

elements of which are almost completely subjective in nature. For example, the rule requires a program "appropriate" to conditions in the workplace, an employer to evaluate the effectiveness of the program "as often as necessary" to ensure program effectiveness, and "where appropriate," to initiate corrective action.

Employers are justifiably concerned because the rule offers no definition of these terms to help them in their compliance efforts. They are also concerned because there is no objectivity to the rule. OSHA is answering these concerns by promising that their inspectors will be fair in their application of the rule and flexible in their interpretations. That does not satisfy employers who have safety and health programs in place or are working to develop such programs in a way that meets with OSHA's approval without the threat of fines.

The SAFE Act combines the need to promote a safety and health program standard that is sanctioned by OSHA with the need of the employer to know specifically how to achieve regulatory compliance. By keeping the SAFE Act consultation-based, employers will have full access to personalized compliance assistance. Neither will there be a threat of subjective enforcement under the SAFE Act because good-faith employers cannot be penalized for good-faith compliance efforts. The SAFE Act is the workable alternative to encourage and implement safety and health programs that work to improve conditions for America's workers.

Another important change to the SAFE Act is that the bill has been streamlined to strengthen the consultation theme by removing provisions that do not relate to consultation. The importance of such streamlining is two-fold. First, by highlighting consultation, the SAFE Act is able to maintain a one-theme message that consultations work and that their availability should be expanded to more employers. Second, by removing other, non-consultation-based programs from the bill will allow for concentrated development of several specific, freestanding OSHA modernization bills in the future.

As I introduce the new SAFE Act today, I am hopeful that we can again begin meaningful discussions about what is involved in achieving safer workplaces. I am hopeful that we can take even greater steps away from the adversarial approach to worker safety that virtually everyone agrees is without benefit or substantive result. And I am hopeful that we can actually pass the SAFE Act to achieve greater worker safety and health. The SAFE Act's proactive approach to achieving safer workplaces is revolutionary because it empowers both OSHA and the employer. By passing the SAFE Act, OSHA's own consultation programs

will be extended to all employers who truly seek safety and health solutions. The result will mean vastly improved safety for America's work sites. ●

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 271

At the request of Mr. FRIST, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 377

At the request of Mr. ENZI, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 377, a bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes.

SENATE CONCURRENT RESOLUTION 6—AUTHORIZING FLAGS LOCATED IN THE CAPITOL COMPLEX TO BE FLOWN AT HALF-STAFF IN MEMORY OF R. SCOTT BATES, LEGISLATIVE CLERK OF THE U.S. SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 6

Resolved by the Senate (the House of Representatives concurring), That, as a mark of respect to the memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment.

ADDITIONAL STATEMENTS

TOWARD A BIPARTISAN SPIRIT

● Mr. HOLLINGS. Mr. President, I believe it would be helpful for all of us to consider the example of bipartisan co-

operation and collegiality set by many of our predecessors. Jack Valenti, a former advisor to President Lyndon Johnson and a man many of us know personally, nicely captured that spirit in a recent editorial, published in the Los Angeles Times, urging a return to "political civility."

There was a time, Mr. President, when leaders of both parties, men like President Johnson and Everett Dirksen, knew the importance of maintaining cordial relations and cooperating to further the national interest. As Jack Valenti puts it, "they knew that compromise was not an ignoble word."

In today's atmosphere, I fear that cooperating on anything for the good of the country will prove extremely difficult. In this trying time, we all should consider Jack Valenti's words, as well as the spirit of the bygone era he invokes.

At this time, Mr. President, I ask that Mr. Valenti's editorial be printed in the CONGRESSIONAL RECORD.

The editorial follows:

[From the Los Angeles Times, Jan. 29, 1999]

TWO OLD POLS KNEW THE ART OF A BARGAIN

(By Jack Valenti)

Controversy rages in Washington. But there is one fact in which agreement is universal: Between a majority of the people's representatives and the people's president, there is a continuing antagonism that makes civil communication almost impossible.

But "what if"? What if, frequently, President Clinton put his feet up on the coffee table on the second floor of the mansion with either the speaker of the House (or the majority leader of the Senate) lounging before him, chatting about where the nation ought to be heading. Not that either would change course or declare defeat. But the easy give and take of an informal conversation, some pieces of worthy programs might find daylight.

Looking back is usually not very fruitful, but I remember when it was different than it is now. When I was special assistant to President Johnson, he charged me with "handling" key members of the Senate and the House, which meant they could call me direct with grievances, needs, requests. I was authorized to use my best judgment in responding.

I bore personal witness to long-ago discourses wherein President Johnson and the minority leader of the Senate, Everett Dirksen of Illinois, would sip a drink, field some little joke that poked fun at each other and do the nation's business. Dirksen, the Republican leader, would call me around noon in that voice dipped in cream and ladled out in large velvet spoons, deep, sonorous tones to soothe even the most obsessively discontented. "Jack, would you tell the boss I would like to see him today. Possible?" Without hesitation, "Absolutely, senator. You want to come by around 6 o'clock for a drink with him?"

At 3 o'clock that afternoon, Dirksen would rise on the Senate floor and flail LBJ with a rhetorical whip, comparing him unfavorably to Caligula. Three hours later, the two would gather in the West Hall in the living quarters of the president, with me as observer.

"Dammit, Everett, the way you treated me today made me feel like a cut dog. You ought to be ashamed of yourself," the president would say with a mocking grin. "Well,