Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Beef Promotion and Research; Reapportionment'' (No. LS–98–002) received on February 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1580. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Modification to Handler Membership on the California Olive Committee'' (Docket FV99–932–2 IFR) received on February 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1581. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Standards for Animal Food and Food Additives in Standardized Animal Food'' (Docket 95N–0313) received on February 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1582. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1583. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the Foundation's annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1584. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Temporary Protected Status: Amendments to the Requirements for Employment Authorization Fee, and Other Technical Amendments'' (RIN1115–AF37) received on February 2, 1999; to the Committee on the Judiciary.

EC–1585. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the current Future Years Defense Program; to the Committee on Armed Services.

EC–1586. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Commerce Control List: Changes in Missile Technology Controls'' (RIN0694–AB75) received on February 2, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1587. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report on the proposed allocation of funds within the levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; to the Committee on Foreign Relations.

EC–1588. A communication from the President of the United States, transmitting, pursuant to law, a report on Presidential Determination 98–36 exempting the United States Air Force's operating location near Groom Lake, Nevada from any hazardous or solid waste laws that might require the disclosure of classified information; to the Committee on Environment and Public Works.

EC–1589. A communication from the Administrator of the General Services Administration, transmitting, a report on a construction prospectus for a stand-alone daycare center for the Social Security Administration's Woodlawn, MD campus; to the Committee on Environment and Public Works.

EC–1590. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''The Reauthorization of Aviation Insurance Act''; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. MCCAIN, Ms. SNOWE, and Mr. BRYAN):

S. 383. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:

S. 384. A bill to authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items; to the Committee on Armed Services.

By Mr. ENZI:

S. 385. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GORTON (for himself, Mr. KERREY, Mr. JEFFORDS, Mr. HOLLINGS, Mr. THURMOND, Mr. HARKIN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. JOHNSON, and Mr. WYDEN):

S. 386. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 6. A concurrent resolution authorizing flags located in the Senate portion of the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate; considered and agreed to.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. MCCAIN, Ms. SNOWE, and Mr. BRYAN):

S. 383. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science, and Transportation.

AIRLINE PASSENGER FAIRNESS ACT

● Mr. WYDEN. Mr. President, I am pleased to join with Senator MCCAIN, the Chairman of the Senate Commerce Committee, and Senators BRYAN and SNOWE in introducing today the Airline Passenger Fairness Act of 1999. The purpose of our legislation is to assure that consumer protections don't end when a passenger pulls into the airport parking lot. Travelers ought to enjoy the same kinds of rights in the air as they do on the ground. But as airline profits have soared in recent years, passenger rights have been left at the gate.

We are well aware that legislation cannot resolve every problem air travelers may encounter. Our bill does not impose a federal mandate for fluffier pillows or a Constitutional right to a bigger bag of peanuts, just the right to basic information and the ability for consumers to make decisions for themselves.

The Department of Transportation's (DoT) Air Travel Consumer Reports just issued its final tally of consumer complaints for 1998. Consumer complaints about air travel jumped from a total of 7,667 in 1997 to 9,606 last year, an increase of more than 25%. In just three months last year, one airline alone denied boarding to 55,767 passengers. The 10 largest U.S. carriers combined denied boarding to more than 250,300 passengers from July–September 1998. One industry expert estimates that sometimes as many as 130–150% of the seats on a flight are sold. Clearly, all is not well.

The price of an airline ticket is one of the great mysteries of modern life. A ticket costs one price when purchased over the phone and another if purchased online, one if purchased in the morning and another three hours later. It practically defies the law of physics.

With this bill, we are putting the airlines on notice that business as usual is no longer acceptable for American air travelers. No longer can a passenger be bumped, canceled or overbooked with impunity.

Under this bill, consumers will be able to get full information about all the fares on all the flights. Airlines will no longer be able to withhold basic information on air fares, creating confusion and preventing consumers from comparison shopping. It will also make sure that when a consumer pays for a ticket, they can use all or part of it for whatever reason they choose. Airlines will have to inform a ticketed passenger when a flight is overbooked, as well as when the problem is when a flight is canceled, delayed, or diverted.

The legislation will work by building on current rules and regulations. Today, the Department of Transportation can investigate ''anti-competitive, unfair or deceptive practices'' by an airline. If the Department finds that an airline has engaged in such practices, DoT can issue civil penalties or take other actions to assure compliance. Our legislation will empower consumers to seek DoT action against carriers that fail to respect the common sense consumer protections spelled out in the bill.

To date, DoT has tended to look at this authority primarily on an industry-wide basis, or whether one airline has engaged in an unfair practice against another. Our bill brings this attention down to the consumers' level. It gives the Department the authority to investigate and punish violations of passenger rights. Under our proposal, airlines will no longer be able to deny consumers basic information without paying a price.

This bill will also put market forces to work to bring prices down. Today, a traveler cannot get much basic information. Poor information makes for poor decisions; poor decisions prevent the market from operating smoothly and set the stage for higher prices. Just last year, according to one national media report, there were more than a dozen fare hikes, and in late January, the media reported the major U.S. carriers raised leisure fares four percent and business fares two percent. Informed consumers engaging in real comparison shopping will put pressure on the airlines to make fares as low as possible.

There's been a lot of talk lately about ''air rage.'' In my view there is no excuse for violent or abusive behavior by anyone. But when people are treated like so many pieces of cargo, it's not surprising that some of them will lash out. One pilot at a major U.S. air carrier said recently: ''What's happening is the industry's own fault. We've got to treat passengers with respect. We've made air travel a very unpleasant experience.''

It's time to make sure air travel works better for everyone. It can if air travelers have the same basic protections as other consumers. The corner grocer cannot sell a customer a product at one price and then sell the next customer in line the same product at a higher price. The neighborhood movie house cannot cancel a show just because only a few people show up. The Airline Passenger Fairness Act will bring similar consumer protections to air travel and ensure that air travelers have the information they need to make informed decisions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airline Passenger Fairness Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The number of airline passengers on United States carriers is expected to grow from about 600 million per year today to about 1 billion by the year 2008.

(2) Since 1978 the number of certified large air carriers has decreased from 30 to 10. In 1998, 6 of the United States' largest air carriers sought to enter into arrangements that would result in 3 large networks comprising approximately 70 percent of the domestic market.

(3) Only ⅔ of all communities in the United States that had scheduled air service in 1978 still have it today, and ½ of those remaining are served by smaller airlines feeding hub airports.

(4) The Department of Transportation's Domestic Airline Fares Consumer Report for the 3rd Quarter of 1997 listed 75 major city pairs where fares increased by 30 percent or more year-over-year, while total traffic in these city pairs decreased by 863,500 passengers, or more than 20 percent.

(5) A 1998 Department of Transportation study found that large United States air carriers charge twice as much at their large hub airports where there is no low fare competition as they charge at a hub airport where a low fare competitor is present. The General Accounting Office found that fares range from 12 percent to 71 percent higher at hubs dominated by one carrier or a consortium.

(6) Complaints filed with the Department of Transportation about airline travel have increased by more than 25 percent over the previous year, and complaints against large United States air carriers have increased from 6,394 in 1997 to 7,994 in 1998.

(7) The 1997 National Civil Aviation Review Commission reported that recent data indicate the problem of delay in flights is getting worse, and that the number of daily aircraft delays of 15 minutes or longer was nearly 20 percent higher in 1996 than in 1995.

(8) The 1997 National Civil Aviation Review Commission forecast that United States domestic and international passenger enplanements are expected to increase 52 percent between 1996 and 2006, and the Federal Aviation Administration forecasts annual growth in revenue passenger miles will average 4.2 percent.

(9) A 1998 Department of Transportation study found that the large United States air carriers charge about 60 percent more to passengers traveling to or from small communities than they charge to passengers traveling between large communities.

(10) The Congress has directed the Secretary of Transportation to prohibit unfair and deceptive practices in the airline industry.

SEC. 3. FAIR PRACTICES FOR AIRLINE PASSENGERS.

Section 41712 of title 49, United States Code, is amended—

(1) by striking ''On the initiative'' and inserting ''(a) DUTY OF THE SECRETARY.—On the initiative''; and

(2) by adding at the end thereof the following:

''(b) SPECIFIC PRACTICES.—For purposes of subsection (a), the terms 'unfair or deceptive practice' and 'unfair method of competition' include, in the case of a certificated air carrier, an air carrier's failure—

''(1) to inform a ticketed passenger, upon request, whether the flight on which the passenger is ticketed is oversold;

''(2) to permit a passenger holding a confirmed reserved space on a flight to use portions of that passenger's ticket for travel, rather than the entire ticket, regardless of the reason any other portion of the ticket is not used;

''(3) to deliver a passenger's checked baggage within 24 hours after arrival of the flight on which the passenger travelled and on which the passenger checked the baggage, except for reasonable delays in delivery of such baggage;

''(4) to provide a consumer full access to all fares for that air carrier, regardless of the technology the consumer uses to access the fares if such information is requested by that consumer;

''(5) to provide notice to each passenger holding a confirmed reserved space on a flight with reasonable prior notice when a scheduled flight will be delayed for any reason (other than reasons of national security);

''(6) to inform passengers accurately and truthfully of the reason for the delay, cancellation, or diversion of a flight;

''(7) to refund the full purchase price of an unused ticket if the passenger requests a refund within 48 hours after the ticket is purchased;

''(8) to disclose to consumers information that would enable them to make informed decisions about the comparative value of frequent flyer programs among airlines, including—

''(A) the number of seats redeemable on each flight; and

''(B) the percentage of successful and failed redemptions on each airline and on each flight.

''(c) REPORT.—The Secretary shall include information about violations of subsection (a) by certificated air carriers in the Department of Transportation's monthly Air Travel Consumer Report.

''(d) CONFIRMED RESERVED SPACE.—The term 'confirmed reserved space' shall mean a space on a specific date and on a specific flight and class of service of a carrier which has been requested by a passenger and which the carrier or its agent has verified, by appropriate notation on the ticket or in any other manner provided by the carrier, as being reserved for the accommodation of the passenger.''.●

● Mr. MCCAIN. Mr. President, I rise today along with my colleagues, Senator WYDEN, Senator SNOWE, and Senator BRYAN, to introduce the Airline Passenger Fairness Act.

People who travel by air are the airlines' customers. As such, they expect and deserve the same fair treatment that consumers in other areas have come to rely on. The Airline Passenger Fairness Act would ensure that passengers have the information that they need to make informed choices in their travel plans. It also seeks to encourage airlines to provide better customer service by outlining some minimum standards.

Mr. President, I would like to take this opportunity to comment on some of the specific provisions in the bill. The Airline Passenger Fairness Act will enable an airline passenger to:

find out whether the flight on which that passenger is booked has been oversold;

use whatever portions of a ticket he or she chooses to use to get to his or her destination;

receive his or her checked baggage within 24 hours of a flight's arrival, unless additional delays are reasonable;

find out from an airline all of the fares that the airline offers, regardless of the method used to access fares;

receive prior notice when a scheduled flight will be delayed, if reasonable;

receive accurate information about the reasons why a passenger's flight has been delayed, canceled, or diverted to another airport;

obtain a full refund of the purchase price of a ticket if the passenger requests it within 48 hours of purchase; and

receive accurate information about an airline's frequent flyer program, including the number of seats that can be

redeemed on each flight, and the percentage of successful and failed frequent flyer redemptions on each flight.

The Department of Transportation already holds the authority to investigate airlines that have been charged with exercising ''unfair and deceptive practices,'' and ''unfair methods of competition.'' Our bill simply specifies that if passengers are denied any of the items of fair treatment that I just listed, that denial constitutes an unfair or deceptive practice on the part of the airline, or an unfair method of competition.

Mr. President, as I said earlier, this legislation is about helping consumers make informed choices among their air travel options. A key component of this bill is a publication requirement. Consumers will be able to review the Department of Transportation's monthly Air Travel Consumer Report to find out what airlines are denying passengers the fair treatment outlined in the bill, and on how many occasions.

Air travel is on the rise. As airport congestion, delays, and fares increase, so have the complaints among airline passengers. The Air Passenger Fairness Act seeks to respond to these complaints in a constructive manner by giving passengers better information on which to judge the service levels offered by the airlines. We expect to hold hearings soon on this bill in the Commerce Committee, and we welcome any input on the initiative.●

By Mr. MCCAIN:

S. 384. A bill to authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items.

BUY AMERICA RESTRICTIONS LEGISLATION

● Mr. MCCAIN. Mr. President, I rise today to introduce legislation that would authorize the Secretary of Defense to waive ''Buy America'' restrictions on all items procured for the Department of Defense.

I have spoken of this issue before in this Chamber and the potential impact of our ''Buy America'' policy on bilateral trade relations with our allies. From a philosophical point of view, I oppose this type of protectionist trade policy, not only because I believe free trade is an important means of improving relations among all nations and a key to major U.S. economic growth, but also because I believe we must reform these practices in order to make our limited defense dollars go further so as to reverse the downward trend in our military readiness.

Mr. President, this is a simple and straightforward bill that promotes U.S. products, not by imposing restrictive barriers on open competition and free trade, but by reinforcing sound and beneficial economic principles.

This bill gives the Secretary of Defense the authority to waive restrictions on the procurement of all items with respect to a foreign country if the Secretary of Defense determines they would impede cooperative programs entered into between a foreign country and the Department of Defense. Additionally, it would waive protectionist practices if it is determined that such practices would impede the reciprocal procurement of items in that foreign country, and that foreign country does not discriminate against items produced in the U.S. to a greater degree than the U.S. discriminates against items produced in that country.

For example, the Secretary of Defense may waive ''Buy America'' restrictions for contracts and subcontracts for items because of unreasonable delays or costs to the U.S. government in equipping servicemembers with U.S. products; insufficient quantity or unsatisfactory quality of U.S. products; and absence of competition in the U.S., resulting in a monopoly or a sole source contract, and thus, a higher price for the Department of Defense and ultimately the taxpayer.

Let me be clear, I am not against U.S. procurement of American products. The United States, without a doubt, produces the very best products in the world. In fact, a recent Department of State study reported that U.S. defense companies sold more weapons and defense products and claimed a larger share of the world market than was previously realized. This new study shows U.S. exports of defense products increased to nearly $25 billion in 1996, comprising nearly 60 percent of global exports. This number continues to rise steadily.

From a practical standpoint, adherence to ''Buy America'' restrictions seriously impairs our ability to compete freely in international markets for the best price on needed military equipment and could also result in a loss of existing business from longstanding international trading partners. While I fully understand the arguments made by some that the ''Buy America'' restrictions help maintain certain critical industrial base capabilities, I find no reason to support domestic source restrictions for products that are widely available from many U.S. companies (e.g., pumps produced by at least 25 U.S. companies). I believe that competition and open markets among our allies on a reciprocal basis would provide the best equipment at the best prices for taxpayers and U.S. and allied militaries alike.

In recent meetings, the Ambassadors and other senior representatives of the United Kingdom, Sweden, Netherlands, Australia and Israel have apprised me of similar situations in their countries. In every meeting, they tell me how difficult it is becoming to persuade their governments to buy American defense products, because of our protectionist policies and the growing ''Buy European'' sentiment.

Mr. President, we have heard over the last four months of the dire situation of our military forces. We have heard testimony of decreasing readiness, modernization programs that are decades behind schedule, and quality of life deficiencies that are so great we cannot retain, much less recruit, the personnel we need. As a result, there has been a recent groundswell of support in Congress for the Armed Forces, including a number of pay and retirement initiatives and the promise of a significant increase in defense spending.

All of these proposals are excellent starting points to help re-forge our military, but we must not forget that much of them will be in vain if the Department of Defense is obligated to maintain wasteful, protectionist trade policies. When we actually look for the dollars to pay for these initiatives, it would be unconscionable not to examine the potential for savings from modifying the ''Buy America'' program. Secretary Cohen and the Joint Chiefs of Staff have stated repeatedly that they want more flexibility to reform the military's archaic acquisition practices. We cannot sit idly by and throw money at the problem, without considering this partial solution regarding ''Buy America.''

Mr. President, the Congress can continue to protect U.S. industry from foreign competition for selfish, special interest reasons, or we can loosen these restrictions to provide the necessary funds to ensure our military can fight and win future wars. Every dollar we spend on archaic procurement policies, like ''Buy America,'' is a dollar we cannot spend on training our troops, keeping personnel quality of life at an appropriate level, maintaining force structure, replacing old weapons systems, and advancing our military technology.

Mr. President, it is my sincere hope that this legislation will end once and for all the anti-competitive, anti-free trade practices that encumber our government, the military, and U.S. industry. I urge my colleagues to join me in support of this critical bill.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO WAIVE DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410n. Authority to waive domestic source and content requirements

''(a) AUTHORITY.—Subject to subsection (c), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

''(1) outside the United States or its possessions; or

''(2) in the United States or its possessions from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

''(b) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

''(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

''(c) LIMITATION.—The Secretary may waive a domestic source requirement or domestic content requirement under subsection (a) only if the Secretary determines that one or more of the conditions set forth in section 2534(d) of this title apply with respect to the procurement of the items concerned.

''(d) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding the adding at the end following new item:

''2410n. Authority to waive domestic source or content requirements.''.●

By Mr. ENZI:

S. 385. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SAFETY ADVANCEMENT FOR EMPLOYEES (SAFE) ACT

● Mr. ENZI. Mr. President, I rise to introduce the Safety Advancement for Employees (SAFE) Act of 1999.

Today, as Americans head off to work, 17 of them will die and 18,600 of them will be injured on the job. The fact is that these accidents are occurring not because employers are heartless when it comes to worker safety. On the contrary, even the Department of Labor estimates that 95 percent of employers are striving to create safe workplaces. Nevertheless, America's employers are routinely left to their own devices to comply with thousands of pages of regulations without agency assistance and face steep fines for noncompliance despite their good-faith efforts.

The Clinton Administration has responded to this problem by pledging a ''reinvented government'' that partners with employers in the effort to improve occupational safety and health. I agree with the strong statements made by Vice President Gore that ''OSHA doesn't work well enough,'' and that OSHA should ''hire third parties, such as private inspection companies'' to perform inspections. In fact, Vice President Gore's conclusions are at the heart of the OSHA modernization effort that I worked on last Congress. The SAFE Act that I am introducing today embodies a true partnership approach by encouraging employers to voluntarily hire third party consultants to audit their workplaces for compliance with OSHA and safety in general. Those consultants must be qualified by OSHA as legitimate safety consultants. They will work with employers on an ongoing basis to ensure that the employer is in compliance with OSHA regulations. Once the employer is in compliance, the consultant will issue him a certificate of compliance.

Under the SAFE Act, OSHA retains full power to inspect employers who have received such a certificate, full power to find violations of OSHA's regulations and full power to order such employers to abate the violations. The bill also provides that good-faith employers who go to the time and expense of hiring a safety consultant and getting in compliance with OSHA are exempt from civil fines for one year. In other words, the SAFE Act strikes a new and healthier balance for America's workers.

The SAFE Act's third party consultation provision codifies the Vice President's approach. It will result in tens of thousands of employers, perhaps more, getting expert safety consultations. It will allow OSHA to target its enforcement resources where they are most needed, and unlike other OSHA reform bills, it preserves OSHA's power to inspect any workplace and order abatement as it sees fit.

During the 105th Congress, the SAFE Act garnered more support than any OSHA modernization measure in years and successfully passed the Senate Labor and Human Resources Committee within a few months of introduction. I hope to build on that success by strengthening the consultation aspect of the bill in the 106th Congress. One of the most important changes to the SAFE Act in this regard is that the voluntary, third party consultation provision now requires employers to work with trained safety and health consultants to develop work site-specific safety and health programs before they receive a Certificate of Compliance. I have borrowed both the idea for this provision and the language directly from one of OSHA's successful consultation programs, the Safety and Health Achievement Recognition Program, or SHARP. SHARP is a consultation-based program available to businesses who want to work with an OSHA consultant and develop a safety and health program in return for one year free from inspections. The key to this program's success is that it is voluntary, it helps employers achieve compliance by working with a trained safety consultant, and it contains incentives to encourage employers to seek solutions to safety and health hazards.

The outstanding results of the SHARP program will be amplified by its inclusion in the SAFE Act. Due to the limited resources that OSHA dedicates to consultation, very few employers are able to take advantage of the SHARP program. However, under the SAFE Act, the safety benefits of the program will be available to every employer on a voluntary basis.

An important and additional benefit of including OSHA's voluntary, consultation-based SHARP program in the SAFE Act is that it strikes a compromise. For the last several months, OSHA has been moving forward in promulgating a mandatory safety and health program rule applicable to all employers regardless of size or type. The rule is not only mandatory but it is also a ''performance-based'' rule, the 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 cooperation 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