

Let me indicate, as I said last night, I did have a phone visit with the President of the United States, and obviously I want to cooperate with the President. I think we now have an agreement that does that. I thank the Democratic leader.

I ask unanimous consent that S. 21 be temporarily laid aside; that on Tuesday, July 25, the majority leader, after notification of the minority leader, may resume consideration of S. 21, the Bosnia Self-Defense Act, and the following amendments be the only first-degree amendments in order to the Dole substitute, and they be subject to relevant second degrees, following a failed motion to table: There be a Nunn amendment, relevant; Nunn amendment, U.S. participation; Nunn amendment, multilateral embargo; Nunn amendment, relevant. Two Nunn relevant amendments. Four amendments by the distinguished Democratic leader or his designee, relevant amendments; a Byrd amendment, relevant; Kerry of Massachusetts amendment, relevant.

I further ask unanimous consent that, following the disposition of the above-listed amendments, the Senate proceed to vote on the Dole substitute, as amended, if amended, to be followed by third reading, and there be 4 hours of debate equally divided between Senator DOLE and Senator NUNN, and then final passage of S. 21 as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. So, Mr. President, now we have the 1-hour debate before the cloture vote. Senator JOHNSTON is here, Senator ROTH is here, and there will be a cloture vote and then we will be back on the legislative appropriations bill. Hopefully we can finish that tonight.

Then, we will have the debate, hopefully, on the rescissions bill tonight. I will be talking with the Democratic leader about that.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I think the two unanimous-consent agreements are ones we feel very, very encouraged by. I think there is little likelihood that all of the amendments that were listed in the unanimous-consent agreement dealing with Bosnia will be utilized, but I think it does allow for whatever extenuating circumstances may occur as a result of the ongoing meetings. But I certainly appreciate the cooperation and the sensitivity demonstrated by the majority leader on this issue. I hope at some point next week we can finalize our work on this resolution, however it may turn out. So tonight, I hope we can have a good debate on the cloture motion and also complete our work on the rescissions bill so we leave nothing other than the votes tomorrow morning on the rescissions package.

There is a good deal of work we can do tonight. I hope Members are all aware that there will be additional votes, at least two additional votes to-

night and perhaps more, subject to whatever else may be brought up as a result of legislative appropriations.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BROWN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is S. 343, the regulatory reform bill.

Mr. BROWN. Mr. President, I call up my amendment 1550.

The PRESIDING OFFICER. The Dole substitute is not open to amendment at this time.

Mr. JOHNSTON. Mr. President, parliamentary inquiry: Who is it that controls the time?

The PRESIDING OFFICER. At this point, the time is controlled by the two leaders or their designees.

Mr. DOLE. Mr. President, I designate Senator HATCH.

Mr. DASCHLE. I designate Senator GLENN.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The Hutchison amendment No. 1789.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside that amendment so I may offer my amendment No. 1550.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, I hate to object, but I think we have the 1-hour debate before the cloture vote.

Mr. BROWN. Let me assure the Senator. My hope is this could be unanimously accepted but I would be happy to agree to a 5-minute time limit. Let me explain very quickly.

Mr. JOHNSTON. Mr. President, if one of the Senators can see if we can clear it, then we might not have any debate.

Mr. BROWN. I thank the Senator.

Mr. JOHNSTON. Mr. President, I wonder if the Senator will yield me 10 minutes?

Mr. HATCH. Could the Senator take 5 now and if he needs more I will be happy to?

Mr. JOHNSTON. Fine.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, it is like that tennis match I saw the other night, where the games were even and they were in the tie breaker. It is 6-all, in the tie breaker, and there is 1 point that is going to make the difference. And it is this vote. The question is, Does regulatory reform survive or not?

Mr. President, it will survive if this cloture vote is granted.

We have been told that there is ongoing negotiation. I can tell you, there are at least three points which are not solvable, and upon which negotiation is not getting closer but is getting further away. Let me explain those three points.

First, can you review existing rules? All of those rules out there which have been adopted, some without consideration of science, some without the foggiest notion as to what they would cost, some defying logic, some being adopted in opposition to what their own scientists have said—can you review those existing rules?

In the Dole-Johnston substitute, you can review those existing rules. In the Glenn substitute, there is no right to review existing rules.

Second, the question of what we call decisional criteria. That is a very minimum, commonsense rule that says in order to have a rule you have to be able to certify that the benefits justify the cost. Mr. President, you would think that would be not only common sense but that would be a rule of logic, a rule of proceeding as to which all Federal bureaucrats would adhere. But there is a gulf between the two sides in this dispute. We have decisional criteria. The Glenn substitutes have what you might call standards for discussion. That is, you can discuss whether or not the benefits justify the cost, but it is not a test and it is not going to be used by anybody in determining the reasonableness or the arbitrariness of that regulation.

Finally, there is a question of whether the court can review the risk assessment, or the cost-benefit ratio for determining whether or not that rule is arbitrary and capricious. I will read the latest draft.

The adequacy of compliance or failure to comply shall not be grounds for remanding or invalidating a final agency action.

The adequacy of compliance or the failure to comply shall not be grounds for remanding or invalidating a final agency action.

In other words, it does not matter how bad this risk assessment is; it does not matter how central the science is to the question to be done; it does not matter whether it is junk science that uses all scientists on one side of a question; it does not matter how unreasonable, how outrageous the failure is to comply with the risk assessment or cost-benefit analysis—the court may not remand that case to cure that error. That is exactly what we are asked to do.

Mr. President, we are getting nowhere fast. In my view, it is a question of whether you want real regulatory reform or whether you want sham regulatory reform. If you want sham, really if you want business as usual, then vote no on cloture, because that is what you will get and you will be able to go around and say how great these bureaucrats are and what a good job they are doing, because they are going

to continue to do exactly what they are doing now.

If cloture is voted, and I hope and trust it will be, there are a lot of amendments we are perfectly willing to consider.

But there has to be an end to this process. We cannot have amendments out of the expanding file where they keep coming and they keep coming.

Mr. President, the things that we have solved here—judicial review, we thought we had solved that; supermandate, we accepted their language; we thought we had solved decisional criteria; we thought we had solved agency overload, had taken Sally Katzen's own concept; we dropped the Tucker Act; we dropped the chevron language; we upped the threshold from \$50 million to \$100 million; we gave new language on TRI; we are willing to do more; we are willing to discuss the Delaney rule; we did away with Superfund. Mr. President, we have done a lot. I think we have solved all the problems. Sally Katzen gave a list of nine faults with the original Johnston proposal. And I think we have solved all nine of them.

Now we have found that some of our solutions use the words of the opponents—conceding to them. They used those very words against us which they admitted, which they confected. They used those words against us. Mr. President, I do not think it is reasonable.

I hope my colleagues will bring this debate to an end so we can get on with the amendment process, and so we can pass a bill. Otherwise, it is R.I.P. It is so long to risk assessment.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not really recognize what has happened here by the description we just heard on the floor. We have been negotiating in good faith. There has been a lot of progress made. We started out with decisional criteria. They wanted a least-cost. We wanted cost-benefit. The compromise was made that we go to greater net benefits.

Some of the departments still have some problems with that. We are working some of those things out. So we have made progress in that area.

Judicial review—it went to the final rule. But one of the real killers in this is the fact that we still have unlimited new petition processes. That is just a way of saying that anybody that has an interest in killing any particular legislation or any particular regulation will have the opportunity by the possibility of not just a few but hundreds and hundreds of potential routes in the petition process by which they can prevent legislation or prevent regulations being written that might benefit all of America. Yet, they can stop it with this particular bill with those petition processes. That is a killer. We made some proposals on that.

It was my understanding, in talking to the majority leader on the floor about an hour and a half ago, that maybe there was some give in that area and perhaps we would be willing to talk about the petition process, which they were not willing to do before.

Another one that is a killer on this is going to require that when an agency reviews the rule that all reasonable alternatives have to be considered. That is an infinite direction. That is a direction to do something that is probably not possible to do, to take all reasonable alternatives. We wanted to do what the distinguished Senator from Louisiana proposed back several days ago, and that was limit that to perhaps just three or four. We were willing to do that. That is fine.

The sunset provision on this, we made progress in that particular area.

On the special interest section, there were proposals made on that that they were willing to discuss. The toxics release inventory, we want to do that.

At each step along the way what has happened is when we have gotten a letter, a proposal that listed the real answers to some questions we had, we have responded. We are in that same position right now. We are responding. A letter will go back which we worked on early today and earlier this afternoon. That letter is going back right now proposing some give and take in these particular areas.

Why we have to go to a cloture vote now I do not know. My own personal bottom line on these things has narrowed down through all of this process over the last 2 weeks to the no new petition process, to limiting the reasonable alternatives to three or four, as was already agreed to, and to striking that section on special interests. That is the one that is a real killer as far as health and safety goes because it leaves the toxics release inventory. It takes it out. It takes out Delaney which needs modification but not just elimination. And food safety, health, things like that go by the board.

So I just disagree strongly that we have not made considerable progress on this bill.

Now let me start with some truths in this debate. We have heard lots of horror stories about bad regulations on the floor from the proponents of S. 343. I do not have to hear those on the floor. I get enough of them when I go back home. Many of the stories brought out on the floor here were just plain false. I gave the rebuttal to some of those things on the floor here where we think they went too far. Some of the ones were completely valid. We have pointed them out on the floor too.

Let me respond to several of the accusations that the Senator from Louisiana has made about the Glenn-Chafee bill.

He says our lookback provisions for review of existing rules has "no teeth." That is wrong. We do have judicial review of the agency requirements to re-

view rules, but we do not let special interests petition to put rules on the list. Instead, we provide a process where interest groups can appeal to Congress to have a rule reviewed. And that makes more sense. It is more fair.

He says our judicial review language allows more avenues into reviewing parts of cost-benefit analysis and risk assessment than the Dole-Johnston bill. I do not feel that is true. In fact, I think it is not true. We state explicitly in our language that "the court shall not review to determine whether the analysis or assessment conformed to the particular requirements" of cost-benefit analysis and risk assessment. We would like them to do the same. I think we are making progress in that area, too.

Senator JOHNSTON wrote a letter to me, Senator BIDEN and Senator BAUCUS in March of this year stating all of his concerns with the Dole bill as it was then. Many of the issues he raised—like too much judicial review and the petition process—are still valid problems in the Dole-Johnston bill. In fact, he stated explicitly in his letter that he did not agree with a petition process for the review of rules. Now he is calling the Glenn-Chafee bill weak for not having such a process.

No. 3, many have accused us of not really being serious about regulatory reform. Let me give you a little background on our good-faith effort to put together a viable regulatory reform package.

The Governmental Affairs Committee reported out a strong regulatory reform bill with full bipartisan support 15 to nothing, coming out of committee with 8 Republicans and 7 Democrats. This bill formed the basis for the Glenn-Chafee substitute. It is a strong, a balanced approach to regulatory reform. It will relieve the regulatory burden on businesses as well as protect the environment, the health, and the safety of the American people.

On the other hand, the Judiciary Committee, on which the Dole-Johnston bill is based, had a very divisive debate on this bill, and they ended up reporting out the bill without amendment.

Before bringing the Dole-Johnston bill to the floor, we sat down with the supporters of S. 343 and had very serious negotiations on two different occasions. We outlined our concerns; we provided written changes to their language. And for the most part our concerns were dismissed out of hand.

Now, after a strong vote on the Glenn-Chafee substitute and two losing cloture votes, they wanted us to come back to the table and negotiate one more time. And we did that yesterday because we want regulatory reform.

I am as dedicated to regulatory reform as anybody in this body. We need it. But we want commonsense reform. We do not want regulatory rollback that is disguised in the rhetoric of regulatory reform. We cannot tie the agencies up in unneeded bureaucratic

steps for a variety of new lawsuits. That is not regulatory reform. That is what this bill does.

We gave Senator HATCH a list of changes that were necessary before we could consider supporting the Dole-Johnston bill. They appear to be moving on a few important issues. Today they are proposing to:

First, change—this was yesterday—change the “least cost” language in decisional criteria and replaced it with “greater net benefits.”

Second, modify a few parts of their judicial review language, including getting rid of “interlocutory review,” which is encouraging. However, there are still some questions in this area.

Third, they would possibly adopt the sunset language in the Glenn-Chafee bill.

Fourth, they said they would discuss the toxics release inventory.

But these are not definite changes, and, even so, this bill still has significant problems. First, it has six new petition processes. All, except one, are judicially reviewable and must be granted or denied by an agency within a certain period. This is just a formula to tie up the agencies and prevent them from doing their jobs effectively.

They do not change the effective date of this bill. That means that as soon as this bill becomes law everything on that date must immediately comply with the many rigorous requirements of this bill. This captures all the rules that are out there in the pipeline right now, and will send agencies back to square one on some regulations delaying them unnecessarily.

This is a poor use of Government resources.

Third, they still have special interest fixes. They say they are willing to discuss TRI, and we want to talk about that. But making a cloture vote now does not permit that to happen right now. We think these provisions simply do not belong in a regulatory reform bill. The Governmental Affairs Committee and the Judiciary Committee have held no hearings on these issues. In effect, we are taking jurisdiction away from the committees of normal jurisdiction in these areas. These are special interest fixes, clear and simple.

Fourth, they still have major changes to the Administrative Procedure Act, including adding new petitions. These are unnecessary. They will only add to litigation.

Fifth, too many rules are covered, given the Nunn amendment that sweeps in any rule that has a significant impact on small businesses. These are just some of the major issues still outstanding.

Now, we still want to work in good faith with Senator HATCH, Senator DOLE, Senator JOHNSTON, and others, but we do not want medicine that is worse than the disease itself. And we need sensible, balanced, regulatory reform. The bill as it is now would permit any interest group to tie up in legislation anything for an indefinite pe-

riod of time that they did not want to see go through. That is not reg reform. That is regulatory favoritism for the favored few. I do not see that that does anything for the American people.

Under the Glenn-Chafee bill—

The PRESIDING OFFICER. The 10 minutes has elapsed.

Mr. GLENN. I yield myself another 2 minutes.

What we do in that bill is try to hit a balance. We provide redress for reg reform that has gone too far. We provide review over a period of time for every single law, every single rule and reg that is out there now. At the same time, we do not dump all of the health and safety regulations that have been built up over the last 25 years, just toss them out or have the possibility by the processes we are providing in this law of throwing them out.

That would be a mistake. We do not want to throw out the baby with the bath water. What we set up in our bill, the Glenn-Chafee bill, was an even-handed approach to this thing. All you can say when you are setting up a bill like the Dole-Johnston bill that provides means by which any interested party can prevent a rule or regulation from going into effect for an indefinite period of time—and that is exactly what this bill does—it cannot be terminated anything except regulatory favoritism. That is not in the best interests of the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 3 minutes to the distinguished Senator Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I would like to compliment my friend and colleague, Senator HATCH, from Utah and also Senator ROTH, from Delaware, for their patience in working on this bill. I will admit that they have shown greater patience than myself. They have, I think, done an outstanding job in managing this bill. It is a very difficult bill. I also want to compliment the majority leader of the Senate, Mr. DOLE.

I will tell you, we are going to have this third cloture vote, and I think this is the vote. I have heard some of my colleagues say, well, we need to make some more adjustments. We have made I think over 100 adjustments to this bill. I might go through a list, or maybe put a list in the RECORD, of some of the changes we made.

I remember 10 days ago they said we need to increase the threshold from \$50 to \$100 million. That has been done. We need to eliminate the provisions dealing with Superfund. That has been done. We need to clarify that it does not jeopardize health and safety. We have done that as well. We have had many people mention that it does have a supermandate in it. We said, no, it

does not have a supermandate. It does not override the law.

Mr. President, my point is that we have bent over backwards to negotiate with our friends and colleagues who have different views, but we have to draw this thing to a closure. We have to have it come to a conclusion. We need to have, unfortunately, cloture. I say unfortunately; I do not like cloture. But if we are going to end this bill, we have to have cloture. We have over 250 amendments filed—250 amendments—many of which are very arbitrary. Some are serious.

I wish to compliment my friend and colleague, Senator JOHNSTON from Louisiana, because he has worked tirelessly to put this package together. Is it perfect? No. But is it a giant step toward reining in unnecessary and overly expensive regulations? Yes, it is. And it needs to pass. The cost of regulations today exceeds \$6,000 per family. And that is growing out of control. We need to rein it in. This is the bill to do it.

We cannot do it if we do not get cloture. I do not think we are going to have another cloture vote. I think this is it. If we do not get cloture today, my guess is we are killing this bill for this Congress, and a lot of people have worked too hard for that to happen. For all my colleagues who say they want regulatory reform, if they want it, they need to vote for cloture. We will have the opportunity to make some adjustments to improve the bill if that is necessary.

I urge my colleagues to vote for cloture and let us pass a positive bill that will rein in unnecessary regulations.

Mr. HATCH. Mr. President, I yield 6 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am going to vote for cloture on the next vote, this vote coming up. If regulatory reform means rules that are more cost effective and based on better science and information, then I am for regulatory reform. I continue to believe that the Senate can produce a good regulatory reform bill. So I will vote for debate on this bill to go forward.

Now, I do not think this bill is perfect. There are over 200 amendments pending to this bill. Some of these amendments, if enacted, would roll back the progress that has been made to protect health and the environment over the past 25 years. Every Senator will be reserving judgment on that final vote to see the final package when the day is done. In other words, this is no commitment on my part to vote for the final bill. We will see what it looks like.

If cloture succeeds, I will be working to improve this bill. I have spoken to Senators HATCH and ROTH about provisions that continue to cause me concern, and they have agreed with some of those concerns and promised to work with me on those items.

Let me say I am grateful to the majority leader and to the Senator from

Utah Mr. [Hatch] and the Senator from Delaware, Mr. [Roth] for their willingness to address the concerns that I have expressed. We have put together a package of amendments that will be offered later. They have promised support for those amendments. They will make several changes to this bill that will resolve some of my major concerns.

This package of amendments will strike the provision in the bill that requires agencies to pick the least costly regulatory option. That will no longer be required. They will not be required to pick the least costly option. Instead, they are to select the option that provides the greatest net benefit. Now, this is a very significant change.

This package that we are talking about makes several changes to the judicial review provisions, including deletion of the item that would have required substantial support in the record for all the facts on which the rule is based. That is deleted.

The package also deletes the automatic sunset of existing rules. It scales back the large number of petitions that could be filed under the Administrative Procedure Act. These amendments will definitely improve this bill.

It is time, in my judgment, to complete work on this and move on to other important business in the Senate. We have a lot before us. If we work hard, we can get a good regulatory reform bill.

Mr. President, I will certainly be striving to achieve that.

Mr. COHEN. Will the Senator yield?

Mr. CHAFEE. I would.

Mr. COHEN. I would like to associate myself with the Senator's remarks and indicate that I wish to commend him for the effort he has made to try to persuade our colleagues to move closer to the position of the Senator from Rhode Island and the Senator from Ohio.

Mr. President, I have been engaged in the debate over regulatory reform since February when the Government Affairs Committee held a series of hearing on the issue. I was involved in the negotiations over the bill that emerged from the committee and held a field hearing in April where Mainers had an opportunity to express both support for and opposition to regulatory reform.

I have also carefully watched the debate that has transpired on the Senate floor over the past 2 weeks. Tuesday there was a vigorous debate on the Glenn-Chafee substitute, which, to my disappointment, was narrowly defeated.

I believe that there has been sufficient time for all views to be aired and that extended debate has let to substantive improvements in Dole-Johnson bill. S. 343 has changed a great deal since its introduction. Its supermandate has been significantly modified, its petition process has been narrowed, and the scope of judicial review has been reduced. Due to an amendment on the floor, the threshold for rules to

qualify for cost-benefit analysis has been raised from \$50 to \$100 million, a change that will help agencies target resources at remedying rules that impose the greatest burden on the economy.

Additional negotiations have taken place during this week, since the first cloture petition failed, and some additional concessions have been made to opponents of the bill. I believe that both sides have negotiated in good faith, and I applaud Senators HATCH and others involved in the process for accepting a number of reasonable changes to the underlying bill.

While these changes do not go far enough to ameliorate the concerns I have previously expressed about the bill, there comes a time when the majority must be permitted to impose its will. I believe that time has now come.

I would prefer to see a bill that relied more on Congress to improve the regulatory system than the courts, and I would like to try more incremental reform instead of flooding our agencies with such burdensome analytical requirements that their effectiveness may be hampered.

Yesterday I had occasion to discuss this legislation with Philip Howard, author of the book that has been cited dozens of time during the course of this debate, "The Death of Common Sense." To summarize his views, the man who wrote the book about common sense believes that the bill, in its current form, does not make sense. Its over reliance on litigation and Rube-Goldbergesque petition process will complicate the regulatory process instead of streamlining it. We might well do better to start all over again and try to come up with a bill that is less complicated, but would achieve the goal of meaningful regulatory reform.

Even though I have been unable to convince my colleagues on these issues, I will not stand in the way of permitting an up or down vote on the approach that they support. But if cloture is obtained, I will vote against the bill.

Even if the bill passes the Senate, there remains a long way to go before the bill becomes law. The legislation that passed the House is clearly unacceptable. By voting for cloture today, I am not suggesting that I will vote for cloture on a conference report that contains the same defects as the House bill or exacerbates the weaknesses of the Senate bill.

But the time has come for the process to move forward. I still hold out hope that the bill will continue to be improved and a bipartisan regulatory reform bill will be enacted into law during this session of Congress.

Mr. CHAFEE. Mr. President, I think we share those concerns. We do not have any idea what will emerge from conference, and we are not sure what is going to happen to these amendments that are before us that will be taken up. So my commitment is to vote for cloture. That completes my commitment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I yield 7 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think most Members of this body want a strong regulatory reform bill. I hope most Members of this body also want to make sure that we preserve important health, safety, and environmental protections. The problem with the current version, the most recent version of the bill before us, is that it fails both tests. The bill before us has such procedural complications, so many grounds for litigation, so many appeals to court, that it will not cure the patient. And this patient is sick. It is going to choke this patient with litigation that for the first time will be permitted on just about every request that is made to an agency. Under this bill, for the first time, if you make a request to an agency for an interpretation of a general statement of policy, then the letter that you get back from the agency—and there are tens of thousands of these letters—is subject to judicial review.

We have not had judicial review of agency letters giving guidance, statements of policy, or interpretations of interpretive rules. For the first time; for the first time.

Probably 90 percent of the paper that comes out of an agency in terms of giving guidance to small business people is going to be subject to litigation. This is not curing the patient, this is killing the patient. This is choking the patient to death instead of giving corrective surgery. Now, that is the current version, the current version of the Dole-Johnston bill.

Now, we understand there are going to be some changes that will be offered in this as a result of negotiations, and that is fine, if, in fact, those changes are agreed to by the Senate, and if there is a chance to debate and review these things to see whether or not, in fact, it has happened. But we have just been informed of this in the last few minutes. In the last few minutes, we are now informed there is going to be a whole bunch of additional changes that are going to be made in the Dole-Johnston bill, and changes are needed.

The problem is, there are a lot of additional changes which are needed, as well. There are amendments at the desk which are relevant, which will be precluded from being offered if cloture is invoked. That is a critical distinction, because cloture will prevent the sponsors of relevant amendments which are not technically germane from offering those amendments. And may I say, that is also going to be true of changes in the proposals which are going to be offered by the Senator from Rhode Island. That language has not been offered yet. Amendments to that language presumably are not going to be in order because that language was

not even in the bill at the time the cloture motion was filed.

Yet, if cloture is invoked, amendments which are relevant to the bill which was on file when cloture was filed will be precluded, as well as amendments to these new changes which have been discussed in the last few minutes.

Now, we have made too much progress to legislate this way. We have had negotiations which have been fruitful. We have made progress which I think is reflected by the fact that the Senator from Rhode Island is now saying that many of his concerns have been addressed. That represents progress because many of the Senator's concerns are the same concerns that this Senator has and many other Senators have.

But there are other concerns which we can address if we will continue a process which has made some progress. To suddenly terminate these negotiations by voting cloture and to rule out probably dozens of relevant amendments that many of us have filed in this bill is not the way to address regulatory reform.

Mr. President, whether or not cloture succeeds—and I hope it fails—these negotiations should continue. I think all of us that have been involved in these negotiations, as long and as time consuming as they have been, at times as frustrating as they have been, can honestly say we have made substantial progress. The last thing that we did was to submit a package proposal, and as far as I know, we have not yet received a package response.

But rather than get involved in the debate over what the last item of negotiation was, let me simply say that we have made significant progress during these negotiations and that will be suddenly terminated and upset if cloture is invoked, which prevents relevant amendments from being offered. And amendments to language which has not even yet been seen, but which presumably will be accepted, according to the Senator from Rhode Island, are also going to be precluded, because that language which is going to be presumably accepted was not part of the bill at the time that the cloture motion was filed.

I do not know of anyone who has worked harder for regulatory reform in this body than the Senator from Ohio. As long as I have been here, he has fought for regulatory reform, including cost-benefit analysis, risk assessment, and other changes. The bill which he sponsored, along with the Republican chairman of the Governmental Affairs Committee, got unanimous, bipartisan support in Governmental Affairs. That bill represented significant progress. That bill got 48 votes, basically, in this body a few days ago.

There is, I believe, again, almost a consensus that we must do things differently in the regulatory area. The Senator from Ohio has been a stalwart fighter for regulatory reform. I think it

is a mistake to derail the process which we now have, which is to negotiate a strong regulatory reform package, but one that does not choke the patient in the name of reforming regulations. We can have clean air, clean water, a safe environment, and we also can get rid of the abuses of the regulatory process. We cannot have both.

The version that I have last seen, at least—the last version that we have—does not yet achieve those goals. Therefore, I hope that cloture will not be invoked, and that we will then pick up that negotiating process and conclude it. It was moving along quite well until this cloture motion was filed. I am afraid that this cloture motion, instead of advancing the goal which we all share of strong regulatory reform, will derail those negotiations. And that would be too bad.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Missouri 2 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of this bill. He has done an excellent job with respect to the negotiations. They have been going on since February. We have been working on this bill for over a month. The last package that was presented to us by the other side actually gutted the provisions that small business needs in regulatory flexibility. They took out three other main provisions that small business wants.

As I have said on this floor before, small business has made regulatory reform a top priority. The number three item of the delegates to the White House Conference on Small Business was making regulatory flexibility work for small business. We have just successfully negotiated with the distinguished chairman of the Environment and Public Works Committee, Senator CHAFEE, a commonsense change in regulatory flexibility that harmonizes it with the provisions in cost-benefit. So you have cost-benefit and regulatory flexibility for small business. So they work together.

Mr. President, we have gotten down to what we call in Missouri "Show me time." We have had a lot of talk, a lot of nice words. But the time has come to show me whether you are for small business or against it. Small business and agriculture, working men and women in America today want reasonable, commonsense regulations. We have had good input from both sides in this body. We now have a bill that ought to move forward. We are in a position to do so.

So I urge my colleagues to invoke cloture, to cut off the filibuster. Let us get about the job of reforming regulations and see that we can have the commonsense protections that regulations give us without unnecessary burdens.

I thank my colleague from Utah.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield 7 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to begin by sharing with our colleagues a statement by the Vice President this afternoon:

This afternoon, the Senate will consider shutting off debate on the Dole regulatory reform bill. I urge Senators to reject the motion and continue debate. The bill sells out to special interests and puts the health and safety of all Americans at risk. It creates more bureaucracy and more loopholes for lawyers and lobbyists to challenge and weaken health and safety standards. In essence, it threatens the progress we have made over the past 25 years to protect us from unsafe drinking water, contaminated meat and dangerous workplaces.

The American people expect and deserve better. The President supports passage of true regulatory reform legislation. However, this bill fails to achieve it. It should be opposed if it cannot be changed, and should it come to the President's desk, he would veto it.

So the choice here, Mr. President, is whether we go through an exercise which will end up in a Presidential veto or whether we recognize what is really the choice here. The Senator from Louisiana suggested the choice is whether you want regulatory reform or not. That is not the choice before the U.S. Senate.

The choice is whether you want to have a bill that, in the guise of regulatory reform, tears at the capacity of the regulatory process to work and undoes years of progress with respect to the health and safety and environment on behalf of special interests, or whether you want to continue to negotiate in an effort to come up with a bill that is fair and reasonable.

Let me answer the questions of the Senator from Louisiana himself. He suggested to the Senate the question, can you review existing rules, and said, under Dole-Johnston, you can, but under Glenn you cannot. That is not true. That is just not true.

Under the Glenn bill, you have the ability to get on to the schedule through the agency, and even if the agency turns you down you have the ability to have judicial review, and if judicial review turns you down, you have the ability to come before the U.S. Congress and have the Congress put you on the list. That is review: Congressional review, judicial review, and agency review.

The Senator suggested that on decisional criteria, there is somehow a gulf between both sides. He said that in Dole-Johnston there is decisional criteria, but in Glenn-Chafee there is not. But the truth is, we have come to a point of compromise on decisional criteria, and we have given by accepting something that is not even in the Glenn-Chafee bill. We put into our

compromise an acceptance of the concept of decisional criteria so that you will, for the first time, have risk assessment and cost evaluation. That is a giving by both sides, which is reflective of what the compromise process ought to be.

The last question the Senator asked was whether or not you can review in the end. He suggested that somehow we are trying to set up a process that will preclude review of the cost evaluation or the risk assessment. I say to my friend, that is not accurate. We are prepared to accept, and have accepted, the concept of cost analysis review taken into the whole record and judged for arbitrariness and capriciousness, and we have accepted the notion of risk assessment being reviewed as part of the whole record and taken into consideration for arbitrariness and capriciousness.

What we disagree on to this day is whether or not the language set out in the Dole-Johnston bill sufficiently precludes the procedural aspects from being thrown into the mix in a way that increases more regulatory process.

Mr. President, I have shown this before. I show it again because it is not heard. If Philip Howard's book about the death of commonsense suggested that the current regulatory process represents that death, this bill is the funeral, not just for commonsense but for the progress we have made on the health and safety and the environment, because it creates 88 different standards, formal standards, which will become part of the record which will then be subject to the review that the Senator will not assist us in guaranteeing will draw the distinction between procedure and the overall record.

I respectfully say to my colleagues, this is not a vote about whether you want regulatory reform or not. It is a vote about whether or not we are going to continue to put this bill in a position to become a sensible bill that represents the resurrection of commonsense as opposed to its death.

This bill, in its current form, has more petition processes than any agency could conceivably live under. If you are in favor of streamlining Government, if you are in favor of reducing bureaucracy, if you are in favor of taking the maddening chase of Washington out of the process, then you should not vote for cloture, because the fact is that this bill has such a tier of petitioning processes with so many requirements for evaluation, with so many time periods of a fixed certain time that you are going to have this bureaucracy tangled up on top of each other without the ability to serve the American people, which is their purpose.

THE PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, I hope our colleagues will allow us to try to continue and to negotiate a reasonable bill.

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise to say that I am pleased we are making, I think, constructive progress on this bill. I have watched the bill as it has progressed, and I have not supported cloture up to this point, because I felt it was necessary to keep pressure on to make sure that constructive progress was made.

I have seen things with respect to cost benefit, to net benefit and matters of change relative to judicial review and substantial other improvements. There are also other amendments pending which I believe can improve this bill. Whether they will improve this bill to the point that I could vote for it, I am not at all sure. But I will watch the progress as we go along.

The filibuster should not be used purely to prevent passage of bills, but it should be used in a meaningful way to ensure that an opportunity is made for constructive change and constructive passage of a piece of legislation.

So although I have not supported cloture in the past, it is my view that it is time to allow us to continue, recognizing that by granting cloture does not mean the debate closes, but rather that we will have amendments which are already filed and are relevant to be taken up.

So I look forward to seeing what kind of progress we have made, what the bill looks like and, therefore, it is my intention to vote for cloture this time, whereas I have withheld my vote in the past two attempts.

Mr. HATCH. I thank the Senator from Vermont. I yield 3 minutes to the distinguished Senator from Delaware.

THE PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to urge my colleagues to come together to support the ongoing effort to reform the regulatory process. We want to make regulations both more efficient and more effective. We want to protect health, safety, and the environment in a more effective way, and we want to reduce the cumulative regulatory burden that impacts on all of us as consumers, wage earners and taxpayers.

This is a call for progress, not retreat. Since the beginning of this session, I have stated repeatedly that regulatory reform should be a bipartisan issue and virtually everyone who has examined the regulatory process, regardless of their political bent, has concluded that it needs to be reformed.

Let me just take a moment to share some revealing statements.

President Clinton, in the preamble to Executive Order 12866 on regulatory planning and review, stated:

The American people deserve a regulatory system that works for them, not against them: a regulatory 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; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State,

local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable.

The Executive order then concludes that "We do not have such a regulatory system today."

In a seminal report, "Risk and the Environment," a bipartisan, blue ribbon panel of the Carnegie Commission has emphasized:

The economic burden of regulation is so great, and the time and money available to address the many genuine environmental and health threats so limited, that hard resource allocation choices are imperative.

Justice Stephen Breyer, who was nominated to the Supreme Court by President Clinton, has testified:

Our regulatory system badly prioritizes the health and environmental risks we face.

Paul Portney, vice president of Resources for the Future, has observed that "Much good can come from a careful rethinking of the way we assess risks to health and the environment and the role we accord to economic costs in setting regulatory goals."

All of these quotes show quite clearly that there is a very real and pressing problem with Federal regulation. This is not about rolling back environmental, health, and safety standards. This is about reforming the regulatory process so we can achieve more good with our limited resources. This is not a one-party issue.

Mr. President, let me point out that today, the managers of S. 343, again, have agreed to many changes to accommodate the concerns of our colleagues. I doubt that our distinguished Vice President has had the opportunity to review these changes. But I hope he will, because I think if he did, he would see that this legislation that we are proposing today means real reform to a system that is badly out of kilter.

Let me point out that we have agreed, for example, to add new language to make perfectly clear that S. 343 does not contain a supermandate. We have also agreed to amend the cost-benefit decisional criteria of section 624 to replace the least-cost test with a greater net benefits test. Moreover, we have agreed to streamline the petition provision to section 553; to delete interlocutory appeals; to replace the automatic sunset in section 623 with a provision in the Glenn-Chafee substitute providing for a rulemaking to repeal a rule; and to delete the requirement that a rule have substantial support in the rulemaking files.

Mr. President, these changes show clearly that we are acting in good faith to meet the concerns of our colleagues who want regulatory reform. I now call upon those who want to help this effort to step forward and support cloture. We must reform the regulatory process in a meaningful way, and the Dole-Johnston compromise would provide the reform we need. It would be a terrible waste to destroy this unique opportunity to reform the regulatory process.

Mr. President, I yield back the remainder of my time.

CLEAN WATER ACT PENALTIES

Mr. PRESSLER. Mr. President, it is my intent to offer an amendment to lift the unfair burden of excessive regulatory penalties from the backs of local governments that are working in good faith to comply with the Clean Water Act.

Mr. President, the goal of the underlying legislation is to bring common sense to the regulatory process. That is the goal of my amendment.

Under current law, civil penalties begin to accumulate the moment a local government violates the Clean Water Act. Once this happens, the law requires that the local government present a municipal compliance plan for approval by the Administrator of the Environmental Protection Agency [EPA], or the Secretary of the Army in cases of section 404 violations. However, even after a compliance plan has been approved, penalties continue to accumulate. In effect, existing law gives the EPA the authority to continue punishing local governments while they are trying to comply with the law.

When I talk with South Dakotans, few topics raise their blood pressure faster than their frustrating dealings with the Federal bureaucracy. Government is supposed to work for us, not against us. Mr. President, this is clearly a case where the Government is working against cities and towns that are trying to comply in good faith with the Clean Water Act.

In South Dakota, the city of Watertown's innovative/alternative technology wastewater treatment facility was built as a joint partnership with the EPA, the city, and the State of South Dakota in 1982. The plant was constructed with the understanding that the EPA would provide assistance in the event the new technology failed. The facility was modified and rebuilt in 1991 when it was unable to comply with Clean Water Act discharge requirements. Unfortunately, the newly reconstructed plant still was found to violate Federal regulations. The city now faces a possible lawsuit by the Federal Government and is incurring fines of up to \$25,000 per day.

The city of Watertown has entered into a municipal compliance plan with the EPA. Under the agreed plan, Watertown should achieve compliance by December 1996. However, that plan does not address the issue of the civil and administrative penalties that continue to accumulate against the city.

Under the law, Watertown could accumulate an additional \$14 million in penalties before the treatment facility is able to comply with the Clean Water Act requirements.

Mr. President, I do not know of any cities in South Dakota that can afford those kinds of penalties.

My amendment would offer relief to cities like Watertown. Under my amendment, local governments would stop accumulating civil and administrative penalties once a municipal

compliance plan has been negotiated and the locality is acting in good faith to carry out the plan. Further, my amendment would act as an incentive to encourage governments to move quickly to achieve compliance with the Clean Water Act.

This amendment simply is designed to address an issue of fairness. Local governments must operate with a limited pool of resources. Localities should not have to devote their tax revenue both to penalties and programs designed to comply with the law. It defies common sense for the EPA to be punishing a local government at the same time it is working in good faith to comply with the law. My amendment restores common sense and fairness to local governments. By discontinuing burdensome penalties, local governments can better concentrate their resources to meet the intent of the law in protecting our water resources from pollution.

Mr. President, I see the distinguished chairman of the Environment and Public Works Committee on the floor. I know my colleague is aware of my amendment, and that it would affect the Environmental Protection Agency, which is within the jurisdiction of his committee.

Mr. CHAFEE. I thank the Senator from South Dakota. The Senator raises some understandable concerns regarding the imposition of civil and administrative penalties on municipalities working to comply with the Clean Water Act.

As my colleague knows, my committee will soon begin consideration of the reauthorization of the Clean Water Act. I believe the Senator's proposed amendment is worth considering as part of the Clean Water Act. In fact, in August, I intend to hold a hearing to discuss changes to the Clean Water Act.

Rather than offer the amendment to the pending legislation, I invite the Senator from South Dakota to testify at this hearing on the very issue addressed in his amendment. Further, the Senator from South Dakota has my assurance that the Environment and Public Works Committee will give his proposal full consideration during its deliberation of the Clean Water Act.

Would that be satisfactory to the Senator?

Mr. PRESSLER. The suggestions of the Senator from Rhode Island indeed are satisfactory. I look forward to testifying before his committee on the issue of allowing the waiver of civil and administrative penalties for municipalities working toward compliance with the Clean Water Act.

I would like to emphasize that the National League of Cities, the National Association of Counties, and the South Dakota Department of Environment and Natural Resources have expressed strong support for my proposed amendment. In addition, my amendment is supported by the Democratic leader and by the chairman of the Sub-

committee on Drinking Water, Fisheries and Wildlife.

My chief concern in seeking to enact this measure is to prevent Watertown, SD, from being forced to pay penalties that are accumulating while the city is devoting its limited resources to compliance with the law.

Mr. CHAFEE. I understand the distinguished Senator's concerns. I recognize that his measure already has bipartisan support and the backing of a number of local government organizations. I also recognize the strong desire of the Senator from South Dakota to assist the people of Watertown. For those reasons, I intend to work with my friend from South Dakota and give his proposal full consideration in my committee.

Mr. PRESSLER. I thank my friend from Rhode Island for his willingness to consider this important measure. I look forward to working with him to ensure that local governments are treated fairly under the Clean Water Act.

Mr. HATCH. I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, within the last 48 hours, I heard a story I want to share with the Senate. Two businessmen, who, 15 years ago, were working people, got into a business. They worked hard. The banks lent them some money. In both cases, they are very wealthy today, and they have families. They struggled through 15 to 18 years of hard work in businesses.

One of the most deplorable statements I have ever heard is that these two men have both said openly and publicly, "I do not want my sons to go into business. Business is not worth it anymore." That is what we are talking about here. They did not say that because business was too hard for them, but because Government had made it too hard for them, and it did not justify their hard work and dedication sufficiently for them to want their sons to join and go into the private sector as young businessmen and struggle in the American regulatory environment of today.

That is what this evening is about. We are choking that kind of enthusiasm. And I can tell you—I do not know if it is widespread, but I am frightened to hear it. If it becomes widespread in America, it will choke what America needs most—risk-takers, small business people who are thrilled enough about it, that they would love to have their kids join them and go into business.

So if we wonder who we are working for—the Vice President's letter says "special interests." Whenever there is nothing else to talk about, the Vice President or somebody in the White House says, "special interests." Our special interest is the small business men and women in America, who create the jobs, create the wealth. They cannot stand it anymore. How much longer do we have to stay on the floor before we send them a little hope that

what we are doing is not going to continue as it has been? You know, I do not think they would believe us anyway. The more they watch what is going on here on the floor, I am confident that if any of them did, they are even more sure that we do not know whether we are ever going to help them or how we are going to help them.

SMALL BUSINESS ADVOCACY AMENDMENT

Mr. DOMENICI. Mr. President. I am pleased the Senate has accepted my small business advocacy amendment to the regulatory reform bill. Several issues have been raised relative to this amendment that I believe warrant clarification.

First, a concern has been raised about the issue of timing; that small businesses will have input into the regulatory process prior to a notice of proposed rulemaking is issued and that other affected interests do not have this special treatment. In response to this concern, let me quote several findings from the July 1994 "Small Business Forum on Regulatory Reform—Findings and Recommendations of the Industry Working Group:"

The work groups clearly felt that early communication and input from small business owners and other stakeholders would be key ingredients in the achievement of the dual objectives of participation and partnership. . . . Many agencies track in-house, by computer, the progress of all proposed regulations which have reached the drafting stage. Each agency presently prepares and submits to OIRA a regulatory agenda every six months which includes all regulations proposed by the agency.

Much discussion and deliberation took place in the work groups regarding the earliest date at which input should or could be solicited from stakeholders affected by a proposed regulation. At any given moment in time, there may be hundreds of ideas and concepts afloat in an agency. To solicit input at the very inception of the idea would impose too much of a burden upon the agency and the small business community. Often one, two or even more years pass while a regulation is in the development stage, supporting information is being gathered and analyses are being made. At the same time, waiting until a regulation has been drafted, and a notice of proposed rulemaking [NPRM] has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

Let me emphasize, the working groups—which included participants from the Environmental Protection Agency and the Department of Labor—met in multiple sessions over a 3 month period of time. A total of 70 Government representatives participated in the work sessions. The report stated that although the interagency groups worked independently, their reports reached similar conclusions:

Their similarity suggests that the problems facing both small business owners and the agencies in the regulatory process may be universal, extending across industry and agency lines. The groups all agreed that a comprehensive, multi-agency strategy, with

improved public involvement, is likely to be the most cost-effective way to improve the quality of regulations and to enhance regulatory compliance.

As the working groups noted:

. . . waiting until a regulation has been drafted, and a notice of proposed rulemaking [NPRM] has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

The working groups explored various ways to address the need for early input, suggesting an Electronic Regulatory Information Center [ERIC] or electronic dockets to advise the most interested parties of forthcoming regulatory initiatives. These suggestions have considerable merit, not only for small businesses but for any others who are interested in the impending regulations.

It is absolutely true that the small business advocacy amendment has singled out small businesses as important entities deserving early participation in the regulatory process. I believe the specific requirements for input, as articulated in the amendment, are wholly consistent with existing statutes, various Executive orders, and countless studies and reports that require or recommend small business collaboration in the process. And, as evidenced by the agency working groups in the small business forum on regulatory reform, early participation has a beneficial impact on the relationship of the stakeholders and the Federal Government.

I believe I speak for millions of small business men and women when I say that a "partnership" with their government is what they are after, not the present "adversarial" relationship. Let us not be afraid to change the present system—we know it is not working at its optimum. If we need to change the entire system so other affected members of the public have a means of voicing their particular concerns early in the process, then let us do it. Let us not, however, be fearful that early input or early participation by small businesses is detrimental to the process or gives them an unfair advantage. Early participation is already supported as one of the best ways to address potential problems.

It was my intent, and the intent of those who cosponsored this measure, to provide a much-needed mechanism for two federal agencies to be able to address what they, themselves, have already recognized as a deficiency in the present system: The need for early input for information and discussion purposes to make the process more efficient and effective.

I am pleased that this principle of reaching out to affected citizens is one with which we seem to all agree. I suggest, therefore, that if this mechanism works as we all believe it will, that it may just have a positive impact on the way all regulations are developed in the future, for all of our citizens who wish to make things work more efficiently and effectively. The bottom

line is that the regulatory process should be a collaborative effort between the public and the Federal Government.

As important, small businesses should not be seen as autonomous, faceless, inhuman entities trying to skirt the health, safety and well-being of their fellow citizens. These are men and women—and in my State, the majority of new businesses are small businesses, and the majority of those are women-owned businesses—who are trying to make a living, with fairness and good business practices. They may hang out their shingle as a CPA firm, establish a women's magazine for the local community, set up a hardware or supply company, or make salsa to sell at the local museum—they all fit the definition of small businesses. When there is criticism that the workers may be shortchanged in a new regulatory process, I suggest we should consider changing our definition of workers. These men and women are workers, and their voices are as critical to the process as are, for example, the voices of a 20,000-plus member labor union.

The second issue I want to clarify is that a post-regulation survey may be a burden on an agency. I strongly support efforts to reduce the paperwork burden on all Americans, including our federal agencies. Relative to this survey, I cannot believe that agencies are disinterested in how their regulations are working. We, in Congress, certainly receive enough inquiries requesting revisions to various regulations to know that some regulations need changes. And, we certainly know that small businesses find complying with multiple regulations imposes an incredible burden on them because a company of 25 employees must comply with most of the same regulations as a company of 1000 employees: this costs time and money a small company often does not have.

To better understand the impact of a major regulation on small entities, a survey will provide vital information as to how well it is working and whether there are ways to adjust the regulation to meet changing circumstances or needs. Why should such a survey be a burden or incur a frightening scenario to an agency? The agency does not have to be involved with the survey—it will hire a firm to conduct the survey and provide its findings. And, there is nothing in this amendment that mandates a small business must respond to a survey or that the agency must adhere to any of its findings. In fact, from all of the information I have received from the New Mexico Small Business Advocacy Council—which I established 2 years ago—and other small business suggestions, small businesses would love the opportunity to provide an assessment of how a regulation is working, either pro or con.

Mr. President, I and others have been listening to the men and women in our