rescinded, and they will be evaluated in their own right, quite apart from any personal issues surrounding them. Regardless of the President's personal feelings about any legislator, the final test of the issue will be whether or not the spending is appropriate. Both the President and the Congress will have to make the appropriate case as to whether or not the spending should occur.

I was extremely pleased when Bill Clinton, as a candidate for the Presidency, indicated his support for a line-item veto. We on our side of the aisle, have delivered such an option to him. It is a good time to do it—with a Republican Congress and Democratic President. It is a clear indication that this should not be a partisan issue. It should be an issue around which fiscally responsible legislators on both sides can rally.

Many of my colleagues are already very familiar with a process that I have seen too often in my 16 years of Senate service. We send a popular bill down to the other end of Pennsylvania Avenue only after we have loaded it up with a pile of pet pork projects, knowing full well that the President has to swallow everything in order to get the provisions that are so desired by him. There might be clearly wasteful spending in that package, but the President must nonetheless feel compelled to sign the bill simply because it is the only way to preserve ''essential'' spending or other legislative language.

This problem is compounded when the President is sent the appropriations bills at the 11th hour of the congressional session. The President must sign those, or else risk a temporary shutdown of vial Government functions.

The veto in its current form is a terribly crude blunt instrument, and it does not enable the President to deal effectively with these situations. Passage of the line-item veto will finely make it a more precise and agile tool, one which can be surgically wielded effectively on behalf of the U.S. taxpayer.●

CUBA: TIME TO CHANGE DIRECTION

● Mr. SIMON. Mr. President, my colleagues in the Senate know that I think that the policy of the United States toward Cuba does not make any sense at all.

I have introduced a bill which would permit Americans to travel to Cuba. To deny travel to any place, other than for security reasons, is an infringement of basic free speech.

We have to be able to learn as much as we can everywhere. To restrict travel is to restrict the thought and learning process.

The New York Times recently had an editorial titled ''Cuba: Time to Change Direction.''

It points out the ridiculousness of our present Cuban policy.

I ask that the New York Times editorial be printed in the RECORD.

The editorial follows:

[From the New York Times, Mar. 19, 1995]

CUBA: TIME TO CHANGE DIRECTION

The sight of Fidel Castro in a business suit being escorted about Paris this week as an honored guest deserves some consideration in Washington. With the Soviet Union gone and the cold war over, the only threat that the Cuban Communist poses to the United States lies in the imagination of ideological warriors like Senator Jesse Helms. While the time has not yet come to welcome Mr. Castro to Washington, a re-examination of Cuba policy is long overdue. The embargo of Cuba, begun when John Kennedy occupied the White House and Nikita Khrushchev was Soviet leader, has outlived its usefulness.

Conservatives still cling to the notion that isolating Cuba and creating misery for its people will eventually cause an uprising and sweep Mr. Castro from power. Now that he is without Soviet support and his economy is in tatters, they reason, sanctions should be tightened.

This scenario is unwise and inhumane. Cuba will survive because other nations are investing there and are not participating in the embargo. Last year when a resolution against the embargo came up at the U.N., it passed by 101 votes to 2. The kind of outright rebellion envisioned by Senator Helms and some Cuban-Americans, if it did occur, would bring bloodshed and more misery for many Cubans. At a time when Washington is trying hard to encourage peaceful transitions elsewhere in the region and world, it makes little sense to encourage bloodshed in Cuba.

An increasing number of younger, more moderate Cuban-Americans are fed up with the revenge fantasies of their elders, and would like to see more dialogue and commerce with Mr. Castro's regime. They feel that his repressive policies could not continue for long if the barriers were lifted and ordinary Cubans could have a taste of material success and a whiff of personal freedom from the north. Washington's anachronistic policy may even help Mr. Castro, by giving him a convenient scapegoat for all his failure at home.

Without the embargo, the excuses would be gone. Open communication with the United States, freedom for Cuban-Americans to invest in businesses back home, and access to North American goods could be first steps. More favorable trade conditions could be held out as incentives to further reforms. Mr. Castro's Paris visit illustrated the power of the friendly gesture. After his warm reception by President Mitterrand, Mr. Castro agreed to allow a French human rights group to visit.

There should be gradations in American policy toward repressive governments. When American national security is potentially threatened, as with Iran and its efforts to develop nuclear weapons, Washington is justified in banning commerce. In cases like China and Cuba, where internal policies are anathema to Americans but American security is not at risk, commerce can be encouraged but trade privileges should be withheld.

Scuttling the embargo would take some political courage. All the White House had to do last week to inspire Mr. Helms's wrath was to hint that it might consider lifting some additional sanctions imposed last year during the immigration crisis. But the political clout of the Cuban exile community has diminished in recent years as more Cuban-Americans have abandoned the traditional confrontational stance.

Long gone are the days when Soviet troops and bases in Cuba represented a real threat to the United States and Mr. Castro was exporting arms and revolution in the hemisphere. Cuba, absent the ghosts of the cold war, is an impoverished neighbor of the United States led by a dictator overtaken by history. American policy should reflect that reality rather than a world that no longer exists.●

NICKLES-REID SUBSTITUTE TO S. 219

● Mr. NICKLES. Mr. President, upon the consideration of S. 219, the Regulatory Transition Act, I will offer along with my colleagues Senator HARRY REID, Senator KIT BOND, and Senator KAY BAILEY HUTCHISON an amendment which provides for a 45-day congressional review of Federal regulations. During that time, Congress will be authorized to review and, potentially, reject regulations before they become final. This alternative provide an opportunity to move forward on the critical issue of regulatory reform in a bipartisan manner.

I ask that following my statement the text of the amendment be printed in the RECORD.

The proposed amendment follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Transition Act of 1995''.

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term ″joint resolution″ means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.'' (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term ''submission or publication date'' means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term ''Federal agency'' means any ''agency'' as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term ''significant rule'' means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(4) FINAL RULE.—The term ''final rule'' means any final rule or interim final rule. As used in this paragraph, ''rule'' has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.●

LINE-ITEM VETO

● Mr. ROBB. Mr. President, I take this opportunity to speak briefly about yesterday's approval by the Senate of line-item veto legislation, which I supported. By giving the President and the Congress separate enrollment of appropriated items, new tax expenditures and new entitlements, we are better able to maximize our limited resources, make the wisest investments in our people and our Nation, and move more responsibly toward a balanced Federal budget.

Will a line-item veto solve all our fiscal problems? No, of course not. But I reject the notion that we should not use all available means to force the President and the Congress to prioritize Federal spending. Our inability, or unwillingness, to make these difficult choices has led to a nearly $5 trillion national debt.

Was the measure perfect? No, and I understand the legitimate concerns many Members of this body had about a line-item veto. I think most would agree, however, that changes need to be made in our budget process. Our $5 trillion debt is a testament to that fact. The differences lie in identifying the most desirable means to achieve responsible reform.

As I see it, the current problem lies in the fact that the Congress can ignore the rescissions proposed by the President. While the President can veto an entire appropriations bill, doing so forces the President to disapprove items which he supports as well. Thus, unless appropriations bills contain a particularly egregious item or items, Presidents now generally sign them, thereby permitting spending he considers unnecessary to continue in order to avoid striking down other items which he does approve.

The separate enrollment of each item will allow the President to reach only those items he disapproves, and Congress will have to accept those rescissions unless they are reinstated by a two-thirds vote in both the House of Representatives and the Senate.

Does this cede power to the President? Certainly. But, I am willing to give the Chief Executive a strong check on spending.

I am willing to give our President the tools to make some tough fiscal decisions because a chief executive has, in my judgment, a singular ability to envision national priorities and reconcile intense competition between disparate interests. It is infinitely easier for one individual to prioritize spending than it is for 535 individuals with varied and specific interests.

Not only will the measure passed last night allow the President to strike items in appropriations bills, but it will also allow the President to strike authorizations of new tax expenditures and new direct spending. These other types of spending contribute to our deficit even more than appropriated items, and should be included. To responsibly control spending, we have to put all options on the table.

I would, however, have preferred that the language covering tax expenditures been made more clear in the legislation. While I believe that the language included meets the same objectives as the Bradley amendment, of which I was a cosponsor, I believe we should have made it clear and free of all ambiguity that tax breaks are on the table. Nonetheless, I believe the language of similarly situated taxpayers will be interpreted broadly which will subject a wide range of tax breaks to a Presidential veto.

Mr. President, this body acted responsibly yesterday in approving line-item veto legislation. As a former Governor who had line-item veto authority, I understand its importance in imposing a measure of fiscal discipline on the budget process. We urgently need this discipline at the Federal level.●

THE DOLLAR'S DECLINE AS DOUBLE-EDGED SWORD

● Mr. SIMON. Mr. President, we are receiving regular reminders obliquely of the need for a balanced budget amendment.

In Sunday's Washington Post Jane Bryant Quinn's column ends with the words: ''Big cuts in the Federal deficit would improve confidence abroad. But Congress and the voters aren't there yet.''

And in a column by Stan Hinden there is reference to Donald P. Gould, a California money manager of a mutual fund.

In the Hinden column, among other things, he says: ''Gould noted that the global strength of the dollar has been slipping for 25 years—except for an upward blip in the early 1980s.''

It is not sheer coincidence that for 26 years in a row we have been operating with a budget deficit.

Hinden also notes in his column: ''Since 1970, the dollar has lost more than 60 percent of its value in relation to the German mark and has dropped almost 75 percent in relation to the Japanese yen. In 1970, it took 3.65 German marks to buy one U.S. dollar. As of last week, you could buy a dollar with only 1.40 marks.''

I served in Germany in the Army after World War II, and I remember it took a little more than 4 marks to buy a dollar.

The Washington Post writer also notes: ''Gould, who is president and founder of the Franklin Templeton Global Trust—which used to be called the Huntington Funds—is not optimistic about the dollar's future. He sees little chance that the United States will be able to solve the fiscal and economic problems that have helped the dollar depreciate.''

We are getting that message from people all over the world.

I cannot understand why we do not listen

Finally, Donald Gould is quoted as saying: ''For the first time I am aware of, during a global flight to quality, that quality has been defined as marks and yen and not dollars.''

I hope we start paying attention to this kind of information.●

ORDERS FOR MONDAY, MARCH 27, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10:30 a.m., on Monday, March 27, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for routine morning business until 11:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Mr. DOMENICI for 10 minutes, Mr. THOMAS for 10 minutes, and Mr. GRASSLEY for 10 minutes.

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