

will be eliminated. School food programs will be reduced by \$309 million. The Committee on Agriculture is to be commended for taking the first step in the right direction.

But, Mr. Speaker, we have many more battles to fight for the hungry in America. The war goes on.

□ 1415

COSPONSOR REGULATORY A-TO-Z BILL

(Mr. LATHAM asked was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, I rise today to introduce legislation requiring each committee of the House to report a comprehensive regulatory relief plan during this session of Congress.

We are currently in the process of considering the Contract With America's long-overdue regulatory relief and reform provisions.

However, we need a vehicle for addressing existing excessive regulations that are costing our States, cities, and businesses hundreds of billions of dollars. This bill will provide that vehicle, free of the arbitrary schedules of reauthorization bills.

Under this proposal, every Member of the House would have the opportunity to offer amendments to their committees' regulatory package in order to streamline or reduce the costs of existing regulations, eliminate or reduce unfunded Federal mandates, and apply cost-benefit analysis review to existing regulations.

In the tradition of openness of the A-to-Z spending cut plan, I call this bill the regulatory A-to-Z bill. I hope all Members will join me as a cosponsor of this comprehensive regulatory reform bill.

AS THE ROMANS DID

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, Rome was not built in a day and the Washington bureaucracy will not be torn down in 100 days. While the President of the United States goes to foreign soil to criticize Members of this body, the Republican majority is making progress. We are working hard, we are keeping our promises and starting to change the way that Washington operates.

This week we continue to change the federal regulatory process.

For years, our small business sector has cried for an end to stifling regulations and arcane rules that hurt economic growth and kill jobs. We have heard those cries and we will deliver relief. We will create jobs and help the American people.

Next month we will continue to change Washington. We will end the cruel cycle of dependence and hopeless-

ness by comprehensively reforming our welfare system.

RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 96 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 96

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided among and controlled by the chairman and ranking minority members of the Committee on Commerce and the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. BE-REUTER). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 96 is a modified open rule providing for the consideration of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995. The purpose of this legislation is to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules.

In addition to the 1 hour of debate on this rule, the rule provides for 2 hours of general debate, with 1 hour equally divided between and controlled by the chairman and ranking minority member of the Commerce Committee, and 1 hour equally divided between and con-

trolled by the chairman and ranking minority member of the Science Committee.

After general debate is completed, the bill will be considered for amendment under the 5-minute rule, for a period of time not to exceed 10 hours. I would like to emphasize that any Member will have the opportunity to offer an amendment of the bill under the 5-minute rule. I believe this is a fair process, in that, again, it will allow any Member with a suggestion for improvement of this legislation, to bring it up for consideration by the full House in the form of an amendment.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 96 brings to the floor H.R. 1022, a bill which is the product of intense negotiations to reconcile the differences between bills marked up and reported out by the Committee on Science and the Committee on Commerce. Both committees had jurisdiction over title III of H.R. 9, the Job Creation and Wage Enhancement Act, and I believe that this compromise legislation is a balanced and appropriate vehicle for floor consideration for purposes of amendment to achieve the goal of setting a comprehensive risk assessment policy for the Federal Government.

This legislation, the Risk Assessment and Cost-Benefit Act of 1995, consists of six major provisions. Title I deals with presenting the public, and Federal executive branch decisionmakers, with the most scientifically objective and unbiased information concerning the nature and magnitude of health, safety, and environmental risks in order to provide for sound regulatory decisions and public education. Title II requires Federal agencies to prepare information regarding costs and benefits for each major rule within a program designed to protect human health, safety, or the environment. Title III establishes peer review requirements for rules that are likely to increase annual costs by \$100 million and calls for the establishment of national peer-review panels to review agency practices concerning risk and cost assessments. Title IV sets up the applicable judicial review requirements. Title V requires each covered Federal agency to publish a plan concerning procedures for receiving and considering new information and revising risk assessments or rules where appropriate. And finally, title VI requires the President to issue biennial reports addressing risk reduction priorities among Federal regulatory programs designed to protect human health.

All too often, although well-intentioned, Federal regulatory costs are vastly out of proportion to the concerns that the regulations were meant to address.

Mr. Speaker, H.R. 1022 reforms the Federal regulatory process in a sound

and reasonable manner and will hopefully help us avoid some of the unintended consequences we have encountered in the past.

Mr. Speaker, I believe H.R. 1022 is a good bill, and I defer to the judgment of the chairmen of the committees that reported this bill, who have stated that 10 hours is ample time for the amendment process. If we work together in a spirit of cooperation and comity, and do not resort to dilatory tactics, we should be able to have a thoughtful amendment process to enable us to improve the bill from its current form, in necessary.

I strongly support the Risk Assessment and Cost-Benefit Act of 1995 and urge adoption of this open rule for its consideration.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are opposed to this rule because it limits the amount of time allowed for considering amendments to the bill it makes in order, the Risk Assessment and Cost-Benefit Act of 1995. This is a very complex bill which many Members believe is seriously flawed, and the rule for its consideration ought to ensure that Members have an adequate amount of time to offer amendments which would improve it.

Mr. Speaker, we understand the desire of the majority to have H.R. 1022 considered in a timely manner. However, based on our experience during the last 2 weeks considering four bills which were also subject to a 10-hour limit on the amendment process, we can realistically expect that the actual amount of time spent debating amendments will be much less than 10 hours—somewhere between 6 and 8 hours.

During consideration of this rule in the Rules Committee on Friday, we offered an amendment to strike the 10-hour time limit on the amendment process, since it was our first preference not to have any limit at all. That amendment was rejected on a straight party-line vote.

We then offered an amendment to lengthen the time provided for the amendment process to 20 hours, the amount requested by the gentleman from Michigan, the ranking minority member of the Commerce Committee, Mr. DINGELL. If one-quarter to one-third of the time is likely to be consumed by voting, then actual time spent debating amendments would be between 12 and 16 hours. That amendment was also rejected on a party-line vote.

Finally, we offered an amendment to exclude time spent on recorded votes from the 10-hour limit. That change would have meant that there would actually be 10 hours in which to debate amendments, rather than 6 or 7 or 8.

But that amendment, too, was rejected on a party-line vote.

As I said, the majority's desire to have a time limit on the offering of amendments is understandable, but their insistence on including in that limit the time it takes to hold recorded votes is not. Our request to exclude time spent on recorded votes was a very reasonable one which should have been accepted. Besides providing more opportunity to a greater number of Members to offer amendments, it would have made the arduous process of paring down and prioritizing amendments—which Members on both sides of the aisle are affected by—significantly less difficult.

Furthermore, if time spent on recorded votes is not excluded from the limit, sponsors of amendments are put in the uncomfortable position of having to choose between seeking a recorded vote, or foregoing that recorded vote in order to increase the likelihood that other Members will get a chance to offer their amendments. It is simply not fair to put Members in that position.

The argument that was made in the Rules Committee against excluding time spent voting from the 10-hour time limit was that such a change would encourage dilatory tactics—that opponents of the bill would call for recorded votes on every amendment. But, in fact, by not excluding voting time, a parliamentary tactic of another sort can be employed by the bill's proponents—and in fact, has been. Three times during consideration of amendments to the Regulatory Transition Act, Members who agreed with the outcome of the amendment on voice vote called for recorded votes in order to consume time allotted for considering amendments.

Partly as a result of that tactic, the amount of time spent actually debating amendments to the Regulatory Transition Act was only 6½ hours, and 15 Members who wanted to offer amendments were unable to do so.

Mr. Speaker, the time limit on the amendment process would not be quite so troubling to Members on our side of the aisle if it were not for the fact that the Risk Assessment and Cost-Benefit Act, like many of the other Contract With America bills, did not receive adequate consideration prior to floor consideration.

This is a bill which makes extremely far-reaching changes in the Federal regulatory process. Yet the Science Committee, which has principal jurisdiction over the bill, dispensed with subcommittee hearings and markup entirely, and held just 2 days of hearings at the full committee level.

The committee began markup of the bill 3 days after the hearings, before the committee had received many of the agency responses it had requested analyzing the impact of the bill and responding to questions asked by witnesses. And, the chairman of the committee presented extensive amend-

ments changing the scope and application of the bill at markup, without giving other Members any time to prepare amendments in response.

The other committee of jurisdiction, Commerce, also dispensed with subcommittee hearings and markup, and held just 2 days of hearings at the full committee level. The committee began markup 5 days after the hearings, without giving minority members a copy of the markup vehicle until the day before they began amending the bill. That left members on that committee, as well, without sufficient opportunity to prepare amendments.

In addition, the bill that this rule makes in order is not the version of the legislation that either committee reported—it is a version that was introduced just last Thursday, which neither of the ranking minority members had adequate opportunity to review prior to testifying at our Rules Committee hearing on Friday.

The tragedy of this hasty and deficient committee process is that it contributed to the loss of an opportunity to bring to the floor a more reasonable and rational regulatory reform bill which would have had the support of virtually the entire membership.

We all agree that better use of risk assessment, cost-benefit analysis, and peer review could help make the regulatory process more rational, efficient, and cost-effective, and would result in regulations that are less expensive and less onerous to comply with. A great deal of work toward that end was done by the Science Committee in past Congresses under its former chairman, now the ranking minority member, the gentleman from California [Mr. BROWN].

However, the bill before us is an ill-considered piece of legislation that will have widespread unintended consequences and make legitimate regulation much more difficult. In its present form, it would: Set up a cumbersome and costly procedural maze which is likely to require more Federal employees and agency costs at a time we are trying to downsize the Federal bureaucracy—by imposing a whole new set of regulatory requirements on top of existing ones which are already too complex; invite massive amounts of new litigation; establish a nonscientific process of comparative-risk analysis; permit peer review panels to be dominated by scientists who have financial conflicts of interest; and impose an inflexible and unrealistic requirement that agencies certify that benefits outweigh costs before issuing final rules.

Particularly troubling is the fact that the bill's decision criteria for issuing rules would supercede such requirements in existing health, safety, and environmental laws. By applying these new requirements to such laws as the Clean Air and Clean Water Acts, this legislation threatens to overturn the important health protections citizens have under those laws.

Fortunately, in the course of consideration of this bill, we shall have the opportunity to change many of its most worrisome features. Several worthwhile amendments will be offered and, we hope, adopted. A complete substitute, offered by Mr. BROWN of California and Mr. BROWN of Ohio, would cure all of the bill's most serious problems, and we hope that Members from both sides of the aisle will give it their support.

Mr. Speaker, again, we oppose this rule because of the restriction it imposes on the amount of time allowed for the amendment process, and I urge Members to vote "no" on it.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding me this time, and I want to commend him for the great job he does as a new and a very valuable member of the Committee on Rules. He really is producing results.

Mr. Speaker, I rise today in support of another open rule from the Committee on Rules. I rise further to enthusiastically support this bill, the Risk Assessment and Cost Benefit Act of 1995.

This bill is the third in the Republican five-part series of bills to reform the Government's byzantine regulatory system. Later this week the House will take up H.R. 926, the Regulatory Reform and Relief Act. And then it will take up H.R. 925, the Private Property Protection Act, which I helped to write, and which I am so proud of.

Mr. Speaker, legislation like the measure before us today is exactly why you and I, Mr. Speaker, came to this Congress back in 1978.

In fact, the Clinton administration has substantially increased the number of wacky Federal regulations, and they have opposed our efforts over the last 2 weeks to reform the regulatory process.

Mr. Speaker, this bill requires risk assessment and cost-benefit analysis on regulations contemplated by Federal agencies. It is as simple as that. All too often Federal rules are promulgated with faulty science or, even worse, with political objectives in mind. This legislation sets forth the very scientific principles that must be adhered to in the conduct of the rule-making process. In my upstate New York district, regulations that were developed with no regard to scientific evidence are threatening to close paper mills that employ thousands of people in the Glens Falls and other upstate regions. The EPA-proposed cluster rules, which set emission standards for the pulp and paper industry, could have been a much improved regulatory product had a cost-benefit analysis been conducted, but it was not.

Mr. Speaker, regulations to implement the Safe Drinking Water Act sound great, do they not? But in my district, they are yet another example of the regulatory chokehold the bureaucracy has on this Nation. Just listen to this: The cost to the small towns in my district is astronomical. The town of Keene, NY, with only 209 water users, has got to come up with a half-million dollars under the new regulation. The village of Lake Placid, with 2,485 users, \$4.2 million. Where are they going to get the money from? And the village of Lake George, with only 933 users, \$5 million. Boy, I just wonder where all this comes from. Mr. Speaker, this is outrageous, considering there has not been a waterborne disease in Lake Placid in over 50 years.

Mr. Speaker, unemployment in my area is twice the level of that of the State of New York, and my district cannot afford any more of these ill-conceived, ridiculous regulations. They have got to be stopped. The Republican Congress is about to turn the tables on the regulators in Washington.

For years business and industry have been forced to jump through hoops to satisfy regulators in the bureaucracy. Well, if this legislation becomes law, we are going to turn that around.

The executive branch in the future will be forced to jump through those same hoops, conducting commonsense studies before they can saddle business and industry and local governments with these kinds of ridiculous regulations.

The rule to provide for consideration of this dramatic reform pill is an open rule allowing for a 10-hour amendment process. This type of time capsule encourages Members to organize with their colleagues in advance and consult with their respective leaderships on which amendments should be offered inside the 10 hours.

The minority leader, the gentleman from Missouri [Mr. GEPHARDT], supports this kind of concept. He said so before our joint committee on reform task force. Such a time capsule allows for a fair and open amendment process within the time constraints made necessary by our ambitious agenda which was endorsed at the polls last November.

Mr. Speaker, I have said it before on this floor, but with each passing week, there is new evidence to support my assertion that a bipartisan coalition in this House is implementing the second Reagan Revolution. There have been large Democrat votes in this Congress in favor of such monumental reforms as the balanced budget amendment, the line-item veto, meaningful crime bills, and the regulatory moratorium bill just last week which passed the House by a vote of 276 to 146. A lot of good conservative Democrats voted for it on a bipartisan basis.

Mr. Speaker, I fully expect the same bipartisan group to come together and pass this piece of legislation. I urge support for the rule.

Mr. BEILENSEN. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Speaker, last week the House passed H.R. 450, placing a temporary hold on Government regulations until commonsense risk assessment and cost-benefit analysis is passed and signed into law. As the ranking member on the subcommittee that drafted the regulatory moratorium legislation, I believe that our current regulatory process has become unworkable most of the time. The current process is too often made up of senseless rules and regulations that cost us time and money without producing a benefit.

Today we will consider and vote on H.R. 1022, a viable risk assessment bill which is the first step towards the lifting of the moratorium. H.R. 1022 is a commonsense approach to risk assessment that is essential to tangible and effective regulatory reform. Not only does H.R. 1022 make the regulatory process more reasonable by forcing Federal agencies to use sound science and practical common sense, but it also requires Government agencies to prioritize regulations, so that the most critical health and environmental risks are addressed first.

I speak for several of my Democrat colleagues who support this bill, and I can firmly say we support the rule and support H.R. 1022 in its present form. If we were in charge of writing risk assessment legislation, I can say that we may have not drafted the bill exactly as it is, however, H.R. 1022 is a good start, and we do support this basic approach to risk assessment.

Some of my colleagues are arguing that enough time has not been given for adequate consideration of H.R. 1022. This is simply not the case. When we debated H.R. 450 last week, we had 1 hour less than has been given today for H.R. 1022. The time given last week for the regulatory moratorium was more than enough for thorough consideration. Furthermore, the truth of the matter is that those disputing the rule, will oppose this bill regardless of the amount of debate or with any amendments.

Again, last week the House passed a moratorium on Federal regulations as a first step to achieving commonsense regulatory reform. H.R. 1022 is the next critical step to more sensible and rational regulation. This bill lays the groundwork for what the American people have requisitioned Congress to do. The American people want the Federal Government out of their lives. I urge my colleagues to support the rule and vote for final passage of H.R. 1022 without amendments.

□ 1445

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this rule to provide consideration of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995.

This legislation is an important part of the regulatory reform package which the House began debating last week. Over 15 years ago, the first risk assessment bill was introduced in this House by our former colleague, Don Ritter. Since that time, Congress has held over 22 hearings on this subject. In this body, 10 of these hearings have been in the Committee on Science, 4 in the Committee on Commerce, 2 in the Committee on Government Reform and Oversight, and 2 in the Committee on Economic and Educational Opportunities.

Last year, the Committee on Science marked up and reported the Risk Assessment Improvement Act of 1994. Many of the provisions of title I of the bill we will debate today were contained in that act and were later added to the Environmental Technologies Act.

In fact, I have a chart here of where we were with the bill that was in the 103d Congress and where we are with the present bill.

You will see that the bills in many ways are very, very close. So, therefore, we are not talking about new subject matter, by any stretch of the imagination. The amendment which set forth the principles of risk assessment and risk characterization was passed by the House by a vote of 286 to 139. Because they were strong and meaningful guidelines, however, these principles were not enacted.

Today, after 15 years of debate and 15 years of study, it is time to act. In fact, I was amazed to hear all of the talk in the Committee on Rules the other day when testifying about the need to do this. The fact is something has gone terribly wrong in our regulatory structure, and we need to do something about it. And Member after Member, on both sides of the issue, came up and said we have to do something about it.

Well, the fact is we have gone 40 years. The regulatory system in this country has become a nightmare, and we have done nothing.

Now, when we attempt to do something, some members of the Committee on the Rules and others come to the House floor and suggest, "We have got to do something, but now is not the time. The hearings that were held were too quick; we can't do it in 10 hours of debate."

I am fascinated by the 10-hour debate argument because when I looked back, I found out on House Resolution 299 in the previous Congress, we were told at that point that 1 hour of general debate and 4 hours of amendment process was in fact—now, get this—it was an open rule.

According to a gentleman on the other side of the aisle, a member of the

majority party at that time, he said that is an open rule. He said, "After careful consideration the Committee on Rules granted this time limit request that is both fair and reasonable."

Now imagine that. We come out here with 10 hours, and we are told somehow this is a horrible problem being visited upon the minority. The gentleman who made that statement in the last Congress was none other than Mr. BEILENSON, who is handling the bill before us at this time. He called that an open rule, 4 hours of debate, and he said it was fair and reasonable.

Now, the question is whether or not 2½ times that amount of time is even more fair and reasonable.

I think it is, particularly given the magnitude of the bill that we have before us.

What people have come to the conclusion across this country is that it is time to rationalize our regulatory process. Our constituents understand that risk is a part of everyday life. It is a phenomenon which had confronted mankind since the beginning. Most are willing to accept the fact of risk. It is time to use good science to ensure that the regulatory burden we impose on the American people provides them with the protection from real hazards, not the exaggerated risks of the zero-tolerance crowd.

Mr. Speaker, I support this resolution. It is time to get on with the debate, and I congratulate the gentleman from Florida [Mr. DIAZ-BALART] for bringing it forward.

Mr. BEILENSON. Mr. Speaker, for purposes of debate, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the ranking minority member on the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, the claims of bipartisanship are extraordinary here. And they are completely unfounded. Mr. Speaker, there is a wonderful story I told my good friend, the gentleman from New York [Mr. SOLOMON], at the Committee on Rules about a stew which was abominable in taste and appearance. The customer said, "This is horrible. I want to talk to the cook." The cook came out and he said, "What kind of stew is it?" The cook said, "It is one-horse, one-rabbit stew." The guy said, "that is remarkable. What is the recipe?" He said, "Very simple. Equal parts, one horse, one rabbit."

That is the kind of bipartisanship you are seeing today.

Frankly, I would be ashamed to present this bill to the House of Representatives. The rule does little to rectify the abuses and the failures that have taken place procedurally with regard to the presentation of this legislation.

First of all, the inadequate hearings; second of all, inadequate notice; third

of all, total inability for the people to understand what is in it.

Next, total misunderstanding on the part of my colleagues over here on the other side of the aisle as to what this legislation does or how it is going to work or what its impact is going to be.

This legislation drips unintended and unforeseen consequences. No one here knows or understands what are going to be the consequences of this legislation.

The process that we are embarked upon is bottomed on a careless, sloppy, slovenly, partisan and irresponsible legislative process. It is done in a way which has precluded intelligent participation on the part of all the Members.

I think the greatest complaint that the people of the United States are going to have with this particular piece of legislation when they have had a chance to observe what has happened is the fact that they have never been brought into the process.

The legislation we have before us was never the subject of hearings, there has been no open discussion amongst the Members. What has happened is that the chairmen of the two committees, the gentleman from Virginia [Mr. BILLEY] and the gentleman from Pennsylvania [Mr. WALKER], have had a series of meetings somewhere, where they have quietly, without attention or notice to any individual, come up with changes to the bill.

Now, ostensibly these changes would correct abuses which my colleagues found. But they never consulted with anybody about what the abuses were. And they never consulted with the members of the committee on both sides of the aisle as to what were the failures or the defects in this legislation.

Now, the art of Federal regulation is really a constitutional exercise. It is something which is required to meet both the requirements of statutes as set forth in the Administrative Procedures Act, which is actually a codification of the constitutional requirements of due process, and the provisions of the Constitution, which sets forth the right of every American to be heard in connection with the regulatory processes of this Government.

It is interesting to note that no consideration has been given as to whether the affected regulations are good or bad, whether they need to be adopted or whether they do not, whether there is, in fact, an emergency; whether, in fact, there is some urgent need for the legislation from the standpoint of consumers or environmentalists; or from the standpoint of the American business community.

The moratorium passed last week is going to preclude the adoption of many regulations which are desperately needed by American business. One of the interesting things it would probably do is preclude the sale of about \$6.9 billion in licenses to the American telecommunications industry, something which is of great urgency to

them and upon which American competitiveness, not only in the field of the telecommunications but elsewhere, is heavily dependent. My colleagues over there have never paid appreciable heed to that and were probably vastly surprised on this point the other day when considering the same question.

Similarly, this legislation today has the potential for preventing the duck season from going forward in the fall. And to deal with other important matters of public business where American industry desperately needs relief from regulations now in place or where it needs regulations which would permit it to better compete around the world.

I would think that if we are to adopt a rule today, we ought at least not kid ourselves. We ought not tell ourselves, nor should we tell the American people, that this legislation has been heard, that its authors know what it does or that the Committee on Rules, in putting it on the floor, is honoring the practices and tradition which make for responsible and careful legislation that does not carry dangerous future surprises for the American people.

Mr. DIAZ-BELART. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Commerce, the gentleman from Virginia [Mr. BLILEY].

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I rise in support of the rule to accompany H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995.

I want to commend Chairman SOLOMON and the Rules Committee for bringing forward an open rule that will allow an honest and open debate of this part of our Contract With America.

Such open rules have not been the custom of the Rules Committee under Democratic leadership. In the 103d Congress, for example, the Rules Committee granted open rules less than half the time.

Let me point out some recent examples of the abuse that came from this practice. In the 103d Congress, proponents of risk assessment and cost-benefit legislation were denied a vote on the Thurman-Mica risk and cost-benefit amendment to the bill to elevate EPA to Cabinet-level status. The Rules Committee issued a restrictive rule, despite the fact that the Senate approved similar risk and cost-benefit amendments to EPA Cabinet legislation by a vote of 95 to 3. This restrictive rule was defeated by a vote of 227 to 191, and the EPA Cabinet legislation was never brought to the House floor.

With respect to Superfund in the 103d Congress, the Rules Committee received proposed amendments in early August of last year, but never issued a rule, and the Democrats never brought Superfund to the floor. One amendment of concern to the Rules Committee was a cost-benefit supermandate proposed by Representatives GEREN, CONDIT, SHUSTER, and MICA. That amendment stated: "Notwithstanding any other

provision of this Act, the incremental costs shall be reasonably related to the incremental benefits." The power of this commonsense amendment struck fear into the Federal bureaucracy and its allies in Congress. Rather than allow the will of the working majority to prevail, the Rules Committee decided not bring the Superfund legislation to the floor.

Today we bring legislation to place Federal regulatory programs on a more sound footing. The Risk Assessment and Cost-Benefit Act of 1995 requires objective and unbiased risk assessment and careful analysis of regulatory alternatives. This legislation is long overdue. We cannot continue the incredible expansion of the regulatory octopus into the business of State and local governments and the regulated community. Furthermore, we must restore credibility to the regulatory process.

Some oppose these changes in favor of the status quo. Under this open rule, we can debate amendments from either side. I urge my colleagues to support this rule to provide for consideration of important regulatory reforms, an important part of our Contract With America.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, today we are looking at another restrictive rule and this one prevents Democrats from offering amendments to another Republican attack on our country's health, safety, and environmental laws.

Mr. Speaker, my Republican colleagues promised a lot of open rules and they are not keeping their promise.

They said all of the contract items would be brought up under open rules. Mr. Speaker, only 5 out of 14 contract items have been brought up under open rules, the rest have been restrictive.

And Republicans promised that they would grant 70 percent open rules. But, so far, less than 30 percent of the rules and procedures they have brought up so far have been open.

I think my Republican colleagues are finding out that governing is a lot harder than it looks.

And today's bill is another example. As I said up in the Rules Committee, this bill creates an expensive, bureaucratic mess, and will only end up endangering American families.

And it is not cheap. CBO estimates that this bill will cost at least \$250 million every year, or over 1.6 million school lunches. That's a lot of peanut butter sandwiches to waste.

Once again we are looking at a badly drafted, wide-ranging Republican bill that Members will not be able to amend because of the 7-hour time cap.

I say 7-hour time cap because Republican time caps include votes—so, 10

hours is really only 7 hours, and dozens of Members end up being shut out of the process.

□ 1500

Mr. Speaker, I am submitting under leave to include extraneous matter a list of Members who were precluded from speaking under this so-called open rule.

There have been 10 Members on the law enforcement block grants who were precluded from speaking under a so-called open rule, a rule just like this. There were eight Members who were precluded from speaking under the National Security Revitalization Act under a rule just like this. Fifteen Members were precluded from speaking on a regulatory moratorium.

Mr. Speaker, the material I am including is as follows:

Amount of Time Spent on Voting Under the Three Restrictive Time Cap Procedures in the 104th Congress

Bill No.	Bill title	Roll calls	Time spent	Time on amends
H.R. 667 ....	Violent Criminal Incarceration Act.	8	2 hrs, 40 min	7 hrs, 20 min.
H.R. 728 ....	Block grants.	7	2 hrs, 20 min	7 hrs, 40 min.
H.R. 7 .....	National security revitalization.	11	3 hrs, 40 min	6 hrs, 20 min.
H.R. 450 ....	Regulatory moratorium.	13	3 hrs, 30 min	6 hrs, 30 min.

Members Shut out by the 10 hour Time Cap 104th Congress:

This is a list of Members who were not allowed to offer amendments to major legislation because the 10 hour time cap on amendments had expired. These amendments were also pre-printed in the CONGRESSIONAL RECORD. There may be other Members who did not pre-print their amendments but who were nonetheless shut out of the process because the cap time had expired.

H.R. 728—Law Enforcement Block Grants—10 Members.

Mr. Bereuter, Mr. Kasich, Ms. Jackson-Lee, Mr. Stupak, Mr. Serrano, Mr. Watt, Ms. Waters, Mr. Wise, Ms. Furse, Mr. Fields.

H.R. 7—National Security Revitalization Act—8 Members.

Ms. Lofgren, Mr. Bereuter, Mr. Bonior, Mr. Meehan, Mr. Sanders(2), Mr. Schiff, Ms. Schroeder, Ms. Waters.

H.R. 450—Regulatory Moratorium—15 Members.

Mr. Towns, Bentsen, Volkmer, Markey, Moran, Fields, Abercrombie, Richardson, Traficant, Mfume, Collins, Cooley, Hansen, Radanovich, Schiff.

Mr. Speaker, I urge my colleagues to oppose this rule. Members need a chance to fix this bill and protect American families from another risky waste of money.

Mr. SOLOMON. Mr. Speaker, would my very good friend please yield to me?

Mr. MOAKLEY. To my very good friend, yes, I will yield.

Mr. SOLOMON. Mr. Speaker, to my very good friend from Boston, let me say that I hope the weather is better in Boston than it is in New York. I just flew in in an awful storm, and I am still a little upset.

I was just reading the gentleman's remarks, and may I quote? It says here, "Mr. Speaker, House Resolution 562 is an open rule. I urge its adoption."

That was on the American Heritage Act on October 5, which gave us 1 hour of debate and only 3 hours on this huge complex bill.

I say to the gentleman one more time, you never had it so good. We are treating you twice as fairly as you treated us. Never in the history of this Congress has a minority been treated as fairly as we are treating you.

Mr. MOAKLEY. Mr. Speaker, I take back my time.

I say to the gentleman from New York [Mr. SOLOMON], you said that would never happen again. You said you were going to come forward with open rules so everybody could fully participate. I say to the gentleman, if you want to emulate our Congress, fine, but I thought you were coming in with a new broom, that you were going to sweep clean and give all open rules. This was going to be a new Congress. You said that, and Mr. GINGRICH said that.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I am glad to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, what the gentleman is telling us is that even though the gentleman from New York, the day after we were sworn in, said we would have all these open rules, we are really not having them. These are not open rules. I say to the gentleman from Massachusetts, we do not have open rules at all, do we?

The SPEAKER pro tempore (Mr. BE-REUTER). The time of the gentleman from Massachusetts [Mr. MOAKLEY] has expired.

Mr. BEILENSEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. In fact, Mr. Speaker, in every one of the rules we granted, that 4-hour rule, we had time left over. So nobody was precluded.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, I should hope so. We do not need to waste all those words.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield further, on the bill just last week, we had Members who could not offer amendments. We had Members on the crime bill that could not offer amendments.

What the gentleman is saying is this: They are saying that it is necessary to reduce the time that Members can speak in order to meet the 100 days, in order to get this legislation through, and the heck with individual Members and their ideas. They are saying they are not going to let them voice their ideas on separate bills. That is what they are saying.

Mr. MOAKLEY. Mr. Speaker, I say to the gentleman in the Chair that he knew personally about this. I say to

the gentleman, you were frozen out. You had a preprinted amendment and you could not get your amendment on the floor under this so-called open rule. So I do have to convince you, but I think the other Members on the other side of the aisle should really take a look at what they are doing. The reason we have had so many closed rules is because the definition of closed rules was written by my very dear friend, the chairman of the Rules Committee, the gentleman from New York [Mr. SOLOMON].

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know some antics can somehow get some very clear things confused. We are all trying to focus in on the words that were stated before when it was stated in the last session by our colleagues on the other side that we had 4 hours of debate without restricting what amendments could be introduced, and during those 4 hours it was all an open rule, and today we are permitting in addition to the 3 hours for the rule and the 2 hours for general debate, in other words, 1 plus 2 and 3 hours, we are permitting 10 hours for amendments, and now our colleagues are saying that that is not open.

I think either it is unclear or there is an element of unfairness.

Beyond that, at this point, Mr. Speaker, what I would like to do is yield 1 minute to a distinguished new Member of the House, the gentlewoman from California [Mrs. SEASTRAND], a member of the Committee on Science.

(Mrs. SEASTRAND asked and was given permission to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, I rise today in strong support of H.R. 1022, the Risk Assessment and Cost-Benefit Act.

For too long we have stood by and watched the regulatory monster engulf the small businessman and woman and the entrepreneur. In just 2 years, the Clinton administration has added 126,580 pages of regulations to the Federal Register. This is more than any other President since the last 2 years of the Carter administration.

Federal regulations cost our country hundreds of billions of dollars every year. For weeks now we have heard opponents of risk assessment argue that it will create additional bureaucracies and cost more money. I do not believe either is the case.

What bothers Federal agencies about this legislation is that it will slow down the promulgation of burdensome regulations and save money. Risk assessment legislation will dramatically reduce the overall costs to society. Why shouldn't Federal agencies be required to justify choosing a costly \$150 million solution to a problem that could be solved by a \$10 million solution with the same benefits?

Mr. Speaker, sound regulations are necessary to protect health, safety, and the environment. This legislation will

ensure that regulations are in fact sound.

Mr. BEILENSEN. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Speaker, I rise today as a Member who has supported the regulatory reform embodied in H.R. 9. Clearly, the time has come for a thorough examination of our regulatory structure and the scientific methods we use to make judgments about protecting public health and safety. The use of consistent, state-of-the-art science is a long overdue remedy for the plague of unnecessary and burdensome Government regulation.

I am pleased that this issue is receiving the attention it deserves; however, I must express my dissatisfaction with the way in which the Congress has considered this legislation. In the Science Committee markup of this bill, members were not given the bill text until an hour after the markup was scheduled to start. Members were then given less than 2 hours to redraft their amendments to a bill that bore little resemblance to the original draft of title III of H.R. 9. We then spent the ensuing 10 hours marking up title III, at the same time that Commerce Committee was marking up the same title.

Now, I have to wonder why either committee bothered marking up the bill at all. The bill we are considering here today has dropped language that was reported by both committees and now contains totally new language that has not been reviewed by either committee. These are not small technical subsections we are talking about, Mr. Speaker, there are some of the most important elements of this legislation, such as the judicial review provisions, which have been redrafted at the last minute with no substantive review.

Among the new issues that concern me the most are the inclusion of permits in the scope of this bill's requirements. Most of these permits are State-issued. Are we now requiring the States to perform risk assessment and cost-benefit analysis on all their permitting? Mr. Speaker, that would seem to me to be an unfunded mandate. I would be more certain of this if we had had the opportunity to review this concern in committee, but since permits weren't mentioned in the bill we marked up, this issue remains unresolved.

I sincerely believe that is the goal of Members on both sides of the aisle to make true progress toward easing the control of a distant Washington bureaucracy. In order to accomplish this, many of us on this side joined with majority in passing important unfunded mandates legislation. Now, through either carelessness or hypocrisy, we may be imposing many new burdens on State and local government. This rule provides for a mere 10 hours consideration of new, highly technical language

that will impact every economic sector. This is no way to govern, I urge opposition to the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. OXLEY], chairman of a subcommittee of the Committee on Commerce.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I rise in support of the rule to accompany H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995.

With the adoption of this rule, the House will take another important step toward implementing in the manner in which the Federal Government writes regulations to protect the public from certain health, safety, and environmental risks.

I remind my colleagues that we have been working on this legislation for several years. In the previous Congress, we had a number of hearings on risk assessment and cost-benefit reforms. In 1993, the Senate passed risk assessment and cost-benefit language in the form of the so-called Johnson amendment by 90 votes.

In early 1994, a bipartisan coalition of House Members defeated a restrictive rule that would not allow for consideration of similar amendments by a vote 227 to 191. Later in the year, the Walker amendment, which provided language requiring objective and unbiased risk assessments and comparisons, passed the House by a vote of 286 to 189.

The criticism of the rule before us today is ironic when I remember how Superfund legislation was handled in the previous Congress.

Last year, the Commerce Committee, with full administration support, passed a national risk protocol for Superfund and language requiring that the presentation of risk information be objective and unbiased. Those provisions created judicially reviewable and enforceable requirements.

Yet that legislation went nowhere, because the Rules Committee would not issue a rule for fear that risk and cost-benefit amendments would be approved on the House floor.

That is why I applaud the Rules Committee under Chairman SOLOMON's leadership for bringing forward this rule to allow open debate on risk assessment and cost-benefit legislation.

I acknowledge that some differences remain today among Members of the House. There are differences on the threshold for regulations that should be subject to this legislation; there are differences on whether the requirements of this legislation should be judicially reviewable; and there are differences on whether the requirements of this bill should apply to existing regulations.

The proposed rule provides sufficient time and opportunity to debate these differences and I urge my colleagues to support the rule.

□ 1515

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am ambivalent about this rule. I think we need considerably more time than is available to thoroughly debate this bill. On the other hand, it does not vary too much from previous bills and future bills that we are going to have.

My problem with the bill so far has been the procedures by which it was brought to the floor, which have been commented on with great eloquence by my friend, the gentleman from Michigan [Mr. DINGELL], and others. I think everyone would agree it is not legislative craftsmanship to present legislation to committees or to the floor which have not been adequately considered, to have only the briefest of hearings on legislation, and not have a full exploration of all of the implications.

My good friend, the gentleman from Pennsylvania [Mr. WALKER], compared this bill to the risk assessment bill that we had last year, pointing out that we only had 4 hours on that bill, whereas we are getting 10 hours here.

What needs to be said, and I hoped the gentleman from Pennsylvania [Mr. WALKER] would mention this, is that last year's bill was only one title of the six that are contained in this bill; that it related only to risk assessment for EPA. This includes many more aspects of regulatory control, including risk-assessment characterization, cost-benefit analysis, peer review, and a number of other things, and applies it to 12 different departments of the Government.

We have asked for reports from those departments as to the impact on them, and we have not received those reports. We need to explore what that impact is on these others, including the Nuclear Regulatory Commission and the Corps of Engineers. We do not have that information, and it needs to be discussed at great length.

We all agree that regulatory reform needs to be done. The gentleman from Pennsylvania [Mr. WALKER] pointed out that we have had 15 hearings on risk assessment, for example, 10 of them in the committee which he now chairs. I will say to you that I have been the author or coauthor of all of these bills, including the initial one the gentleman referred to brought by Mr. Ritter. I have tried to focus my best efforts on the issue of focusing the science of risk assessment.

Unfortunately, I failed. It is not because we did not try. We have gotten bills to the floor and passed. We have actually made good progress. There is no disagreement. The President has an-

nounced within the last week a comprehensive regulatory reform program which includes most of the things included in this bill.

What I fear, Mr. Speaker, is that in this particular bill we are asking for more than can be delivered from the existing state of the science of risk assessment and cost-benefit analysis. In doing so, we are going to add to the complexity, make regulation more difficult, make it more costly, and the old adage applies, "Be careful what you ask for, you may get it." Because that is the situation we are in at the present time.

Most Democrats would like to support this bill if it were properly drafted. We do not think it is. We will have a substitute which we think includes all of the good parts of the bill, and leaves out those parts which will cause trouble in the future. I am going to urge all of my friends on both sides to support the substitute, to give it thorough consideration. I think they will find it is a bill that the Senate would pass and the President would sign. The present vehicle before us meets neither of these criteria, and it would, in fact, be a horror, a tremendous imposition upon the American business community which you would hear a great deal from your constituents about in the near term.

Mr. Speaker, my comments are directed less at this rule and more at the process which has brought us here today. For over 30 years, I have served in Congress and have been proud to have participated in a number of historic debates in this institution. I have both supported and opposed the status quo and joined and opposed Members of the other party, and my own party, in these efforts. But at the end of the day, win or lose, I have always felt some pride in the work that had taken place here.

Today, as we consider this legislation, I no longer feel that pride. In reviewing the progress of this bill, I do not feel that the public interest is being served, in either the content or the course of this bill. From the start of this bill's consideration in committee through today's action on the floor, I have felt as though adherence to an arbitrary schedule and the need to punch tickets to mark legislation's progress makes this place more like a railroad than the greatest deliberative body in the world. And, believe me, I have been railroaded by the best of both parties over the years as I have taken principled but unpopular positions.

But what specific problems do I have with this process? First, subcommittee hearings and markups were dispensed with. Initially, the chairman proposed a single day of full committee hearings, to be composed of a single panel of witnesses sympathetic to the bill. Administration requests to testify were rejected until we were forced to ask for a second day of hearings, as provided by the House rules, to ensure a more balanced hearing process.

Then, the redraft of title III of H.R. 9, the precursor of H.R. 1022, was written behind closed doors and without any input from Democratic Members. At full committee, this redraft was presented as a chairman's en bloc

amendment the evening before the full committee markup. Our staff had received a set of the chairman's proposed amendments labeled "draft" the night before the markup, but we did not get the final version until the day of the markup. Then, in markup when Members protested this process, the chairman decided to change his series of en bloc amendments into an entire substitute. The markup was suspended for 2 hours while we read the substitute, tried to understand its implications, and then drafted amendments to it. A request for a 1-day postponement of the markup was refused by the chairman, on the grounds that the bill was scheduled for consideration on the House floor the following week. This was not the case.

After both the Science Committee and Commerce Committee acted on February 9 to meet this hurried schedule, we waited while the two committee texts were merged. We waited for 2 weeks, until February 23, when the new text was introduced as H.R. 1022. The new text was changed substantially from the reported bills and we have spent the weekend trying to understand again what the impact of this legislation is. Now it is on the floor, while many of our colleagues are not even here, apparently hurried up again to meet some arbitrary deadline.

I would remind my colleagues that the legislation we are discussing is not some simple commemorative bill. H.R. 1022 proposes to fundamentally change the direction of the Federal regulatory system, in ways that even the authors of the bill cannot understand. Last week we considered and passed a temporary regulatory moratorium. This bill will, in effect, become permanent regulatory moratorium, by virtue of its complexity, ambiguity, and cost.

This bill adds hundreds of millions of dollars in costs to the Federal Government—the Congressional Budget Office's limited estimate is \$250 million—imposes unfunded mandates of the same order of magnitude on State regulatory permitting agencies, and imposes mandates on industry to produce the scientific data to feed the process created in this bill. Yet, we have no clear idea what the scope of these costs is. We are only told that the costs must be absorbed by the regulatory agencies, already underfunded for their current work load. A simpler, more effective bill could improve regulations. This bill will do the opposite.

There are a host of other questions raised, but not answered by H.R. 1022. For example, the bill has been rewritten from its original form to include many special exemptions and carve-outs for specific industries. What are the impact of those changes? We do not know.

The bill overrides unspecified provisions of existing law. The final list of which laws and which provisions have been overridden is unknown. Even Members of the other side have stated that the committee is unable to identify which provisions of existing law would be affected, much less knowing in what fashion. A partial list of affected statutes includes the Endangered Species Act, the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA], the Federal Food, Drug, and Cosmetic Act, the Clean Air Act, the Resource Conservation and Recovery Act [RCRA]; in short most of the environmental laws of the country. Does the bill pick up other statutes such as the Americans with Disabilities Act? We simply do not know.

I could go on, but we will be hearing more about the specifics of this bill during the de-

bate. I just want to make the point that this is a very complicated and serious bill we are discussing and we do not understand its impact. Worse yet, the leadership on the other side, judging by their actions, is not even interested in taking the time to explore the impacts. Their main interest is in meeting their 100-day schedule for their contract.

So as with other bills in recent weeks that have moved without full disclosure, we must again take to the floor to try to explore the effects of this complex bill during the course of the amendment process. Yet even this process is narrowed by an arbitrary limit on debate designed to make the legislative trains run on time. So, I will object to this process, make the best use of the time we have, try to fix some of the worst parts of this bill, and hope that the public forgives us since we know not what we do.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS], the distinguished chairman of the Subcommittee on Health and Environment.

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule. H.R. 1022 is an important piece of legislation, and I know many Members have a strong interest in it. That is why the Commerce Committee and the Science Committee requested an open rule—to give Members the opportunity to offer amendments to this legislation on the Floor of the House. The rule before us was crafted to provide time for thorough discussion of these issues.

Some of my colleagues argue that we are proceeding too swiftly. However, I believe that the regulatory horror stories which we have all heard suggest that Congress has waited far too long to establish accountability in Federal regulatory programs.

Mr. Speaker, the issues addressed in this legislation are not new. My colleague and friend Mr. MOORHEAD of California introduced risk assessment legislation in the last Congress, legislation that now forms the basis for title I of H.R. 1022. A hearing was held on that bill in the Commerce Committee in 1993, and similar provisions were included in environmental legislation which was approved by the committee in the 103d Congress.

The risk assessment bills passed by the Commerce and Science Committees have been available for nearly 3 weeks. As soon as the differences between the two bills were reconciled last week, the compromise language was made available to all Members. In large part, the compromise language merely reflects the provisions already approved and made public in the separate committee versions.

I hope that we will be able to pass this bill sometime tomorrow with broad bipartisan support. We did pick up some support from our friends on the other side of the aisle during the Commerce Committee markup, and it

is my impression that there are a number of others who would like to support the bill. Hopefully, the compromises we reached with the Science Committee will help to bring more of my democratic colleagues on board.

We have moved quickly through the legislative process this year, but we have worked to ensure that the bill has been open to full review. I urge my colleagues to join me in supporting this open rule.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the final 3 minutes to the gentleman from New York [Mr. MANTON].

(Mr. MANTON asked and was given permission to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, the legislation before us today is a misguided answer to a serious problem. In an attempt to curb excess Government regulations, H.R. 1022 would threaten the public's health and safety, encourage court challenges to new regulations and cost at least \$250 million according to the Congressional Budget Office.

I regret that risk assessment is being considered by this body as part of the Contract With America because I wholeheartedly agree that our Government's regulatory process should be redesigned and streamlined. I believe consumers, producers, and State and local governments would benefit from legislation designed to curb exhaustive review by the executive agencies, thereby bringing products to the market faster and enabling swifter action for protecting public health and safety.

Unfortunately, H.R. 1022 achieves none of these goals.

Rather than streamlining Government, this bill would add yet another layer of burdensome bureaucracy. By requiring agencies to complete copious and scientifically meaningless risk assessment and cost benefit analyses, I believe this bill would delay regulatory action instead of reforming the process.

If the House leadership had allowed the committees of jurisdiction to complete subcommittee markup of the legislation and work to fashion a bipartisan bill, I honestly believe we could have crafted risk assessment legislation which lessened the load on American business without risking the health and safety of the public.

Unfortunately, the rigors of the artificial 100-day schedule did not allow the Commerce or Science Committees to meaningfully address the issue. I look forward to the day when the concepts of governing and legislating rather than political partisanship again become the focus of this institution.

There is compelling evidence that this bill has not been adequately considered. The bill changed throughout

the House Commerce Committee's consideration of the bill mostly to address unintended consequences of the original measure. For example, the bill as introduced, would have resulted in long delays for FDA approval of new lifesaving prescription drugs. Furthermore, this legislation applies to agencies not covered by the version of the bill approved by the Commerce Committee, including the Nuclear Regulatory Commission.

In order to address the concerns of regulated industries, the majority counsel revised whole sections of the bill just hours before committee markup.

While it is not unusual for the legislative process to uncover drafting problems as a bill moves through the House, the speed with which this bill has moved means that there is a high probability that many problems with this bill have not yet been found.

The minority will offer a series of amendments today and tomorrow to address the most obvious shortcomings of this bill, however, the fact that we are voting on a bill today which was not drafted until last Thursday means that none of my colleagues can be sure exactly what the impact of this bill will be.

I want to caution my colleagues that they should carefully assess the risks of voting to pass this rule and H.R. 1022.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD], the distinguished vice chairman of the full Committee on Commerce.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I support the rule for this bill.

When I introduced H.R. 2910 in 1993, legislation that formed the basis for title I of H.R. 1022, my aim was only to provide a sensible, open framework for the Government to analyze and address risks. Our former colleagues, Al Swift, took an interest in the issue and held a hearing on the bill.

The legislation we will have before us today and tomorrow addresses a number of issues, but I am pleased that its foremost requirements are the ones from my bill that tell agencies to look at risks objectively and present scientific findings in an unbiased manner. Objectivity is not a controversial idea; we should expect no less in our Government's presentation of science.

The Rules Committee has provided plenty of time for debating all the issues surrounding this bill. We have been debating them for several years already. I encourage my colleagues to vote for the rule to bring this important legislation to the floor.

Mr. BEILENSON. Mr. Speaker, I yield the remaining 1 minute to the gentleman from Massachusetts [Mr. MOAKLEY].

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, from the other side we hear claims that we had a bill with a cap on it with 4 hours, and this has a 10-hour cap. But the bill that we had the cap on for 4 hours had one title; this has four titles. The bill that we had a cap on of 4 hours left nobody, nobody without being able to put his or her amendment in. Their caps have caused over 40 people to be left not able to put their amendments forward. So it is not exactly the same situation, not exactly the same bill.

But, more than that, the promise was made to the American people that the 103d Congress' action in the Committee on Rules would never be repeated; that they will come out with open rules. That is all I am asking for. I am not saying we were worse or better. They just violated their statement. They said they would be coming out with open rules, and they have not done it.

#### PARLIAMENTARY INQUIRY

Mr. MOAKLEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BE-REUTER). The gentleman will state it.

Mr. MOAKLEY. Mr. Speaker, the rules make in order consideration of H.R. 1022. The committees of jurisdiction, however, reported out H.R. 9 with amendments. My question is, has the committee reported on H.R. 1022?

The SPEAKER pro tempore. The Chair would state that that bill was not reported from committee.

Mr. MOAKLEY. So the bill that was heard before the Committee on Rules is not on the floor today? This is a bill that was not heard by the Committee on Rules?

The SPEAKER pro tempore. The Chair is informed that the Committee on Rules held a hearing on H.R. 1022.

Mr. MOAKLEY. But reported out H.R. 9.

The SPEAKER pro tempore. No, the Committee on Rules reported out a special order on H.R. 1022.

Mr. MOAKLEY. Continuing my parliamentary inquiry, is it not true that with regard to the Budget Act and the reporting requirements in clause 2 of rule XI, the points of order prohibiting consideration of a measure, these requirements apply only to reported measures?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MOAKLEY. In other words, Mr. Speaker, the Budget Act point of order that would apply if H.R. 9 was reported does not apply to H.R. 1022, is that true?

The SPEAKER pro tempore. The Chair will not speculate on points of order against other measures.

Mr. MOAKLEY. In other words, Mr. Speaker, the rule could have made in order H.R. 9 with the text of H.R. 1022 as the original bill for purpose of amendment, and the Committee on Rules often reports bills like that.

That would have required waiving points of order.

Instead, in this instance the Committee on Rules opted to discharge the Committee on Science, the Committee on Energy and Commerce, and the Committee on Government Reform, and instead the Committee on Rules decided to make in order a bill that no one reported, and in that way they avoided waiving all points of order. Am I correct?

The SPEAKER pro tempore. The Chair would indicate that is a rhetorical question, and not a parliamentary inquiry.

□ 1530

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore [Mr. BE-REUTER]. The gentleman from Florida [Mr. DIAZ-BALART] has 4½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, in the interest of Members who may have amendments that they would like to proffer, the Committee on Rules would suggest that any Members that would wish to engage in colloquies for the purpose of making legislative history should consider doing so during general debate. That way the time taken for such colloquies, of course, would not be counted against the time on the amendment process, the 10 hours of the amendment process.

Mr. Speaker, this is an open rule. There is no Member of this House who may have a suggestion to improve this legislation who would like to bring it forth in the form of an amendment who is precluded from doing so under this rule. It is a completely open rule. There is a 10-hour time limit after the 2 hours of general debate for the bringing forth of amendments, but no one is precluded, as I have stated, from bringing forth any amendments.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the gentleman had four similar rules that had caps on them. The Members whose amendments were preprinted in the RECORD so they would be sure of having their amendment heard were not heard. How can the gentleman give any Members today, make a statement, stand and say that their amendments absolutely would be heard?

Mr. DIAZ-BALART. Mr. Speaker, what we are saying is, to the distinguished gentleman from Massachusetts, is that we have 2 hours now for general debate, after which there is 10 hours for Members who have amendments to bring them forth. There is preclusion. They do not have to have printed them anywhere in order to bring them forth. If there are no dilatory tactics, if Members who have serious amendments wish to bring them forward during the next 2 days, 10 hours of debate, they can do so.

Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me say that first of all, the contract items are concepts. They are subject to refinement. That is what we are doing here today.

I had a call in my office last Friday from a woman. She said to me, what is all the whining about? Why do you not get down to business and do the people's work?

That is exactly what we are doing here. That is why the approval rating of this Congress has gone from 18 percent up to over 50 percent, because are getting it done.

Second, the gentleman from Missouri [Mr. GEPHARDT] wants us to go upstairs. He wants us Republicans to pick your Democrat amendments to make in order on this floor. We are not going to do that. We are not going to take you off the hook. If you have amendments to offer on your side of the aisle, you select the items. You lay out the time for debate on them, and you bring them to this floor. Do not try to put the blame on us. We are recognizing your conservative Democrats. They have been gagged for 40 years by your leadership. No longer. They can act.

They can work their will on the floor of this House.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, if it is a free and open debate and everybody can act, how come all these Members got shut out in the last four rules that had caps on them.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, with due diligence they would have all been recognized in proper order. They should go see their respective leaderships on both sides of the aisle. That is what this Member does, and he gets his amendments in order on the floor.

Mr. MOAKLEY. Mr. Speaker, it is not true, when you talk about dilatory tactics, there were amendments up there that passed on rollcalls with zero votes against or one vote against that were called by your side and those matters took 20 to 25 minutes out of these 10 hours? So where are the dilatory tactics coming from?

Mr. SOLOMON. Mr. Speaker, my friend is getting at a vote on an amendment, which is not a dilatory tactic. That is representing 600,000 people back in our districts. That is what we were sent here to do.

Mr. MOAKLEY. Even though there are no votes against it?

Mr. SOLOMON. Mr. Speaker, the gentleman is sounding sort of like what the woman called me about. Let us get down to the people's business.

Mr. MOAKLEY. Mr. Speaker, last year I got a call from a lady and she said, "What is all that whining about

by Mr. SOLOMON and all those people from the Rules Committee?"

Mr. SOLOMON. Mr. Speaker, she must have found out, because she voted Republican and so did most of the people throughout the country.

Mr. DIAZ-BALART. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair postpones further proceedings on the question of adoption of the resolution until later today, but not before 5 p.m.

The point of no quorum is considered withdrawn.

The SPEAKER pro tempore. Pursuant to House Resolution 96, rule XXIII, and the order of the House of Friday, February 24, 1995, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1022.

□ 1535

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes, the gentleman from Michigan [Mr. DINGELL] will be recognized for 30 minutes, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes, and the gentleman from California [Mr. BROWN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the Committee on Science and the Committee on Commerce are bringing forth for consideration the Risk Assessment and Cost-Benefit Act of 1995. It is the hope of its sponsors that by its enactment the bill will usher in a new era of rationality in the imposition of regulations imple-

menting safeguards for human health, safety and the environment.

This bill will require the use of sound science and sound economic principles to determine if there is a national basis for imposing new and costly regulations on the American people. It will, for the first time, establish a consistent basis by which disparate laws can be measured and integrated. It will, for the first time, communicate to decision makers and the public the nature and magnitude of risks they face in an objective and unbiased way.

Title I of the bill requires that when a Government agency undertakes a risk assessment it fully discuss the methods which were used by the agency to determine the extent of the risk. The bill would require the agency to identify any policy or value judgments, as well as the empirical data that went into the assumptions underlying the risk assessment. Once the risk is identified the legislation would require an agency to characterize the risk in such a manner so as to identify what is the best estimate for the specific population or natural resource which has been characterized. This means that we will know what is the most likely, plausible level of risk, in many cases, for the first time, and not just the most unrealistic worst case scenario.

Further, the legislation requires that an agency provide the public with comparisons of risks that are routinely and familiarly encountered in everyday life. What is more dangerous—driving a car? What is less dangerous—being struck by lightning? What is equally hazardous—drinking a glass of orange juice every day? It turns out so much of what we regulate or ban fits this kind of scenario. This bill will be truly eye-opening. Thanks to a compilation of ideas of SHERRY BOEHLERT, CONNIE MORELLA, VERN EHLERS, and TIM ROEMER, the bill requires ongoing research and training in risk assessment so that the science of risk assessment is not frozen in place. Title I also mandates a study of comparative risk, a provision offered by Science Committee Member TIM ROEMER.

Title II of the bill provides for an analysis of risk reduction costs and benefits. The legislation requires agencies, when undertaking such an analysis, to consider alternative regulatory strategies which would require no government action, accommodate differences among geographic regions, and employ performance or other market-based mechanisms that permit the greatest flexibility in achieving the identified benefits of the rule. Title II would further require that before an agency can issue a regulation, it must show that:

First, the analysis used to issue the rule are based on objective and unbiased scientific and economic evaluations;

Second, the incremental cost reduction or other regulatory benefit will be

likely to justify, and be reasonably related to, the costs incurred by governments and private entities; and

Third, that the strategy employed is more cost-effective or flexible than the alternatives considered.

Furthermore, title II states that if the criteria of that title conflict with existing law the new criteria shall supersede that law, I emphasize, only to the extent that such criteria are in conflict. This title gives further guidance to the agencies and OMB to report back to the Congress in order to identify these conflicts.

Title III will require that risk assessments and cost-benefit analyses shall have the benefit of a peer review process when the proposed rule is expected to result in an annual increase in costs of \$100 million or more.

Title IV of the bill will provide for judicial review under the Administrative Procedure Act and the statute currently granting an agency authority to act. This will provide the critical enforcement mechanism to assure bureaucracy compliance with the requirements of this act.

Title V will require each covered federal agency to establish procedures to review any previously published risk assessment or risk characterization document, based on the criteria in title I, if such criteria or new scientific information received at the agency would be likely to alter results of the prior risk assessment of risk characterization. The agency could further revise or repeal a regulation supported by that modified risk assessment.

Finally, title VI will allow agencies to better set priorities to allow agencies to concentrate precious resources to target major risks, instead of minor or nonexistent risks.

I want to make a few observations about the bill as a whole. First, its provisions are measured. It exempts from its purview emergencies, military readiness, product labeling, and State compliance programs or plans. Risk assessment criteria are not mandated for screening analysis; health, safety, or environmental inspections; or the sale or lease of Federal resources or regulatory activities that directly result in the collection of Federal receipts. The bill's aim is targeted at major assessments and major rules, thus a \$25 million increase in cost threshold is established for titles I and II, the proactive sections of the bill. And, many of the requirements of the bill are mandated under the condition of feasibility. "To the extent feasible" as used in the text of H.R. 1022 means doing everything possible to meet a requirement given the constraints of time, money, and ability.

The opponents of this bill will tell you that this legislation is overly prescriptive. They say that it imposes too much of an administrative burden on the Government. To this we reply that it is about time that the body worries more about the burden on the public,

and less about the burden on the bureaucracy.

The opponents of this bill will tell you that this bill will freeze in place the science for doing risk assessments. We reply that this bill will do no such thing, but it will require that sound, unbiased and evolving science be used to formulate regulations.

The opponents of this bill will tell you that this bill will not allow the Government to regulate health, safety, and the environment. We reply that there is nothing in this bill that would prevent justified regulations from being promulgated, as long as they are based on scientific fact and the costs don't exceed the benefits.

The opponents of this bill will tell you that this legislation was rushed to judgment. We reply that the committees of jurisdiction have been studying risk assessment for over 15 years. It is time to act. In fact, we reported a very similar bill out of committee last year with only one major addition.

If Members take a look at the chart, they will see that last year's bill included the best estimates. It included comparative risk. It included substitution risk. Yet the cost-benefit analysis and rules were not included in last year's bill. Peer review was included for the purpose of guidelines, and judicial review was included.

In other words, what we did last year was very, very similar to what is in the bill that we have before us today.

This is nothing new. It is nothing coming out of the blue. It is interesting to note though what happened last year. When the committee decided in its wisdom to have a stronger provision for the risk analysis than what the committee and the committee chairman wanted, we reported this bill that then never came to the floor.

□ 1545

The ultimate closed rule was applied. We never considered the legislation on the floor. It was simply held because the committee had wanted to go further than what the leadership of the committee had determined to do.

Therefore, what we have before us, finally, is a bill that we can actually act on. It is about time. The American people think it is about time. It is the kind of bill that the American people have been looking for.

If this bill is not passed, we will continue to have situations where Federal regulators have run amuck. For example, EPA has required billions of dollars to be spent to remove asbestos from schools, when the lifetime risk that a child, exposed for 5 years to commonly occurring levels of asbestos fiber, will contract a fatal asbestos-linked cancer is 1 in 2.5 million. By contrast, that same child has 1 chance in 5,800 of dying from a motor vehicle accident.

Consider, for a moment, the opportunity cost of that this extravagant waste of funds has engendered. All across this land school boards are claiming they do not have the re-

sources to educate our children, yet local communities have been required to spend money to address a very limited risk.

The money spent could have been used to improve the quality of education, which would have made a real, not an imaginary, difference in a child's life. Rules such as these have no basis in common sense. The irony is that the removal of the asbestos has actually created a greater risk by releasing more fibers into the air than would have been present by leaving it dormant—a substitution risk that could have been identified if that rule-making had been done under this bill.

Although the bill before us is not the entire solution, it does provide a prospective basis to begin a degree of rationality in our regulatory system.

The opponents of this measure would continue the status quo, but as this Congress is a departure from the past, so is this legislation. I ask my colleagues to join me today in supporting a sensible new framework for regulatory analysis.

The regulatory process we want to bring about is a smart and sensible regulatory process, rather than a dumb and dumber regulatory process. Right now we have a dumb and dumber regulatory process that brings about very bad results in too many instances. This will allow us to become smart and sensible. That is the way we should regulate.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have indicated earlier that I think the time is ripe for regulatory reform, and for improvements in our risk assessment and cost-benefit analysis. I know that the Members on that side feel very strongly about this, and I can assure them that the Members on this side feel equally strongly that something needs to be done.

The problem, as I see it, Mr. Chairman, is that in our haste to get something done, we may create a problem that is greater than the one which we seek to cure. This is the purpose of this debate, is to explore that aspect, not whether or not we need to improve regulatory reform, we know we do, but whether or not this bill and its contents represents an improvement, or whether it causes problems.

Frankly, the reason that on our side we feel we need more time is because this is the only way we can educate Members on both sides to what both the benefits and problems of this bill are. It is the only way we can educate the public, to the degree that they pay any attention to what we are doing here.

Hopefully the media will pick up the message, and hopefully it will get to our colleagues on the other side, and ultimately, to the President, so he can

determine whether we have acted to correct the major deficiencies or whether they still remain in the bill.

Therefore, it is not just because we want to hear our voice in support of some amendment. It is because we are part of a much broader process which is important to the American people, and we want to use this time as well as possible.

Mr. Chairman, I am in opposition to H.R. 1022 in its present language. The press releases that accompanied the unveiling of the bill, the Job Creation and Wage Enhancement Act, formerly H.R. 9, promised a simplification of regulation, an elimination of redtape, a fair and open governmental process in which everyone could participate, and a downsizing of Government. Somewhere between the issuance of that press release and today's debate, something went terribly wrong.

H.R. 1022 is an "Alice in Wonderland" version of those original goals, goals which, as I have already stated, are shared on a bipartisan basis, I might add. H.R. 1022 establishes a more convoluted process, adds to the expense of regulation by many hundreds of millions of dollars, has unintended consequences that even the Republicans admit they cannot determine, favors big business over small business, has had dozens of special interest loopholes added behind closed doors, and sets up a judicial quagmire that has trial lawyers dancing in the street in anticipation of the legal actions needed to straighten the bill out. I will detail these claims in just a moment.

The sad part of today's debate is that none of this was necessary. Members on both sides of the aisle want true regulatory reform. Previous Republican administrations worked diligently to improve the regulatory process.

I have already indicated that I joined with former congressmen, Republican Congressmen to introduce these bills many years ago, and have continued to work diligently to improve the legislative framework. We struggled with similar legislation last year and came very close.

The Clinton White House issued Executive Order 12866, which seeks to reform the way the Government conducts its regulatory business. The Vice President's Reinventing Government work is starting to move this process along, as well. Democrats and Republicans were prepared to work together on this issue and fashion a bipartisan approach to regulatory reform, but the bill before us today cannot be called bipartisan, any more than it can be called true regulatory reforms.

The bill slows down and complicates the regulatory process. The bill describes the detailed steps required to be taken in the course of a regulatory decision, using so much detail that it ties the regulatory agency in knots. This process adds hundreds of millions of dollars in cost to the Federal Govern-

ment. To that, we must add the cost imposed on the private sector and State governments.

The CBO cost estimate is only an inkling, because it admits it does not have adequate information, but it says a quarter of a billion of dollars, without even counting the impact on many agencies which they could not get figures from, or the impact of tieups as a result of litigation.

Since the process described in H.R. 1022 requires more scientific and economic data to be provided, this reform process will require industry to conduct innumerable studies at great cost to the private sector. In addition, since permits are included under H.R. 1022, and since State governments issue many of the permits under Federal regulatory law, such as the Clean Water Act, State governments will have the provisions of H.R. 1022 imposed upon them. What the cost will be of doing full-blown risk assessment for State permitting decisions is anyone's guess.

I should add that since H.R. 1022 sets up such a complicated process, it will take more resources just to keep track of the process, let alone participate by generating the data required.

What is the differential effect on business in this situation? Big business and trade associations inside the beltway have the money and staff to keep up. Individual smaller businesses outside of Washington are going to have a tough time in this new process.

I do not know if the changes made to the provisions of this bill were designed by big business, trying to squeeze their smaller competitors, or by trade associations, trying to drum up business. Perhaps neither of these occurred. However, the end result is the same: a more complicated regulatory process takes more money to participate in.

Small businesses do not have much money to spare. That is why they started this regulatory revolution. H.R. 1022 inadvertently penalizes them, and I think we can expect a repercussion from small business as great as their original campaign to reduce the pervasiveness of Federal regulation.

H.R. 1022 overrides existing law and applies to ongoing process in ways that even the supporters of the bill cannot detail. Which statutes are being superseded? What regulatory processes are being affected? I note that even many of my Republican colleagues are concerned with these questions, and expressed their concern in supplemental views in the report to accompany H.R. 9, from which I quote, and this is the Republican Supplemental Views:

The committee was unable to identify which provisions would be affected, much less in what fashion \* \* \*. (T)itle III may undermine landmark laws that were enacted only after years of work and discussion to create a delicate balance of interested and affected parties—laws that range from protection of food and drinking water quality to aviation safety, hazardous waste management, and preservation of wildlife. (Supplemental Views, Report No. 103-33, Part 2.)

After all of this talk of comprehensive reform, starting with the original press releases on the Contract, I would point out to my colleagues that this reform does not apply to all regulations. We have "reformed" the process for Government to challenge a potentially harmful product, drug, pesticide, or chemical, and take it off the market, or restrict its use. However, the process of getting these products on the market has been exempted from these "reforms." This is like announcing a program to improve highway safety, and then make it tougher to revoke a suspected offender's driver's license.

Mr. Chairman, let me shorten my remarks somewhat and come to a conclusion. I look forward to an opportunity to improve this seriously flawed bill, and will be offering a substitute, along with my colleague, the gentleman from Ohio, Mr. SHERROD BROWN. In addition, individual amendments will be offered to correct some of the problems I have mentioned.

I hope that those who share my feelings on H.R. 1022 as currently written will join with me in an effort to improve the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself 5 minutes.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Chairman, I rise in strong support of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995. This legislation is long overdue.

On January 1, 1970, the National Environmental Policy Act took effect. NEPA declares that it is the policy of the United States "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations."

Unfortunately, somewhere along the line, we've lost sight of this important balance between economic and environmental concerns. And as a result, we have more and more Federal regulations that impose enormous costs for minimal, even hypothetical, benefits in public health.

A series of articles published in the New York Times in 1992 pointed out this problem. In one of those articles, the author wrote:

In the last 15 years, environmental policy has too often evolved largely in reaction to popular panics, not in response to sound scientific analysis of which environmental hazards present the greatest risks. As a result \* \* \* billions of dollars are wasted each year in battling problems that are no longer considered especially dangerous, leaving little money for others that cause far more harm.

An EPA-appointed panel of experts apparently agrees. In a March 1992 report entitled "Safeguarding the Future," these experts cast serious doubt on the quality of science used by the

Agency to justify its regulatory programs. Even many agency personnel perceived that EPA science was "adjusted to fit policy."

We tried several times in the previous Congress to make improvements in the way Federal regulations are written, but each time we were rebuffed. In November, the American people sent us a message, loud and clear: Tame this regulatory beast. Our constituents demand that we break the Federal Government's stranglehold on job creation and get the Federal Government out of decisions that are best left to individuals, State and local governments.

H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995, contains commonsense propositions. Title I seeks to ensure that risk assessments and risk communication are open, objective, and sufficiently informative to serve the needs of decisionmakers, the regulated community, and the public.

Title II seeks to ensure that major rules that would increase costs by \$25 million are the subject of careful analysis and reasonable decision criteria.

Title III sets out a consistent system of peer review for regulations that would increase annual costs over \$100 million. Title IV makes clear that the act is enforceable in court against Federal agencies. Title V provides that there be procedures and priorities for the review of risk assessments and rules. Finally, title VI requires the President to report on opportunities to set regulatory priorities among Federal regulatory programs.

These provisions are responsible management tools. Some say weaker legislation is all that we should do for now. I disagree. We cannot afford to do less than this bill requires. Some say risk legislation should not be subject to judicial review. I disagree. Risk legislation must be enforceable; there should be no double standard where the Federal Government is not subject to review by courts, but State and local governments and businesses are.

Some say we should not disturb existing law, even when that law results in regulations that are expensive and inefficient. I disagree. For a number of years we have been adding layers of regulations. It is time to take a fresh look at the process we use to regulate risks to public health and the environment.

We will see in this debate who clings to the status quo of bureaucracy gone awry, and who is really interested in meaningful regulatory reform. I urge my colleagues to support the Risk Assessment and Cost-Benefit Act of 1995.

□ 1600

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, everyone in this Chamber wants protective

health, safety, and environmental standards issued by the United States Government agencies to be done on the basis of good science and good regulatory practice. That is not the issue. Indeed the question of how these matters are dealt with in the regulatory agencies has long been a special concern of mine because of lack of fairness, because of bad science, and because of other defects in the process.

However, it must be noted that the behavior of the regulatory agencies—EPA and the other agencies which are engaged now in seeking to protect the health and the welfare of the American people, and agencies that are seeking to protect the economy of this country, to see to it that our securities markets and our other financial activities are conducted well and safely and in conformance with Federal law—are indeed not only important but are responses, in almost every instance to requirements imposed on those agencies by the Congress.

Washington is not full of crazy, run-amok bureaucrats running around seeking to penalize honest Americans and to create economic hardships or other hardships for the American people. That is quite an unfair and untrue image.

It must be observed that what is going on here is that the agencies downtown are responding to a set of highly complex laws written by the Congress of the United States. In the case of environmental laws, they are responding to legislation which is not only enormously complex but enormously controversial, regulations which were written in response to clear mandates from this Congress which require particular actions to be taken.

One of the remarkable things about this is that several of the Governors who were denouncing the clean air bill that we passed a few Congresses ago for its not being strong enough, such as the Governor of California and the Governor of Wisconsin, who still hold those offices—although the Governor now of California was at that time a distinguished senior Senator from his State—were demanding that we pass not the laws that we passed but legislation which was indeed much stronger and much more punitive in character, something which I resisted with considerable vigor.

It is fair to say the use of risk assessment, cost-benefit analysis and peer review will be helpful. These are important analytical tools, and they will help the agencies to do their job better, limit burdens on private industry, reduce Government regulatory activity and Government waste, and see to it that our legislation is properly handled.

The Government does not need and should not tolerate excessive industry regulation, nor should it excuse sloppy or biased regulatory programs, whether they are biased toward the environmental groups or toward business groups.

I feel, however, very firm and very strong in the belief that environmental health and safety laws which the Congress has adopted after careful consideration are on the books for good reasons. Admittedly these are complex pieces of legislation. They are because they have to be, because the subject matter is complex. And to unwisely impose now a whole new spectrum of additional requirements and mandates, equally complex, upon an already complex system of laws and regulations is simply to compound the difficulties that this Nation confronts.

Business will find it harder, environmental groups will find it more difficult, and the laws and the regulations will be more complex. They will take more time, and the lawyers will have a better time and make more money simply because we have compounded a situation which is now overly complex and made it still more so.

How was it that this got to be so complex? It got to be so complex because this Congress wrote that legislation, and because the agencies are now seeking to carry out the laws which were written by this body.

The health and safety and environmental laws written by the Congress are almost always done on a bipartisan basis as the votes on the House floor indicate. The clean air bill was passed by something like 403 to 5. In the frenzy to complete the Contract on America within 100 days, we have taken out a contract on the history of good legislation and upon the body of good statutory law, and indeed upon the processes of this institution.

As if the Congress now is not going to be satisfied with a flawed process for passing this legislation, H.R. 1022 is literally a contract on the health and the safety of the American people, and on the environment that we will be leaving to our grandchildren.

According to every responsible prediction and estimate, H.R. 1022 will create more paperwork, not less, and increase the number of Federal employees who must be involved in the decision-making and the litigation questions. It will also take more time, and it will add to the miseries and the costs of business as business seeks to live with Government regulation.

The Congressional Budget Office estimates that this bill will cost the Federal Treasury at least a quarter of a billion dollars more every year, and CBO has not yet completed accounting for the costs. Preliminary estimates from the executive branch indicate that more than 1,500 new bureaucrats would have to be hired to carry out the extensive and prescriptive requirements of H.R. 1022 in administering now a much more complex regulatory process.

My Republican colleagues are increasing the size of Government with this bill, at the same time that President Clinton is making a real effort

and real progress in streamlining and downsizing government.

My comment to the American people would be: If you like increased bureaucracy, bigger Government, more work for lawyers, more delay, and more costs to American taxpayers, then H.R. 1022 is the bill for you.

Republican and Democratic Presidents have alike proposed and Congress has enacted specific laws establishing protective standards for identifiable threats to human health, human safety and the environment. These statutes cover a wide range of concerns: protecting women from breast cancer, protecting children from unsafe toys, regulating emissions of toxic air pollutants, ensuring airline safety, providing for the safety of workers in the workplace, and providing for clean water, clean rivers, and safe food. Each was passed for a real and important group of reasons based on particular circumstances posed by clearly identifiable threats.

H.R. 1022 cosponsors now want to override these carefully crafted protective standards of existing law with a uniform set of decision-making criteria, one-size-fits-all criteria, which by the way are different in many respects than the criteria in the bills reported by either of the two committees.

It is interesting to note that no hearings were held on the matter that we are now considering on the floor. The bills that were considered in the committees are different than that which is now before us. Proposals which were in the bills of both committees have vanished in some strange process that can only be explained by my colleagues on the majority side. And proposals which were in neither have all of a sudden appeared to raise new questions about the legislative history and what it is that the Congress is doing here today.

Do we know what laws are going to be impacted by the legislation before us? No. No one can tell us that. We do know some. I had asked the cosponsors of the bill to provide a comprehensive list when the Committee on Commerce marked up this bill. They said, "Of course. We will be delighted to do so." But that list is not yet before us.

In addition to changing the protective standards of existing law, H.R. 1022 will cause significant delays in issuing regulations important to industry, either to provide regulatory relief or relief from existing burdens. This bill is going to slow down the giving of relief to industry on matters which are important to industry, which will make the United States more competitive, and which will reduce costs to American industry.

Ironically, most of the regulations my Republican friends complain of were issued by Republican administrations, like the asbestos regulations raised earlier by the gentleman from Pennsylvania [Mr. WALKER].

□ 1610

Important health and safety protections for the public like these will also be delayed. I would like to now address some of these regulations, since my colleagues on the Republican side were never able to tell us what would be the consequences of being caught in this Rube Goldberg construction which they are now inflicting upon the American people, leading to multiplied gridlock and diminishing the agencies of government and the rights of the American people and American business.

In 1992 the Congress established the Nation's first nuclear waste disposal facility in New Mexico called the Waste Isolation Pilot Plant or WIPP, which will receive nuclear waste material currently being stored at more risky storage facilities around the country. WIPP cannot open until EPA promulgates regulations setting forth operating standards to protect the public health. The Department of Energy indicates that these will be significantly delayed under H.R. 1022.

New Federal Aviation Administration rules to enhance safety standards for commuter airlines in the wake of recent tragic air crashes were to be issued on a fast-track basis by December 1995. According to FAA, these new safety enhancements will be delayed for some indefinite period by the requirements of H.R. 1022.

EPA is now contemplating and working on deregulatory action under the Toxic Substances Control Act pursuant to a rule adopted in December 1994 which would save the economy better than \$2 to \$4 billion in control costs for PCBs. The proposed changes will reduce disposal costs and provide additional flexibility to industry. They will add to our competitiveness and reduce the burdens on American industry. They will be delayed by this legislation.

The Nuclear Regulatory Commission last year proposed a rule to update seismic standards for any new nuclear reactors built in the United States. In its proposal, the NRC noted that reviewing seismic safety rules for nuclear power plants is particularly timely because of the possible renewed interest in nuclear reactor siting for a new generation of nuclear reactors. The certification and other prescriptive requirements of H.R. 1022 would delay those safety regulations and create a situation where industry will not be able to move forward on important safety regulations which will benefit not only consumers and environmental groups, but also American industry.

The Department of Housing and Urban Development estimated lead-based paint regulations being promulgated to address risks from childhood lead poisoning in Government-owned and Government-assisted housing would be delayed by 2 to 3 years.

The National Highway Traffic Safety Administration has proposed regulations pursuant to a requirement of law

enacted by this Congress to provide improved protection against head impacts in the interior of cars and light duty trucks. The estimates of the agency is that, for each year of delay, 1,000 lives will be lost and 600 injuries will occur.

Mr. Chairman, there are literally thousands of other examples of delay of important health and safety standards that will come to light as this legislation moves forward. And the delay of deregulatory actions which could result from the passage of H.R. 1022 will be substantial and costly to the American economy.

The unknown and unintended consequences caused by the hurried consideration of this legislation will emerge for Members in embarrassing and unwanted ways in weeks and months ahead.

I urge my colleagues to oppose the bill. I urge them to support the substitute which will be offered, and I urge them to adopt the narrower amendments which will be offered to eliminate wrongful, mischievous and evil consequences of different parts of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, the person who deserves the "I don't get it" award for 1994 is the one who recommended to the President that he buy Dave McCollough's Truman biography and give it to key operatives to read in preparation for the 1996 campaign against what they perceive will be a do nothing Congress. This will not be the do nothing Congress. This will very much be a do something Congress.

The challenge is to do something that is responsive to the problems, and there is no doubt about it, in this area we have a lot of problems. Overregulations, and excessively costly regulations are two of the big ones and we have to be responsible in addressing them.

I would suggest that Terry Davis, who is the director of the Resource for the Future Center for Risk Management capsulizes it nicely when he said in a recent article in the winter of 1995 issue of his publication, "If the varied interests with a stake in environmental policy can reduce the ideological and partisan coalition that has characterized the risk debate so far, and if they can accept both the uses and limitations of risk assessment, the risk debate could lead to a new era of more effective, efficient, and equitable environmental program."

I would submit to all of my colleagues that is something, that is an idea we can all embrace.

I serve on one of the committees of jurisdiction, the Committee on Science, and I think the committee did a pretty good job under the leadership

of Chairman WALKER, but I submitted, along with a couple of my colleagues, some supplemental views to our committee report. And among other things we say we agree with the majority on the need to address risk assessment, and cost-benefit analysis. However, we do have some severe reservations about title III of the Job Creation and Wage Enhancement Act.

Under existing law, final agency rules and orders are judicially reviewable under the Administrative Procedures Act. Without clarification in title III of the Job Creation and Wage Enhancement Act, courts may hold that risk assessment guidelines themselves are reviewable, which is sure to lead to excessive litigation. We believe that risk assessment guidelines should not be reviewable.

Additionally, we believe that compliance with title III requirements should be reviewable only in the context of a challenge to a final agency rule or order. Without such a provision, this legislation may exacerbate existing litigations problems and stifle efforts to resolve conflicts within a Federal agency.

Title III requires Federal agencies to conduct resource intensive formal risk assessments and cost-benefit analysis. To me, that is the trial lawyers employment act of 1995.

I will submit the balance of my statement for the RECORD because it is worthy of note.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Chairman, this is a matter that was discussed at quite a length at the committee level. It deals with section 106 that refers specifically to recommendations or classifications by a non-United States-based entity.

One of the things we have done around here in the Congress of the United States that has caused an awful lot of overregulation is because Congress has been basically nebulous and vague on the directives that it places in its legislation.

Non-United States-based entities, and the bill says if it becomes Federal law that "no covered Federal agency shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment," without an opportunity for notice and comment. I think this bill begs for a definition of a non-United States-based entity. It does not in fact redefine or reinvent the wheel by any chance, but I will be offering an amendment to this bill.

The Traficant amendment says for purposes of this section, the term "non-United States-based entities" means an entity that is No. 1, incor-

porated outside the United States, No. 2, has its principal place of business outside the United States, or No. 3, is the United Nations or any of its divisions.

The reason why I say this is because the World Health Organization could say that a certain substance is a carcinogen or not a carcinogen and under this bill if they are not determined to be a non-United States-based entity, that would automatically be without notice and comment given. The Traficant amendment would say that any organization outside non-United States-based entity as defined by this decent perimeter would enforce in fact the language of the bill as it is designed and intended to do. I am hoping for the support on this. This was sort of a modified version in the committee that was met with basic approval and I think it should be in the bill, not in report language, and it should be specific since the bill speaks to non-United States-based entities.

I ask for support on this amendment.

Mr. BLILEY. Mr. chairman, I yield 5 minutes to the gentleman from Florida [Mr. BILIRAKIS], chairman of the Subcommittee on Health and the Environment.

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Chairman, in September, 1993, the Clinton administration issued its National Performance Review, which stated that private sector costs from Federal regulations were "at least \$430 billion per year—9 percent of our gross domestic product." Others put the total annual costs to the private sector and State and local governments at between \$500 and \$850 billion per year. To put this in perspective, this is more than the total amount of discretionary domestic spending by the Federal Government each year.

As if this weren't enough, the U.S. EPA estimates that it will impose 93 regulations on society during the next year, each of which will cost between \$25 and \$100 million per year. The Department of Agriculture estimates that it will add 200 regulations annually with costs in that range. And the Food and Drug Administration says it will add another 25 regulations per year with costs between \$25 and \$100 million. That's an additional 318 regulations for just these three agencies over the next year, with an added cost to society every year of \$8 to \$32 billion.

H.R. 1022 is sensible legislation that, among other things, will help us ensure that whatever amount society spends on regulation is justified by the amount of benefits from those regulations. We are committing a huge proportion of our economic resources to health, safety, and environmental regulation. That is the way it should be. It should be beyond debate that we need to make sure we are getting real benefits for all that we are investing.

Cost-benefit analysis is only one part of H.R. 1022. The other major part is a series of requirements that will ensure that when an agency determines how much benefit society is receiving in the form of reduced health, safety, or environmental risks, it uses objective science and presents its findings in an unbiased, open manner. Lest we hear today, and we are hearing today, from opponents of the bill that these provisions are designed to weaken health and safety standards, let me assure you that this is not the case. We are not striving for some particular policy outcome. We are trying to make sure that when we make regulatory decisions based on risk assessments that we are basing our decisions on science and not on policy preferences.

Unfortunately, that has not always been the practice in the past.

I am going to go into some what I consider examples of regulatory overkill.

The cost of EPA's hazardous waste listing for wood preserving chemicals is \$5.7 trillion per theoretical life saved or cancer incidence avoided. The cost of EPA's municipal solid waste landfill standards is \$19.1 billion per theoretical life saved or cancer incidence avoided. Clearly, I think everyone would agree with me, these costs are excessive, given the risk involved.

The Safe Drinking Water Act currently limits arsenic levels in drinking water to no more than two to three parts per billion. However, a regular portion of shrimp typically served in a restaurant contains around 30 parts per billion.

We all remember the Alar scare of 1989. As a result of the Alar scare, the damage to the apple industry nationwide—from growers and processors to retailers—totaled hundreds of millions of dollars. Even growers who did not use Alar on their apples were devastated.

However, scientific studies showed that Alar was not carcinogenic in either rats or mice. But UDMH—a breakdown product of Alar—when consumed in massive doses—equivalent to a human consuming 19,000 quarts of apple juice daily over a lifetime—did cause some blood vessel tumors in mice.

In 1991, the OSHA regional office in Chicago issued a citation to a brickmaker for failing to supply a Material Safety Data Sheet [MSDS] with each pallet of bricks. OSHA reasoned that a brick could be poisonous, because when sawed, it can release a small amount of the mineral silica. The fact that this did not happen much at construction sites was of no consequence.

Brickmakers, fearing lawsuits, began sending the form so that workers would know how to identify a brick—a "hard ceramic body with no odor"—and giving its boiling point—"above 3,500 degrees Fahrenheit". In 1994, after 3 years of litigation, OSHA finally

backed down and removed the poison designation.

Mr. Chairman, for those reasons we think that this legislation is so necessary.

At the joint hearings on title III of H.R. 9, a number of witnesses highlighted examples of the need for risk assessment and cost-benefit analysis:

Ohio EPA Director Donald Schregardus testified that of the 52 synthetic organic chemical pesticides for which U.S. EPA requires testing, only 9 were used in the State of Ohio in quantities that might be detected. The State and local communities were forced to spend thousands of dollars and significant time proving to U.S. EPA that those pesticides were not a problem, instead of using resources to solve real drinking water concerns.

Ms. Barbara Wheeler of the National School Boards Association emphasized that inaccurate risk assessment on asbestos has diverted billions of dollars from schools. The formulation of public policy on the asbestos issue was ahead of the scientific evidence to establish an accurate risk assessment; the result was that millions of scarce educational dollars were wasted. EPA's science ignored the variations in risk from different types of asbestos and focused on tests involving brown asbestos—the most hazardous type. However, the asbestos found in most schools was white asbestos, which is much less hazardous.

The Occupational Safety and Health Administration requires warnings that crystalline silica—one of the most commonly occurring elements in rocks and sand—is a carcinogen. In California—a state famous as a beach-lover's paradise—bags of sand used to fill children's sandboxes are labeled with a warning that sand is known to cause cancer.

The labeling of silica as a carcinogen was the result of a study on rats which were exposed to 100 times or more the amount of silica that workers in even the dustiest of conditions would be exposed to. However, similar studies on mice and hamsters failed to produce carcinogenic results.

OSHA's Hazard Communication standard—a "right to know" regulation—requires employers to post Material Safety Data Sheets [MSDS] explaining chemicals used in the workplace. MSDS violations account for more citations than any other OSHA rule. Unfortunately, these sheets are often difficult to understand or border on the absurd.

For example, the suggested remedy for exposure to charcoal dust is "seek air," and for exposure to sawdust: "flush with water." One construction company was cited by OSHA for failing to provide a Material Safety Data Sheet for Joy dishwashing liquid.

During our hearings in February, Dr. John Graham from the Harvard Center for Risk Analysis said that the most urgent need for health, safety, and environmental regulations is "a statutory requirement that Federal agencies report realistic estimates of risk based on the best available science."

Dr. Lester Lave of Carnegie Mellon University said "Congress should instruct regulatory agencies to use the best scientific knowledge, not "conservative" decision rules. Agencies should explore all plausible alternative scientific theories and explain why they chose a particular theory." That is what we have done in this bill. Objective science presented in an

open manner will help us and the agencies make better decisions, and it will also help the public understand what kind of risks it is facing.

I urge my colleagues to support this legislation. It is a reasonable, common sense initiative that will help ensure that we provide appropriate protection for the public.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time and I rise in opposition to the legislation that is before us today. It is a Frankenstein monster of ill-conceived and excessive provisions grafted together from bits and pieces of the Science Committee and Commerce Committee reported versions of the so-called Job Creation and Wage Enhancement Act of 1995.

Unfortunately, the only people whose jobs are going to be enhanced and created and whose wages are going to go up will be the attorneys of the United States who will be litigating under this legislation for the next decade, countless billable hours, filing lawsuits to challenge virtually every action taken by Federal regulators and legions of bureaucrats needed to generate the mountains of paperwork necessary to comply with the complex substantive and procedural requirements of the act.

I am particularly concerned because it could transfer scientific peer review panels into special interest pleadings. This legislation allows, believe it or not, the lobbyists and the scientists of the industries being regulated to sit on the scientific peer review panels that are going to judge whether or not the regulations should be put on the books to protect the public health and safety and environment. It is absolutely a built-in conflict of interest that will result not only in bad laws being put on the books, but endless litigation as people challenge the rules that are finally put on the books.

In addition, it would construct a legislative labyrinth of procedures which would have to be engaged in. We would have no reason to close down House Annex 2. Just like the final scene of Raiders of the Lost Ark, we could need to fill it with all of the regulations, all of the procedures that had to be gone through in order to ensure that the regulators of the lost ark had been tied into knots and made absolutely powerless by the Lilliputians of bureaucrats and peer reviewers who will block any meaningful health, safety or environmental regulations from being placed upon the books.

□ 1630

And finally, all of this is subject to judicial review, thousands of lawyers crossing fingers back in their law firms right now, praying that this bill goes through.

We have billable hours of such a gargantuan number that it is almost unimaginable.

This is a bill which is a dream for lawyers across this country.

And finally, the safety of our Nation's nuclear powerplants, of the nuclear waste sites, protecting children against unsafe toys, preservation of our natural environment, clean food, clear water. Is our water too clean? Is our food too safe? Are the airlines too safe against any disasters befalling the American people?

And finally, before we avoid making policy on the basis of false or misleading, anecdotal information, for example, over the last several days we heard one of the proponents of this legislation claim that the Consumer Product Safety Commission had a regulation requiring all buckets have a hole in the bottom of them so water can flow through and avoid the danger of someone falling face down into the bucket and drowning. Sounds bad. Now, that would be ridiculous regulation, if it existed. But the truth is that there has never been such a rule, and there never will be such a rule.

The fact is that nearly 30 infants, toddlers, each year have been drowning in 5-gallon buckets, and the Consumer Product Safety Commission has worked with the industry to come up with a program of voluntary labels warning parents about the drowning danger. Voluntary.

This is an example of the public-private sector cooperation which is prevalent through many areas of the regulatory world.

I urge my colleagues throughout this debate, first make such that lobbyists and scientists of the companies being regulated cannot serve on the peer review panels; second, ensure that there is no reduction, no reduction in the overall health, safety, and environmental protections that are offered to all Americans; and, ensure that at the end of the day that we have not turned back the clock of progress which we have made in extending the life expectancy of all Americans, which is what has happened over the last 30 and 40 years in this country. Let us not tie the hands of those who have been committed to health and safety so that the private interests, the special interests, can go back to an era where those products that endangered the public were made available without any warning, without any protection against danger.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we had at least 1 person stand up and defend the present regulatory system. I did not think we were going to have that.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SALMON].

(Mr. SALMON asked and was given permission to revise and extend his remarks.)

Mr. SALMON. Mr. Chairman, I do not think it is too unreasonable to require the Federal Government to operate based on good science, and I do not think it is unreasonable to expect that

the Federal Government should do a cost-benefit analysis before rules are promulgated.

Let me tell you a little bit of a horror story as a State legislator I had to deal with in the State of Arizona. We came under fire of the Federal Government because of the 1990 Clean Air Act, and basically we were told not only what the outcome should be of our plan to avert destruction by the Federal Government, but also what the modality should be. In fact, it was dictated to us that we must institute the IM-240 program, which is about three to four times more costly than the existing vehicle emissions testing and takes about four to five times as long, those that have to wait in line for the tests. Could you imagine all the smog and pollutants that are put into the atmosphere while they are waiting an extra hour in line with their cars running?

Finally, I would just like to say we have an opportunity to turn all of these, this madness around, and I hope we get a chance to do that.

Look before we leap.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan [Ms. RIVERS].

(Ms. RIVERS asked and was given permission to revise and enlarge her remarks.)

Ms. RIVERS. Mr. Chairman, several years ago when New York City was experiencing one of its garbage strikes, there was a young fellow who was getting very, very upset with the garbage that was piling up in his apartment. He did not know what to do, so one day he put it into a box, wrapped the box with gift wrapping paper, put it in the back seat of his car, and waited for someone to steal it. It worked.

Well, Mr. Chair, I would say to you that that is exactly what we have here. We have some garbage wrapped in pretty paper.

Now, I know that people will say that since I am speaking against the bill I am really against any change in how we regulate business and industry in this country. Not true. As a freshman who ran on reform and as the child of small business people, I want very much to see our regulatory climate improved in this country, but as someone with a degree in biological anthropology and a law school graduate, I also believe in science and logic, and neither of those things are to be found in this bill.

It increases costs. It overrides existing laws around health, safety, and the environment. It creates a labyrinth of procedures, and so encourages litigation that its only possible outcome must be a desire to have paralysis by analysis.

It purports to require good science, but when you look at the bill, we see that it mandates participation, or allows, forces participation for people who have an income interest in the outcome of the deliberation. It sets up vague standards.

When I talked to the scientists in my district, the University of Michigan is in my area, I asked them what they thought about the bill. It is interesting. One professor pointed out that while the word "cost" is used over and over and over again, and defined in several ways, the word "benefit" is never defined. It is never talked about. And his last comments in this area are interesting; he says, "These admissions by themselves are a dead giveaway about the intent of this bill."

And so I say to you, Mr. Chair, that, yes, there is pretty packaging, but underneath of it, 1022 is still garbage.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

(Mrs. THURMAN asked and was given permission to revise and extend her remarks.)

The CHAIRMAN. The gentlewoman from Florida is recognized for 4 minutes.

Mrs. THURMAN. I want to thank the gentleman from Virginia very much for yielding this time to me.

I rise today as a longtime supporter of risk assessment and cost-benefit analysis.

This legislation puts to use good science and common sense over political priorities which arise from the vicious circle of unsubstantiated media claims and subsequent public fear about exaggerated risk. Risk assessment and cost-benefit analysis allow us to prioritize our finite resources to those risks that truly threaten society.

We all have examples of outrageous regulations forced on the American people that drive up costs to consumers and businesses.

There was a television special last year hosted by John Stossel on the issue of risk assessment which was titled "Are We Scaring Ourselves to Death?"

Let us look at risks which actually shorten our life spans, airplanes by 1 day, hazardous waste by 4 days, air pollution by 61 days, crime by 113 days, driving 182 days. In the last decade, we have heard Alar, Perrier, cellular phones, carpets, coffee. They have all been dramatized by the media and the public for the risk they pose, and yet no one on this floor expects to pass legislation outlawing everyday hazards like stairs, which kill a thousand Americans, and bikes, which kill 700 Americans each year.

Mr. Chairman, one of the reasons that I ran for Congress was to foster and renew strong partnerships between citizens and their Government.

The President stated in an executive order requesting Federal agencies and departments to conduct risk assessment that the United States is overburdened with Federal regulations and that the American public deserves a system that protects and improves their health, safety, environment, and

well-being, and improves the performance of the economy without imposing unacceptable or unreasonable costs on society.

The legislation before us achieves this goal. Risk assessment and cost-benefit analysis was also adopted as part of the Southern Legislative Conference priority agenda, and in the State of Florida this year, Governor Lawton Chiles is considering similar legislation.

As we are forced to allocate scarce resources to combat the most serious threats facing our health, safety, and the environment, risk assessment and cost-benefit analysis are important management tools necessary in crafting sound public policy. We can no longer enact unnecessary regulations here in Washington. It is not fiscally possible.

By basing our Nation's regulations on these principles, we stand to forge rather than force that strong partnership.

In addition, through the use of risk assessment and cost-benefit, we can identify those areas around our Nation, particularly the poorer regions, that are in need of Federal regulatory protection. The Congressional Research Service and the General Accounting Office assert such analysis might increase the net benefits of Federal regulations, might reveal cost-effective alternatives, and might actually justify stricter regulations.

In a recent Time-CNN poll, 68 percent of the American people favored environmental regulations being subject to a cost-benefit analysis. Another survey by the Harvard Center for Risk Analysis showed similar results.

Mr. Chairman, the American people want their Government to produce necessary and meaningful regulations and not burden them with unnecessary ones.

Opponents will argue \$125 million to implement this bill is too costly, but they will fail to mention the cost of compliance of \$430 billion annually, 9 percent of our gross domestic product. As cited in the Vice President's national performance review, the time is now to enact this bill.

I urge my colleagues to vote for sensible regulatory reform and vote for H.R. 1022.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I thank the gentleman for the time. Mr. Chairman, this legislation is long overdue. Risk assessments and cost-benefit analyses are critical to the economic health of our nation's citizens, businesses, and local governments.

As a member of the Science Committee, I understand the importance of H.R. 1022 and the common sense approach it will bring to the regulatory process. It is the first step in restoring logic and order to our nation's regulatory nightmare.

If used properly, risk assessments serve as an important basis for sound regulatory and risk management decisions.

But, if there is no rhyme or reason to the process of assessing risk, they can harm industries and destroy jobs.

Let me give you an example of how manufacturers in my state are affected. One of the biggest industries in the Southeast and in Tennessee, my home State, is the appliance manufacturing industry. This industry employs over 28,000 people in Tennessee and over 50,000 people in southern States like Florida, Georgia, North and South Carolina, Virginia, Alabama, and Kentucky.

Mr. Chairman, the biggest threat to this industry is not foreign competition. Believe it or not, the biggest threat to this industry is the impact of federal regulations. More and more, these costly, and unreasonable regulations are redirecting human, financial, and technical resources to comply with the growing number of Government mandates.

The appliance manufacturing industry is one of the last remaining true American manufacturers. More than 80 percent of the major appliances used by American consumers are produced here in the United States.

The total impact on the appliance industry of a growing burden of federal regulations is a serious and immediate concern to manufacturers in my state and the entire Southeast region of the country.

That is exactly why I introduced an amendment during committee mark-up which explicitly requires regulators to consider the total burden of government regulations on companies or products, of any industry, and to accurately evaluate financial impacts on manufacturers in all industries.

Currently, the Department of Energy does not take into account consideration of the total financial or technical resource burden on manufacturers of continuously redesigning all of their major products to meet the standards.

What is more absurd is that neither the EPA or the Department of Energy coordinate with one another to take into account the problems manufacturers have in meeting separate, and often conflicting, standards at the same time.

As you can imagine, these EPA and Department of Energy standards are often times conflicting, which simply adds to the manufacturers' cost of compliance.

For the sake of our Nation's manufacturers, I strongly urge passage of this bill.

Mr. BROWN of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I found this debate to be quite useful, and I regret very much that there are not more Members who are here to listen to it and to participate in it. I say that because I have a number of Members who expressed a desire to speak who are not here on the floor right at this moment, and I consider that to be regrettable.

Nevertheless, during the course of this debate, there are going to be statements made probably on both sides which are going to be difficult to verify

and which, in some cases, may be a slight distortion of the truth.

The gentleman from Massachusetts [Mr. MARKEY], for example, cited purported EPA regulation of buckets to require a hole in the bottom. I do not know whether that is a true story or not.

□ 1645

But it indicates a problem of how stories get around. The gentleman from Florida [Mr. BILIRAKIS] made reference to the Alar problem, which I was quite familiar with and participated in it as a member of the Committee on Agriculture.

My recollection of that situation, which I deplored publicly on many occasions, was not that the EPA had overregulated, but that very vociferous consumer groups insisted that they had under-regulated and carried that through all the media to the point that it created a wave of hysteria against what EPA had actually done.

Now, I hope that I am not mistaken in my recollection of the facts. It turns out that it almost ruined the apple crop that year, put severe stress on the people who supplied the Alar chemicals, and cost them most of their market, and led, I think, to their voluntary withdrawal of the commodity.

These are the kinds of situations which deserve to be more fully explored.

Unfortunately, it cannot be done here on the floor. I will confess my memory is not perfect on an event of this sort and by the time it gets perfect, it will be next week and we will have voted on the matter and it will be impossible to ascertain what the real facts were.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from California, the vice chairman of the committee [Mr. MOORHEAD].

Mr. MOORHEAD. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 1022.

This bill incorporates as title I legislation I introduced in the last Congress to set requirements for the assessment and characterization of risks.

For risk assessment documents, it requires the following: A discussion of laboratory and epidemiological data and whether it shows a link between a substance or activity and health risks. An explanation of the assumptions the agency made and why others were rejected. A discussion of whether agency studies show the same results as real life data.

Once the risk is assessed, it requires that the agency present the information fairly and openly, including the following: A description of who or what is at risk, a best estimate of the risk, and a description of how much scientific uncertainty there is. An explanation of how the agency believes the population would be exposed. A com-

parison of the risk to risks from other activities, especially ones that the public would understand. A statement of how much risk there would be from other alternatives.

Title I only applies to risk assessment and risk characterization documents used by a list of covered federal agencies, not to all federal agencies, and only in connection with regulatory programs designed to protect human health, safety and the environment. It also only applies to certain agency actions, like final rules that have compliance costs for our country of more than \$25 million, reports that agencies issue to Congress, environmental cleanup plans, certain permit conditions, and to the placement of a substance on a list of carcinogens or toxic substances.

Title I is really fair legislation. It is not designed to roll back health and environmental standards or override existing laws. In fact, it explicitly states that it does not modify any existing statutory standard or statutory requirement designed to protect health, safety or the environment.

We need this legislation to make sure that we are not ignoring real risks while we are regulating phantom ones. I urge my colleagues to support the bill.

Mr. DINGELL. Mr. Chairman, I continue to reserve my time.

#### PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] will state it.

Mr. WALKER. Mr. Chairman, would the Chair advise this gentleman who has the right to close the debate?

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] or the gentleman from Pennsylvania [Mr. WALKER] would have the right to close.

Mr. WALKER. I thank the Chair.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise to express my unwavering support for H.R. 1022, the Risk Assessment and Cost-Benefit Act.

Additionally, I would like to thank the gentleman from Pennsylvania, Chairman WALKER, and the gentleman from Virginia, Chairman BLILEY, for their leadership on this important piece of legislation.

Mr. Chairman, the Congressional Office of Technology Assessment in November 1993 released a study which stated that the Federal Government devotes inadequate attention and resources to federal risk assessment research. Additionally, EPA's own Scientific Advisory Board noted that if the Nation's finite resources are spent solving low-risk problems rather than

high-risk ones, then society will be exposed to higher risks with inadequate resources to deal with them.

Regulatory costs is the single greatest hurdle facing U.S. businesses and is a big job killer. Businesses and local governments which were regulated spent more than \$500 billion in direct and indirect costs in 1993 twice the deficit to comply with federal mandates, and that figure is expected to climb to more than \$650 billion annually by the year 2000, roughly 3 times our whole defense costs.

Almost 75 percent of this cost increase is expected to result from additional environmental, health and safety regulations. Beyond problems caused by the rising costs of government regulations, the regulatory process itself has become unduly rigid, unresponsive and inconsistent.

We all lose because of irresponsible policies. Without risk assessment, the EPA does not have to use sound science in environmental regulation formation. Bias input can be used to adjust data to fit a policy agenda which is not looking out for business, local governments or the average citizen—who must comply with political agendas.

We need to create confidence in our environmental regulations through risk and cost-benefit analysis. As a representative, one of my goals in representing my constituents in Congress has been to provide regulatory relief to local government and local employers and to balance this with the needs of people for a clean environment.

Before we burden our economy and society with costly new laws and regulations or continue some of those now in place, we must be sure that the benefits justify the costs.

Sound science, cost benefit analysis and risk assessment must all work together to ensure balanced environmental laws and regulations when they are enacted. The process must include: scientifically sound risk assessment; risk-based prioritization; and cost-effective risk management. In addition, there must be public participation in all phases of the process. These aspects must be at the heart of any environmental decisionmaking.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Ms. EDDIE BERNICE JOHNSON.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman for yielding this time to me.

Mr. Chairman, I, like everyone else, say we need to deal with this kind of legislation, but this piece of legislation goes too far. It is too extreme.

Title II of H.R. 1022 provides new decisional criteria that elevate flexibility for industry and cost reduction above public health and safety. The bill rescinds the decisional criteria for balancing harms and benefits, both public and private, both known and unknown, that have been built into the Federal environmental protection legislation

over the past 25 years. It requires EPA to bear the burden of proof that the benefits of regulatory actions are worth it.

What this means in real terms is that the vulnerable Americans—the sick, the elderly, the newborn—can no longer be protected because their protection is too expensive. This also means that EPA would not be able to take any action that addresses many current health hazards, such as preventing the reoccurrence in the Nation's water supply of various bacterial diseases like the one that killed numerous people in Milwaukee and caused 400,000 illnesses, preventing the 70,000 deaths estimated to be caused each year by breathing air laden with fine particles or reducing airborne emission dioxin from waste incinerators located in residential communities.

Mr. Chairman, I know firsthand about many of these kinds of conditions. This puts people's lives at risk.

Mr. Chairman, title II of H.R. 1022 provides new decisional criteria that elevate flexibility for industry and cost reduction above public health and safety. The bill rescinds the decisional criteria for balancing harms and benefits, both public and private, both known and unknown, that have been built into all Federal environmental protection legislation over the past 25 years. It requires EPA to bear the burden of proof that the benefits of regulatory action are worth it.

What this means in real terms is that vulnerable Americans—the sick, the elderly, the newborn—can no longer be protected because their protection is too expensive.

This also means that EPA would not be able to take any action to address many current health hazards, such as preventing the recurrence in the Nation's water supply of microbial diseases like the one that killed numerous people in Milwaukee and caused 400,000 illnesses, preventing the 70,000 deaths estimated to be caused each year by breathing air laden with fine particles, or reducing the airborne emissions of dioxin from waste incinerators located near residential communities.

#### BACKGROUND

Section 202(a) requires that the benefits of any major rule to protect health, safety, or the environment—one resulting in an increase in cost of \$25 million or more—justify and be related to, the costs of the rule. That section also requires that there be no regulatory or nonregulatory option that could achieve similar benefits in a more cost-effective manner or in a manner providing more flexibility to the regulated entities. These requirements must be met by substantial evidence in the rulemaking record (section 202(b)(2)), a higher standard for agency rulemaking than the "arbitrary and capricious" standard required for agency rulemakings under the Administrative Procedure Act [APA].

As a result, this bill supersedes, and rescinds, the decisional criteria for balancing harms and benefits built into all current Federal environmental laws. The mandates of environmental statutes that EPA rulemaking be necessary to protect human health or the environment—RCRA hazardous waste requirements—or provide an adequate margin of safety (Clean Air Act) or prevent the

endangerment of drinking water supplies (Safe Drinking Water Act), to use just a few examples, would be fundamentally altered. Instead, EPA's rules under all environmental statutes would need to be based on a demonstration that the benefits of the action "justify" the costs and that there are no other options, including non-regulatory options, that are more cost-effective.

Because of the substantial evidence standard, EPA will need to quantify costs and benefits to the extent possible. And, since many of the public and private benefits of environmental regulation are difficult to identify, let alone quantify, public health and environment will always be on the losing side of this kind of analysis.

And the biggest losers in this kind of analysis are people who are the most expensive to protect: infants, older Americans, people with serious illnesses, people in rural areas, and people who live in low income areas. Prolonging the life of persons who are the most vulnerable may have little economic value.

Similarly, preventing people from becoming ill, a major benefit of new drinking water protection rules, for example, has little dollar value and would be unlikely to survive this analysis. As a result, EPA would not be able to require the additional water treatment that would prevent the recurrence of incidents such as the outbreak of Cryptosporidiosis in the Milwaukee water supply that resulted in an estimated hundred deaths and over 400,000 illnesses.

EPA would also have great difficulty justifying new Clean Air Act standards to protect children from lead poisoning, asthmatics from sulfur dioxide, and cardiac patients from carbon monoxide. EPA would also not be able to revise the outdated rules for hazardous waste incinerators located in or near residential communities.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. NORWOOD], a member of the committee.

Mr. NORWOOD. I thank the gentleman for yielding this time to me.

Mr. Chairman, I do not just rise, I stand up with great glee to support H.R. 1022. I have for the last 5 years of my life lived under the rules of this Federal Government. Finally, I decided to run for Congress to try to get out of the way of the Food and Drug Administration, OSHA, and all the other regulatory agencies in this country.

This bill is an important first step toward a Federal rulemaking system that solves legitimate problems cost effectively, a rulemaking system that cooperates with governments and businesses and that prioritizes potential risks to society based on objective science rather than subjective whimsy.

I know that this town may not be full of crazy regulators or standards writers or enforcers, I do know there are a lot of them here, but Mr. Chairman, they are all over the country. And if I may cite a couple of examples which have a source: EPA regulations require municipal water treatment plants to remove 30 percent of organic material before discharging treated water into the ocean. What a good idea. Who could disagree with that?

Because water, though, in Anchorage, AK, is already cleaned, the town has had to recruit local fish processors to purposely dump 5,000 pounds of fish guts into the sewer system each day, thus allowing the city to clean the water and satisfy EPA requirements.

Another wonderful example, Mr. Chairman: Montana rancher John Shuler was awakened one night by a grizzly bear rummaging through his sheep herd. He went outside with his guns and fired shots into the air in an attempt to scare them off. An unseen grizzly emerged from the dark to attack Shuler. Fearing for his life, Shuler shot the bear.

The grizzly bear, you know, is on the endangered species list, Mr. Chairman, and Mr. Shuler was consequently fined \$4,000 by the EPA.

I am amazed today to hear people say that it is unfair to have a peer review committee where the very people who are being ruled and regulated are going to sit on that committee and be able to defend their families and businesses. I am amazed to hear the people that sit in the hearings, directors of agencies, complain about paperwork, complain about being regulated and complain about lawyers. For goodness sakes, that is what we have been living with for the last 10 years.

Mr. Chairman, Federal regulatory costs are estimated to be over \$540 billion. Our supporters ask us to support H.R. 1022.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, title I of H.R. 1022 will cripple American industry. It requires extensive risk analysis which is time consuming, redundant, and unnecessary. It will apply to hundreds of thousands of American industries and businesses that need environmental permits or changes to permits they already have.

The provisions of this title will result in huge delays in the construction or modification of the hundreds of thousands of industries and businesses that apply for any type of environmental permit or permit modification each year. And it is the permittee who will bear the cost of the delay and the redundant analysis. This is gridlock at its worst.

□ 1700

Also, because these analyses are required prior to EPA even proposing cleanup measures for oil or toxic spills, contamination of land and water will spread and grow more costly, and more dangerous, while awaiting these analyses. These analyses are required even if they are completely unnecessary for the cleanup. This kind of redtape and bureaucratic strangulation is absurd.

Title I or H.R. 1022 requires that each significant risk assessment document and significant risk characterization document prepared by or for a Federal

agency meet detailed analysis requirements prior to completing actions designed to protect human health, safety, or the environment. (Section 103(b).) Federal actions in which such assessments or characterizations are used and which do not comply with these requirements must be voided by the courts even where the document itself was tangential to the federal action.

While risk assessment and risk characterization documents are necessary and important bases for federal regulatory action, the scope of this provision goes far beyond scientific risk assessment or characterization documents. In fact, risk assessment and risk characterization documents are sweepingly defined to include virtually any federal document which identifies, describes, or discusses any hazard (Section 110). Although the definition of significant documents narrows the scope of these provisions, the federal actions affected remain large, including all federal permits, major rules, and federal oil or chemical spill response plans.

More importantly within those categories, all risk assessment documents or risk characterization documents, regardless of their significance, must meet the analysis requirements of sections 104 and 105. Since almost any document prepared for a Federal permit, Federal permit modification, cleanup plan, or major rule will at least refer to, if not discuss, the hazards addressed by the federal action, almost all documents must meet the analysis requirements, even when that analysis is not particularly relevant or necessary for the Federal action.

Mr. Chairman, this is a crippling American industry provision, and I ask that we reject H.R. 1022.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

(Mr. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. Mr. Chairman, today our Nation spends about \$140 billion each year to comply with environmental regulations. That total will climb past \$200 billion by the year 2000. Now these regulations are vital, but these costs mean that less money is available for other important needs like reducing crime, creating jobs, improving our education system, and, as we saw in committee in some cases, even allowing more money to go for medical science research that could be available with the cost-benefit analysis before we move ahead. Inefficient investments in regulatory programs reduces our ability as a nation to create new opportunities for Americans.

I have been hearing arguments from the other side of the aisle that they want regulatory reform but not this reform. But my question is, "If you want reform, where have you been the last 40 years?"

Mr. Chairman, what did they accomplish? Zip, zero, except add law after

law, regulation after regulation, layer after layer of \$50 solutions to \$5 problems.

Opponents of this bill also argue that this will open the floodgates to litigation. I ask, "What do you think we have now?" At least for the first time we will get good science, and we will get some cost-benefit analysis before these costs are imposed on small businesses, local governments and consumers.

Mr. Chairman, H.R. 1022 should make the regulatory process more efficient and more productive instead of squandering time and resources treating relatively minor risks. This bill establishes criteria for identifying and treating the more serious risks facing the environment, public health and safety. When emergency rule-making authority is needed, this bill allows agencies to continue to use their emergency rulemaking authority.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Chairman, I have always been and will continue to be a strong supporter of risk assessments and regulatory reform. This bill was intended to address real problems within the current system. However, this new version before us today differs from either bill considered by the Committee on Commerce or the Committee on Science, and it needs substantive changes if it is to address the regulatory morass now present.

Implementation of its cumbersome procedures requires people. Using conservative CBO estimates this could mean putting about 5,000 people back on the federal payroll.

This bill will result in an increase in risk assessments and cost-benefits analyses by agencies from the current level of 80 per year to more than 2,400 per year.

The cost to the Department of Defense for developing and implementing peer review for the base realignment and closure process alone will be estimated between \$35 and \$70 million per year. The Department of Transportation will have to perform risk assessment and cost-benefit analysis before issuing mirror requirements to help school bus drivers protect the safety of our schoolchildren.

That is not the kind of reform our constituents would like to see, not to mention State governments coming under this.

Talk about an unfunded mandate; H.R. 1022 would require State governments, when acting as agents of the Federal Government, to perform risk assessment and cost-benefit analysis on issuance of permits or even modifications to the permitting process. In my opinion this is the classic definition of an unfunded mandate.

Not only that, but the bill, as written, allows courts to determine the criteria for sound science, the impact which will certainly be endless lawsuits.

Remember, my colleagues, it was 1991, after the Reagan-administration-appointed judge who, after reviewing thousands of pages of scientific assessments, imposed a logging ban across much of the Pacific Northwest to protect the spotted owl.

Finally, and unbelievably, as written H.R. 1022 allows individuals with a vested interest in the outcome to sit on peer review panels.

Curiously, this contract that was created by legislators rightly concerned about the exercise of power by unelected bureaucrats would give the power to delay new regulations, some needed, to unelected peer review panels and the courts. I am for reform, as I said, but this bill must have substantive change to be worthy of its title.

Mr. Chairman, in our haste to meet an arbitrary deadline on this legislation let us, please, not make an intolerable situation more intolerable.

Mr. BLILEY. Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise because of concerns about H.R. 1022.

First of all, I am proud to live in a nation with the cleanest air, the purest food, the safest drinking water, the safest products, the safest working conditions, of any country in the world. I am proud of that. I think that obviously the people of this country are proud of the working conditions, proud of the clean air, and safe drinking water, and pure food laws, and the consensus that this country has arrived at on both sides of the aisle in making the standard of living in this country as high as it is and making the environment in this country as good as it is.

I live on Lake Erie in Lorain, Ohio, 25 or so miles west of Cleveland. Twenty years ago parts of Lake Erie were literally dead. The Cuyahoga River caught on fire in the city of Cleveland. Today—as I said, I live on the lake. I have two daughters that swim in Lake Erie. People drink the water in Lake Erie. It is a wonderful resource for all kinds of commercial purposes, for all kinds of activities around the lake, and we have been able to do that in this country because of the cooperation of business and the cooperative of government and the active citizens that have cleaned up that lake and made it safe and made it what we would like it to be.

Certainly sometimes government does overreach, and, when government does overreach, it is up to us to deal with those regulations one by one, not with a meat axe approach like H.R. 1022 does, but to deal with it case by

case by case. That is why I support risk assessment. That is why I support good scientific based information, risk assessment, cost-benefit analysis. That is why it makes sense to do it case by case by case, not the way that H.R. 1022 does.

What H.R. 1022 will bring to this society in this government is more regulation, more bureaucracy, more lawyers, more litigation. That is why many groups around the country have called this the lawyers' full employment bill. It simply does not make sense to pile more government, more bureaucracy, more litigation, more lawyers on top of what we now have. It simply does not make sense.

The gentleman from California [Mr. BROWN] and I will offer a substitute amendment later this evening. It will set a higher threshold for rulemaking which will save government money and save private sector money. It will allow for appropriate judicial review which will cut the costs of litigation, will mean fewer lawyers rather than more lawyers. It will mean less litigation rather than more litigation, and the Brown-Brown substitute will provide for peer review with no conflict of interest so that, when regulations are considered under risk assessment, that the decisions will be made fairly, without undue private interference from those groups, or those industries or those businesses that have something to gain by that interference. The substitute, the Brown-Brown substitute which we will offer later, means less money, less litigation, less bureaucracy, less conflict of interest. It simply makes sense, Mr. Chairman.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Chairman, for the last 40 years Washington, government, has been taxing and strangling both American families and American jobs, and let there be no doubt. Unneeded regulations are nothing more than a tax on the American public. I say to my colleagues, "You and I have paid the bill for the cost shifting of increased prices associated with the things we need to purchase. According to the Alliance for Reasonable Regulations, it is now estimated that the effective cost to an average family is over \$6,000 per year. That's why the House passed in a bipartisan vote a moratorium on new regulations. Six thousand dollars a year for irresponsible, unneeded, expensive regulations prevents parents from keeping enough food, enough of their hard-earned money, to buy food and clothing and provide a comfortable living for their children."

Remember the cost of regulation is the most regressive type of tax because both the poor and the rich pay the same, and it is harder for the poor families. So, if we care about our kids and

our families, and we all do, we should start to reduce the burden of unnecessary regulations and start to apply some common sense.

I urge a vote for H.R. 1022, a vote for sound science and reasonable regulation.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE]. (Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, risk assessment and cost-benefit analysis, a resounding yes.

However, Mr. Chairman, House Resolution 1022 has been developed far too hastily to be considered as a sound policy prescriptive for public health, safety and environmental regulatory standards. This bill imposes inflexible and unrealistic requirements for regulatory analysis and decision making. Our Federal agencies will have to spend more time scrutinizing the regulations than gathering a base of research to support the proposed rule, the business that they should be in. The effect of this bill would be nothing more than to slow the regulatory rule-making business down to a crawl, and we cannot even begin to speculate what kind of effect such restrictions would have on public safety and public health. These administrative burdens are projected to cost at least \$250 million a year if this particular bill is implemented, but yet we stand here, Mr. Chairman, and say that we want to cut costs and make government more efficient.

We are creating problems rather than addressing them. Between expanding the scope of judicial review for virtually all Federal rules aimed at protecting health, safety or the environment and in a single broad stroke superseding various provisions of such laws, this bill becomes to a certain extent the mother of all risks.

□ 1715

We are risking public health, public safety, and threatening our environment. This Risk Assessment and Cost-benefit Act presently before us is more of a cost than a benefit. I urge my colleagues to solve the real problem the real way, with less bureaucracy.

I might add, if I can, Mr. Chairman, to simply query the gentleman from Pennsylvania [Mr. WALKER], because I heard him complaining about, and I am a new Member, the high cost of asbestos removal regulations. I was just wondering as to when that particular rule was implemented. I was just wondering, as I am a new Member, why you mentioned the asbestos removal regulations that many of us did operate under. I am from local government. We had to respond to it. But I was wondering, since you mentioned it, whether you knew when that rule was implemented.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I think it was during the 1980's.

Ms. JACKSON-LEE. I think it was during the Reagan administration. I would ask for your comment, at the time it was done under a Republican administration, the concern was we were trying to resolve this as it related to our children. We were looking to improve the safety conditions of our children, and I think we were working with the present scientific technology at that time.

Mr. WALKER. If the gentlewoman would yield, the problem is that even in the Reagan administration bureaucrats are bureaucrats, and they did not have any mandate to do good science. We are going to mandate them to do good science. It would have prevented that mistake from being made, whether it was during the Reagan, Carter, or Clinton administration. This bill is designed to make certain we do not have to go through that kind of problem once again. It was a disaster.

Ms. JACKSON-LEE. I wholeheartedly agree with you that we need good science. I think the science used at that time was the best science they could use, and I think we must be cognizant of that and be sure that we do nothing to damage the health and safety of our children.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

The CHAIRMAN. The gentleman from Florida [Mr. MICA] is recognized for 3 minutes.

(Mr. MICA asked and was given permission to revise and extend his remarks.)

Mr. MICA. Mr. Chairman, my colleagues in the House of Representatives, regardless of what you have heard in the debate today, this is really a well-crafted bill. It is incredible to hear the opponents whine against this bill, because this bill does not do any of the things to any of the regulations they are talking about. This bill does not go back. This bill is not retroactive. This bill is prospective. This bill gives the President a say in this risk assessment process. This bill gives the agencies a say in this risk assessment process.

This is a well-crafted, sound piece of legislation. Let me tell you something else this bill does for the future. Current law in many instances prohibits the use of cost as a criteria in assessing risks and benefits. This bill says for the first time that we will use a cost-benefit and risk assessment based on a set of criteria that makes sense in an orderly procedure.

Let me give you some examples, if I may, of ridiculous approaches to requirements to assess risk right now. In 1992, OSHA cited a two-person company for not having material safety data

sheets for Windex and Joy cleaning solutions. Here is a material safety data sheet that they are required to fill out. Is that a good use of our resources?

EPA rules force dentists to keep logs for possession an disposal of White-Out. Here is White-Out correction fluid. It is classified as a hazardous waste. Is that a good use of our resources?

Mr. Chairman, let me give you one more example—strawberries. Strawberries, EPA limits benzene to 5 parts per billion in drinking water. Strawberries naturally have 50 parts per billion. Does this make sense? Is this how we are protecting public health, safety and welfare? I say not.

GAO cited in a study to this Congress that politics is the main criteria for choosing cleanup sites. What does that say to our children in inner cities? What does that say to the real risk to human life and human limb?

Limited resources require that we do a better job. Let me quote John Graham, a Harvard professor, who said, "Sound science means saving the most lives and achieving the most ecological protection with our scarce budgets. Without sound science, we are engaging in a form of 'statistical murder,' where we squander our resources on phantom risks when our families continue to be endangered by real risks."

So this legislation today for the first time gives some direction to an agency like EPA, like OSHA, and says these are the risks. This is the way we will address these risks, and we will use cost-benefit analysis in the process. It is a good piece of legislation, and I urge Members to support it.

Mr. DINGELL. Mr. Chairman, how much time remains amongst the several of us allocating time?

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] has 5 minutes remaining, the gentleman from Virginia [Mr. BLILEY] has 10 minutes remaining, the gentleman from California [Mr. BROWN] has 5 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 7 minutes remaining.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Chairman, the opponents of this bill would like the American people to believe that their health and safety will be jeopardized if this legislation passes, but nothing could be further from the truth. The American people have had to endure radical environmentalists screaming lies into their face for far too long. This bill insists that government will be basing its decisions on sound science, peer review, and cost-benefit analysis.

What really is at issue here is the ability of power-hungry bureaucrats to intimidate the homeowner or the farmer or the small businessman or woman at will. It is a stake in the heart of big brother government.

From now on, if local government and small enterprise is going to be

driven out of business, it has got to be justified, and it has got to be justified on a reasonable condition, rather than just pandering to the paranoid screams of environmental Chicken Littles. In hearings before the Committee on Science, we watched as bureaucrats shed crocodile tears because this bill would cause unacceptable delays that would cost more and add layers of bureaucracy to their departments. In other words, Mr. Chairman, they are opposed to this bill because it would impose the same burdens on them that they have been imposing on the American people.

Perhaps if this bill had been in effect, our public schools would not have been forced to spend \$10 billion on a non-existent asbestos problem, and instead could have used the money for educating our children. There are numerous examples of this monstrously costly nonsense, from cyclamates to alar, from lead paint to cranberries causing cancer.

A vote for H.R. 1022 is a vote for rational regulation, sound science, and a vote against Big Brother bureaucracy. It is a vote for prosperity and safety for our people. I urge all of my colleagues to join with me in supporting this bill.

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. OXLEY], the chairman of the subcommittee.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I rise in support of the legislation. The Risk Assessment and Cost-benefit Act of 1995 achieves two fundamental objectives. First, the bill ensures that the system of assessing risks and communicating that information to decision makers in the public is objective, unbiased and informative.

Second, it ensures that the Federal regulatory process has an enforceable system that considers the incremental costs and benefits of each significant option for every piece of major legislation. I think that makes good common sense in the sense of common sense legal reform that we are trying to bring about.

Mr. Chairman, I had an opportunity to look at the Wall Street Journal just last week in which I found a very interesting column that was titled "In Search of Zero Risk." It was written by a Kathryn Kelly, a principal of ERM—Environmental Toxicology International in Seattle, WA, who had some interesting points to make in terms of what we are looking at in our existing environmental standards.

She says the "acceptable risk" criterion on which much of the current environmental regulation is premised has no basis in scientific fact, has received no serious review, and was in fact "pulled out of a hat." At issue is the so-called "one-in-a-million" standard of acceptable risk for environmental contaminants.

She goes on to talk about how they talked to several people that were involved in this risk assessment and how they came to this one-in-a-million risk. I think the Members will find it interesting.

She says, "What is the origin of this criterion which has cost society billions of dollars? In 1991 my firm set out to solve this mystery. We contacted officials from the Bush White House, the Environmental Protection Agency, the Food and Drug Administration, the Congressional Office of Technology Assessment, and activist groups such as Greenpeace. The result, no one, not even the very Federal officials who currently use the one-in-a-million standard, knew what it was based on."

A sample of the responses: "My mind is a complete blank." "My, what an interesting question." "It is an economic criterion, whatever that means." "It is based on the chance of being hit by lightning, which is one in a million." "It was a purely political decision made by several of the major agencies behind closed doors in the 1970's. I doubt very much you will get anyone to talk to you about it." Our personal favorite: "You really shouldn't be asking these questions." This from one of the Federal agencies.

Now, I ask you, does the response from these so-called agencies make sense whatsoever in the real world? If you look at the statutes that we are dealing with, the Clean Water Act, the Clean Air Act, the recent alar scare, the recent flap over asbestos in schools, you have to say to yourself, we have gone far too much in the wrong direction in trying to set these particular standards.

It is unconscionable for a school district the size of mine in a town of 35,000 people to have to spend over \$3 million removing asbestos from the school system that was found later to be perfectly safe, and was in fact safer had they left it alone than if they tried to get it out and put it back in the air.

Or let us look at the Clean Air Act. You talk about a political decision. All of us remember, of course, the study that was commissioned where we spent over \$600 million to study clean air, and particularly acid rain. I am glad to see my friend from California show up, because he was responsible for this mishmash that is the Clean Air Act.

We had this NAPAP report. The NAPAP report supposedly was going to give us the information we needed to craft a good and effective clean air bill. What happened? In the tradition of the Congress, ready, fire, aim, the Congress actually passed a clean air bill before the NAPAP report came out. When the NAPAP report came out several months later, it was found that we were clearly killing a fly with a sledgehammer. That has meant in my home State of Ohio an increase already of 14 percent for my electric rates for my constituents and constituents of other Ohio Members.

Now, I ask you, does that really make any sense? Can you stand here and make a legitimate argument that after the NAPAP report came out, that the clean air bill, particularly as it related to SO<sub>2</sub> made any sense? This is a good bill, it is a fair bill, it is balanced, it makes sense for America, and let us get on with it.

Mr. Chairman, the Risk Assessment and Cost-Benefit Act of 1995 achieves two fundamental objectives. First, the bill ensures that the system of assessing risks and communicating that information to decisionmakers and the public is objective, unbiased and informative. Second, it ensures that the Federal regulatory process has an enforceable system that considers the incremental costs and benefits of each significant option for every piece of major regulation.

The biggest problem faced in preparing this legislation is that so many early laws simply provide for, or even allow for, these rules of reason. The bill states that three rules of reason must be met notwithstanding prior law. The act requires Federal agencies to certify that:

(1) risk assessments and cost analyses are objective and unbiased;

(2) the incremental risk reduction or other benefits of a major rule will be likely to justify, and be reasonably related to, the incremental costs; and

(3) that the regulation is either more cost-effective or provides more flexibility to State, local, or tribal governments or regulated entities than the other options considered.

I believe these are sound and reasonable principles. The current costs of Federal regulatory programs are estimated between \$430 and \$700 billion and increasing every day. Yet, Congress has never in any significant way reformed a Federal regulatory program to consider sound risk assessments and incremental cost-benefit analysis.

Real reform means you must supersede the inconsistent old requirements to the extent they are not reasonable. We know this is a novel concept in a legislative body that has only added more regulatory programs and to a Federal bureaucracy defending its own weak programs.

Why should we preserve a system based on biased risk assessments? Why should we preserve a system where costs are unjustified or unreasonable? Why should we preserve a system where regulations are inflexible or not cost-effective?

Simply put, if the bureaucrats can't justify their rules, we should not continue to add more and more regulations with major costs.

The debate over the last number of years has revealed strong differences among some Members about the role of the Federal Government and risk assessment and cost-benefit analysis. The view from outside the Washington beltway, from Governors, mayors, school boards and small and large businesses, is that there is a serious problem concerning the credibility and impact of Federal regulatory programs.

A number of Members, however, believe that rules which increase annual costs between \$25 and \$100 million should not be subject to cost-benefit requirements. Many of these same Members advocate that risk and cost-benefit legislation should essentially be unenforceable. In my view, such an approach

would shield the Federal bureaucracy from real accountability and effectively neuter the legislation.

I am further reminded of how those who oppose judicial review for the Federal bureaucrats were eagerly prepared to impose penalties under the Toxic Substances Control Act on ordinary homeowners during real estate transactions. Last year I opposed Radon legislation which placed requirements on ordinary homesellers and even those who rented out rooms. Republicans argued that such an approach intruded on State law and would swamp the Federal courts with millions of violations during ordinary real estate transactions.

We asked EPA to justify its support when the possible penalties were as high as \$10,000 for failing to hand out a hazard information pamphlet. I offered an amendment to remove this provision, but the Administration and the Democratic leadership prevailed. Moreover, the League of Conservation Voters scored my amendment as an anti-environmental vote.

I think I can guarantee that such an approach to expand the Federal regulatory octopus to ordinary homeowners will not occur this Congress.

I am struck, however, by the double standard and the passionate defense of the Federal bureaucracy by the same Members so willing to impose Federal penalties and litigation on ordinary homeowners. Congress has simply added new regulatory program upon new regulatory program. America is long over due for real change.

I strongly support H.R. 1022, the Risk Assessment and Cost-Benefit Act. The bill provides a strong, enforceable system of accountability, disclosure, peer review, and careful analysis of regulatory alternatives. This is a critical building block for Federal regulatory programs to ensure that our national resources reduce real risks and set realistic priorities.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BAKER].

□ 1730

Mr. BAKER of California. Mr. Chairman, in his book "Breaking the Vicious Circle," Supreme Court Justice Stephen Breyer tells the story of a case he tried while he was on the First Circuit Court of Appeals. The case U.S. versus Ottati and Gross, involved a toxic waste site that had been substantially cleaned-up, so much so that small children could eat small amounts of dirt from the site for 70 days every year with no ill effects.

Enter the Environmental Protection Agency. The E.P.A. wanted the owners of the dump to spend an additional \$9.3 million to make the site clean enough so that children could eat dirt there for 245 days annually—despite the facts that the site was in the middle of a swamp, no children played there and that the E.P.A. acknowledged that much of the remaining waste would evaporate by the year 2000.

Mr. Chairman, as this amazing story demonstrates, we need risk assessment reform. The Republican plan strikes a balance between environmental protection and human safety, on the one

hand, and environmental extremism and bureaucratic excess on the other. Burdening the private sector with costly and useless regulations undermines the cause of a sound environment, and costs jobs in the process.

In fact, Mr. Chairman, even the Clinton administration has admitted that the cost of private sector compliance with Federal regulations to be \$430 billion annually—a full 9 percent of the gross domestic product. Other studies indicate that the true cost could be double this amount.

The Republican risk assessment plan requires Federal agencies that issue health, safety or environmental regulations to perform risk assessment and cost-benefit analysis for any rule that would cost the economy \$25 million or more. Our bill establishes peer review programs so that experts from outside the Government and ordinary citizens affected by Federal rules can give their input. And our plan says that the President has to set regulatory priorities and report to Congress, every 2 years, on how to implement them.

Mr. Chairman, we need risk assessment to protect our citizens from the worst excess of zealous regulators. Let's act now before the bureaucrats strike again.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. PETE GEREN.

(Mr. PETE GEREN of Texas asked and was given permission to revise and extend his remarks.)

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in support of H.R. 1022 and the peer review process contained therein. Any true regulatory reform must have as a fundamental principle a methodical process to evaluate the relative risk of a proposed regulation. That is where peer review comes in, and it is an integral part of this bill.

Some critics have voiced skepticism over the peer review provision of H.R. 1022 because it does not require peer reviewers to be excluded solely because they represent entities that may have an interest in the regulation. Some feel that this sets a dangerous precedent, inviting conflicts of interest. Not only is there precedent for such peer review panels, Congress has in certain instances required panels to include labor, industry and others involved in an issue so that balance is achieved in a peer review process.

Under the provisions of this bill, the panels are required to be balanced and all panel members must fully disclose any interest they have in the outcome. This same practice has been followed by a number of advisory boards already in existence set up by the Federal Government. For example, under the National Environmental Policy Act, the Science Advisory Board was established to conduct peer review of any proposed standard, limitation or regulation administered by the Environmental Protection Agency. The Science Advisory Board is required to be composed of at least nine members

with the only qualification being education, training and experience in evaluating scientific and technical information. Nowhere does it dictate who should or should not participate in the decisions because of their affiliation.

Scientific integrity has been maintained under the Science Advisory Board. Nothing has been compromised.

In another example, the Occupational Safety and Health Act established the National Advisory Committee on Occupational Safety and Health to advise, consult with and make recommendations to the Secretary of Labor on issues under OSHA. Specifically, the committee is to be composed of representatives of management, labor, occupational safety and occupational health professions and the public. Clearly, all of these parties have a stake in the decisions made by this committee, but none is barred by participation based on that interest.

The Energy Policy Act, passed by Congress in 1992, also requires the establishment of a peer review panel, and there are no requirements based on interest in the outcome.

Mr. Chairman, the provisions of the peer review process of this bill are sound, and I urge support of this bill.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Idaho, [Mr. CRAPO], a member of the committee.

Mr. CRAPO. Mr. Chairman, it is an important time that we have reached finally in the debate for regulatory reform. People across America know all of the examples, the schools that are facing a tremendous burden our regulations put on them, the libraries across our country, the hospitals, the people in every walk of life who have to face the significant requirements that are burdens of our regulations put upon them to require them to increase the safety to vary increasingly minute risks with virtually no analysis of whether the cost of reaching those increasingly minute risks or safety factors are justified.

Today we have an opportunity to correct that, to require that common sense be applied when we are crafting regulations, to require that when we say that a certain goal is something that should be reached by the people in this country, that we know what it is going to cost them and that the benefits that are going to be gained by that expenditure money are justified by the analysis. This is what the American people want. It is no less than we should give them in the administration of our laws.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arkansas [Mrs. LINCOLN].

(Mrs. LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LINCOLN. Mr. Chairman, I rise as a strong proponent of risk assessment and effective government and cost-benefit analysis.

Having grown up on a farm in eastern Arkansas and having seen in person both the tremendous waste, that government regulations can assist us in preserving our environment and our surroundings but also in being overburdensome as well as top heavy in regulatory needs. Risk assessment is a vital tool in forming cost-effective and well-reasoned federal regulations. It should be used to create a better and responsive Federal Government, not stymie things down with court actions or excessive delay.

But I do have some concerns that the bill we are looking at today, this will happen under the current bill. Before we consider H.R. 1022 further, we may have to take a time-out to do a cost-benefit analysis on this bill. CBO has made some conservative estimates that the bill will cost the Federal Government an additional 250 million a year to conduct risk assessment. This breaks down to approximately 5,000 new federal employees, including many new lawyers hired to defend agency actions.

As we look at this bill today, I hope that we will work in bipartisan fashion to make it better so that it will be of great assistance to all of us across the Nation in making government more effective.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, there is an article that is working its way around the Capitol entitled, "Whatever Happened to Common Sense." I think that is really what we are talking about with this bill today.

I want to share with my colleagues two examples of people who have been in my office in the last two weeks.

One of them was a cardiologist from my district. He was in town for a convention. They were talking about some of the technologies that are available today in Europe, Japan and even in Israel that are not available in the United States because of the bureaucratic tangle that they have to go through to get FDA approval.

A second gentleman runs a little three-person business, and it is not in my district, but he has a partner in my district that by his own count, last year, they had to fill out 6,243 pages of bureaucratic paperwork. Whatever happened to common sense?

That is what is before us today. I think the American people are tired of \$50 solutions to \$5 problems. We need H.R. 1022, and we need it now.

Mr. BROWN of California. Mr. Chairman, I yield myself the balance of my time.

We have had, as I have indicated before, an illuminating debate on this issue. But I think it needs to be stressed again that there is no basic difference on either side as to what we are trying to achieve. We want a more rational, less expensive, more common sense, to use the phrase of the last speaker, system of regulation. What

seems to be causing us problems is a discussion of how we go about achieving this very desirable goal.

I have pointed out in earlier remarks that every administration in my experience here, which goes back 32 years, has sought to achieve this same goal and failed. And most of those were Republican presidents, I might say. So I presume the response of the other side is, well, it was a democratic Congress that prevented these things from happening.

That is not the case. The situation has been that those, many of us in Congress equally wanted to do that, but the situation did not point to an easy solution. It still does not.

Unfortunately, on the other side, they believe that they have an easy solution. I think this is best illustrated by some of the anecdotes that we have heard here.

The Republicans have done a very good job of packaging this as well as their other contract items. In critical areas they have used the argument that this is for the children. This always gets a marvelous 80 percent response. If it is for the children, maybe 90 percent in some cases, that is the thing that needs to be done.

What happened in the alar case? It was not EPA regulation. It was the Natural Resources Defense Council which held a press conference which belabored EPA for not regulating alar. And what happened then? Sixty Minutes picked it up and said, look what is happening to our children because they are being exposed to this poison. And EPA did not anticipate the undue concentration of apple juice in the diet of little children. And the demand was overwhelming throughout the United States for EPA to regulate more strictly than they had.

Now, the same thing has happened in cases of asbestos, for example. It is well known that asbestos kills. It leads to a deadly, fatal lung disease. I was exposed to that problem 30 years ago, when workers at the naval shipyard came to me and said that they were getting sick and dying, and it was the children living in schools where there was asbestos insulation that caused the furor for asbestos regulation. I do not think that there was ever any mandate from EPA to regulate it, but there was a huge, popular demand from school boards and parents all over this country.

Beware what you are doing because you may hurt some little children, and it will come back and bite you.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BILBRAY], a member of the committee.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, earlier today a colleague of mine on the Committee on Commerce made a reference to outrageous regulations and paperwork that government would have to

do if this bill passed. Well, let me tell Members something. On the first day we actually passed a law that said that Congress will start living under the rules we set for other people. Maybe this bill is saying, government will start living by the rules that everybody in the United States has to live under, that we have to consider the cost-effectiveness of our actions before we initiate them.

I find it ironic to see the people that have been screaming for years that we need more regulation and more paperwork now point to a situation where we are asking government to reciprocate, all at once they are worried about it.

Mr. Chairman, my colleagues and I who work on environmental issues throughout this Nation, I for one in California, have been appalled over the years that the fact that our environmental regulations sent down from Washington have not had the effect of protecting the public in a manner that would be the most cost-effective and, thus, avoiding benefit that could be perpetuated if we were focusing on cost-effectiveness.

In California, Mr. Chairman, we have for decades had a mandate for cost-effectiveness. It has not been a barrier to protecting the public health. It has been one of our greatest successes.

In fact, in our Clean Air strategies, which I think all of us would agree is one of most successful programs in this country, California's clean air strategies have been made successful because we have a cost-effectiveness mandate, not regardless thereof.

I think that we also need to point out, Mr. Chairman, that we are talking about the public health when we are talking about cost-effectiveness. We are talking about bringing some reasonable, logic into the formulation of our public health strategy. And I know there may be Members of this body that may get nervous when we talk about common sense and reasonableness, but that is all we are talking about here.

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We are not talking about dollars and cents, we are not talking about business. From this Member's point of view, when we talk cost-effectiveness, we talk about getting the most public health benefit for every dollar spent. The equates into the public health of our children, and without it, our children would be exposed.

Mr. Chairman, I ask for support of this item, for our children's public health.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, I oppose this legislation for three reasons: it is a fraud, it is a rollback of 25 years of environmental progress, and it is just plain stupid. Let me explain what I mean.

The proponents of this bill say that it is designed to improve the regulatory process. They say that all it does is inject common sense in the form of risk assessment, and cost-benefit analysis into rule-making process. This is a fraud. This bill is not about improving rulemaking, it is not about risk assessment or cost-benefit analysis.

These are tools used now, wisely. They are very helpful in deciding what regulations are appropriate, but what they in fact do is create in this bill so many procedural hurdles to regulations that Federal agencies will simply be unable to protect the public health and the environment any more.

Mr. Chairman, let me show the Members what I mean. I have a chart, and this chart illustrates the rulemaking maze created by H.R. 1022 and other components of the so-called Contract With America. The legislation adds so many review requirements that it will be virtually impossible for any agency to issue new rules.

Agencies have to perform risk assessments, cost benefit analyses, cost effectiveness analyses, flexibility analyses, comparative risk analyses, to name only a few of the new requirements. The Environmental Protection Agency has told us that to comply with these new requirements they will need 1,000 new employees.

The Food and Drug Administration has told us that issuing even simple rules, like standards to improve the detection of breast cancer during mammographies, could be delayed up to 2 years. Is this common sense? I doubt it.

If an agency ever gets through this maze, it is then open to judicial review. H.R. 1022 makes the agency's risk assessments, cost-benefit analyses, all the other activities, subject to a court action, a lawyer's dream.

Any industry that does not like the regulation that comes out of that maze can go into court and challenge the regulation, tie it up for years. These two charts that I have up now illustrate 60 new grounds for challenging agency actions; let me repeat that, 60 new grounds to go into court.

That is laying it out for the lawyers to be able to tie up regulations that some big industry polluter does not like. For instance, a regulation can be challenged on the basis that the risk assessment did not sufficiently discuss laboratory data, or did not adequately discuss comparative physiology or pharmacokinetics.

This is a fraud on the American people. The Members supporting this legislation are telling us they want to improve and streamline the rulemaking process. The truth, which they know but are not willing to tell the American people, is just the opposite. This legislation adds so many new procedural requirements it would allow any industry that opposes a new regulation

to delay and litigate the regulation to death, no matter how essential that regulation may be.

Mr. Chairman, this legislation is a rollback of 25 years of health and environmental progress: the Clean Air Act, the Clean Water Act, the safe drinking water laws, the Toxic Substances Act. All of these laws have been successful. The air is cleaner in so many parts of our country. You can swim in areas which in fact in the past have been too polluted to even stick your toe in, and the drinking water is going to be improved and has been improved throughout the country.

However, the laws that are now being proposed this week would supersede all of the laws that I have mentioned and many others with a new set of requirements to roll back those standards.

I urge my colleagues to oppose this legislation. It is a rollback of important legislation that protects the health and the environment, and it just is not common sense.

Mr. BLILEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SCHAEFER].

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Chairman, I rise today in strong support of the Risk Assessment and Cost-Benefit Act of 1995. This commonsense legislation will reform the way in which regulatory agencies set their rulemaking priorities.

People across the country want regulatory reform. A recent article in the Washington Post cited a study showing that 69 percent of the public thinks that the Federal Government controls too much of our daily lives. People find it hard to believe that we are devoting precious resources to address risks that are so remote as to be negligible. We need rules that are rationally based, work better, and cost less.

Government agencies, as well as private individuals and businesses, will benefit from risk assessment and cost benefit analysis. For instance, DOE is currently required to clean up sites across the country from its nuclear and weapons activities. These cleanups are subject to the requirements of RCRA and superfund. To the extent we add, through this legislation, reasonableness to the regulatory process, agencies of Government will benefit.

The Risk Assessment and Cost-Benefit Act will not undermine needed Federal safety guidelines nor will it prevent the Government from dealing with real environmental dangers. Instead, it asks Federal agencies to pursue the best alternative for the taxpayers' dollar. It is my view that the Government should justify the reasonableness of what it is doing to improve our citizens' lives, and that is exactly what this legislation is designed to accomplish.

Some opponents of the measure decry it as a burden on the Federal regulatory bureaucracy. A burden on quick Federal regulation. I believe this is exactly what is needed. It is not unreasonable to ask the Federal Government to thoroughly review its regulation criteria to ensure the regulations are needed and efficient.

Mr. Chairman, this legislation makes sense and is long overdue. I urge my colleagues' support.

Mr. BLILEY. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Virginia for yielding to me, and I thank the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science, for one great bill that we got out of Congress.

I might say to the gentleman from California [Mr. WAXMAN] who preceded me that his other colleague pointed out that he wishes his party could have offered this legislation in the intervening 40 years since Republicans have been a majority, so he does not think it is a fraud. He does not think it is stupid. In fact, many people feel that this particular bill's time has come.

Obviously, Mr. Chairman, I rise in strong support of H.R. 1022, the Risk Assessment and Cost Benefit Act of 1995. Many of us know that we spend up until the 15th of May to pay our taxes. That is how long we work to pay our taxes. We go to the 15th of July to pay for the regulations.

This legislation represents the Republicans' commitment to achieve true reform of the way government works, and more importantly, it brings us closer to fulfilling the promise that we made to the American people.

I find it some concern that there could be any opposition to this legislation, for truly, it is one of the most common sense bills we have brought before the House. It takes a rational look at irrational regulatory process. It forces agencies to slow down and look long and hard at each proposed rule.

It forces out irrational regulation based upon upward bound technology, and implements, instead, a process that is both rational and fair. Rules and regulations would still exist, but they would finally be based upon sound science.

This bill would force the Federal Government to live under the same rational rules that govern American households and businesses. The bill would require regulators to use their brains when making rules. They could no longer base their overly draconian regulations on the highest available technology, an idea that has led to a huge amount of increased regulatory burden on American taxpayers.

Therefore, Mr. Chairman, I support and I urge all my colleagues to support this bill. Its time has finally come.

Mr. WALKER. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 2 minutes.

Mr. WALKER. Mr. Chairman, as we conclude the debate, it seems to me that the main complaint we have heard

from the opposition is the fact that we seem to be doing more in 4 months than they were able to do in 40 years in terms of trying to deal with regulations.

Nearly everybody that got up said they are for the intent of this bill. That is always the case. They are for it, they say, but not now, not soon, and perhaps not ever.

Mr. Chairman, I think what we need to look at is the reality of where we are in this country today. Some have actually gotten up here and defended the present regulatory climate. The gentleman from California showed his chart, and he was all concerned about the fact that the regulators would actually have to do something about trying to make themselves more real in terms of science.

Let us look at what is really happening in terms of this bill. This is the present regulatory climate, created by people who are now opposing this bill. All we are doing is we are adding four little boxes to the whole thing.

What we are saying to the regulators is "You impose all of this on the economy as a whole, you impose this on business, you impose this on individuals. Now we are going to ask you, in four little places, to do a little bit more." Now what we will get out of that is good science, we will get better regulations.

Let me tell the Members who should be for this bill: anyone who has ever seen some Government regulations in some area he knows something about and thought or said "That is really stupid. That person ought to be for this bill, because there is a lot of stupid regulation that goes on out there." American knows there are too many stupid Government regulations.

This bill gives us a chance to stop being dumb and dumber, this bill gives us a chance to be smart and sensible. What this bill says is that the country has already undergone all kinds of turmoil as a result of what we have done in Government regulations. It is high time that bureaucrats also have to take a look at what they are doing. They have to apply good science, they have to apply common sense.

Good science and common sense, that is what we are debating here. Some are for it, some are against it.

Mr. BILBRAY. Mr. Chairman, I rise today in strong support of H.R. 1022, the Risk Assessment and Cost-Benefit Analysis Act of 1995.

We have reached a point in our regulatory infrastructure where we have come to value to process over the product. Our goal should be to provide the best possible service to all Americans in terms of our public health and safety regulations.

With this bill, we move a long way towards being able to deliver on this goal.

The fundamental purpose of H.R. 1022 is to present the public, and Federal decisionmakers, with the most objective and unbiased scientific information available, concerning the nature and magnitude of various health, safety and environmental risks.

With this information available, we can help ensure sound regulatory decisionmaking, and improved public awareness.

H.R. 1022 will also require analysis of costs and benefits for major-rulemaking on human health, safety and the environment.

Major rules are defined as regulations that are likely to result in an annual increase of \$25 million or more in costs to State, local and tribal governments, or the regulated community.

This is very important, Mr. Chairman, because in an era where we are necessarily focused on downsizing government and reducing federal outlays, it is essential that our available resources are allocated carefully and efficiently.

We can no longer afford, if indeed we ever could, to simply throw money at a perceived problem.

The examples of false alarms and wasted tax dollars are many, and we cannot maintain sound public health standards by setting policy based on the "crisis du jour."

In San Diego we have 2 examples of regulations that are costly, and unnecessary and prohibitively burdensome.

The first is the federally mandated secondary sewage standard.

This is a requirement that will cost rate-payers billions and provide little benefit to the public or the environment.

We also have an electronic light rail project that has been held up by various agencies' permitting processes for years.

This is an environmentally beneficial project—one that promotes mass transit and clean air—and yet it has been tangled in a bureaucratic battle with various agencies such as the U.S. Fish and Wildlife Service and Army Corps of Engineers since 1992.

It is truly an example of an environmentally sound public project held hostage by Federal agencies which are supposed to facilitate projects like this.

As the New York Times recently stated, ". . . environmental policy too often has evolved largely in reaction to popular panics, not in response to sound scientific analysis of which environmental hazards present the greatest risks.

Critics, naysayers, and "Chicken Littles" claim that we are "rolling back 30 years of environmental protection." Please.

What we are doing is assuring Americans the greatest degree of regulatory enforcement possible, based on sound science, with the limited resources we have available.

It is unfair and ineffective to do anything short of this.

Mr. Chairman, we have an opportunity here to respond to the American people's call for change, and to restore a measure of sanity and common sense to the Federal oversight which affects so many of them.

I urge my colleagues to deliver on these positive changes, and join me in support of H.R. 1022.

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the bill H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995.

First, let me make clear that I favor having good information about risks so that we can fashion sensible regulations to protect human health and safety and the environment while cutting down on unnecessary bureaucracy. I am also in favor of sound cost-benefit analysis to improve economic efficiency.

But I opposed H.R. 1022 because it does neither. On the contrary, it merely creates more bureaucracy, generate redtape, and reduces efficiency while providing no additional health, safety, or environmental benefits. In short, it is the exact opposite of streamlining government.

The bill mandates a uniform set of regulatory procedures for Federal agencies without flexibility. While the model used to develop the risk assessment principles and guidelines included in the bill may fit some cancer risks, it is entirely inappropriate for regulating highway safety.

Yet the Department of Transportation is required to follow the same rigid and inappropriate procedure to evaluate risks as at EPA. That simply doesn't make sense to me.

What I see is that the bill is sacrificing the Federal Government's ability to protect human health and safety or the environment for the sake of maintaining regulatory uniformity. It will produce bad regulations, and will create an inflexible process that produces nothing but extra paperwork.

Make no mistake, this bill does not benefit the average American; it benefits only corporate interests. It impedes public health and safety or environmental protection while making it easier than ever for businesses to make a quick buck at public expense.

How else can you explain why industry representatives who have an interest in the outcome of a risk assessment are allowed to serve on a peer review panel simply by disclosing that interest? It is preposterous to suggest that such people do not have an unacceptable conflict of interest.

And the bill is a sweet deal for lawyers. By opening up the process of risk assessment to judicial review, opponents of necessary health and environmental protection can tie up the regulatory process virtually forever. No working people, no children, no pregnant women, and no elderly will benefit from endless litigation. But the bill is a "full employment act" for lawyers.

This bill is also a back-door way to repeal important environmental legislation enacted in the last quarter century through its super mandate provision. If there are specific statutes or portions of statute that we want to repeal, fine, let's debate them openly and decide their fate. We should not use some procedural sleight of hand to supersede their authority.

Finally, the bill would subject individual permits to the extensive procedural obstacles specified in it. It would grind the clean water permit program, for example, to a screeching halt. The law would require permits, but it could take forever to issue one.

The bottom line is: the bill does not have the people's or the environment's interests at heart, only those of the lawyers and big business.

I urge you to vote no on this bill.

Mr. WALKER. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore, Mr. MCHUGH, having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes had come to no resolution thereon.

#### VOTE ON HOUSE RESOLUTION 96, PROVIDING FOR THE CONSIDERATION OF H.R. 1022, RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

The SPEAKER pro tempore. The pending business is the question de novo of the vote on House Resolution 96.

The Clerk read the title of the resolution.

For text of House Resolution 96, see prior pages of the RECORD of this date.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 17-minute vote.

The vote was taken by electronic device, and there were—yeas 253, nays 165, not voting 16, as follows:

[Roll No. 175]

YEAS—253

Allard	Chambliss	Flanagan
Archer	Chenoweth	Foley
Armey	Christensen	Forbes
Bachus	Chrysler	Fowler
Baker (CA)	Clinger	Fox
Baker (LA)	Coble	Franks (NJ)
Ballenger	Coburn	Franks (NJ)
Barcia	Collins (GA)	Frelinghuysen
Barr	Combest	Frisa
Barrett (NE)	Condit	Funderburk
Bartlett	Cooley	Ganske
Barton	Cox	Gekas
Bass	Cramer	Geren
Bateman	Crane	Gilchrest
Bereuter	Crapo	Gillmor
Bevill	Cremeans	Gilman
Bilbray	Cubin	Goodlatte
Bilirakis	Cunningham	Goodling
Bliley	Davis	Gordon
Blute	de la Garza	Goss
Boehlert	Deal	Graham
Boehner	DeLay	Greenwood
Bonilla	Diaz-Balart	Gunderson
Bono	Dickey	Gutknecht
Brewster	Doolittle	Hall (TX)
Browder	Dornan	Hancock
Brownback	Dreier	Hansen
Bryant (TN)	Duncan	Hastert
Bunn	Dunn	Hastings (WA)
Bunning	Edwards	Hayworth
Burr	Ehlers	Hefley
Burton	Ehrlich	Heineman
Buyer	Emerson	Herger
Callahan	English	Hilleary
Calvert	Ensign	Hobson
Camp	Everett	Hoekstra
Canady	Ewing	Hoke
Castle	Fawell	Horn
Chabot	Fields (TX)	Hostettler