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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, infinite, eternal, and unchangeable, full of love and compassion, abundant in grace and truth, we praise You for being the faithful initiator and inspiration of prayer. We need not search for You, because You have found us; we need not ask for Your presence, because You already are impinging on our minds and hearts; we need not convince You of our concerns, because You know what we need even before we ask. What we do need are humble and receptive minds. Awe and wonder grip us as we realize that You want our attention and want to use us to accomplish Your plans for our Nation. We openly confess the inadequacy of our limited understanding. Infuse us with Your wisdom.

The week ahead is filled with crucial and controversial issues to be debated and decided. Reveal Your will for what is best for our Nation. We yield our minds to think, and then communicate, Your thoughts. Invade our attitudes with Your patience so that we will be able to work effectively with those who differ with us. Help us to listen to others as attentively as we want them to listen to us. In the midst of controversy keep us unified in the bond of our greater commitment to be servant-leaders of our Nation.

And as we press on with our work that You have given us to do, we commit to You the care of our loved ones and friends who need Your physical healing and Your spiritual strength. In Your holy name, Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. Thank you, Mr. President. We have morning business until 1 o'clock, with Senators permitted to speak for up to 10 minutes each. At 1 o'clock, we resume consideration of S. 343, the regulatory reform bill. Under a previous order, Senator ABRAHAM will be recognized to offer an amendment on small business. At 3 o'clock, the Abraham amendment will be set aside so that Senator NUNN may offer an amendment with Senator COVERDELL regarding regulatory flexibility.

At 5:15, we begin two back-to-back votes—a vote on or in relation to the Abraham amendment, to be immediately followed by a vote on or in relation to the Nunn-Coverdell amendment. So there will be at least two rollcall votes today, and there could be further rollcall votes into the evening.

Let me indicate to my colleagues, this is Monday morning. This is a very important piece of legislation. It is controversial in some quarters. We hope to end up with a strong bipartisan bill. But I will alert my colleagues, we will have long days all this week, including Friday. So I do not want people expecting that on Friday there will be no votes or maybe be one vote at 11 o'clock in the morning. That can change if we complete action on this bill, but I doubt that will happen.

In addition, we were not able to complete action on the rescissions package before we left a week ago Friday. That bill will come up when there is an agreement without amendment to go to final passage.

I understand there may be some discussion of that later on today. It is a bill that saves about \$9.2 billion. It was

blocked by two of my colleagues before the recess. I hope that their concerns may be satisfied by the administration. I hope the administration can deal with our Democratic colleagues with reference to that bill.

It has many important items in the bill, including disaster relief for Oklahoma City, earthquake relief for California, and a number of other—in fact, there are some 30 States for which this bill includes some disaster money. So it is an important bill. It is one we should pass.

It also saves \$9.2 billion overall. It is very important that we pass that bill at the earliest possible time. I commend the White House for at least notifying the agencies not to spend any money that is not authorized in that rescissions bill. So that is a step in the right direction.

Now, if they can convince a couple of our colleagues to let us pass the bill, we could do that at any time today or tomorrow if an agreement is reached.

But I again indicate it is going to be a full week. We are already eating into the August recess. We have some “must” legislation we hope to complete between now and sometime in August. We will have a final schedule to all of our colleagues by the end of the week.

Mr. President, was leaders' time reserved?

The PRESIDING OFFICER (Mr. KYL). Yes, leaders' time was reserved.

DISTORTIONS OF REGULATORY REFORM BILL

Mr. DOLE. Mr. President, now that we have begun consideration of regulatory reform, the defenders of the status quo have settled on the weapon of last resort: fear. Thus, we have reporters and pundits pronouncing in strident tones “the rollback of 25 years of environmental protection,” the likelihood

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of increased outbreaks of E. coli food poisoning, and the horror of placing a pricetag on human life.

The sky is falling is undoubtedly next.

The only problem with all these arguments is that they are absolutely false, not just false in some small way, but false in every way. Apparently, the Chicken Littles who have engaged in these scare tactics did not even bother to read the legislation.

Had they done so, they would realize that most of the bill merely codifies Executive orders issued by every President since the Ford administration. Had they done so, they would realize this is a bipartisan piece of legislation that balances commonsense reform with the need to protect health, safety, and the environment. So here are a few facts—although I am not certain from some of the reports I read, the Ralph Naders, and the Bob Herberts of the New York Times, and others, even care about facts—but just in case somebody might care about facts, let me state some facts, and I quote directly from the legislation conveniently ignored by these liberal distortions:

Our regulatory reform legislation protects existing environmental health and safety laws.

Our legislation makes explicit that regulatory reform measures supplement and [do] not supersede—supplement and do not supersede. We are not going to supersede any law, we are going to supplement existing environmental health and safety requirements. Congress chooses the goals, and all we ask is that among several options achieving those goals that the one imposing the least possible burden be selected.

We do not see a problem, if you are going to have all these options, and one will accomplish the job with the least burden on the American taxpayer, the American consumer, the American businessman, generally small business men and women, why should we not choose that option?

However, a cost-benefit analysis of proposed regulations is not required before issuing rules that address an “emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.” If nonquantifiable benefits to “health, safety, or the environment” call for a more costly regulatory alternative, the agency is free to make that choice as well. And rules subject to a proposed congressional 60-day review period may be implemented without delay if “necessary because of an imminent threat to health or safety or other emergency.” So it seems to me we have made it rather clear.

Some rollback.

Our regulatory reform legislation protects food safety.

Perhaps the most cowardly argument has been the one that suggests that our legislation would, in the words of one overly distraught commentator, mount “an all-out assault on food safety regu-

lations” and block implementation of the Agriculture Department’s proposed meat inspection regulations.

Does any reasonable person really believe that any politician, Democrat or Republican, is trying to gut food safety laws? Of course not. But for those who have made a career on scare tactics, this argument will apparently do. If they make it, surely somebody in the media will repeat it and repeat it and repeat it. That has been done for the past several days.

All of the protections in the bill noted above apply here, too, especially the one exempting a regulation from any delay if there is “an emergency or health or safety threat.” But there are several additional ironies. First, the Agriculture Department already conducted a cost-benefit analysis of the meat inspection rule, and it passed. Second, in the entire bill the only time health inspections are mentioned, it is to exempt them from risk assessment requirements under this bill.

Our regulatory reform legislation does not place a price tag on human life.

The argument that regulatory reform would place a price tag on human life usually carries with it the notion that some lives will be worth more than others. This is a cynical argument and is completely at odds with what the bill would actually accomplish.

First, not only does the bill avoid putting a price tag on life, it explicitly recognizes that some values are not capable of quantification. Thus, both costs and benefits are defined in the legislation to include nonquantifiable costs and benefits.

The legislation also provides that in performing a cost-benefit analysis, there is no requirement to do so “primarily on a mathematical or numerical basis.” And, second, agencies may choose higher cost regulations where warranted by “nonquantifiable benefits to health, safety or the environment.”

Nothing could be more clear to this Senator, and we hope we have made it clear in the bill, which is sponsored by Republicans and Democrats.

Mr. President, I have quoted from the bill wherever possible. It is interesting that opponents of the bill never do. They probably have never seen the bill and do not know the numbers, and they do not intend to read it. They have bought into this nonsense that some Members of Congress are for dirty meat, that we want dirty meat—that is what I have read—that we want people to die of food poisoning.

I know they do not like to read these things because it is inconvenient, and they do not want the facts in many cases. But I challenge the opponents to stop distorting the truth and start seeking it. They can read the bill. To help them, I have prepared a summary of provisions that address the protections for health, safety, and the environment that I will include with this statement in the RECORD.

Then opponents can start telling us why they are really upset by regu-

latory reform. I suspect it has less to do with threats to the environment and more to do with the threat to Federal power in Washington, DC.

We have a lot of bureaucrats that might lose their jobs if we can ease some of the burdens on consumers, farmers, ranchers, small businessmen and women, the people who have to pay for all the regulations, and, in some cases, the costs exceed the benefits. In some cases, there are no benefits at all. The most costly regulations are usually the ones that impose a Government-knows-best requirement, and there is an entire culture devoted to telling the American people that the Government knows best; Washington, DC, knows best.

Our legislation is a direct threat to a smug assertion. By golly, we ordinary Americans hope you agencies do not take it personally, but we would really like you to show us why a rule imposing hundreds of millions of dollars makes sense and was the only way to do it.

So we think we are on to something here. It should not be a partisan issue, and it is not a partisan issue. A lot of my good colleagues on the other side of the issue are supporting this, and we hope to have more before the week is out.

The opponents are right in one respect: This is one of the most important pieces of legislation this Congress will address. Americans pay more in regulatory costs than they do to Uncle Sam through income taxes. Overregulation costs the American family an estimated \$6,000 a year. I believe we can ensure regulations that both promote important goals like food safety and also minimize costs wherever possible, and I believe it is our obligation to do so. In that respect, I am an optimist. I have never succumbed to the chirpings of the Chicken Littles and do not intend to start now.

Mr. President, I ask unanimous consent that a section-by-section analysis of this legislation, particularly as it relates to protection of human health, safety, and environment, be printed in the RECORD.

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

S. 343: Responsible Regulatory Reform That Protects Health, Safety and the Environment

S. 343 DOES NOT OVERRIDE EXISTING HEALTH, SAFETY AND ENVIRONMENTAL LAWS

Sec. 624(a)—Cost-benefit requirements “supplement and [do] not supersede” health, safety and environmental requirements in existing laws.

Sec. 628(d)—Requirements regarding “environmental management activities” also “supplement and [do] not supersede” requirements of existing laws.

S. 343 PROTECTS HUMAN HEALTH, SAFETY AND THE ENVIRONMENT

Sec. 622(f) and Sec. 632(c)(1)(A)—Cost-benefit analyses and risk assessments are not required if “impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.”