

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,

Mr. President," came The Voice, trying in vain to suppress a chuckle. "I have vowed to speak the truth so I had no choice in the matter." Much laughter. They both knew who they were and why they were leaders. They were two warriors who had fought a hundred battles against each other. They knew the game, how it was played, no quarter given, no quarter asked in the public arena. But when the day was done, they sat around the campfire, as it were, to recount the details of the fight over a flagon of fine refreshment. They both knew that each needed the other, and the country needed them both. If they fumed and fussed, determined to wound and kill the other, no ultimate good would come of it. The land they served would be agitated and stunted by stalemate. They both understood the meaning of "duty" to the nation, and they knew that compromise was not an ignoble word.

The president would say, "Now, Everett, I need three Republican votes on my civil rights bill, and, dammit, you can get them." Dirksen would ponder that somberly, and then pull a sheaf of papers out of his inside pocket. "I have here, Mr. President, some potential nominees to the FCC, the ITC, the SEC" and so on through the catalog of acronyms wherein the nation's regulatory labors get done.

LBJ would sigh, and say, "Jack, take down the names and see if Mr. Hoover (J. Edgar) will certify them." Dirksen would smile broadly, sip his drink. LBJ would do the same. After more intimate joshing between them, Dirksen would depart. There was no mention of a deal. There was no formal commitment. But each knew the pact was struck. Each would redeem the unspoken pledges given. And there was no leakage to the press. Moreover, the warriors' code was intact. Neither gloated in a supposed triumph over the other.

By whatever mutations the gods of politics brew, there has to be a return to political civility, whose end result is to the nation's benefit. Neither LBJ nor Sen. Dirksen lost their honor or abandoned their crusades when they talked. Nor did they lose their bearings. For they knew such damage would diminish them both, and most of all the country, whose people they had by solemn oath sworn to serve, would be the loser. They did their duty.●

#### TRIBUTE TO THE STUDENTS OF MILFORD HIGH SCHOOL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize students from Milford High School in Milford, New Hampshire for their outstanding performance in the "We the People \* \* \* The Citizen and the Constitution" program.

On May 1-3, 1999, more than 1200 students from across the United States will be in Washington, D.C., to compete in the national finals of the "We the People \* \* \* The Citizen and the Constitution" program. I am proud to announce that the class from Milford High School will represent the state of New Hampshire in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The "We the People \* \* \* The Citizen and the Constitution" program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentation by high school students before a panel of adult judges. The students testify as constitutional experts before a "congressional committee," that is, the panel of judges representing various regions of the country and a variety of appropriate professional fields. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the "We the People \* \* \* The Citizen and the Constitution" program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The student team from Milford High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. As a former history teacher, I recognize the importance and value of this unique educational experience. I wish the students and their teacher, Mr. David Alcox, the best of luck at the "We the People \* \* \* The Citizen and the Constitution" national finals. I look forward to greeting them when they visit Capitol Hill, and I am honored to represent them in the United States Senate.●

#### ST. PAUL'S EPISCOPAL CHURCH OF LANSING 150TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to St. Paul's Episcopal Church of Lansing, Michigan, and its members who are currently celebrating its 150th Anniversary. The congregation can be proud of the founding members' faith and devotion which brought about the organization of this church in 1849.

Members of St. Paul's Church met in Michigan's Capitol building for a decade until the continued growth of the congregation required that a separate building be constructed. Further growth necessitated the completion of a newer church in 1873, and again in 1914. As our country begins to rediscover the importance of family and personal values, the building of faith by St. Paul's Episcopal Church is of great significance to us all.

I extend my warmest regards and best wishes to all of the members of St.

Paul's congregation as they celebrate this great achievement.●

#### SUPPORT OF MOTION TO DISMISS ARTICLES OF IMPEACHMENT

● Mr. DODD. Mr. President, last week the Senate, sitting as a court of impeachment, voted on Senator BYRD's motion to dismiss the articles of impeachment brought by the Managers from the House of Representatives. I voted in support of this motion, and would like to briefly state my position on this important question.

While the motion failed, it received the support of forty-four senators—eleven more votes than needed to acquit the President of the charges made by the Articles. Therefore, this vote demonstrates to a near certainty that there are insufficient votes to support the Managers' position that the President should be convicted.

This result comes as a surprise to no one—including most if not all of those who support the President's removal. These Articles should never have been presented to the Senate. The President's actions were undoubtedly reprehensible. They deserve condemnation and may warrant prosecution after he leaves office. But they do not warrant removal—a sanction unprecedented in our nation's history, and one that the Framers of our Constitution envisioned would be used in only the rarest of circumstances to protect the country.

The case presented by the Managers is fatally deficient in three respects:

First, the facts presented, even if viewed in the light most favorable to the Managers' case, do not allege conduct that meets the high standard laid out by the framers for the impeachment, conviction, and removal from office of a president.

Second, the articles as drafted are vague and contain multiple allegations—denying the President the fairness and due process that is the right of every American citizen, and depriving senators of the clarity that is essential to discharging their responsibility as triers of fact.

Third, the Managers have failed to present facts that meet their heavy burden of proving the allegations contained in the Articles.

Let me address these points in turn.

The conduct alleged by the Managers to be worthy of conviction arises out of a private, civil lawsuit and a private, consensual, yet improper relationship between the President and Ms. Monica Lewinsky. It is the President's conduct in that lawsuit and in that relationship that are the basis of the charges at issue here. No charges arise from his official conduct as President.

(It is worth noting that, with regard to the Jones matter, the Supreme Court itself considered the conduct alleged therein to be private. The Court ruled that, while the President may