Postal Employees Safety Enhancement Act in the House and sent it on to the President.

Since the bill's enactment, I learned that OSHA and the National Park Service, have entered into safety pact. I commend both agencies for this commitment to workplace safety and health. It is my understanding that other federal agencies could do the same. I hope that such agreements with OSHA represent a way to introduce third party consultations as a means of bringing a greater number of federal worksites into compliance.

The enactment of S. 2112 and the previous two bills marks the first significant step toward modernizing the nation's 28 year-old occupational safety and health law. I believe that these incremental accomplishment were achieved because this Congress is committed to improving conditions for America's workers. We have a long road ahead of us and that road, so far, had been too slow to save American lives. This debate will not end when

Congress completes its work this year. I fully intent to press forward—well into the 106th Congress. More hearings on this important issue are necessary. We need a bipartisan effort—making headway in every area we can reach agreement. We need to dedicate some time to reaching that agreement. This will not happen by accident! Good legislation will ultimately be achieved and increased compliance will undoubtedly result if we simply remain committed to it.

I want to conclude my remarks by thanking members and staff for making occupational safety and health such a successful issue during the last two years. I want to first thank my House colleague and friend JIM TALENT. His impressive knowledge of labor law, complemented by his labor counsel, Jennifer Woodbury, helped bring the SAFE Act to the attention of all House members. I look forward to work on many more bills with JIM TALENT in the coming years. I would also like to thank Congressmen BALLENGER, GREENWOOD, and MCHUGH and their staff. They, too, should be complimented for their efforts. Senators GREGG, FRIST, and JEFFORDS also deserve tremendous thanks. Their staffs spent many hours considering OSHA legislation. Finally, I want to thank my Democratic colleagues on the Senate Labor Committee. Senator KENNEDY was especially considerate in listening to my concerns and I want to extend my appreciation to him and his staff. I am confident that this relationship will pick up next year where it left off.

PASSAGE OF COALBED METHANE LEGISLATION

Mr. ENZI. Mr. President, I want to take a minute before the Senate adjourns to thank a few Members who have been very helpful on an issue of critical importance to my state.

Yesterday evening, the Senate adopted by unanimous consent, S. 2500, a bill to preserve the sanctity of existing leases and contracts for production of methane gas from coal beds. An affirmative U.S. Government policy has been the legal basis for these contracts for nearly eighteen years and it was the intent of this bill to preserve the existing rights of all the parties in light of legal uncertainties cast by a July 20, 1998, 10th Circuit Court of Appeals decision.

On September 18, I introduced the bill to protect these people, with my colleagues, Senator JEFF BINGAMAN of New Mexico and Senator CRAIG THOMAS of Wyoming. The affected people live all across America, but most of the actual lands are in the western states, primarily New Mexico, Utah, Colorado, Wyoming, and Montana.

The circumstances faced by interest owners would be severe. Personal and corporate bankruptcies would have led to local bank insolvencies and the multiplying effect on unemployment and

loss of confidence in western states would have been devastating. In this time when Congress is working to offer a \$4-7 billion aid package to provide certainty for crop farmers, I am pleased that we have been able to reach agreement to provide some certainty for people in the oil patch—and we did it without spending a single federal dime.

The 1998 Circuit Court decision has clouded all existing lease and royalty agreements for production of gas out of coal where the ownership of the oil and gas estate differs from ownership of the coal estate. This uncertainty jeopardizes the expected income of all royalty owners and the planned investment and development of all existing lessees.

The legislation we passed yesterday addresses that problem faced by owners and lessees by preserving the policy status quo for valid contracts in effect on or before the date of enactment. The legislation applies only to leases and contracts for "coalbed methane" production out of federally-owned coal. It does not apply to leases and contracts for gas production out of coal that has been conveyed, restored, or transferred to a third party, including to a federally recognized Indian tribe.

It is important to note that many older leases and contracts for gas production on coal lands were negotiated prior to "coalbed methane" becoming a term of art. It is, therefore, necessary to clarify that we do not mean to exclude those valid leases and contracts that convey rights to explore for, extract and sell "natural gas" from applicable lands simply because they do not include the term "coalbed methane." That is a possible ambiguity that arose very late in the process, after the time when we could have reasonably perfected the bill, but it is important to note because before this year, "coalbed methane" has been considered in the field, to be part of the gas estate. We chose the term "coalbed methane" because using the term "natural gas from the coalbed," left uncertainty about the gas rights in light of the 10th Circuit ruling. The Department of Interior suggested we use "coalbed methane" so as to be very clear regardless of whether the Courts rule "coalbed methane" to be part of the coal estate or part of the natural gas estate in the future.

While the bill has yet to be completed in the House, I want to thank some of the members who have helped us craft legislation that addresses what we intended to cover. Without any of them, we would not have been able to go forward. Because of very limited time, we had to expedite the process, and we could not have done it without an enormous amount of help. Senator CAMPBELL, and his Indian Affairs Committee staff, were supportive in working out the provisions covering the tribes. Senator MURKOWSKI, and his Energy Committee staff, were very helpful in working out the details of the bill and moving it through that Committee. Senator BUMPERS, and his com-