of their health insurance can be deducted. April 15th is grim enough, of course, with Uncle Sam digging deeper and deeper into the pockets of the American people. At least Congress can make it a deduction that is retroactive and finally make it permanent. That is the least that can be done because self-employed business owners, owners who put their families and hard-earned savings on the line in pursuit of the American dream, are treated unfairly and are treated without equity.

The Tax Code says people who strive to be their own boss are only permitted to deduct a small percentage of health insurance with after-tax dollars. However, if you are a large corporation, you are permitted to deduct 100 percent with before-tax dollars. After-tax dollars is a critical item because it makes basic medical care twice as expensive as if it were provided by the employer. Taxes must be paid first on what a self-employed person makes, and then health insurance can be bought with what is left over.

If last year's health care debate was really about expanding health care coverage, then Congress should take the opportunity to promote tax fairness among businesses large and small whether it is one employee or several hundred. There are 2.8 million uninsured self-employed proprietors in this country who could quickly purchase coverage if it was made affordable. Providing 100 percent health insurance tax deduction is at issue. The result of that would be coverage for another one-third of the population, not through Government takeover, not through price controls or employer mandates, but through a means of fairness in the Tax Code.

Last Friday's action on health care should not be the final action. This body should continue to pursue changes in our national health care infrastructure to supplement the self-employed health insurance tax credit. Vital changes such as portability, prohibiting the use of preexisting conditions, and the pooling of small businesses must also be included. The result will be the elimination of job lock and exorbitant premiums for Americans.

Malpractice liability reform and regulatory reform for health care providers must be included as we move forward on the list of health care costs that are ever increasing. This includes tax regulations as well as future regulations because we should be footing the bill for the unfunded mandates and will continue to do that. With the constraints facing us, Congress needs to move forward with health care reform, not in the form that we talked about last year, but to do those incremental things that we can do to make health care more affordable and more acceptable to Americans throughout the country.

This is a move in the right direction to provide fairness and to provide equity. Last Friday was the beginning.

I urge my colleagues to move forward with health care. It is not going to resolve everything, but there have been advances made in the private sector for the first time in 15 years and the cost to employers has gone down some. On the other hand, of course, Medicare and Medicaid continue to go up at an unacceptable rate. We have to do something about that.

So, Mr. President, I am pleased with the action of last Friday in this body. I look forward to continued reform in health care. I remain committed to working for that reform.

The PRESIDENT pro tempore. No response from the audience.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, what is the regular order?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Morning business is now closed.

REGULATORY TRANSITION ACT OF 1995

The PRESIDING OFFICER. Under the previous order, there will now be 6 hours for general debate on the subject of S. 219.

Mr. NICKLES. Mr. President, I rise today to talk about Federal regulations. We are going to be on Senate bill S. 219. I want to compliment Senator ROTH and the Governmental Affairs Committee for reporting this bill out. I also want to compliment the House of Representatives for their move in trying to make some progress on reining in the cost of excessive regulations. Federal regulations are estimated to cost about $581 billion, by some sources. It is hard to figure what that means, but per household, that is over $6,000—actually $6,100 per household for the cost of Federal regulations. That increases the cost of everything we buy. Whether you are talking about your automobile or your home or your electric bill or the price that you pay for gasoline, regulations are involved in all these and have inflated the costs on every single thing that we buy.

Many of us feel these regulations have been excessive and they have not been well thought out, or in some cases they are too expensive. I might mention, I guess almost all are probably well intended, and I do not fault anyone's intentions, whether it be the people who passed the legislation authorizing the regulations or the regulators. They may be well intended, but in many cases, the regulations have gone too far and they are far too expensive.

So we have several measures that are working their way through this body and through the Congress to try to limit excessive regulations.

The House passed a couple of measures. One was a measure called regulation moratorium. A similar bill was reported out of the Governmental Affairs Committee. That is the bill we have on the floor of the Senate today. I, along with my colleague and friend from Nevada, Senator REID, will be offering an amendment in the form of a substitute to that bill. I will discuss that in a moment.

Also the Governmental Affairs Committee has reported out a comprehensive bill dealing with regulation overhaul. I compliment them for that effort. I think it is a giant step in the right direction. Senator DOLE, myself, and others have introduced a very comprehensive bill. Likewise, I believe there is a markup scheduled in the Judiciary Committee on that bill as well.

I compliment Senator DOLE for his leadership because I think it makes sense. We should have regulations where the benefits exceed the costs. We should make sure we use real science. That is the purpose of both Senator ROTH's bill and Senator DOLE's bill that we will be considering on the floor my guess is sometime after the April recess.

But the bill we have before us many people support—the regulation moratorium bill, S. 219. I am a sponsor of that bill. I believe we have 36 sponsors. This is a bill that people have labeled a ''moratorium.'' I even have heard some people mislabel it, including the President, who said it was a ''moratorium on all regulations,'' good and bad regulations. I take issue with that because we had a lot of exceptions for good regulations and we had a lot of exceptions for regulations which people felt were necessary to go forward with, those regulations that dealt with imminent health and safety and regulations that dealt with ordinary administrative practices. The committee added more exceptions. The Committee on Governmental Affairs limited it to significant regulations. So we reduced the scope substantially.

Why was that bill introduced? That bill was introduced because on November 14, the administration announced or published in the Federal Register that they were working on 4,300 different regulations that were in progress and that would be finalized in the year 1995 and beyond. Many of us were concerned. That looked like an explosion of regulations. Many of those regulations had been held up during the previous year. It happened to be an election year, and they were held up and published in the Federal Register on November 14.

So we wanted to stop those or at least we wanted to have a chance to

look at them. So this moratorium regulation was introduced with a lot of sponsors. It eventually passed the House with a lot of exceptions, came through the Senate, was marked up in the Governmental Affairs Committee, which added more exceptions and limited it to significant regulations. That was a moratorium.

The amendment that Senator REID, myself, Senator BOND, and Senator HUTCHISON are offering is a different approach. One, the moratorium that passed out of the Governmental Affairs Committee is a temporary moratorium. It expires when we pass comprehensive legislation, or it expires at the end of the year. So it was only a temporary moratorium. The legislation we are introducing today provides for 45-day congressional review of regulations. During that time, Congress will be authorized to review and potentially to reject regulations through a resolution of disapproval before they become final.

This alternative provides an opportunity to move forward on the critical issue of regulatory reform in a bipartisan manner. I think that is vitally important. This amendment will allow the authors of legislation in Congress to review and to ensure that Federal agencies are properly carrying out congressional intent. All too often agencies issue regulations which go beyond their intended purpose.

For future significant rules, the alternative provides a 45-day period following publication of the final rule before that rule can become effective. Under the current law, most rules are already delayed by 30 days pending the filing of an appeal. This delay in the effectiveness would only apply to significant regulations which the amendment defines as final rules that meet one of four criteria set by the administration under Executive Order 12866. For all other future nonsignificant rules, the regulation of disapproval is in order, but the final rule is not suspended during the 45-day period.

The alternative also provides an opportunity to review and reject significant rules which became final on or after November 20, 1994, and prior to the date of enactment. Such rules would not be suspended during the review period. Final regulations addressing threats to imminent health and safety or other emergencies, criminal law enforcement or matters of national security, could be exempted by Executive order from the postponement of the effective date provided for in this bill. However, a joint resolution of disapproval will still be eligible for fast-track consideration.

The expedited floor procedure has in it consideration of base closure legislation as well as consideration of Federal Election Commission regulations. Congress will have 45 calendar days to review final rules and consider a resolution of disapproval.

All final rules that are published less than 60 days before Congress adjourns sine die or that are published during sine die adjournment shall be eligible for review and fast-track disapproval procedures for 45 days beginning on the 15th day after a new Congress convenes. A joint resolution may be introduced by any Member of Congress, and the fast-track process for moving the joint resolution of disapproval to the calendar is enabled under two conditions; First, if the authorizing committee reports out the resolution; or, second, if following the resolution's introduction the committee does not act, the majority leader of either House discharges the committee from further consideration of the resolution and places the resolution of disapproval directly on the calendar. The motion to proceed to consideration of the resolution is privileged and is nondebatable.

I would like to note that last Thursday the Senate Governmental Affairs Committee reported out the comprehensive reform bill which includes this 45-day review proposal. However, it did not contain a look back to past regulations. Once the Senate has moved to proceed to the resolution of disapproval, the debate on the resolution is limited to 10 hours equally divided with no motions other than a motion to further limit debate or amendments being in order. If the resolution passes one body, it is eligible for immediate consideration on the floor of the other body.

The joint resolution, if passed by both Houses, would be subject to a Presidential veto and in turn a possible veto override. By providing the mechanism to hold Federal agencies accountable before it is too late, this alternative makes an important contribution to the critical regulatory reform effort. I hope that my colleagues will join me in this effort.

Mr. President, I would like to at this time mention and thank my friend and colleague, Senator REID, from Nevada for his support in offering and working with me to offer this alternative or substitute to the regulation moratorium. I have had the pleasure of working with Senator REID for many, many years now. We worked together on the measures that we called the Economic and Employment Impact Statement, a measure which is becoming law I guess as part of the unfunded mandate bill. He has been a real leader in trying to reform and limit the cost of excessive regulations. I compliment him for that successful effort in the past, and I look forward to a successful effort on this bill as well.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my friend from Oklahoma and my friend from Nevada for introducing this legislation, S. 219. Whenever it was announced that this bill was going to come to the floor at this time, I was pretty happy about it because a couple of weeks ago I chaired a field hearing in Kalispel, MT, to look at the new OSHA rules on the logging industry. I was as surprised as anybody.

We have been receiving a lot of mail in our office from northwest Montana on how these new regulations as suggested by OSHA were really out of bounds this time. After all, the State of Montana has in place regulations for safety in the workplace, especially in the logging industry, and they are not strangers to the logging industry because it has been a part of the Montana scene for many, many years. But to go to that hearing and hear these loggers sit down and tell some of the horror stories that happened to them under these new rules and regulations was really an eye opener for me.

We received comments not only from the State of Montana but folks from Idaho and folks from Oregon who flew over there to make that Saturday field hearing.

Randy Ingraham, just to give you an idea, who is a training consultant for the Association of Oregon Loggers, was there and had the same comment basically as the Montana loggers, that Oregon's OSHA forest activities code book is as effective as the Federal standards.

So what we have in this situation is regulations on top of regulations. If we really want to understand why Government is costing the taxpayers so many dollars nowadays, it is because of the redundancy. All the States, too, have an OSHA-type office that enforces safety rules in the workplace. States are familiar with the industries that are located within those States.

Randy Ingraham's comments were very welcome. Don Rathman said OSHA needs to listen more to the industry rather than to people who have a philosophical idea on what the rules should be.

Julie Espanosa: Return the control to States.

Bill Copenhaver, from Seeley Lake, MT, said the same thing, that Montana standards basically are a little bit higher than those found in the Federal rules but the States show a willingness to work with employers and employees to make sure that the workplace is safe rather than just coming out and saying this little item here, something is wrong with it, so I am going to fine you and if you want to change it, that is fine. But next week we will fine you again if you do not. In other words, they are reluctant to work with employees for a safe workplace.

Robert Cuddy, from Plains, MT; Dan Kanniburgh, from Marion, MT.

The list goes on.

Mr. President, I ask unanimous consent that I may put in the RECORD a couple statements from folks who testified at that committee hearing as they were given to me.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

My name is Arley Adams, doing business as Adams Wood Products.

I'm a second generation logger in the timber and saw mill industry. My son, Alan is the third generation in the business and works with me.

We have a logging and sawmill operation that can be operated by two or ten men, but with OSHA standards and Workmans Compensation rates, there is no way we can hire one man. You wonder why there is so much unemployment? Its called cause and effect.

The rules and regulations that OSHA has at this time are so far out of line that they will break every small operator.

Sure, our business is dangerous but so are a lot of other industries and sports.

We are professionals in our business and we have an excellent Safety Team in the Logging Association. We are well aware of the dangers we are up against—we work with them daily.

OSHA thinks that we are so incompetent that they must hold our hands and impede us with so much gear that they ''OSHA'' will be the cause of the accidents they are trying to prevent.

When they break us all—they will have to feed us because surely we can't be trusted with a dinner fork.

The entire situation OSHA is trying to impose upon us is a ''Major Disaster.'' If California got Disaster Relief from the earthquake, we should be eligible too!

ARLEY A. ADAMS.

MARCH 9, 1995.

DEAR SENATOR BURNS: As a working foreman for a logging company in the state of Idaho, I work with safety problems on a daily basis. We have about thirty-five (35) other workers on the job.

We pride ourselves in being able to have OSHA, the State, or anyone else come on our job and see that we make the working conditions as safe as humanly possible.

We work closely with the people from the Idaho Logging Safety Program and we know that most of the other contractors in our area do also. We've put together safety programs, weekly safety meetings, monthly safety meetings, and anything else they've asked for.

Then all of a sudden here come these new OSHA rules telling us that we can't use diesel to start fires anymore and that we can't fuel any of our machines with the engines running. Do you people realize that you are talking to adults not five year old kids. How many injuries have there been in the State of Idaho from people using diesel to start a fire or from fueling a vehicle with the engine running?

These rules and some of the others I've read in the book 29 CFR 1910 and 1928 really have no place in a logging standard.

Why don't you live with the Idaho Code. It as least let's us use some common sense.

Sincerely,

TERRY STREETER,
Foreman, Babbitt Logging, Inc.

Senator Burns, members of the committee: My name is Paul Tisher. I live in Libby, Montana, My partner's name is Paul Brown and we own and operate TBC Timber, a small family-owned business. We've been in business for 15 years and have nine employees other than ourselves. We are (also) working members of our crew.

One of the new rules which concerns us most is under D. General Requirements #5 called Environmental Conditions. It read: All work shall terminate and each employee shall move to a place of safety when environmental conditions, such as but not limited to, electrical storms, high winds, heavy rain or snow, extreme cold, dense fog, fires, mudslide and darkness may endanger an employee in the performance of their job. Senator, the interpretation of these conditions can mean many things to different people. I can tell you, there have been many times when our crew has had to sit out a storm, whether it be wind, rain, or snow. But, the weather will be what it will be, and we as stewards of this land will be out there in the elements to support our families and sustain our communities.

Another proposed rule that ties in with these environmental conditions is under Tree Harvesting #2 Manual Felling Section #3. It reads: Each tree shall be checked for accumulations of snow and ice. Accumulation of snow and ice that may create a hazard for an employee shall be removed before felling is commenced in the area or the areas shall be avoided. I hope that OSHA didn't intend for us to remove the snow and ice by ourselves, especially knowing that this would create an even greater hazard. That leaves us with the two things that usually remove snow and ice from trees, and that is wind or rain. Senator, this really becomes confusing at this point. We can't work if there's too much snow or ice in the trees. So we finally get a good hard rain or some chinook winds that remove all the snow and ice, but we can't work under these conditions either. Then as conditions turn colder it starts to snow and we get more build up in the trees. This can go on for six or seven months in Montana and leaves us wondering how we're going to be able to work under this type of rule.

Who from OSHA can determine if conditions are too dangerous to work in? What degree of wind, rain, snow, cold or fog will constitute a total shutdown or the ensuing penalties if operations are still working when they arrive. What experience do they have in logging procedure and working with outdoor elements that tell them one or more of these conditions is too dangerous? We feel that the decisions on Environmental Conditions should be left to the people who make their living doing this and not by the Federal Government.

Being members of the Montana Logging Association, we as a crew have all had training in First Aid, CPR, Blood Borne Pathogens, Material Safety Data, and Safe Operating Procedures. This training is done annually and is a key to recognizing unsafe or potentially unsafe conditions. Holding ourselves to these standards has become the norm in this profession we call logging.

Having said that, I would like to comment on a procedure used by OSHA compliance officers during a jobsite visit. That is the use of a video camera when questioning employers and employees about the training they have had in reference to what I just talked about. This, ''Camera In Your Face'' session gives one the feeling that you've already done something wrong or why would the want to get it on film in the first place. I am sure that somewhere, in all of the many hours of training we have had, someone will forget something, but that doesn't mean all of a sudden we are in a hazardous situation. With the camera rolling and knowing that the wrong answer to a question can result in a training violation and cost an employer up to $7000 per violation and also knowing that you haven't done anything wrong and that you're not in a hazardous situation nor have you created a hazardous situation for a fellow worker, is frustrating and intimidating to the point that the easiest of answers can be forgotten.

Senator, logging always has been and always will be a dangerous occupation. We do not take this lightly. It is very clear to us that training for, and providing a safe work place will not only send us all home safely every night but it is also essential for a company to stay in business. If we believe in and practice these things then why do we need the Federal Government to enforce what is already being done. Common sense has been around a lot longer than OSHA and it will be on the job when OSHA isn't. Please Senator, lets not put any more rules into place that would jeopardize the use of good common sense.

Mr. BURNS. Mr. President, I do not know what the cost is, but in the new regulations they required boots for loggers that are not even being made. And I can see this fellow yet, who was described as the OSHA representative, up there to enforce these rules and regulations. You can pick him out of a thousand people. There he was.

For instance, the employer is required to make sure that the employee's vehicle, if he drives to on-site logging, is safe; in other words, passes all the safety conditions of the State. The employer responsible for an employee's own private automobile? Now, that is overstepping a little bit.

Also, I found out—and I am not a logger. I have been in the woods a little but not nearly that much. The renewable resource that I dealt with was grass. You do not take a chain saw to that; you take a cow to it. But, anyway, you have to use a Humboldt cut. In other words, when you take down a tree, you have to use the Humboldt cut. I had not heard of that. And neither, by the way, had the guy who wrote the rules. He said he just heard about it but he was not really familiar with what a Humboldt cut was. Basically, when you fell a tree, it is to prevent a kickback when the tree goes down. And that happens every now and again. In a select cut, no matter how remote or how steep, that tree can only be taken by mechanical means. Now, in some places you just do not get mechanical harvesters. What do you do? You let the tree just go, let it hang up and lose it? I do not think so.

But these are rules and regulations that have been imposed on an industry which were written by an organization with basically very little common sense when it comes to logging.

I just want to put these statements in the RECORD because I made a suggestion one time. After legislation is passed by this Congress, after it goes to the President for his signature and he signs it into law, what happens? That law is given to a faceless and nameless bureaucrat to write the administrative rules. We have enough evidence that most of those rules have nothing to do with the intent of the legislation. So I suggested that before the final rules go into the Federal Register, maybe they should come back to the committee of jurisdiction to make sure they do conform to the intent of the legislation.

I mentioned that to a colleague of mine, and he said, ''Good Heavens, Senator, we never would get a law in place,'' at which I just grinned. I rested my case. Sometimes we should not have some of these laws passed. Maybe it should take a little longer. Maybe they should be debated a little more.

But I think we in this body, if we have been remiss in any part of our duty, it is in oversight and being involved in writing the administrative rules. If every Senator in this body went home and talked to the industry that is going to be affected, we would be acutely aware of the problems faced in private industry. And we wonder why they are struggling trying to make a living, especially our smaller companies, our small business people. Over 90 percent of the jobs in Montana are created by small business.

So I thank any friend from Oklahoma, who is the author of this bill. It gives us 45 days to look at those rules. We should look at the rules. We should become actively involved in the rulemaking, especially if we are sponsors of a piece of legislation that has so much to do with the workplace and the ability of a small businessman to make a living at this time. Not only are they taxed to death; they are also ruled and regulated to death. So we need to do what we are supposed to do.

It was suggested after the elections last year that Government reinvent itself. I do not know what the message was last November 8, but I will tell you this. You will get as many versions of that message as there are editorial writers or coffee klatches or Lions Clubs or Rotary Clubs, wherever people sit down and visit about the political arena. But I say they are saying to people involved in Government, it is time to sit down and reassess the real mission and the real role of Government. Why are we here and why is it costing the taxpayers so much money? And then we turn right around and force rules and regulations on them that cost them more.

Everybody wants a safe workplace. That is not to say that we should not have some rules and regulations. But I say that whenever you put it in the rules and regulations that your car has to be safe—and that is just a suggestion—once you write it into the rules, then an inspector who wants to make a name for himself can say, ''Aha, that car is not safe. I will fine you $100,'' instead of saying, ''We have some problems here. Let us work with each other, let us iron them out. Let us make a safe workplace.'' In the logging industry especially, most of the companies are small, where you have the man who owns the company, plus he has four or five of his friends—and I mean his friends, not his employees—he works with in the woods.

They know each other and they must know each other in order to have a safe environment in which to do business. They do not want to hurt each other, either. And they are all small.

But I am saying, when just a suggestion is made in the Federal Register, it gives an inspector an idea that this is hard law and he can fine for it. So we just need to be a little bit prudent about what we put into rules and regulations.

Nobody is arguing here that we take safety out of the workplace. We are saying we should approach it in a manner in which we can have the employee, the employer, and the Government entities, both State and Federal, work together to make that a safe workplace. I think this piece of legislation does it.

I congratulate my friend from Nevada, Senator REID, and my friend from Oklahoma. I wish his Oklahoma State Cowboys a lot of luck come this weekend.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague from Montana for his support for our amendment, and also thank him for his statement.

I also wish to compliment the Senator from Montana, because he did something that many of us have not been doing. He has held some oversight hearings. He has had some of those people, many times we call them faceless bureaucrats, but he has had them come into his State and talk about some of the problems, whether it be in logging or forestry, and let them talk and actually meet those that they regulate.

I believe the Senator said—correct me if I am wrong. The OSHA official who was writing the regs had not actually been involved in the logging industry but yet was writing rules and regulations dealing with everything from trucks to boots, and he has not actually met some of the people whom he was regulating.

Is that correct?

Mr. BURNS. That is correct.

I also want to congratulate that man, though. The Senator from Oklahoma is correct. But the man that really wrote the regs did come to the hearings in Kalispell, MT. He sat down and gave his testimony, but he also stayed and listened to those loggers. He listened to them when we took public comment. When it was all over, he sat down with them and they started working some things out. I think we made headway, and that is fine and dandy.

But basically, we should not have to do this. Common sense tells us it would be a lot better and a lot cheaper for everybody if we did not get ourselves into that kind of situation.

I thank the Senator from Oklahoma.

Mr. NICKLES. I appreciate my colleague having the hearing. My guess is that meeting would not have transpired had it not been for the Senator from Montana and his insisting on that meeting.

The fact is that those regulations or proposed regulations will probably be changed and improved dramatically because of the insistence of the Senator from Montana on having face-to-face meetings with people who are making the regulations and making the rules to meet with people that are directly impacted.

One of the real positive things which I hope will come out of this is that Congress will become more active in oversight, just as the Senator from Montana proved that it can make a difference, certainly in his State.

Again, I compliment him for it, and I thank him again for his statement.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, tomorrow, pursuant to the order—the bill not being before the Senate today—an amendment will be offered by the senior Senator from Oklahoma and this Senator as a substitute to S. 219. I believe, Mr. President, that the substitute is a good solution to the problem that we are all concerned about, and that is excessive bureaucratic regulation.

For example, Mr. President, the U.S. Chamber of Commerce has estimated the cost of complying with regulations in the United States on a yearly basis at over $500 billion. That is almost 10 percent of our gross domestic product. It has also been estimated that the time spent on paperwork is almost 7 billion hours.

Mr. President, I repeat that. Over $500 billion to comply with regulations and almost 7 billion man-hours to do that paperwork.

We all know, Mr. President, that regulations serve a valid purpose and an important purpose. In fact, because of the regulatory framework that has been put in place for the last 50 or 60 years, we have workplaces that are safer. Hard-working Americans are less likely to be seriously injured on the job. There has been a tremendous reduction in the loss of limb or permanent disfigurement in the workplace as a result of Government regulations that were promulgated after we passed laws in this and the other body.

We have, Mr. President, an airline industry that has the greatest safety record in the world; food that meets very safe requirements, but they are very strict. We have a country where, just 20-odd years ago, 80 percent of all rivers were polluted. Now, that is down to approximately 20 percent. The numbers have been reversed as a result of the Clean Water Act.

The problem is that all too often Congress passes a law with good intentions and very sound policy only to have the agencies, the governmental agencies, turn these simple laws into very complex regulations that go beyond the intent of Congress and many times make no sense. Ultimately, we create an environment where small businessowners must hire legal departments—and I do not say ''lawyers''; legal departments—To comply with labor and environmental laws and other issues.

In some instances, the regulations are so complex that a small firm has to hire a multitude of experts so they can

comply with the labor laws, the environmental laws, the tax laws. The reality has led Americans to become frustrated and skeptical of their Government as a result of overregulation.

In a survey conducted by the Times Mirror, they found that, since 1987, the number of Americans who believe regulations affecting businesses do more harm than good has jumped from 55 to over 63 percent. It was not very good in 1987. It has only gotten worse, though.

Why are we concerned?

Well, Mr. President, if we look at the new regulations that have been promulgated by Federal agencies—and this does not count State and local agencies; we are not going to have any impact on that.

But I have in my possession, and I show the Presiding Officer, regulations received since the 9th day of November 1994, that are economically significant, and those that are not economically significant.

Remember, for us, those are terms of art. For the American public, they are not. We are talking about those that are economically significant, to be over $100 million.

But look at them—page after page of these regulations. Those that are economically significant, 3 pages; those not economically significant, 12 pages of fine print.

Market promotion program regulations; Department of Defense selection criteria for clothing and realigning military installations. It covers everything. Protest disputes and appeals.

I would like to read that in more detail.

Wool and mohair payment programs for shorn wool, wool and unshorn lambs, and mohair, even though, as you know, Mr. President, we repealed the law, but we are still promulgating regulations in that regard.

Here is one that the Senator from California would, I am sure, appreciate, the junior Senator, I believe. Use of the term ''fresh'' on the labeling of raw poultry products.

As you may recall, there has been a dispute that has arisen, as to: When you get a fresh turkey at Thanksgiving, is it really fresh? We have regulations promulgated on that.

I am not going to go into more detail. We have 15 pages. And this is not up to date. This is a couple of weeks old.

So I think the American public has something to be concerned about. There really are too many regulations.

We have reason to believe that the American small business community really is concerned, and with good reason, for thinking that regulations do more harm than good.

I believe, Mr. President, that if you look at some, I should say, unusual things that have gone on—we heard the Senator from Montana, and during this debate that will take place this week, we will hear all kinds of things that are going on—they really do not make a lot of sense. Of course, there are a lot of things that make sense.

We need regulations, and the Senator from Nevada wants to make sure people understand, I am not against all regulations. I just want some commonsense direction for those regulations.

There is an article out of Business Week from a month or so ago that talks about some of the good regulations, about when you go to the airport and they have overbooked the airplane and you wanted to go across the country; now there is a regulation that says they can give you a free ticket if they bump you off the flight.

We have an example in the Clean Air Act where you can trade pollution rights, which is certainly very important, because we have had outlandish regulations.

A company, Amoco York County Refinery, was required to spend $31 million to reduce a small amount of benzene from its wastewater treatment plant when it could have reduced five times as much benzene elsewhere in the refinery at a cost of only $6 million. Those are some of the things that literally drive small businesses crazy and drive them out of business.

So there are good regulations and bad regulations, and this legislation, Mr. President, is going to allow us to have more common sense in the way regulations are promulgated.

I am convinced, and I have spoken with the Senator from Oklahoma at some length in this regard, that one of the things that will flow from this regulatory scheme that is in our substitute is that there will be fewer regulations promulgated because they know there will be a legal setup, a legal framework to review these regulations.

The Senator from Oklahoma and I have been long involved in trying to do something about regulations. We have written op-ed pieces for newspapers that have been published. We introduced legislation last year that passed the Senate and was killed in conference that would have put dollar limits on regulations.

Our approach this year with this substitute is an ongoing movement which we have tried to initiate to put common sense in the way regulations are promulgated. I repeat, I am convinced that our substitute will stop the issuance of many regulations.

I believe the way to eliminate many of these problems is to establish a safety mechanism that will enable Congress to look at these regulations that are being promulgated and decide whether they achieve the purpose they were supposed to achieve in a rational, economic, and less burdensome way. This substitute, which I have already indicated I have cosponsored with Senator NICKLES, goes a long way toward accomplishing this goal in a bipartisan fashion. I think this is important because I believe Americans want Congress to work together to make their Government work for them and not against them.

This bill, in my opinion—our substitute—should alleviate the talk in this body about regulations. If this passes, I think we have a framework established to take care of the problem. There will be some who think we need to go a lot further, but I do not. I think if we can get this in place, we will be in real good shape.

This bill has great potential, as I have indicated, for a bipartisan solution to the problem of costly and unnecessary regulations. The mechanics of this bill have been explained extremely well by the Senator from Oklahoma, and I am going to touch on it briefly.

It provides a 45-day period for Congress to review new regulations. If the rule has an economic impact over $100 million, it is deemed significant and the regulation will not go into effect during the 45-day review period. This 45-day review period will allow Congress to hold Federal agencies accountable before they become law and start impacting the regulated community.

Mr. President, if the rule does not meet the $100 million threshold, the regulation will go into effect but will still be subject to fast-track review. Even significant regulations may go into effect immediately if the President, by Executive order, determines that the regulation is necessary for health, safety, or national security, or is necessary for the enforcement of criminal laws. This is not subject to judicial review.

So that is the general outline. We know the 45-day review process will begin when the rule is sent to Congress.

We have spent a great deal of time, the Senator from Oklahoma and myself and our staffs, making sure that this legislation is constitutional. The Presiding Officer has had a long history of working on legal matters, having been attorney general, and this regulation, I am assured by all kinds of legal scholars, is constitutional.

In fact, the man that argued the case before the U.S. Supreme Court in 1983, the Chadha case, a man by the name of Mike Davidson, said:

> The key to Immigration and Naturalization Service v. Chadha was that Congress had excluded the President altogether from its repeal of the Kenyan's stay of deportation. By sending any ''resolution of disapproval'' to the President for a final decision, Congress sidesteps the separation-of-power questions raised by the Chadha case.

So we are covered legally in this matter. If, during the course of the debate, we need to get into more legal argument, I will be happy to talk to the chairman of the Governmental Affairs Committee, or anyone else concerned.

Mr. President, I believe that this is a significant step forward from the underlying bill. I believe this substitute will allow an orderly process whereby we can review regulations that the

Federal branch of Government initiates. It will cause them to be more careful since the Chadha decision, in my opinion. Government agencies have been reckless, recognizing that there is not anything we can do about it. When this substitute passes, we will be able to do something about it, and I think it will rein in what I believe are some of the runaway rules that are being promulgated.

Before closing, I would like to express my appreciation to the chairman and the ranking member of the Governmental Affairs Committee for their hard work on this issue. I do not support the underlying legislation. I believe that this substitute is a significant improvement over what has come to us in the form of S. 219.

I also take this opportunity to express my appreciation to the senior Senator from Oklahoma for his work on this issue. He has been a stalwart ally over many years working on this issue. I believe that we have now found a piece of legislation on which we can achieve a bipartisan passage in this body and, hopefully, when the matter goes before the conference, they will see the wisdom of adopting this very workable procedure to rein in runaway Government bureaucracy.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator REID from Nevada, for his statement. I hope my colleagues had a chance to listen to it because I think it is well reasoned and shows there is bipartisan support for, I think, a commonsense idea, saying Congress should have an opportunity to review regulations and, if you are talking about really significant regulations, an expedited procedure to reject those.

There are thousands of regulations. My guess is that we will reject a very, very small percentage. But at least we will have the congressional oversight and Congress will be hopefully more involved, just as the Senator from Montana was in dealing with an OSHA regulation in logging. Hopefully, more of our colleagues will become involved in monitoring and reviewing and trying to limit excess regulations and maybe in oversight find out the regulation is not acceptable. Maybe we will find out that it is acceptable. The Senator from Nevada has helped make that happen, and I am delighted to work with him in this effort.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I come before the Senate today to discuss a piece of legislation that simply makes no sense. I am speaking about S. 219, the Regulatory Transition Act, or the regulatory moratorium, as it is more widely known. With all due respect to my colleagues who support this legislation—it is a bad bill, poorly conceived, arbitrary in scope, and reckless in its purpose. We should not be wasting our time on this legislation.

1. OVERVIEW

We all agree, I am sure, that the Federal regulatory process is in serious need of serious reform. Too many ill-considered and costly regulations are unfairly and unwisely weighing down our people, our businesses, and our State and local governments. Too often, Federal agencies are getting away with sloppy work that ends up costing jobs and economic growth across our great country. Yes, we need regulatory reform. But no, we do not need the regulatory moratorium.

The moratorium legislation has been described as providing a brief time out for agencies to pause and reflect on their regulations. It is, however, much more than that. It basically stops work on all significant regulations and related policy statements and guidance for as much as 19 months. The moratorium period is retroactive from November 9, 1994, through December 31, 1995, with an additional 5-month delay; that is, until the end of May 1996 for statutory or judicial deadlines for agency action.

This moratorium is unprecedented, and just plain wrong. It would stop good and bad regulations, alike. It's the old story of the thoughtless, stupid parent throwing out the baby with the bath water. I hope my remarks today will help my colleagues appreciate the heavy, heavy price that would be paid by the American people for this bill—death, injuries, disease, accidents, lost wages, lost investment, lost opportunities. A heavy price, indeed, for a freeze that fixes nothing.

Again, at what price. Just before coming to the floor, I met with Nancy Donley who every day relives the loss of her child to an E. coli infection caused by tainted hamburger. USDA's reform of its meat inspection regulations would be stopped by the moratorium. I don't think there is one supporter of the moratorium who would dare look Mrs. Donley in the eye and say that we should stop the very rules that can save other families from the horrible tragedy she, and hundreds of other parents like her, have suffered.

The moratorium is wrong, just plain wrong.

Before I discuss the bill in detail, let me make one point very clear. Tomorrow, when the bill is formally taken up, I understand that its proponents will offer a substitute amendment. They will seek to replace the moratorium provisions with a proposal for a congressional veto of regulations. I want to be sure that my colleagues understand what is going on here.

First, the plan for the substitute amendment shows that the proponents of the moratorium have finally realized how bad the moratorium really is. While they apparently cannot admit to its stupidity, they also cannot bring themselves to fight for it. So, they want to hide behind something new, something different, something that will not be ridiculed—and with the understanding that if the Senate passed it, there would be a conference with the House, in which the House-passed moratorium would be negotiated. Since conference reports are unamendable, this is a strategy for bringing to the Senate a moratorium that cannot be fixed. It is a blatant attempt to get through the back-door what the Republicans are now too ashamed to bring through the front-door—where it would be subject to sunshine and amendment.

As for the planned substitute, it is a legislative veto for rules. Versions of this proposal are found in current regulatory reform bills.

In fact, the Committee on Governmental Affairs, on which I serve, just last Thursday, March 23, voted unanimously—15 to zero, all the Republicans and all the Democrats—in favor of a legislative veto as an essential element in our comprehensive bipartisan regulatory reform bill. Let me add that for this larger accomplishment, the entire Senate owes a great deal of thanks to our committee chairman, Senator ROTH of Delaware. He has shown real leadership in fashioning a tough, very tough, bipartisan regulatory reform bill. This is the real reform bill that we should be discussing, not the moratorium.

Now, the legislative veto proposal, itself, is not a new idea. It is, I think, safe to say that it owes more to one of our colleagues, than to anyone else now in the Senate. The legislative veto is truly the brainchild of my good friend and colleague from Michigan, CARL LEVIN. Senator LEVIN has, since he came to the Senate 17 years ago, repeatedly proposed and argued for the legislative veto. Each and every version being considered in this Congress amounts to yet another revision of the Levin proposal of 1979.

I support the legislative veto. It will mean a significant increase in our work—we must all realize this fact—but it keeps accountability where it belongs—here, in Congress. Also, as a part of a comprehensive reform of the regulatory process, the legislative veto can play an important role in providing review and accountability. At the same time, it avoids endless litigation and extensive judicial review, which is a major problem, indeed a fatal flaw, in other regulatory reform proposals.

So, again, I support the legislative veto. But I do not support it as a moratorium substitute—not at all. First, we should not deal with the legislative veto as a stand-alone bill, because, as I said, it is in, and should be considered in the context of, the regulatory reform bills now moving toward the floor. Second, and even more importantly, it would be very dangerous for us to vote for the legislative veto as a substitute for S. 219. As I already said—the House has enacted a moratorium proposal.

If we pass S. 219, whatever its contents, it will be conferenced with the House-passed moratorium bill. We

should not allow this result. We must not allow support for the legislative veto to divert us from the profound dangers of the underlying moratorium proposal.

To avoid this result, and whatever happens with any substitute, the entire Senate should go on record opposing any conference report that might contain any moratorium.

2. THE LEGISLATIVE RECORD OF THE REGULATORY MORATORIUM

Let me now review the moratorium proposal and what we discovered in considering this bill in the Governmental Affairs Committee.

The proposal originated in the House as H.R. 450. I ask unanimous consent to insert into the RECORD copies of two articles from the Washington Post, ''Forging an Alliance for Deregulation,'' dated March 12, 1995, and ''Truth Is Victim in Rules Debate,'' dated March 19, 1995, as well as a Post op-ed, by Jessica Matthews, dated March 5, 1995.

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

[From the Washington Post, Mar. 12, 1995]

FORGING AN ALLIANCE FOR DEREGULATION—REPRESENTATIVE DELAY MAKES COMPANIES FULL PARTNERS IN THE MOVEMENT

(By Michael Weisskopf and David Maraniss)

The day before the Republicans formally took control of Congress, Rep. Tom DeLay strolled to a meeting in the rear conference room of his spacious new leadership suite on the first floor of the Capitol. The dapper Texas Congressman, soon to be sworn in as House majority whip, saw before him a group of lobbyists representing some of the biggest companies in America, assembled on mismatched chairs amid packing boxes, a huge, unplugged copying machine and constantly ringing telephones.

He could not wait to start on what he considered the central mission of his political career: the demise of the modern era of government regulation.

Since his arrival in Washington a decade earlier, DeLay, a former exterminator who had made a living killing fire ants and termites on Houston's wealthy west side, had been seeking to eradicate federal safety and environmental rules that he felt placed excessive burdens on American businesses.

During his rise to power in Congress, he had befriended many industry lobbyists who shared his fervor. Some of them were gathered in his office that January morning at the dawn of the Republican revolution, energized by a sense that their time was finally at hand.

The session inaugurated an unambiguous collaboration of political and commercial interests, certainly not uncommon in Washington but remarkable this time for the ease and eagerness with which these allies combined. Republicans have championed their legislative agenda as an answer to popular dissatisfaction with Congress and the federal government. But the agenda also represents a triumph for business interests, who after years of playing a primarily defensive role in Democratic-controlled Congresses now find themselves a full partner of the Republican leadership in shaping congressional priorities.

The campaign launched in DeLay's office that day was quick and successful. It resulted last month in a lopsided vote by the House for what once seemed improbable: a 13-month halt to the sorts of government directives that Democrats has viewed as vital to ensuring a safe and clean society but that many businesses often considered oppressive and counterproductive. A similar bill is under consideration in the Senate, where its chances of approval are not as certain.

Although several provisions of the ''Contract With America'' adopted by Republican House candidates last fall take specific aim at rolling back federal regulations, the moratorium was not part of that. In fact, as outline that day in DeLay's office by Gordon Gooch, an oversized, folksy lobbyist for energy and petrochemical interests who served as the congressman's initial legislative ghost writer, the first draft of the bill called for a limited, 100-day moratorium on rulemaking while the House pushed through the more comprehensive antiregulatory plank in the Contract.

But his fellow lobbyists in the inner circle argued that was too timid, according to participants in the meeting. Over the next few days, several drafts were exchanged by the corporate agents. Each new version sharpened and expanded the moratorium bill, often with the interests of clients in mind—one provision favoring California motor fleets, another protecting industrial consumers of natural gas, and a third keeping alive Union Carbide Corp.'s hopes for altering a Labor Department requirement.

As the measure progressed, the roles of legislator and lobbyist blurred. DeLay and his assistants guided industry supporters in an ad hoc group whose name, Project Relief, sounded more like a Third World humanitarian aid effort than a corporate alliance with a half-million-dollar communications budget. On key amendments, the coalition provided the draftsman. And once the bill and the debate moved to the House floor, lobbyists hovered nearby, tapping out talking points on a laptop computer for delivery to Republican floor leaders.

Many of Project Relief's 350 industry members had spent the past few decades angling for a place of power in Democratic governing circles and had made lavish contributions to Democratic campaigns, often as much out of pragmatism as ideology. But now they were in the position of being courted and consulted by newly empowered Republicans dedicated to cutting government regulation and eager to share the job.

No congressman has been more openly solicitous in that respect than DeLay, the 47-year-old congressional veteran regarded by many lawmakers and lobbyists as the sharpest political dealer among the ruling House triad that includes fellow Texan Richard K. Armey, the majority leader, and Speaker Newt Gingrich of Georgia.

DeLay described his partnership with Project Relief as a model for effective Republican lawmaking, a fair fight against Democratic alliances with labor unions and environmentalists. ''Our supporters are no different than theirs,'' DeLay said of the Democrats. ''But somehow they have this Christ-like attitude what they are doing [is] protecting the world when they're tearing it apart.'' Turning to business lobbyists to draft legislation makes sense, according to DeLay, because ''they have the expertise.''

But the alliance with business and industry demonstrated in the push for a moratorium is not without peril for Republicans, many GOP strategists acknowledge. The more the new Republican leaders follow business prescriptions for limited government in the months ahead, the greater the risk that they will appear to be serving the corporate elite and lose the populist appeal that they carried with them into power in last November's elections.

William Kristol, a key Republican analyst whose frequent strategy memos, help shape the conservative agenda, said the way congressional leaders deal with that apparent conflict could determine their prospects for consolidating congressional power. ''If they legislate for special interests,'' he said, ''it's going to be hard to show the Republican Party has fundamentally changed the way business is done in Washington.''

THE EXTERMINATOR

After graduating from the University of Houston with a biology degree in 1970, Tom DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of Albo Pest Control, a little outfit whose name he hated but kept anyway because a marketing study noted it reminded consumers of a well-known brand of dog food.

By his account, DeLay transformed Albo into ''the Cadillac'' of Houston exterminators, serving only the finest homes. But his frustrations with government rules increased in tandem with his financial success. He disparaged federal worker safety rules, including one that required his termite men to wear hard hats when they tunneled under houses. And the Environmental Protection Agency's pesticide regulations, he said, ''drove me crazy.'' The agency had banned Mirex, a chemical effective in killing fire ants but at first considered a dangerous carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. ''I found out government was a cost of doing business,'' he said, ''and I better get involved in it.''

He arrived in the Texas legislature in 1978 with a nickname that defined his mission: ''Mr. DeReg.'' Seven years later he moved his crusade to Washington as the congressman from Houston's conservative southwest suburbs. He sought to publicize his cause by handing out Red Tape Awards for what he considered the most frivolous regulations.

But it was a lonely, quixotic enterprise, hardly noticed in the Democrat-dominated House, where systematic regulation of industry was seen as necessary to keep the business community from putting profit over the public interest and to guarantee a safe, clean and fair society. The greater public good, Democratic leaders and their allies in labor and environmental groups argued, had been well served by government regulation. Countless highway deaths had been prevented by mandatory safety procedures in cars. Bald eagles were flying because of the ban on DDT. Rivers were saved by federal mandates on sewerage.

DeLay nonetheless was gaining notice in the world of commerce. Businessmen would complain about the cost of regulation, which the government says amounts to $430 billion a year passed along to consumers. They would cite what they thought were silly rules, such as the naming of dishwashing liquid on a list of hazardous materials in the workplace. They pushed for regulatory relief, and they saw DeLay as their point man.

The two-way benefits of that relationship were most evident last year when DeLay ran for Republican whip. He knew the best way to build up chits was to raise campaign funds for other candidates. The large number of open congressional seats and collection of strong Republican challengers offered him an unusual opportunity. He turned to his network of business friends and lobbyists. ''I sometimes overly prevailed on'' these allies, DeLay said.

In the 1994 elections, he was the second-leading fund-riser for House Republican candidates, behind only Gingrich. In adding up contributions he had solicited for others, DeLay said, he lost count at about $2 million. His persuasive powers were evident in the case of the National-American Wholesale Grocers Association PAC, which already had contributed $120,000 to candidates by the time DeLay addressed the group last September. After listening to his speech on what could be accomplished by a pro-business Congress, they contributed, another $80,000 to Republicans and consulted DeLay, among others, on its distribution.

The chief lobbyist for the grocers, Bruce Gates, would be recruited later by DeLay to chair his antiregulatory Project Relief. Several other business lobbyists played crucial roles in DeLay's 1994 fund-raising and also followed Gates's path into the antiregulatory effort. Among the most active were David Rehr of the National Beer Wholesalers Association, Dan Mattoon of BellSouth Corporation, Robert Rusbuldt of Independent Insurance Agents of America and Elaine Graham of the National Restaurant Association.

At the center of the campaign network was Mildred Webber, a political consultant who had been hired by DeLay to run his race for whip. She stayed in regular contact with both the lobbyists and more than 80 GOP congressional challengers, drafting talking points for the neophyte candidates and calling the lobbyist bank when they needed money. Contributions came in from various business PACs, which Webber bundled together with a good-luck note from DeLay.

''We'd rustle up checks for the guy and make sure Tom got the credit,'' said Rehr, the beer lobbyist. ''So when new members voted for majority whip, they'd say, 'I wouldn't be here if it wasn't for Tom DeLay.'''

For his part, DeLay hosted fundraisers in the districts and brought challengers to Washington for introduction to the PAC community. One event was thrown for David M. McIntosh, an Indiana candidate who ran the regulation-cutting Council on Competitiveness in the Bush administration under fellow Hoosier Dan Quayle. McIntosh won and was named chairman of the House regulatory affairs subcommittee. He hired Webber as staff director.

It was with the lopsided support of such Republican freshmen as McIntosh that DeLay swamped two rivals and became the majority whip of the 104th Congress. Before the vote, he had received final commitments from 52 of the 73 newcomers.

THE FREEZE

The idea for Project Relief first surfaced before the November elections that brought Republicans to power in the House for the first time in 40 years. Several weeks after the election, it had grown into one of the most diverse business groups ever formed for specific legislative action. Leaders of the project, at their first post-election meeting, discussed the need for an immediate move to place a moratorium on federal rules. More than 4,000 regulations were due to come out in the coming months, before the Republican House could deal with comprehensive antiregulatory legislation.

DeLay agreed with the business lobbyists that a regulatory ''timeout'' was needed. He wrote a letter to the Clinton administration Dec. 12 asking for a 100-day freeze on federal rule-making. The request was rejected two days later by a mid-level official who described the moratorium concept as a ''blunderbuss.'' DeLay then turned to Gooch to write legislation that would do what the administration would not.

At the Jan. 3 meeting in DeLay's office, Paul C. Smith, lobbyist for some of the nation's largest motor fleets, criticized Gooch's draft because it excluded court-imposed regulations. He volunteered to do the next draft and came back with a version that addressed the concerns of his clients. Under court order, the EPA was about to impose an air pollution plan in California that might require some of Smith's clients—United Parcel Service and auto leasing companies—to run vehicles on ultraclean fuels, requiring the replacement of their fleets.

Smith removed the threat with a stroke of his pen, extending the moratorium to cover court deadlines. He also helped Webber add wording in a later amendment that extended the moratorium from eight to 13 months.

Peter Molinaro, a mustachioed lobbyist for Union Carbide, had a different concern: He wanted to make sure the moratorium would not affect new federal rules if their intention was to soften or streamline other federal rules. The Labor Department, for example, was reviewing a proposal to narrow a rule that employers keep records of off-duty injuries to workers. Union Carbide, Molinaro noted in an interview, had been fined $50,000 for violating that rule and was eager for it to be changed.

For his part, Gooch wanted to make sure that the routing, day-to-day workings of regulatory agencies would not be interrupted by a moratorium. His petrochemical clients rely on the Federal Energy Regulatory Commission to make sure natural gas and oil, used in their production processes, flow consistently and at reasonable rates.

Gooch said he had ''no specific mission'' other than helping DeLay. ''I'm not claiming to be a Boy Scout,'' he added. ''No question I thought what I was doing was in the best interests of my clients.''

THE WAR ROOM

On the first day of February, 50 Project Relief lobbyists met in a House committee room to map out their vote-getting strategy for the moratorium bill. Their keynote speaker was DeLay, who laid out his basic objective: making it a veto-proof bill by lining up a sufficient number of Democratic cosponsors. They went to work on it then and there.

Kim McKernan of the National Federation of Independent Business read down a list of 72 House Democrats who had just voted for the GOP balanced budget amendment, rating the likelihood of their joining the antiregulatory effort. The Democrats were placed in Tier One for gettable and Tier Two for questionable.

Every Democrat, according to participants, was assigned to a Project Relief lobbyist, often one who had an angle to play.

The nonprescrition drug industry chose legislators with Johnson & Johnson plants in their districts, such as Ralph M. Hall of Texas and Frank Pallone Jr. of New Jersey. David Thompson, a construction industry official whose firm is based in Greenville, S.C., targeted South Carolina congressman John M. Spratt Jr.

Federal Express, with its Memphis hub, took Tennessee's John S. Tanner. Southwestern Bell Corp., a past campaign contributor to Blanche Lambert Lincoln of Arkansas, agreed to contact her. Retail farm suppliers picked rural lawmakers, including Charles W. Stenholm of Texas.

As the moratorium bill reached the House floor, the business coalition proved equally potent. Twenty major corporate groups advised lawmakers on the eve of debate Feb. 23 that this was a key vote, one that would be considered in future campaign contributions.

McIntosh, who served as DeLay's deputy for deregulation, assembled a war room in a small office just off the House floor to respond to challenges from Democratic opponents. His rapid response team included Smith, the motor fleet lobbyist, to answer environmental questions; James H. Burnley IV, an airline lobbyist who had served as transportation secretary in the Reagan administration, to advise on transportation rules; and UPS lobbyist Dorothy Strunk, a former director of the Occupational Health and Safety Administration, to tackle workplace issues. Project Relief chairman Gates and lobbyists for small business and trucking companies also participated.

When Republicans leaders were caught off guard by a Democratic amendment or alerted to a last-minute problem by one of their allies, Smith would bang out response on his laptop computer and hand the disk to a McIntosh aide who had them printed and delivered to the House floor.

The final vote for the moratorium was 276 to 146, with 51 Democrats joining DeLay's side. Still 14 votes short of the two-thirds needed to override a veto, the support exceeded the original hopes of Project Relief leaders.

One week later, DeLay appeared before a gathering of a few hundred lobbyists, lawmakers and reporters in the Caucus Room of the Cannon House Office Building to celebrate the House's success in voting to freeze government regulations and, in a pair of companion bills, curtail them. He stood next to a five-foot replica of the Statue of Liberty, wrapped from neck to toe in bright red tape, pulled out a pair of scissors, and jubilantly snipped away.

Standing next to him, brandishing scissors of his own, was the chairman of Project Relief.

[From the Washington Post, Mar. 19, 1995]

TRUTH IS VICTIM IN RULES DEBATE—FACTS DON'T BURDEN SOME HILL TALES OF REGULATORY ABUSE

(By Tom Kenworthy)

As Congress wages war on the federal regulatory system, anecdotal evidence of nonsensical rules and innocent victims has been a powerful weapon in the push to enact measures that will temporarily halt rule-making, protect property owners and ensure new regulations are worth the cost.

Many of these purported examples, however, have the ring of truth, but not the substance.

Consider the ''regulatory overkill'' cited by Rep. Michael Bilirakis (R-Fla.) during floor debate last month. ''The Drinking Water Act currently limits arsenic levels in drinking water to no more than two to three parts per billion,'' said Bilirakis. ''However, a regular portion of shrimp typically served in a restaurant contains around 30 parts per billion.''

Arsenic, a known human carcinogen, has been subject to regulation by the Environmental Protection Agency since 1976. The drinking water standard is now not two or three parts per billion, but 50 parts per billion. And according to EPA officials, the arsenic found in water and the arsenic found in shrimp and other seafood are chemically quite different. The type of arsenic found in seafood is organic; in water, arsenic is predominantly inorganic, and far more toxic.

Bilirakis, a former judge, declined a request for an interview, but his press spokesman explained that Bilirakis relied on his colleague, Rep. John L. Mica (R-Fla.), whose use of the shrimp example during a congressional hearing last year was reported in The Washington Post.

While rhetorical exaggerations or sloppy staff work are not new phenomena in congressional debates, the determination of

House Speaker Newt Gingrich (Ga.) and other Republican leaders to push through their ''Contract With America'' agenda in 100 days or less has meant that complex and far-ranging legislation has been debated and passed in an unusually short period. And nothing in the contract deals with an area as complicated as regulatory reform or generates as much apocryphal rhetoric on both sides.

Veteran Democrats, who in some cases helped write the regulations now under attack, warned their colleagues during the debate of the consequences of moving so quickly. Rep. John D. Dingell (D-Mich.) said of the regulatory moratorium: ''The unknown and unintended consequences caused by the hurried consideration of this legislation will emerge for members in embarrassing and unwanted ways in weeks and months ahead.''

And Rep. Edward J. Markey (D-Mass.), lamented the making of ''policy on the basis of false or misleading anecdotal information.'' Proponents, said Markey, ''claim that the Consumer Product Safety Commission had a regulation requiring all buckets have a hole in the bottom of them so water can flow through and avoid the danger of someone falling face down into the bucket and drowning. . . . Now, that would be ridiculous regulation, if it existed. But the truth is that there has never been such a rule.''

Nothing slowed down the determination of House Republicans to change the regulatory system, and the debate now moves to the Senate, where the legislation is expected to emerge from committees in more moderate form.

During the two weeks the bills were considered in the House, the rhetoric on both sides was heated and the examples, even the hypothetical ones, not always precise.

Suppose scientists develop a vaccine for the AIDS virus but tests show it causes one case of cancer for every million patients, Rep. Robert S. Walker (R–Pa.) told reporters as the House took up the risk assessment bill. Because of that one cancer case, a provision of federal law called the Delaney Clause would require the Food and Drug Administration to keep the life-saving vaccine off the market, he said in a triumphant demonstration of the rigidity of federal regulation.

It sounded like a compelling argument—except for one not so small detail. The Delaney Clause has nothing to do with drug approvals. It is, as Walker conceded later when asked about it, a section of federal law that deals with carcinogens that could show up in processed food, primarily pesticide residues.

Even opponents of the House GOP's anti-regulatory agenda such as Environmental Protection Agency Administrator Carol M. Browner concede that there are examples of government heavy-handedness in enforcing laws on health and the environment.

''Unfortunately,'' Browner added, ''much of the debate has been conducted in sound bites. Changes of this magnitude should be based on a vigorous debate with all of the facts on the table. What we saw was instance after instance of stories that don't even come close to resembling reality or the truth of the matter.''

The property rights bill—which gives landowners the right to claim compensation from the government if a portion of their property loses 20 percent or more of its value because of rules governing wetlands, endangered species and other environmental restrictions—was also fertile ground for embellished anecdotes.

During the House debate, Rep. W.J. ''Billy'' Tauzin (D–La.), a leading advocate of the property rights legislation, told a moving story of what he called government ''arrogance'' in enforcing wetlands regulations. The tale involved the families of John Chaconas and Roger Gautreau in Ascension Parish, La., whom he characterized as victims of flawed wetlands laws and overzealous bureaucrats from the Army Corps of Engineers and the Environmental Protection Agency.

The Gautreaus, said Tauzin, built a home after getting approval from the Corps to dig a pond and use the fill as a foundation. Then they built another home on part of their property and sold it to the Chaconas family. According to Tauzin, the Corps then swept in, told the Gautreaus the dirt road that provides access to the two houses was on a wetland and could not be used, and told the Chaconas family they might have to forfeit their house.

John Chaconas, however, is refusing to play the part of victim assigned to him by Tauzin. In testimony prepared last week for delivery to a House task force on wetlands, Chaconas said he strongly supports wetlands regulation. He said he was victimized not by the government but by the Gautreaus, and that now his family ''is being played as pawns by politicians to justify their opposition to current wetlands law.''

In his prepared testimony, Chaconas tried to correct Tauzin's rendition of the story. Gautreau, said Chaconas, had failed to get a permit to dredge and fill wetlands despite being advised to do so by the Soil Conservation Service, and his actions had caused drainage problems for neighbors. Chaconas is now suing Gautreau and others over the real estate transaction.

___

[From the Washington Post, Mar. 5, 1995]

HORROR IN THE HOUSE

(By Jessica Mathews)

Every one of the most frequently cited horror stories used to justify the regulatory ''reform'' passed by the House last week is a fabrication. That tells a lot about the intent and the wisdom of the legislation.

You've almost surely heard about how states thousands of miles from Hawaii are forced to test their water for a pesticide used only on pineapples. (Truth: The pesticide was used on 40 crops before being banned as a probable carcinogen. It's been found in 16 of the 25 states that have tested for it, often at unsafe levels.)

Anchorage, so it is said, had to add fish wastes to its water so it could then remove them, thereby cleaning its sewage by the required 30 percent. (Truth: No one had to add fish wastes to the water—that's how they've been routinely disposed of. The 30 percent standard is the price of being exempted from secondary sewage treatment. Anchorage's complaint is about having to meet the most basic primary treatment standard.)

There is also the OSHA leaky bucket story, the rodent habitat that caused homes to burn in a wildfire and the baby teeth as hazardous wastes story. All sound too nutty to be true, and they are. The facts have been distributed—and ignored—all over Capitol Hill, but by now the stories are gospel.

As you might suspect from the quality of the rationale, the new legislation is not an honest attempt at regulatory reform. Like the balanced budget amendment, it is in part an admission of failure. Out of frustration at its inability to correct those laws and regulations that are flawed, Congress has grabbed at a measure to indiscriminately weaken all regulations, good and bad.

Far more perniciously, the bill is also a blackdoor attempt to undo 35 years of environmental progress, a step for which there is so little public support that it would never be attempted frontally. Do not be misled. The measure effectively repeals the Clean Air Act, the Clean Water Act and every other statute that makes health, safety or environmental protection the guiding standard. If it becomes law, cost-effectiveness and ''flexibility'' (left undefined for the courts to figure out) will replace those standards.

What cost-effectiveness and flexibility appear to mean, in the opinion of former Republican senator Robert Stafford, is that providing asthma drugs to children who go to school near a paper mill could be the preferred choice over pollution controls on the mill. Former interior secretary James Watt's hat and suntan lotion solution to ozone depletion also leaps to mind.

The bill tries to pin down the Gulliver of government regulation in the worst possible way—with analyses, paperwork and endless opportunities for delay in the courts. It requires 22 separate analyses before a regulatory action. It opens 60 new bases for judicial challenge. EPA things the agency would need nearly 1,000 additional employees to fulfill its requirements.

Cost-benefit analysis is made a rigid, one-size-fits-all solution to every regulatory choice. While it is a modestly useful aid to decision-making, cost-benefit analysis cannot bear this burden. It does not reduce one whit the scientific and economic uncertainties that bedevil regulatory disputes, nor sidestep the need for value judgments. All its does is to put the guesswork into a formal analytical framework.

At the end, however, an assumption is an assumption no matter how sophisticated the mathematical trappings. The answers cost-benefit analysis provides can never be better than guesses about the future costs of new technology (nearly always exaggerated) or imponderables like the worth of 20 lost IQ points or the dollar value of wilderness. Frequently, the answers are far worse than what judgment can provide because any factor to which a number cannot be attached must be dropped from consideration, even it happens to be the most important. Precisely because cost-benefit analysis seems to provide an objective, definitive answer, yet is so highly dependent on assumptions, it is ideally suited to ideological manipulation.

This latest bit of the ''Contract With America'' is not regulatory reform at all but a parody of reform. It takes the worst aspects of the present system—paperwork, delay, bureaucratic heavy-handedness—and makes them worse. It lessens regulators' opportunities to use common sense and makes them personable liable to huge fines for such crimes as ''misallocating resources.'' It turns normal conflict-of-interest provisions inside out. Its intent is to throw sand in the government's crankcase, not to improve the quality of its actions.

Under normal circumstances the measure would stand little chance of becoming law. Its assault on three decades of bipartisan environmental achievement, in particular, is not what Americans want. But genius and the trap of Gingrich's 100-day deadline is that not only is there no time for legislators to understand what they're doing, neither the media nor the public can keep up. Major bills fly out of committee and onto the floor in a day or two and before anyone has taken a close look at one, another has taken its place. The House bill has a close match in the Senate sponsored by Majority Leader Robert Dole. And while the administration has made noises about a veto, so far the silence from the bully pulpit has been deafening.

Plenty of laws and regulations need reform. There's only one way to achieve it—the old-fashioned way, one law at a time, individually, on the merits.

Mr. GLENN. These articles show how the moratorium sprung from the minds of people intent not on a better or smarter Government, but a dumber Government—slow, inefficient, less likely to act on behalf the public interest.

A review of the progress of the House bill confirms my view of this bill. House sponsors moved the starting date around several times so that some rules could go forward and others would be caught. And despite the broad sweep of the moratorium, special exemptions were soon added.

The exemptions ranged from a promise in committee by the chief sponsor to protect watermelon marketing orders—according to the National Journal's Congress Daily, February 2, 1995, page 5—to floor amendments exempting a variety of FCC matters, China sanctions, customs modernization, airline safety, and other issues.

In the Senate, the record is quite similar to that of the House. On February 7, 1995, the Governmental Affairs Committee held the first of five regulatory reform hearings. On the seventh, we heard testimony from the majority leader and a number of other Senators, including the primary sponsor of the moratorium, Senator NICKLES. As our committee's majority report says:

> Senator Nickles stated that the purpose of the temporary moratorium is to give Congress enough time to pass legislation to comprehensively change the regulatory process.

With due respect to my colleague from Oklahoma, since that hearing we have devoted several weeks to the moratorium and now are on the floor to debate it—this is all time that has taken away from regulatory reform, I am sorry to say, not added to it.

On February 22, 1995, the committee devoted an entire hearing to the moratorium. This hearing reinforced my conviction that the moratorium is a bad idea. Mr. Rainer Mueller, a businessman from California, described his personal tragedy of the death of his 13-year-old son to E. coli infection and the impact of the moratorium on USDA regulations. Witnesses from the Department of Transportation and the Food and Drug Administration described specific health and safety rules that would be stopped by the moratorium. Examples of such rules from other agencies provided a clear picture of the potential destructive impact of the moratorium on important government actions on behalf of public health and safety.

While other witnesses told of regulations that certainly should be reviewed, if not rescinded, the thought of stopping all rules, including the meat inspection rules, in an effort to get at those bad rules, was simply not convincing. And ironically, one witness pointed out that the revised moratorium proposal before the committee would only stop significant rules, the very rules that already undergo the most rigorous regulatory analysis under Presidential Executive order.

Finally, Sally Katzen, Administrator of OMB's Office of Information and Regulatory Affairs [OIRA] told of the President's current order to agencies to review existing rules and eliminate or revise outdated or conflicting rules. This review will be completed in about ten weeks. it seems to me that we should get this information before even thinking about stopping regulations.

When asked about requirements for regulations, Ms. Katzen also confirmed something that the former Republican EPA general counsel, Donald Elliot, told the committee on February 15, 1995. As much as 80 percent of all rules are mandated by Congress. This is a very important fact. It shows that if anything, we in Congress are the problem, not the agencies. We pass strict laws that agencies must implement section by section, letter by letter.

It is simply the worst kind of legislative schizophrenia for Congress to pass laws and require agencies to implement them, and then turn around and tell them to stop doing what we just asked them to do in the first place—and with a few exceptions, without even regard to human health and safety.

Again, I can only say that an effort targeted at bad rules makes sense, but to shoot down all rules, good and bad alike, just makes no sense at all.

On March 7 and 9, 1995, the committee met to mark up the moratorium bill. Debate among the committee members about the scope of the bill and its exemptions and exceptions highlighted one of the biggest problems with the moratorium; that is, the way in which it would stop important regulations, such as those that protect the American people from serious health and safety risks.

While purporting to be a moratorium on all significant regulations, the bill's sponsors recognized that this broad sweep is not a good idea and accepted several amendments to exempt specific rules. But, they also rejected others. To look at what was accepted and what was rejected shows the arbitrary nature of the bill.

The committee accepted the following exemptions:

First, an exemption for rules to ''ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund.''

Second, an exemption for rules on ''commercial, recreational, or subsistence * * * hunting, fishing, or camping.'' Among other things, this would allow the annual revision of duck hunting regulations to go forward. These rules are very important to the economic health of many regions in our country. Just ask Senator PRYOR from Arkansas, or Senator WELLSTONE from Minnesota—their States would be significantly hurt by even a delay in the hunting season.

Third, an exemption for rules on overflights on national parks.

Fourth, an exemption for any rule to enforce ''statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, or handicapped or disability status.''

Fifth, an exemption for aircraft safety, including rules ''to improve airworthiness of aircraft engines.''

Sixth, an exemption for ''safety and training standards for commuter airlines.''

Seventh, an exemption for EPA rules to ''protect the public from exposure to lead from house paint, soil or drinking water.''

Eighth, an exemption for rules on ''highway safety warning devices'' at railroad crossings.

Ninth, an exemption for negotiated rulemakings under the Indian Self-Determination Act Amendments of 1994.

Tenth, an exemption for rules to ''provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses, as provided by the Persian Gulf War Veterans' Benefits Act.''

Even with that wide range of exemptions, the committee's majority rejected the following exemptions:

First, an exemption for USDA rules to ''reduce pathogens in meat and poultry.''

Second, an exemption for EPA rules to ''control of microbial and disinfection byproduct risks in drinking water supplies.''

Third, an exemption for rules to ensure safe and proper disposal of radioactive waste, as well as any action regarding decontamination and decommissioning of NRC-licensed sites.

Fourth, an exemption for health and safety rules, where the agency ''has concluded to the extent permitted by law that the benefits justify the costs.''

Fifth, an exemption for any rule that ''enforces constitutional rights of individuals.''

Sixth, an exemption for rules required by statutory or judicial deadlines.

Seventh, an exemption for rules that are the ''consensual product of regulatory negotiation pursuant to the Regulatory Negotiation Act.''

These amendments were rejected, and they were rejected on a straight party-line vote. To show how arbitrary these votes were, let me just compare one or two of the amendments that were accepted with amendments that were rejected.

The committee accepted an amendment to exempt from the moratorium EPA rules to ''protect the public from exposure to lead from house paint, soil or drinking water,'' but rejected an amendment to exempt EPA rules to ''control of microbial and disinfection supplies.'' Why lead and not water—don't my Republican friends recall that Cryptosporidium in drinking water killed over 100 people in Milwaukee, WI, and made 400,000 people sick?

The committee accepted an amendment to exempt rules that would clarify responsibilities among railroad

companies, State and local governments ''regarding highway safety warning devices'' at railroad crossings, but rejected an amendment to permit the reform of USDA meat inspection rules that will help reduce the 500 annual deaths and 20,000 annual instances of disease, not to mention the millions of dollars in costs, caused by foodborne illness.

Or perhaps, we should compare railroad crossing safety with radioactive waste cleanup. Again, the majority of the committee accepted the railroad crossing exemption—offered by a Republican member of the committee—but rejected on a party-line vote my amendment to exempt rules to ensure rules on safe disposal of radioactive waste. I hope to come back to this issue later, but I cannot understand how my colleagues could so easily dismiss standards for disposing of plutonium-contaminated waste—radioactive waste that must be kept safely from humans for at least 10,000 years.

The majority of the committee also rejected several important amendments offered by Senator LEVIN that would actually have helped the proposal make more sense. Retroactivity, an extra moratorium for deadlines, onerous reporting requirements, ill-defined definitions—these were provisions that just made no sense, as Senator LEVIN correctly pointed out. But these were rejected, as well. As usual, my good friend from Michigan saw through the rhetoric, could appreciate the details, not to mention the broad policy issues, and accurately pointed out the internal flaws of the moratorium process—but to no avail. The marching orders were given, and the votes made.

I am simply at a loss to understand how my esteemed colleagues across the aisle can explain these votes. What in the world will you tell the American people? Here you are, saying that you want to reform the regulatory process, that you want to stop bad regulations, that you want rules to pass cost/benefit tests, and that you want agencies to be governed by scientific risk assessments.

But when it comes time to vote, then the special interests come to call, and you listen. And who pays the price? Rainer Mueller and Nancy Donley can tell you the price they paid. Which of your constituents do you want to share in Mr. Mueller's or Ms. Donley's pain? I am sorry, but with all due respect, I do not want to have that pain, that injury, that sickness, that suffering, that death on my conscience. The sorrow for me, however, is that as a Member of this body, if we pass a moratorium bill, we will all share in the blame. We will bring the Senate down yet again in the eyes of our people. No wonder they have lost respect for Washington.

As I asked at the markup, ''Are we saying that we'll protect the rights of duck hunters, but not the right our children to eat safe food?'' This makes no sense.

Do my Republican colleagues really understand what burden they are taking on when they support the moratorium. I only hope they can admit to having second thoughts, and think better of their too-hasty endorsement of a bill that would make government more arbitrary, more senseless, more unwielding, more blind, more insensitive, more of what Americans do not want from their Government.

Finally, with regard to committee action on the moratorium, let me point out that the majority in the committee voted to expand the moratorium to cover: first, wetlands, determinations; and second, any action that ''withdraws or restricts recreational, subsistence, or commercial use'' of public land.

I have a lot of sympathy with those who are fed up with the way the wetlands program is run. I think it should be closely scrutinized and reformed in a number of ways. I do not think, however, that a regulatory moratorium is the way to accomplish that reform.

Regarding the second expansion, that is, the inclusion in the moratorium of any action that ''withdraws or restricts recreational, subsistence, or commercial use'' of public land, I am, again, at a loss. Do the supporters of the moratorium really mean to stop virtually all government action in our national parks, forest, refuges, and monuments?

This provision would mean, as we wrote in our minority views on the committee report:

> That National Park Service employees would not be able to carry out basic management responsibilities in our national parks. The Park Service would not be able to prevent hot rods from racing in national parks, restrict access to fragile archaeological sites, or close dangerous passes on snow-covered peaks. As the National Parks and Conservation Association has said, ''This prohibition against rulemaking effectively eliminates the abilities of the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection.''

While the moratorium's supporters reject these questions and criticisms with the statement that the bill permits the President to exempt rules he thinks are really important, I take our legislative responsibility seriously. I am confronted by a bill that makes no sense on its own and makes no sense in the context of regulatory reform. So, I cannot support it. It is as simple as that.

So that my colleagues can truly appreciate the damage that would be done by this legislation, I ask unanimous consent to include in the RECORD a summary of the amendments considered by the committee in its markup on March 7 and 9; letters regarding the moratorium's impact on the American people; a copy of our minority views to the committee report on the moratorium bill; and a list of rules that would be stopped by the moratorium.

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

GOVERNMENTAL AFFAIRS COMMITTEE MARKUP OF S. 219

Accepted:

(1) Roth Substitute for S. 219 (voice vote, 3/7): Limits moratorium to ''significant regulatory action taken during the moratorium period'' (no longer action ''made effective'' during the moratorium); extends moratorium period to ''time beginning November 9, 1994, and ending on December 31, 1995, unless an Act of Congress provides for an earlier termination date for such a period.'' limits judicial review language to ''No determination under this Act shall be subject to adjudicative review before an administrative tribunal of court of law.''

(2) Cochran amendment to exempt ''any action taken to ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund.'' (voice vote, 3/7).

(3) Pryor amendment to exempt ''any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action.'' (voice vote, 3/7).

(4) Akaka amendment to exempt ''the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of Interior pursuant to the procedures specified in the advanced notice of proposed rulemaking published on March 17, 1994, at 59 Fed. Reg. 12740 et seq.'' (voice vote, 3/7).

(5) Levin amendment to exempt ''any significant regulatory action which establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin or handicapped or disability status.'' (voice vote, 3/7).

(6) Glenn amendment to exempt ''any regulatory action to improve safety, including such an action to improve airworthiness of aircraft engines.'' (voice vote, 3/7).

(7) Glenn amendment to exempt ''any regulatory action that would upgrade safety and training standards for commuter airlines to those of major airlines.'' (voice vote, (3/9).

(8) Glenn amendment to exempt ''any regulatory action by the Environmental Protection Agency that would protect the public from exposure to lead from house paint, soil or drinking water.'' (voice vote, 3/9).

(9) Thompson amendment to exempt ''any clarification of existing responsibilities regarding highway safety warning devices'' (intended to cover railroad crossings). (voice vote, 3/9).

(10) McCain amendment to exempt actions ''limited to matters relating to negotiated rulemaking carried out between Indian tribal governments and that agency under the 'Indian Self-Determination Act Amendments of 1994 (Public Law 103–413'.'' (voice vote, 3/9).

(11) Grassley amendment to include in the moratorium actions to ''carry out the Interagency Memorandum of Agreement Concerning Wetlands Determinations for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act (59 Fed. Reg. 2920); or any method of delineating wetlands based on the Memorandum of Agreement for purposes of carrying out subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).'' (voice vote, with opposition, 3/7).

(12) Stevens amendment to extend the moratorium to include any action that ''withdraws or restricts recreational, subsistence,

or commercial use of any land under control of a Federal agency, except'' with respect to ''military or foreign affairs or international trade'' or ''principally related to agency organization, management, or personnel.'' and to define ''public property'' as ''all property under the control of a Federal agency, other than land'' (in order to preclude any Presidential exemptions of public land rules under the public property exemption in section 5(F). (accepted 8–5, 3/7).

(13) Glenn amendment to exempt ''any regulatory action to provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses, as provided by the Persian Gulf War Veterans' Benefits Act.'' (accepted 8–6, 3/9).

Rejected:

(1) Glenn amendment to exempt ''any regulatory action to reduce pathogens in meat and poultry taken by the Food Safety and Inspection Service of the U.S. Department of Agriculture, including Hazardous Analysis Critical Control Point (HACCP) regulations.'' (rejected 7–7, 3/7).

(2) Glenn amendment to exempt ''any regulatory action by the Environmental Protection Agency that relates to control of microbial and disinfection byproduct risks in drinking water supplies.'' (rejected 7–8, 3/9).

(3) Glenn amendment to exempt ''any regulatory actions to ensure safe and proper disposal of radioactive waste, as well as any action regarding decontamination and decommissioning of NRC-licensed sites. (rejected 7–8, 3/9).

(4) Levin amendment to exempt ''any significant regulatory action the principal purpose of which is to protect or improve human health or safety and for which a cost-benefit analysis has been completed and the head of the agency taking such action has concluded to the extent permitted by law that the benefits justify the costs.'' (rejected 7–7, 3/7).

(5) Levin amendment to: Eliminate retroactivity of the moratorium, making the period ''from the date of enactment of this Act until December 31, 1995'' (rather than starting on November 9, 1994); require the President to ''publish in the Federal Register a list of all rules covered by [the moratorium]'' (a one-time reporting rather than a monthly reporting requirement); and limit the moratorium to significant, final rules (no longer extending the moratorium to a ''substantive rule, interpretative rule, statement of agency policy, guidance, guidelines, or notice of proposed rulemaking''). (rejected 7–8, 3/9).

(6) Levin amendment to exempt any deadlines from the moratorium that are statutorily or judicially mandated. (The amendment deletes ''Section 4. Special Rule on Statutory, Regulatory, and Judicial Deadlines''). (rejected 7–8, 3/9).

(7) Levin amendment to delete the five month extension of the moratorium for deadlines. (the current bill states that ''any deadline for . . . any significant regulatory action . . . is extended for 5 months after the end of the moratorium, whichever is later.'') (rejected 7–8, 3/9).

(8) Levin amendment to exempt ''any significant regulatory action which is the consensual product of regulatory negotiation pursuant to the Regulatory Negotiation Act.'' (rejected 7–8, 3/9).

Tabled:

(1) Levin amendment to exempt ''any significant regulatory action which enforces constitutional rights of individuals.'' (Table 8–7, 3/7).

S. 219 as amended was reported out of Committee on March 9, 1995 (vote 6–5).

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,

Washington, DC, March 16, 1995.

DEAR SENATOR: I am writing you on behalf of the General Board of Church and Society, the public policy advocacy agency of The United Methodist Church, to express strong opposition to S. 219, the Regulatory Transition Act.

On March 4, 1995, our Board of Directors from throughout the country stated the following: ''Public protections, such as those dealing with food safety, safe drinking water, worker health and safety, equal educational opportunity, civil rights, motor vehicle safety, toxic pollution, the well-being of children, and health care, are under attack through Congressional initiatives [such as S. 219] to reduce or eliminate federal laws and regulations. We believe the federal government has an important role in protecting the public interest and in improving quality of life. We believe that undermining federal safeguards will cause serious harm to people and the environment. These Congressional initiatives also jeopardize services provided by public charities and religious and governmental entities valued by our society . . . Accordingly, we oppose any actions that might be taken by the Congress to undermine sensible safeguards.''

The health and safety of people and the planet has always been an important concern for our Church. I urge you not to let the popular cry of cutting red tape lead to the sacrifice of the health and wholeness of our children and God's Creation. Vote no on S. 219.

Sincerely yours,

DR. THOM WHITE WOLF FASSETT,
General Secretary.

THE LEAGUE OF WOMEN VOTERS,
March 16, 1995.

To: Members of the U.S. Senate.
From: Becky Cain, President.
Re: Anti-Regulatory Legislation.

The League of Women Voters is deeply distressed over current anti-regulatory legislation designed to seriously undermine the regulatory process as it applies to health, safety and environmental protections. We urge you to oppose such legislation.

We believe that extreme anti-regulatory measures would subvert the federal government's authority and ability to protect the health and well-being of the American people. For many years, we have watched the progress as the lives of citizens have been improved through the projections provided by federal regulations. By requiring risk/benefit analysis and additional layers of review, the proposed legislation will not streamline regulatory procedures, but will complicate and add years and costs to the regulatory process.

The League of Women Voters has long supported efforts to assure that government provides opportunities for citizen participation in government decision making, promotes the conservation and wise management of natural resources in the public interest and protects the well-being of our citizens—particularly children. We believe that the underlying premise that regulations should be based solely on the basis of their cost to the private and public sectors is fundamentally wrong. It is essential that the benefits to the American people, such as health and safety, be an integral and paramount part of the regulatory process.

The League is equally concerned about the ''takings'' provisions of anti-regulatory proposals. Again, legislation is couched in procitizen terms, but would result in a more burdensome regulatory process. The ''takings'' proposals being considered by Congress would require the government to compensate property owners when a government regulation may reduce value by even a small amount. The affected regulations include those that protect the environment, provide for food safety, and protect individual citizens. ''Takings'' legislation could cost federal, state and local governments billions of dollars, while costing citizens their health and safety.

The League of Women Voters urges you to consider thoughtfully and carefully the current anti-regulatory moves on Capitol Hill. While there may be individual regulatory processes that need some streamlining, extremist proposals are not the solution. It is critical that we not lose sight of the purpose of these regulations, which is to provide a cleaner environment and a brighter future for our children. We urge you to vote against extreme anti-regulatory legislation brought before the Senate.

CENTER FOR SCIENCE
IN THE PUBLIC INTEREST,
March 16, 1995.

DEAR SENATOR: On behalf of our more than 800,000 members nationwide, the Center for Science in the Public Interest (CSPI) urges you to oppose S. 219, the Regulatory Transition Act. CSPI is a non-profit consumer advocacy organization that focuses on matters relating to nutrition and health.

We urge you to oppose S. 219 because the bill will prevent government agencies from issuing new regulations that will: Modernize our nation's meat safety inspection system and reduce thousands of deaths now caused by contaminated food; set new nutritional standards for school lunches and improve the dietary habits of our nation's children; establish safety standards for the labeling and packaging of iron supplements, which have caused fatal poisoning in children.

These are just a few of the many essential measures that government agencies should be allowed to take in order to safeguard our health and safety. Efforts to impose a moratorium on new government regulations could cost thousands of American lives. A moratorium means that government agencies responsible for protecting consumer health will be stopped in their tracks and prevented from doing their jobs.

Accordingly, we urge you to oppose S. 219.

Sincerely,

BRUCE SILVERGLADE,
Director of Legal Affairs.

CONSUMERS UNION,
March 16, 1995.

DEAR SENATOR: Consumers Union urges you to vote NO on S. 219, the Regulatory Transition Act of 1995, when it comes to a vote on the Senate floor next week. S. 219 is a bad idea for consumers and for the public health and safety.

S. 219, with few exceptions, would paralyze until the end of this year most agency activities to develop health and safety—as well as other important—regulations.

Among the pending rulemakings that the bill would halt is one by the U.S. Department of Agriculture to deal with deadly bacteria in our meat and poultry supply. You are well aware of the recent, tragic deaths and serious illnesses that have resulted from e. coli bacteria in meat. The Department should be congratulated and encouraged to, not delayed from, dealing with this serious public health problem—and others like it.

Also pending is an Environmental Protection Agency rulemaking to deal with cryptosporidium in public water supplies. This is the bacterium that recently caused one-hundred deaths and four-hundred thousand illnesses when it contaminated Milwaukee's water supply. This proposed testing standard, too, as well as other pending EPA public health rules, would be frozen in midprocess by S. 219.

Surely, consumers should be able to eat from the commercial food supply and drink from public water supplies without risking their lives or their health. But S. 219 will stand in the way of moving closer quickly to this goal.

A ''NO'' vote on S. 219 will be a ''yes'' vote for public health and safety. And for common sense. Please vote ''NO''.

Sincerely,

MARK SILBERGELD,
Codirector.

CITIZENS FOR SENSIBLE SAFEGUARDS

COALITION OPPOSES REGULATORY MORATORIUM (S. 219)

Citizens for Sensible Safeguards, a coalition of more than 200 organizations representing working men and women and those concerned about environmental, educational, civil rights, disability, health, social services, low income, and consumer issues, strongly opposes a regulatory moratorium (enclosed is a Citizens for Sensible Safeguards Statement of Principles and a listing of members). We strongly urge members of the Senate to vote against S. 219, The Regulatory Transition Act of 1995.

We are opposed to this bill because it would jeopardize the health and safety of all Americans. Proponents of the bill point out that there is an exemption for regulatory activities that present an ''imminent threat to health or safety or other emergency'' or for enforcement of criminal laws. However, the bill does not define an ''imminent threat to health or safety''. Would a regulation that has been in progress for a year be considered an ''imminent'' threat?

The proposed bill places a higher premium on protecting rules for duck hunters than for our children. There is a specific exemption from the moratorium for rules dealing with duck hunting, but when Committee amendments were offered dealing with protections for children, Republicans defeated them. We think that is inappropriate.

The coalition also feels that the moratorium raises serious Constitutional concerns. In one fell swoop, the bill suspends the power of the executive branch to implement laws and of the courts to enforce regulatory adjudication. This bill has enormous repercussions for the separation of powers established under the Constitution and will seriously limit the ability of the President to faithfully execute the laws of the land.

There are many unintended consequences of the bill. For example, an amendment offered by Sen. Stevens (R-AK) adds to the definition of ''significant'' any agency action that in any way ''restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency.'' He stated that he doesn't want commercial activity on public lands to suffer because of the moratorium. However, this would block virtually all pro-environmental agency actions on public lands, including national parks, and would only serve to hurt the environment, permitting as it does new agency rules to accommodate ''forest health'' logging.

Overall, the coalition believes that a regulatory moratorium is a flawed idea. No number of exemptions from the moratorium will be enough to fix the bill.

Discussions are occurring at the present time concerning the substitution of alternative bills such as legislation allowing a Congressional veto of regulations. Under such a plan, the Congress would have 45 days to review final ''major'' rules and then be able to pass a Joint Resolution to disapprove of any such rules. The President could veto the resolution and then the Congress would have authority to override the veto. Such a bill would have a chilling impact on the agency regulatory process and permit powerful special interests to shape regulations by threatening Congressional action. Accordingly, the Coalition opposes such a substitute to S. 219.

CITIZENS FOR SENSIBLE SAFEGUARDS

STATEMENT OF PRINCIPLES

Public protections, such as those dealing with food safety, safe drinking water, worker health and safety, equal educational opportunity, civil rights, motor vehicle safety, toxic pollution, the well-being of children, and health care, are under attack through Congressional initiatives to reduce or eliminate federal laws and regulations. The following organizations believe the federal government has an important role in protecting the public interest and in improving quality of life. We believe that undermining federal safeguards will cause serious harm to citizens. These Congressional initiatives also jeopardizes services provided by public charities and religious and governmental entities valued by our society.

Buried in the Contract with America's rhetoric about shrinking government and rolling back red tape is a plan to undo laws, and safeguards that citizens have struggled long and hard to champion. We strongly support improving laws and safeguards that protect citizens while recognizing the need to reduce unnecessary and red tape. The zeal to minimize regulatory burdens, however, must be balanced with the need to ensure protections for all Americans. Accordingly, we oppose actions taken by Congress to undermine sensible safeguards.

We urge President Clinton and Congress not to let the popular cry of cutting red tape—something we all believe in—become a guise for dismantling federal safeguards that should be preserved.

COALITION STRUCTURE

Citizens for Sensible Safeguards has three standing committees: National Strategy Committee, chaired by American Federation of State, County, and Municipal Employees, National Education Association, and OMB Watch; Grassroots Strategy Committee, chaired by OMB Watch, Sierra Club Legal Defense Fund, and United Cerebral Palsy Associations; and Media/Message Committee, chaired by American Oceans Campaign and Service Employees International Union.

A Steering Committee overseas coalition activities. The Steering Committee is currently comprised of AFL–CIO, American Civil Liberties Union, American Federation of State, County, and Municipal Employees, American Oceans Campaign, the Arc, Families USA, Leadership Conference on Civil Rights, National Education Association, Natural Resources Defense Council, OMB Watch, Public Citizen, Service Employees International Union, Sierra Club Legal Defense Fund, United Auto Workers, United Cerebral Palsy Associations, United Methodist Church, and US PIRG. OMB Watch chairs the coalition.

Signers (as of 3/3/95):

20/20 Vision; Action of Smoking and Health; Advocated for Youth; AFL–CIO.

Citizens for Public Action on Blood Pressure and Cholesterol, Inc.; Citizens For Reliable And Safe Highways; Clean Water Action; Clearinghouse on Environmental Advocacy and Research; Coalition for New Priorities; Coalition on Human Needs; Coast Alliance; Colorado Rivers Alliance; Common Agenda Coalition; Communications Workers of America; Community Nutrition Institute; Community Women's Education Project; Consumer Federation of America; Cornucopia Network of New Jersey; Council for Exceptional Children; Defenders of the Wildlife; Department for Professional Employees, AFL–CIO; Disability Rights Education and Defense Fund; Earth Island Institute; Earth Island Journal; Ecology Center of Ann Arbor; Ecology Task Force; Environmental Action Foundation; Environmental Defense Center; Environmental Defense Fund.

Environmental Research Foundation; Environmental Working Group; Epilepsy Foundation of America; Families USA; Family Service America; Food and Allied Service Trades Department, AFL–CIO; Food Research and Action Center; Friends Committee on National Legislation; Friends of the Earth; Frontlash; Great Lakes United; Hamlet Response Coalition; Harmarville Rehabilitation Center; Health and Development Policy Project; Helen Keller National Center; Humane Society of the United States; Interfaith Impact; Inter/National Association of Business, Industry and Rehabilitation; International Association of Fire Fighters; International Brotherhood of Teamsters; International Chemical Worker's Union; International Federation of Professional and Technical Engineers; International Ladies' Garment Workers' Union; International Longshoreman's and Warehouseman's Union; International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers; Izaak Walton League of America; James C. Penney Foundation; Justice for All; Kentucky Waterways Alliance.

Ozone Action; Pacific Rivers Council; People For the American Way Action Fund; Philaposh; Physicians for Social Responsibility; Protestant Health Alliance; Public Citizen; Public Employee Department, AFL-CIO; Public Employees for Environmental Responsibility; Public Voice for Food and Health Policy; Rhode Island Committee on Occupational Safety and Health; River Network; Rivers Council of Washington; Safefood Coalition; Scenic America; Service Employee's International Union; Sierra Club; Sierra Club Legal Defense Fund; Society For Animal Protective Legislation; Southern Utah Wilderness Alliance; Special Vocational Education Services in PA; Spina Bifida Association of America; S.T.O.P.—Safe Tables Our Priority; Telecommunications for the Deaf, Inc.; The Arc; The Loka Institute; The Newspaper Guild; The Wilderness Society; Trout Unlimited.

Union of American Hebrew Congregations; Union of Concerned Scientists; Unitarian Universalist Association; Unitarian Universalist Service Committee; United Auto Workers; United Brotherhood of Carpenters and Joiners of America, AFL-CIO; United Cerebral Palsy Associations; United Church of Christ, Office for Church in Society; United Electrical, Radio, and Machine Workers of America; United Food and Commercial Workers International Union; United Methodist Church, General Board of Church and Society; United Mineworkers Union; United Rubber, Cork, Linoleum, and Prospect Workers of America; United Steelworkers of America; US PIRG; Vocational Evaluation and Work Adjustment Association; Western Massachusetts Coalition for Occupational Safety & Health; Western New York Council on Occupational Safety and Health; Wider Opportunities for Women; Women Employed; Women of Reform Judiasm, The Federation of Temple Sisterhoods; Women's Environment and Development Organization; Women's International League for Peace and Freedom; Women's Legal Defense Fund; Women's National Democratic Club.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, March 16, 1995.

DEAR SENATOR: Next week, the Senate will be considering the Regulatory Moratorium bill, S. 219. This legislation will impose a moratorium on all federal regulatory actions

from November 9, 1994 until December 31, 1995. Any regulatory action affecting the environment, public health or safety, or impacting the economy by $100 million or more in any calendar year would be halted.

I am writing to urge you to oppose S. 219, the Regulatory Moratorium bill. This legislative bludgeon, adopted by the House in February, would halt major federal environmental programs, such as regulations implementing the Clean Air Act, or establishing new guidelines for mineral development on public lands.

The Regulatory Moratorium is a crude instrument being used to address concerns about specific federal regulatory programs, however, health and safety programs, food and drug programs, the environment, housing and all other branches of government will be affected.

The devastating impact of a regulatory moratorium on the government is further compounded by an amendment introduced by Senator Ted Stevens (R–AK), and adopted by the Senate Government Affairs Committee last week. The Stevens Amendment would stop the federal government from taking *any action* to restrict ''recreational, subsistence or commercial use of the public lands.'' The effect of the Stevens Amendment on federal programs is staggering.

Land use planning efforts to balance resource uses and values on the National Parks, Refuges, National Forests and Bureau of Land Management (BLM) lands would be stopped.

Most permitting activities of the federal land management agencies would be held up.

The federal government's ability to respond to fire, flood and other threats would be thwarted.

* * * * *

NATIONAL WILDLIFE
REFUGE ASSOCIATION,
March 16, 1995.

DEAR SENATOR: The National Wildlife Refuge Association opposes the Stevens amendment to S. 219, the pending regulatory moratorium legislation. This amendment, if enacted, will ensure that incompatible uses on refuges continue unchecked resulting in the needless loss and harassment of wildlife and, in some cases, that refuge visitor safety is compromised. Following are examples of scenarios that can be expected System-wide if the Stevens amendment is enacted:

Red Rock Lakes NWR (MT): For approximately two weeks in the autumn migratory bird and big game hunting seasons overlap on the Refuge. A popular site for big game hunting is a large clearing that lies between a lake and an access road where elk frequently browse without the benefit of cover. Under current regulations hunters are permitted to shoot at big game in the clearing once out of their vehicles and off the road. Naturally, not all shots connect with their targets and, in the case of more powerful rifles, can conceivably reach the lake. But during the time of season overlap, duck hunters can be found along the edge of the lake. Because of the potential safety hazards, the refuge manager intends to alter hunting patterns during the overlap. The Stevens amendment will make it impossible for the refuge manager to rectify this dangerous situation.

Chincoteague NWR (VA), E.B. Forsythe NWR (NJ): While beach-oriented recreational activities are permitted approximately nine months of the year on these two refuges, the areas must be closed from May through August while piping plovers nest along the beach. Under the Stevens amendment, seasonal closures would be prohibited and recreational activities would be permitted that could seriously impact plover nesting activities.

Crystal River NWR (FL): In wintertime, Crystal River draws nearly a quarter of the known manatee population because of a warm spring that flows into the cooled waters. During this time, the FWS closes the refuge to boating and jet-skiing in an effort to help the manatees avoid being struck by boat and jetski hulls, and cut by hazardous propellers. The Stevens amendment would prohibit this seasonal closing, thereby exposing the concentrated numbers of manatees to increased hazards.

The National Wildlife Refuge System is the only public land system dedicated primarily to the conservation of wildlife. In addition it also provides significant opportunities for recreation including hunting, fishing, wildlife viewing, hiking and other wildlife-dependent activities. By enacting legislation that permits incompatible commercial and recreational activities to continue on our Nation's Wildlife Refuges, the Congress is not only jeopardizing our valuable wildlife resources but also the recreational opportunities that depend on them. Please oppose the Stevens amendment to S. 219.

Sincerely,

GINGER MERCHANT,
Executive Vice President.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, March 16, 1995.

DEAR SENATOR: On behalf of the 2.2 million members of the National Education Association, I strongly urge you to vote against S. 219, the Regulatory Transition Act of 1995.

S. 219 would place a moratorium on a broad range of important federal regulations until December 31, 1995, and retroactively freeze regulations in effect since November 9, 1994. If enacted, S. 219 will undermine and negate many important safeguards and protections for Americans, and lead to confusion and uncertainty among state and local governments and employers attempting to comply with federal laws.

Among the hundreds of regulatory actions that could be negated this bill are:

Department of Labor final regulations to implement the Family and Medical Leave Act, scheduled to take effect on April 16.

Department of Education guidance to states and school districts on implementation of the Gun-Free Schools Act;

Regulations currently being developed by the Education Department that are necessary to implement the provisions of the reauthorized Elementary Secondary Education Act;

Education Department regulations and guidance on the new college student Direct Loan program, which will save the federal government billions of dollars;

Proposed OSHA standards to protect workers from harmful indoor air pollutants;

Expected FCC regulations to implement the Children's Television Act; and

Consumer Product Safety Commission protections against choking hazards from toys.

This bill would drastically curtail the ability of the federal government to ensure that workers have safe workplaces; that Americans have safe food, drinking water, and clean air; and that children are protected from a broad range of hazards. NEA again urges that you vote against final passage of S. 219.

Sincerely,

MARY ELIZABETH TEASLY,
Interim Director.

PHYSICIANS FOR
SOCIAL RESPONSIBILITY,
Washington, DC, March 16, 1995.

DEAR SENATOR: A proposed freeze on federal regulations (S. 219) and risk assessment legislation (S. 343) would effectively paralyze our national ability to protect the public health. So concludes one of America's leading pediatric and environmental medicine experts, Philip J. Landrigan, M.D., who testified on the severe public health impact of comparable legislation in the House. This legislation would sabotage America's ability to contain deadly, emerging threats such as cryptosporidium in drinking water and particulate air pollution. Public health impacts are critical in evaluating the merits of freezing federal regulations or requiring costly, cumbersome new risk assessments, far in excess of those already used by government agencies. Listed below are just a few reasons why S. 219 and 343 would undermine public health in America and should be rejected:

A freeze and endless studies would grind public health agencies to a halt ''[E]normously cumbersome and extraordinarily bureaucratic requirements imposed on the regulatory process in the name of government simplification will seriously hinder'' the prevention of disease. (House Commerce Subcommittee testimony of Philip Landrigan, M.D., 2/2/95, p. 1, ¶ 3) The goal is to save lives, not to engage in unending study. (Landrigan testimony p. 7, ¶ 1)

A costly new layer of bureaucracy would harm public health A ''dreadful and tragic misuse of legislative power [would] enshrine the false science of quantitative risk assessment as the law of the land,'' creating ''a grossly obese and unnecessary bureaucracy'' that would ''set the stage for disease, disability and untimely death'' in America. (p. 7, ¶ 2)

Less gridlock saves kids; More gridlock hurts workers Removing lead from gasoline is one of the most successful federal efforts ever to protect children's health, saving money and improving Americans' lives. But with a moratorium and the detailed regulatory analysis Congress is considering, we would still have lead in gasoline—and more childhood lead poisoning—today. Meanwhile, additional risk assessment required for an OSHA benzene standard wasted seven years and may have caused nearly 500 workers to die needlessly from leukemia. ''The human consequence of this insistence upon quantitative tidiness has been grim.'' (p. 5, ¶ 6)

Public health regulations save workers' lives and American jobs Contrary to massive job loss claims, public health regulations not only protect workers, but can also help save American jobs by stimulating efficient, less dangerous production (Testimony Addendum p. 2).

Very truly yours,

JOSEPH M. SCHWARTZ,
Associate Director for Policy.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
Washington, DC.

DEAR SENATOR: During debate on the regulatory moratorium legislation, S. 219, the Committee on Governmental Affairs adopted an amendment offered by Senator Stevens to prevent any regulations or rules that ''withdraw or restrict recreational, subsistence, or commercial use of any federal land under the control of a Federal agency.'' This prohibition against rulemaking effectively eliminates the abilities of the Bureau of Land Management, the National Park Service (NPS), the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection. We encourage you to support efforts to eliminate this provision from the bill when it is considered on the Senate floor.

The National Parks and Conservation Association (NPCA) is concerned about the bill's likely impacts on management of the

National Park System. The NPS is not perceived as a regulatory agency; yet, the NPS depends upon regulations to protect the resources of our national parks. The moratorium would be retroactive to November 9, 1994. Since that time the NPS has issued a number of significant rules, which include: recreational fishing rules for the Everglades National Park that are consistent with state fishing regulations, closure of high visitation areas to hunting at Pictured Rocks National Seashore, protection for archeological resources in all cultural and historical parks, authority to eliminate most solid waste sites within park boundaries, altering approved off-road vehicle areas at Cape Cod National Seashore in order to protect the endangered piping plover, implementing a pre-registration period for mountain climbing in Denali National Park.

NPCA does not believe any of these regulations are overburdensome, nor are they stifling the productivity of the country. These examples demonstrate why the Stevens amendment to S. 219 overreaches.

In addition to the efforts listed above, the NPS is working on regulations that will: require greater environmental compliance at oil and gas development sites within the parks; limit flights over parks where noise and safety have become a concern; limit fishing activities in parks where stocks are becoming depleted; and put in place more stringent limits on solicitation within the boundaries of national park units. These are efforts to improve visitor services, ensure safety, and, most importantly, protect our national heritage.

IMPACTS OF THE REGULATORY MORATORIUM REQUIRED BY THE STEVENS AMENDMENT TO S. 219

NATIONAL PARK SERVICE

Below are the NPS actions, notices, regulations or rules that would not be implemented because of the Stevens Amendment. These are not the type of actions that are stalling America's business engine.

Alaska

Denali National Park and Preserve—preregistration requirements for mountain climbing and information for mountaineering activities in the park.

Glacier Bay National Park and Preserve—new regulations to adjust daily number of permitted entries of vessels into the bay; also rules to prohibit commercial fishing within park boundaries.

Katmai National Park—rules to determine safe distances for human contact with bears in the park.

Alaska wide—establishing regulations for subsistence hunting on federal lands.

Arizona

Grand Canyon National Park—issuance of general management plan.

Lake Mead National Recreation Area—implementation of general management plan for Willow Beach.

California

Joshua Tree National Park—notice of intent to prepare an environmental impact statement for a wilderness and backcountry management plan.

Juan Bautista de Anza National Historic Trail—issuance of draft comprehensive management plan.

Florida

Big Cypress National Preserve—requirement for bonding and environmental compliance for all oil and gas operations within the park.

Dry Tortugas National Park—regulations to protect certain locally threatened shell fish from harvest; adjustment of boundary lines.

Everglades National Park—rules to achieve consistency with state fishing guidelines.

Timucuan Ecological and Historic Preserve—issuance of management and land protection plans.

Hawaii

Kaloko Honokohau National Historic Park—implementation of general management plan for the park.

Idaho

City of Rocks National Preserve—issuance of final comprehensive management plan for the park.

Louisiana

Jean Lafitte National Historic Park and Preserve—temporary closure to address excessive nutria population.

OMB WATCH,
Washington, DC, March 16, 1995.

DEAR SENATOR: We are writing in opposition to S. 219, the Regulatory Transition Act of 1995.

The Regulatory Transition Act imposes a moratorium on developing or implementing all significant regulatory actions from November 9, 1994 to December 31, 1995. The moratorium also suspends court order deadlines to carry out significant regulatory actions.

The regulatory moratorium is a blunt instrument that has little to do with regulatory reforms and, in fact, the moratorium is a threat to public protections and must be opposed. Every poll, including those of exiting voters last November, shows an electorate that wants stronger federal protections for our environment and our health and safety. The moratorium would directly undermine that objective.

The proposed bill will have unintended consequences and proposals to exempt certain activities is not a solution to making the bill workable. Thus, the concept of a moratorium is fundamentally flawed.

The proposed bill also raises serious constitutional concerns by prohibiting the executive branch from implementing the laws of the land and prohibiting the courts from enforcing regulatory adjudications. In selected cases, Congress would let the executive branch implement laws but not without going through a series of bureaucratic hoops. This bill has enormous repercussions for the separation of powers under the Constitution and will seriously limit the ability of the President to faithfully execute the laws of the land.

The moratorium is a means for gutting federal laws and protections. By passing this bill, Congress could undo the implementation of many laws. Conservative Republicans are using the moratorium as a vehicle to stop federal protections until such time as they can pass other laws to dismantle these protections. They have listed laws that they want to rewrite such as the Endangered Species Act, Clean Air and Water Acts, Occupational Safety and Health Act, Truth in Lending Act, and the Community Reinvestment Act.

The effect of this legislation would be to essentially shut government down. This was not the intent of the voters in November. The public wants to streamline government and to make it work more efficiently. But the public also wants improved protections and safeguards. It does not want to throw the baby out with the bath water—which will be the results of a regulatory moratorium.

The moratorium has enormous consequences yet there has been virtually no debate on the proposed bill. The public has a right to know about what Congress is planning and a right to publicly debate these plans. Let's not resort to backhanded approaches, such as the regulatory moratorium, to achieve outcomes that may be inconsistent with popular sentiment.

We urge you to vote against S. 219, the Regulatory Transition Act of 1995.

Sincerely,

GARY D. BASS,
Executive Director.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
March 16, 1996.

DEAR SENATOR: On behalf of The Commission on Social Action of Reform Judaism and the Central Conference of American Rabbis, I urge you to oppose S. 219, The Regulatory Moratorium. If passed, this bill will jeopardize the protection of our food and drinking water, worker health and safety, civil rights, motor vehicle safety, and the well being of our children.

This bill and others like it are part of a systematic attack against government regulation. Although stemming from legitimate concerns about bureaucracy and regulatory entanglements, they respond to these concerns with a cure that is worse than the illness. These anti-regulatory measures go far beyond an attempt to make government more responsive and efficient—they threaten the ability of government to fulfill its primary mission: protection of the common good.

This moratorium is extremely far reaching, severely constraining the regulatory abilities of the FDA, EPA, FAA, USDA, DoE, FEC, INS, FCC, and the Transportation, Labor, Health and Human Services, and Housing and Urban Development Departments. In addition, rather than eliminating bureaucracy, this bill will create a new form of delay. For these reasons, a coalition of over 200 national public interest groups has asked the Senate to rethink S. 219 carefully and preserve public health and safety protections.

The last election showed great public concern over the size and efficacy of the government. However, this should not be seen as a desire to weaken environmental health and safety standards. The latest Times-Mirror poll says that 82% of the public wants such standards to become stricter. Congress must not jeopardize our health and safety in a hasty attempt to address the problems of the federal government. S. 219 will have just this effect.

The ''Regulatory Moratorium'' begins the process of dismantling the federal government. The moratorium will prevent federal agencies from taking actions necessary to protect the public. S. 219 would suspend all final regulations approved by any government agency since November 9, 1994 and prohibit any work on new regulations until December 31, 1995.

* * * * *

NATIONAL SAFE KIDS CAMPAIGN,
Washington, DC, March 16, 1995.

DEAR SENATOR: I am writing to you, on behalf of the National Safe Kids Campaign, to express our serious concerns regarding S. 219, the Regulatory Transition Act of 1995. We believe this bill jeopardizes regulations that will protect our children from preventable injuries—the number one killer of children ages 14 and under.

Each year, unintentional injuries kill nearly 7,200 children and leave 50,000 disabled. Not only is there a staggering emotional toll to childhood injury, but there is a monetary toll as well—unintentional injuries cost society $13.8 billion annually.

Fortunately, prevention saves lives and money. One dollar spent on a bike helmet saves society $30; one dollar spent on a child

safety seat saves society $32; one dollar invested in a poison control center saves society almost $8; one dollar spent on a smoke detector saves society between $44 and $70. However, prevention fails when safety products are defective.

A fundamental component of successful injury prevention is the sensible regulation of certain consumer products which pose a danger to children. However, S. 219 would undermine the progress being made towards the safe and sensible regulation of products which could harm children.

Specifically, the President is given too much discretion under Section 5(2)(A) to determine whether a regulatory action should be exempted because there is an ''imminent threat to human health or safety.'' The intent of this provision is vague and will result in an additional, unnecessary bureaucratic layer. This provision flies in the face of the intent of the bill—to streamline the regulatory process. Indeed, Section 5(2)(A) could easily delay or stop important regulatory activity that could save children's lives.

S. 219 could result in needless injuries and deaths to children. Responsible regulations such as the children's safety regulations currently under consideration save lives and dollars. These activities and others like them should move forward. Prevention-related regulations which save lives and dollars include:

Requirements for child-resistant packaging for certain household products and medications.

There were 1.2 million reported poison exposures among children ages 12 and under in 1992. The primary source of poisonings were cosmetics, personal care items and cleaning products. Final rules are currently being developed for packaging standards for several household products and prescription drugs.

Safety standards for bicycle helmets to ensure that all helmets sold meet certain accepted effectiveness criteria. Each year, approximately 300 children ages 14 and under are killed in bicycle-related incidents—often as a result of head trauma. Currently, helmets may be sold which do not provide adequate protection against head trauma. At the express direction of Congress, a standard for bicycle helmets drawing from existing voluntary standards is currently being developed.

Performance standards for baby walkers. In 1993 alone, 25,000 children required emergency room treatment due to the use of baby walkers. The Consumer Product Safety Commission (CPSC) is currently working on a Notice of Proposed Rule making to develop design or performance requirements for baby walkers.

Toy labeling and choking reporting regulations. In 1992, there were 142,700 toy-related injuries to children ages 14 and under. The Child Safety Protection Act of 1994 required the Consumer Product Safety Commission to issue rules banning certain small toys, establishing standards for toy labels identifying choking hazards, and requiring the reporting of choking incidents related to toys. The CPSC approved the final rules in February, 1995.

Flammability Standard for Upholstered Furniture. Each year, approximately 1,000 children ages 14 and under die in residential fires. More than 60 percent of these children are ages 4 and under. Playing with matches and lighters is the leading cause of fire deaths and injuries in young children. A substantial proportion of fires are associated with the flame ignition of upholstered furniture. A proposed flammability standard currently is being developed by the CPSC.

The National SAFE KIDS Campaign is the first and only nationwide campaign solely dedicated to the prevention of unintentional childhood injuries. The Campaign with its more than 170 State and Local Coalitions, through community-based programs that provide education, promote environmental and product modifications, and support appropriate public policy. On behalf of the Campaign, our Chair, Dr. C. Everett Koop, M.D., and the children whose lives are saved daily through sensible regulations, I ask that you oppose the regulatory moratorium proposed in S. 219.

Sincerely,

HEATHER PAUL, Ph.D.,
Executive Director.

THE HUMANE SOCIETY OF THE UNITED STATES,
Washington, DC, March 16, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of The Humane Society of the United States (HSUS), the largest animal protection organization in the country with over 2.3 million members and constituents, I am writing to urge you to oppose S. 219, the Regulatory Transition Act of 1995. This bill will irreparably harm efforts to protect the public and the environment on which we depend, including endangered species, our public lands, and animal protection efforts generally. The public at large will also be harmed, through paralysis of government oversight of food safety, safe drinking water, worker health and safety, civil rights, and other critical areas.

The HSUS is gravely concerned about the breadth and scope of attacks against environmental and animal protection regulations in general. Federal regulations have provided effective protection for endangered wildlife and wild lands, nourishing the American spirit while supporting a strong economy and a healthy environment. Without these protections American would not be able to enjoy the wonders of national parks or the mysteries of wild animals such as bison and bald eagles.

S. 219 would jeopardize some of the most critical wildlife and animal protection laws. Regulations under the Wild Bird Conservation Act and the newly reauthorized Marine Mammal Protection Act would be stopped, leaving large numbers of wild populations vulnerable to continued depletion. Decisions on listing endangered species, already backlogged from years of inaction, would be delayed, further limiting the options for finding creative and economically viable paths toward preventing extinctions.

The American people did not vote last November to eliminate the environmental and animal protection legislation they have worked so hard to put in place. Neither did they vote to create an endless tangle of litigation and rule-making to be funded at taxpayer expense. I urge you, then, to vote no on S. 219.

Sincerely,

JOHN W. GRADY, Ph.D.,
Vice President,
Wildlife and Habitat Protection.

WOMEN'S LEGAL DEFENSE FUND,
Washington, DC, March 16, 1995.

DEAR SENATOR, The Women's Legal Defense Fund urges you to oppose S. 219 and S. 343. These so-called ''regulatory reform'' bills would gut the enforcement of some of our most important environmental, consumer, civil rights, and health and safety protections.

S. 219, the regulatory moratorium, would retroactively freeze all regulations issued since November 9, 1994. This bill could stop or delay the enforcement of existing rules affecting:

Mammogram quality—The moratorium would suspend regulations designed to ensure minimum quality standards for breast cancer screening. These regulations could mean the difference between life and death for countless women; holding them up in the name of reform plays games with women's lives.

The Family and Medical Leave Act—The Department of Labor's final rule implementing the FMLA would be suspended under the proposed moratorium. The final rules clarify many uncertainties in the law's application: employers and employees should not be deprived of this guidance just as they are learning their rights and responsibilities under this new law.

Child support—Rules to improve paternity establishment would be suspended. At a time when Congress is working to strengthen child support enforcement, delaying the implementation of these rules would be counterproductive.

S. 343 threatens to dismantle the federal government's ability to protect us, our children, and our environment by bringing the rulemaking process to a grinding halt. Agencies would be required to perform time-consuming risk assessment and cost-benefit analyses, not only on proposed new regulations, but also on any existing ''major'' regulation that is challenged. And costs of implementation would be the paramount concern, not the health and safety of American workers and their children.

If enacted, S. 219 and S. 343 would have a truly devastating effect on women and their families. Please vote against these draconian measures.

Sincerely,

JUDITH L. LICHTMAN,
President.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, DC, March 13, 1995.

DEAR SENATOR: This week the Senate is expected to take up the proposed regulatory moratorium bill (S. 219). The UAW strongly opposes this proposal that threatens to weaken or eliminate hundreds of safeguards that now protect families and children in their homes, workplaces and communities. We urge you to vote against S. 219 when it comes to the Senate floor.

This legislation would have far-reaching consequences for the way the federal government carries out its responsibilities to safeguard public health, the environment and workplace safety. The moratorium bill would stop the issuance of most new federal regulations, retroactive to November 9, 1994. This moratorium would remain in place through the end of 1995, or until Congress approves a comprehensive overhaul of federal safeguards. The bill would effect regulations that are expected to have an annual impact on the economy of $100 million or more. This is an arbitrary threshold that makes no distinction between good or bad regulations.

A number of key amendments that would have improved S. 219 were rejected by narrow margins in the Senate Governmental Affairs Committee. The UAW was disappointed that an attempt to exempt worker safety and health protections from the moratorium was defeated on a tie vote. In addition, other amendments to exempt food safety programs, toxic waste disposal and safe drinking water protections were defeated as well. Although powerful timber and grazing industries and other special interests were able to obtain exemptions from the regulatory moratorium, few exemptions were provided for regulations that deal with safeguards for ordinary citizens. Thus, the net effect of S.219 would be to stop regulations that deal with

workplace health and safety, such as the proposed ergonomics standard, worker protections like the Family and Medical Leave Act, and public health measures such as regulations dealing with food poisoning.

For these reasons, the UAW is strongly opposed to S. 219. In our judgment, this measure would undermine the ability of the federal government to play a positive role in safeguarding the health and safety of our children, our families, our workplaces, and our communities. We urge you to vote against S. 219 when the Senate takes up the legislation.

Sincerely,

ALAN REUTHER,
Legislative Director.

PUBLIC CITIZEN,
Washington, DC, March 16, 1995.

DEAR SENATOR: Sometime in the next week, you will be asked to vote against public health and safety. The Senate may vote on S. 219, the Regulatory Transition Act, a regulatory moratorium which slams the door on government efforts to protect American people. The Senate may also consider a bill to give Congress a veto power over regulations, a provision which will inappropriately bring enforcement of laws back into the political arena.

On behalf of Public Citizen and its members, I urge you to oppose these attacks on public health and safety.

The regulatory moratorium is a crude, poorly understood, meat-axe approach to an extremely complicated issue. The moratorium will disrupt thousands of pending programs, including efforts to upgrade archaic meat inspection systems. American children are already dying from E. Coli contamination of their food—contamination which could be prevented. American children will continue to die as a result of further delay on these types of safeguards.

The regulatory moratorium would override statutory mandates which Americans support, without the scrutiny of public debate. Polls show that Americans want stronger federal protection for public health and safety. If Congress wants to repeal the Clean Air Act, the Food, Drug and Cosmetic Act or the Occupational Safety and Health Act, they should debate the substance of those statutes, rather than attack the regulatory system on which these protections are built.

The regulatory moratorium would be costly to taxpayers and to business. Taxpayer money would be wasted while federal agencies charged with implementing laws passed by Congress are stopped in their tracks. Delays in regulations effecting planning cycles will add to business costs.

Special business interests have been able to win exemptions for regulations that will help line their pocket books. But the American public has not been able to get a special exemption for government safeguards that will protect our very lives.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, March 16, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the Natural Resources Defense Council, a national membership organization dedicated to the protection of public health and the environment, I urge you to vote No on the regulatory moratorium (S. 219) and regulatory reform bills now pending before the Senate. These bills would place polluters before the public and undermine 25 years of bipartisan environmental success.

Regulatory Moratorium. S. 219 would block new rules aimed at protecting the public and streamlining government. For example, the bill would bar the regulation of cryptosporidium, the parasite that contaminated Milwaukee's drinking water, sickening 400,000 and killing more than 100 people. A moratorium on new rules is the wrong tool to identify and fix defects in existing rules.

Nor is the solution a proposal now being considered as an alternative to a regulatory moratorium—a 45-day delay in issuing rules pending Congressional review. Every rule will have its special interests pounding the pavement on Capitol Hill to stop it, diverting limited Congressional resources from more pressing matters.

I also urge you to oppose efforts to expand any moratorium to actions other than rulemakings. Amendments like that offered by Senator Stevens in the Government Affairs Committee preventing any action that ''restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency'' will bring to a halt efforts to preserve our public lands for future generations. Restricting actions to enforce existing limitations on the use of public lands will penalize law-abiding citizens who have been good stewards of our federal lands.

AMERICAN OCEANS CAMPAIGN,
Washington, DC, March 15, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: American Oceans Campaign is a national, non-partisan organization working to protect our world's oceans and marine environment. We strongly urge you to Vote No on S. 219, the Regulatory Transition Act of 1995.

This bill will have devastating effects on our nation's fisheries, coastal programs, and rules to ensure public health and safety, such as protections in the Safe Drinking Water Act and Clean Water Act. Even negotiated rules agreed to by all parties to address disinfection by-products and cryptosporidium in drinking water would be halted. Such safeguards are critical to protecting the public from known carcinogens and dangerous pathogens in drinking water supplies across the country.

American Oceans Campaign strongly opposes S. 219. Uniform federal protections and safeguards are necessary to ensure public health and conserve our precious natural resources. Government reform is essential, but public and environmental protections should not be eviscerated in the process. S. 219 uses a sledgehammer where a surgeon's scalpel is needed. Any revisions should be made on a case by case basis, not in an ad hoc fashion. We are available to assist you in this endeavor, as we support common sense initiatives like ending subsidies to polluters and encouraging pollution prevention programs.

In poll after poll, American voters overwhelmingly support strengthening federal standards for environmental and public health protection. As public servants, it is incumbent on Congress to craft the most responsible policy for the nation. S. 219 is not responsible legislation. We urge you to resist any temptation to pass this or any bill which threatens protections for the American people and the air we breathe, water we drink, and land on which we live.

Sincerely,

TED DANSON,
President.

CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER

TWO GOOD REASONS TO OPPOSE S. 219

1. Urgently needed protections to control the deadly bug cryptospordium and cancer-causing chlorine by-products would be stopped.

The Safe Drinking Water Act [SDWA], last amended in 1986, does not include regulations on cryptospordium, the protozoa from animal wastes that caused 400,000 people to become ill and over 100 to die in Milwaukee in 1993. Cryptospordium, giardia and other bacteria contribute largely to the nearly one million people that the Centers for Disease Control estimate are made ill from their drinking water each year. A recent report documented 116 water-borne disease outbreaks in the U.S. 1986–1994. Due to chronic under-reporting, this is just the tip of the iceberg.

Many people are at higher risk to serious illness or even death from cryptospordium and giardia, including infants and children, pregnant women, people with AIDS and the elderly.

The SDWA also fails to adequately control dangerous by-products of chlorine and similar disinfectants. These disinfection by-products (DBPs) are found in the drinking water of over 100 million people. A recent study by doctors from Harvard and Wisconsin found that DBPs may be responsible for 10,700 or more rectal and bladder cancers per year. Doctors from the Public Health Service found that certain birth defects are significantly associated with DBPs. EPA has found that DBPs can also cause liver and kidney damage.

2. S. 219 hijacks the political process

Responding to the new scientific and public health data documenting these real and immediate public health threats, the EPA convened a ''negotiating team'' to develop reasonable, cost-effective solutions. Representative from all sides of the debate on providing safe drinking water were included in this negotiation process—public water systems, state and local health agencies, consumer groups, state and local governments and environmental organizations.

This team agreed to develop modest controls of DBPs and microbial contaminants, to gather more information and research and to continue negotiations after gathering this information. The drafting of the rules controlling cryptospordium and DBPs was a ground-breaking effort to include all parties in the decision making process.

This carefully constructed agreement, balancing public health risks and costs, would be thrown out the window by S. 219. In a rush to score political points, S. 219 would delay these urgently needed standards, leaving the public exposed to health threats which have already caused tremendous pain and suffering.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 16, 1995.

DEAR SENATOR: The American Public Health Association representing over 50,000 health professionals and community health leaders along with its 52 state affiliated organizations opposes S. 219, Regulatory Transition Act. The bill would create a moratorium on the development or implementation of any new federal regulation until the end of 1995.

APHA believes that this legislation and other cost benefit and risk assessment proposals (as currently drafted) present a threat to human health and safety. Important contributions have been made over the past few decades to the nation's public health and its environment by the enactment of reasonable and scientifically based legislation. This bill will halt substantial progress on a number of important initiatives on tobacco, food safety and workplace hazards.

We urge you and your colleagues in the Senate to oppose this legislation and other attempts to limit the ability of federal agencies to safe lives and prevent injuries.

Sincerely,

FERNANDO M. TREVINO, PhD, MPH,
Executive Director.

CENTER FOR MARINE CONSERVATION,
Washington, DC, March 15, 1995.

DEAR SENATOR: The Center for Marine Conservation and its 125,000 members urge you to oppose S. 219 when it reaches the Senate

floor. The bill imposes a moratorium on the development and implementation of all federal regulations from November 9, 1994 through December 31, 1995, even regulations mandated by court order. The moratorium falls particularly hard on the environment:

1. The commercial fishing industry would be severely affected if you halt regulations allocating allowable harvests and bycatch limits in the New England and Alaskan groundfish fisheries, and limiting access to certain other federal fisheries.

2. Regulations authorizing the nonlethal deterrence of marine mammals would be blocked, exposing fishermen to prosecution under the Marine Mammal Protection Act.

3. Regulations establishing a plan to manage the Florida Keys Marine Sanctuary designated by Congress in 1992 would be blocked, delaying the protection of the Keys fragile marine resources so essential to the local economy.

4. All listings and critical habitat designations under the Endangered Species Act—regardless how imminent the extinctions—would be halted and certain species with listings pending, like Pacific salmon and steelhead trout, could become extinct.

The moratorium would stop roughly 900 regulations, many of them meritorious and important actions ordered by Congress. Examples include pending regulations to foster competition in the electric power industry, regulations to provide for safety in nuclear facilities, and renewable energy incentives. This blunderbuss approach to government policy-making should not be condoned. Even regulations that protect the public against ''imminent threat to human health or safety or other emergency'' would be delayed while they undergo prolonged review within the OMB.

To prevent unintended results, such as the cancelling of the duck hunting season, the House adopted a series of exceptions. Exceptions for good regulations turns government on its head; it is the bad regulations that need to be addressed. If certain regulations impose undue burdens, as some do, they should be carefully judged on their individual merits. Carving out exceptions to the moratorium on an ad hoc basis can never replace a thoughtful legislative process, with full opportunity for public debate and legislative hearings.

We urge you to reject this dangerous and ill-conceived proposal, and oppose S. 219 when it is considered on the Senate floor.

Very truly yours,

ROGER E. MCMANUS,
President.

NATIONAL AUDUBON SOCIETY,
Washington, DC, March 16, 1995.

DEAR SENATOR: I am writing to express the opposition of the National Audubon Society to S. 219, the ''Regulatory Transition Act of 1995.'' The regulatory moratorium embodied in S. 219 would have serious unintended consequences that would harm public health and the environment by delaying important rules and creating chaos and confusion in the regulatory process.

Because of our long-standing interest in the protection of public lands, the National Audubon Society opposes the Stevens Amendment to S. 219. This proposal would prohibit the federal government from taking almost any regulatory action that restricts ''recreational, subsistence or commercial uses'' on public lands. Such regulations would qualify as ''significant,'' according to this amendment, and thus would be frozen under the moratorium. If this legislation passes, federal agencies would be unable to manage an enormous variety of mining activities, logging, off-rode vehicle use, development of oil, gas and geothermal leases, and other uses of public lands, all of which may cause serious harm to the nation's natural resources.

Finally, Audubon also opposes any attempts to substitute an ''alternative'' moratorium for S. 219, including a potential proposal to institute a 45-day period in which Congress may disapprove new regulations. Such a bill would allow special interests who oppose a regulation an opportunity to defeat the rule while it is being reviewed.

On behalf of the 550,000 members of the National Audubon Society, I urge you to oppose S. 219, the regulatory moratorium bill, in the interest of protecting our public lands, the environment and public health and safety.

Sincerely,

ELIZABETH RAISBECK,
Senior Vice President for Regional and Government Affairs.

ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICIALS,
Washington, DC, March 16, 1995.

DEAR SENATOR: On behalf of the Association of State and Territorial Health Officials (ASTHO), which represents the public health departments in each state and U.S. territory, I am writing to express our serious concerns with S.219, the proposed regulatory moratorium to be considered by the Senate within the next few days.

ASTHO applauds many senators' earnest efforts to streamline the federal bureaucracy. State agencies are very familiar with the burdens necessitated by collaboration with the federal government. However, state health officers have serious concerns with the substance of S. 219.

The bill makes absolutely no distinction between overly burdensome regulations and those which are necessary to improve the public's health. In fact, members of the Government Affairs Committee acknowledged that certain regulations deserved exemptions from the moratorium. Among the public health-oriented regulations to be affected by the moratorium are the following:

Food safety: federal safeguards against food poisoning requiring increased sanitation in food processing.

Safe mammograms: uniform quality standards for mammograms enforced by an inspection and certification program.

Child labor: strengthening provisions so that a job may not interfere with a child's schooling, health or well-being.

Drunk driving prevention: Establishes criteria for grants to support states that impose stricter drunk driving rules for underage drinkers.

Safe drinking water: a final rule to require drinking water supplies to be tested for cryptosporidium, a life-threatening parasite which sickened 400,000 people in the Milwaukee area recently.

Although the moratorium exempts regulations that would pose an ''imminent health or safety danger'', this exception is meaningless without a clear definition that includes ongoing public health concerns, regardless of ''immanence.'' (Revised language in section 5 might read: an exemption is granted to a regulatory action if it is necessary because of ''the reasonable expectation of endangerment of the public's health'' or safety or other emergency . . .)

We urge you to contact your state health department before voting on this bill. In their unique role as the entity statutorily responsible for the health of the population, they can give you an accurate perception of how the moratorium will affect your state's public health efforts.

ASTHO's position is that this regulatory reform effort requires more scrutiny before passage. Thank you for your consideration.

Sincerely,

CHRISTOPHER ATCHISON,
Director, Iowa Department of Public Health and President, Association of State and Territorial Health Officials.

DEFENDERS OF WILDLIFE,
Washington, DC, Mar. 16, 1995.

DEAR SENATOR: On behalf of Defenders of Wildlife's over 100,000 members, I am writing to urge that you oppose S. 219, the Regulatory Transition Act of 1995.

As you know, this legislation would impose a fourteen-month moratorium on federal regulations and virtually all actions taken to restrict commercial, recreational and subsistence uses on public lands. S. 219 is a blunt instrument that would stop implementation of a broad range of new rules needed to protect public health, the environment and wildlife. The bill would also open our national parks, forests and refuges to commercial exploitation and recreational excesses that could have long-lasting impacts for wildlife and their habitats.

The Stevens amendment, added to S. 219 during consideration by the Governmental Affairs Committee, would have especially serious consequences for wildlife. Under this provision, federal agencies would be prohibited from taking virtually any action to restrict ''recreational, subsistence, or commercial'' activities on the public lands. This provision would have broad national impacts including:

Hindering federal land managers from taking quick action to protect the public from fires, floods and other disasters through the imposition of road closures and other access restrictions (before making each closure order, a Presidential exemption would be required);

Precluding the National Park Service from regulating activities that might impair visitor enjoyment or harm wildlife such as altering approved off-road vehicle areas at Massachusetts' Cape Cod National Seashore to protect the endangered piping plover;

Precluding the Fish and Wildlife Service from regulating recreational activities on national wildlife refuges (an action which could force refuge managers not to allow an activity at all) such as regulating boating and jet-skiing to protect endangered manatees at Florida's Crystal River National Wildlife Refuge;

Precluding the Forest Service from balancing resource values and uses as mandated under the National Forest Management Act such as in the agency's efforts to maintain viable wildlife populations in Alaska's Tongass National Forest, the nation's largest national forest, through the establishment of habitat conservation areas.

* * * * *

United Steelworkers of America, AFL–CIO/CLC,
Washington DC, March 15, 1995.

DEAR SENATOR: The Senate may soon consider S. 219, The Regulatory Moratorium Bill.

While the Committee approved several limited modifications to the moratorium (i.e., any regulation dealing with ''an imminent threat to human health and safety or other emergency''), this legislation itself is an imminent threat to the health, safety, and well-being of millions of Americans who depend upon their Federal government to protect the quality of the food they eat, the water they drink, the medicines they take, and the health and safety of the places where they work.

What possible purpose can such a moratorium accomplish? Is there some special value to arbitrarily stopping Federal agencies from issuing regulations for 9½ months? Or

is this legislation the first step in undermining the organic laws which protect Americans from risks which they cannot control themselves?

It has become increasingly apparent in recent weeks with the passage of legislation on so-called unfunded mandates, paperwork reduction, regulatory reform, and private property rights that the real agenda of many in Congress is not to make government more efficient or effective, but inoperative. It would simply stop government from regulating at all wherever and whenever possible. The regulatory moratorium is only the latest legislative vehicle for accomplishing this political objective.

* * * * *

SERVICE EMPLOYEES INTERNATIONAL UNION, AFL–CIO, CLC,
Washington, DC, March 9, 1995.

DEAR SENATOR: On behalf of the Service Employees International Union's 1.1 million members, I urge you to oppose S. 219—the Regulatory Moratorium. This legislative proposal will not, as its proponents claim, ''reform government,'' Instead, S. 219 will bring much of government to a grinding halt and prevent important safeguards and protections from being instituted.

SEIU is particularly concerned about the impact this moratorium will have on our members' safety and health in their workplaces. In the service and public sectors, where our members work, the rates of injuries and illnesses are continuing to increase with no adequate safeguards. For instance, in our nation's nursing homes, the rate of worker injuries now exceeds that for construction workers, having doubled in the last ten years. Back injuries and other crippling ergonomic injuries are the fastest growing type of injury among American workers.

S. 219 is designed to stop immediately the progress OSHA has made for worker health and safety by issuing long awaited and needed standards. For example, OSHA recently issue standards to protect healthcare workers from exposure to blood diseases, including HIV and hepatitis B infections. With the re-emergence of tuberculosis, healthcare workers and patients are now at increased risk of infection. Many workers and patients are contracting and dying from diseases that are resistant to current antibiotics. Workers need OSHA to issue standards to ensure that they are protected from these and other workplace hazards and diseases. Legislating moratoria on all regulations will stymie OSHA's work to address this as well as other growing health epidemics.

SEIU believes the federal government must play a role in protecting workers and their families. While we recognize the need to reduce time delays and streamline lengthy processes, priority. Accordingly, I urge you to oppose S. 219.

Very truly yours,

JOHN J. SWEENEY,
International President.

MINORITY VIEWS

1. OVERVIEW: REGULATORY REFORM, NOT A FREEZE

The regulatory moratorium established by S. 219 would suspend all significant proposed and final regulations, policy statements, guidance and guidelines issued or to be issued from November 9, 1994, through December 31, 1995—and all statutory and judicial deadlines for such actions from November 9, 1994, through May 1996. While comprehensive regulatory reforms is clearly needed for the Federal government, this legislation is not an appropriate or necessary way to achieving such reform as its proponents claim.

S. 219 as reported by our Committee is dangerous; it does not distinguish between good and bad regulations. It suspends regulations designed to protect public health and safety but exempts regulations solely because they may ease administrative requirements. It is arbitrary and reckless. Based seemingly on whim, it exempts some regulations but not others even though the regulations may be comparable.

There are indeed overly burdensome rules and regulations. As the majority points out, the cumulative costs of Federal regulations have risen over the past twenty years. (The majority states, however, that the cost of regulations is ''conservatively estimated'' at $560 billion for 1992. That estimate is highly questionable and is certainly not ''conservative''. A GAO review of that estimate submitted to the Committee on March 8, 1995, suggests serious problems in the methods used in that particular study.) Congress must be sensitive to this fact. We must ensure that the laws we pass meet public needs effectively and efficiently. The mounting costs of regulations require that we closely examine both the regulatory process and the laws that result in regulations. But, we must not ignore the significant improvements that regulations can bring to the daily lives of Americans. For example, since the Occupational Safety and Health Administration came into being in 1970, the workplace fatality rate has dropped by over 50 percent. The Food and Drug Administration has made our food and medicines safer. Thanks to the work of the Environmental Protection Agency, our country now enjoys cleaner air and water.

Clearly the work of government is not finished. The government still has a vital role to play in protecting public health and safety, ensuring equal opportunities in education, employment and housing, promoting a healthy economy, and protecting the environment. With diminishing resources, the question becomes how we can provide these services in a cost-effective way. The Congress and the Executive Branch must work together to continue to improve the way the government does business, and in fact several initiatives are already underway—from government streamlining and reengineering to regulatory reform.

Much more is at stake, however, than merely improving government processes. The regulatory moratorium legislation implies that Federal agencies have simply run amok by issuing too many regulations and that process controls will fix everything. This is just not true. As stated in one of the hearings before the Committee, perhaps 80 percent of all agency rules are required by law. Agencies regulate because the law requires them to do so. Thurs, while the majority accurately describes the increase in regulations over the last twenty years, it ignores the twenty years of legislation (most signed by Republican Presidents) that led to this increase in rules. While nameless ''regulations'' may be a convenient whipping boy, it ignores the reality of the harder task of tackling individual substantive law. This is a major reason that, while the majority report suggests that there is universal support for a moratorium, the proposal is, to the contrary, actually quite controversial. More than 200 groups have opposed the moratorium, including the American Heart and Lung Associations, the Child Welfare League of America, the Consumer Federation of America, the Epilepsy Foundation of America, the Leadership Council on Civil Rights, the League of Women Voters in the U.S., and the National Council of Senior Citizens.

Finally, whatever the interests of its proponents, the moratorium legislation is truly unnecessary. The President has required all Federal agencies to review their regulations and to report back by June 1 on those which should be eliminated or changed. This report will provide the information we need to reform regulations *and* programs smartly, avoiding arbitrary and potentially grave, unintended consequences. In addition, there are various regulatory reform initiatives underway in this and other committees to strengthen our regulatory system—risk assessment, cost-benefit analysis, review of existing rules, centralized regulatory review, and more. A moratorium does nothing toward real regulatory reform.

2. THE FLAWS OF S. 219

While proponents of the moratorium state that its purpose is to improve efficiency and effectiveness and allow for ''Congress to rationalize the regulatory reform process,'' the moratorium is ironically an inefficient, ineffective, and irrational approach. The moratorium will create delays in good regulations, waste money, and create great uncertainty for citizens, businesses, and others. The report speaks of the regulatory process being ''ossified, unresponsive, and inefficient.'' The moratorium will only add to that. For example:

While the moratorium purports to be a neutral ''time-out'' for all significant regulatory actions, the targeted rules and the variety and number of exceptions are evidence that the legislation is really an example in political ''ticket fixing.''

During the Committee mark-up numerous exceptions to the moratorium were accepted. Members offered twenty-two amendments to S. 219. Many were to exempt specific health and safety rules from the moratorium; others were to exempt broad categories of regulations; two were put forth that would expand the scope of the moratorium. Thirteen amendments were accepted, eight rejected, and one tabled. There appeared to be very little logic in what was rejected or accepted. Although meat and water safety amendments were defeated, others, such as exemptions related to commuter air safety, railroad crossing safety, duck hunting, and lead poisoning prevention, were passed. We fully supported all amendments that would limit the moratorium. The inconsistency, however, of the majority only heightens our concerns about the legislation.

The bill's exemption of rules that address any ''imminent threat to health and safety'' is unclear and the majority report's interpretation leaves unanswered many questions about what would and would not be covered. The bill would permit the President, upon written request by an agency head, to exempt a significant regulatory action from the moratorium upon a finding that the regulatory action ''is necessary because of an imminent threat to human health or safety or other emergency'' (sec. 5(a)(2)(A)). For certain amendments in the mark-up, the majority argued that specific exemptions were unnecessary because of the broad exemption authority given to the President under section 5 of the legislation. The majority could not, however, provide a consistent interpretation of ''imminent'' or how it would be applied.

For example, an amendment to exempt regulatory actions to reduce pathogens in meat poultry was rejected. This amendment would address rules to update inspection techniques for meat and poultry and would provide a safeguard against E. Coli and other contamination. Mr. Rainer Mueller, whose son died from E. Coli-contaminated hamburger, testified before the Committee on February 22, and poignantly described the personal tragedy and ultimate price paid for

unsafe food. In January, the U.S. Department of Agriculture released a proposed Hazardous Analysis Critical Control Point regulation to improve meat and poultry inspection. This rule would mandate rigorous sanitation requirements and scientific testing for bacteria in meat and poultry processing. While the minority argued that E. Coli was indeed a serious health threat, it would probably not be considered ''imminent,'' and therefore it should be specifically included as an exemption in the bill. Chairman Roth stated, ''S. 219 depends on the use of common-sense judgment by the President. 'Imminent' is not intended to pose on insurmountable obstacle. . . . We are actually empowering the President to take appropriate action in such situations. . . .''

Senator Glenn also proposed an amendment to exempt actions by EPA to control microbial and disinfection byproduct risks, such as cryptosporidium, in drinking water supplies. Cryptosporidium killed over 100 people in Milwaukee, Wisconsin, and made 400,000 sick. Again, this amendment was rejected, with the bill's proponents citing the Presidential discretion to exempt rules that deal with imminent health and safety problems.

At the very end of the markup, however, the Committee reversed this thinking by accepting an amendment to exempt rules relating to lead poisoning prevention. Senator Roth stated, ''I do think it fails within the exemptions [of ''imminent threat''], but we are willing to accept the amendment.'' This broad amendment would exclude from the moratorium any action by the EPA that would protect the public from exposure to lead from house paint, soil or drinking water. Included in the regulations that would be affected by the moratorium would be requirements that home buyers and renters be informed if there are known lead hazards prior to making purchases or rental decisions, and that all lead abatement workers are certified to professional standards of practice.

The majority report attempts to resolve the uncertainties left from the mark-up by stating that USDA's meat inspection rules should be exempted ''so long as there are no accompanying extraneous requirements or arbitrary rules''. We are at a loss to understand the meaning of that condition. The report also states that ''this Committee does not intend this exemption area to apply to OSHA's regulations prescribing ergonomic protection standards,'' but that the Bureau of Alcohol, Tobacco and Firearms rule on alcoholic beverage container recall information ''could be excluded from the moratorium under this provision.'' The minority is simply at a loss to understand the majority's logic, or the legislative record on which to base such findings.

The Committee's treatment of these regulations and the ''imminent threat'' exemption leaves a completely inconsistent record. And despite the majority's suggestion, ''imminent'' will not cover most important health and safety rules. The statutory language refers to ''imminent threat to human health or safety *or other emergency* '' (emphasis added). Moreover, the definition of ''imminent'' is ''likely to occur at any moment, impending; threateningly or menacingly near or at hand.'' Most health and safety rules, while designed to addressed pressing problems, simply can not be described as emergency rules in any common understanding of the term.

What deserves to be exempted ''just in case'' and what does not? There was much discussion on the intent of the moratorium, and what some of the unintended consequences might be. Clearly the Committee decided that rules related to public health (e.g., meat and poultry inspections, drinking water safety) did not need to be specifically exempted ''just in case'' they were not exempted under other provisions in the bill. Others, including some that had potential to be exempted through other language in the bill, were nonetheless included as specific amendments. For example, the Committee accepted an amendment to exempt any regulatory action to provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses. While some on the majority argued that the rule to allow the Secretary of Veterans Affairs to provide such compensation would be already included under exemptions for ''benefits'' or for ''military affairs,'' the Committee decided to vote in favor of this amendment ''just in case.''

The Committee also accepted an amendment that would exempt agency action that ''establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.'' This amendment would ensure that duck-hunting season would not be affected by the moratorium. Senator Cochran stated, ''The point of the moratorium was never to interfere with this kind of regulation. . . . [T]he word gets all over the country that this legislation is going to have this unintended consequence. So the point of the amendment is to make certain that nobody can misunderstand this.''

In addition, the Committee decided to accept an amendment that would exempt from the moratorium any clarification by the Department of Transportation of existing responsibilities regarding highway safety warning devices. The intent of this amendment is to clarify state and local authority for determining whether a railroad crossing device is necessary and the installation of such a device. The Committee also accepted amendments related aircraft safety, commuter plane safety, and aircraft flights over national parks.

As stated earlier, other health and safety amendments were rejected, even though it is not at all clear that they will fall under the exemption for ''imminent'' health and safety threats. For example, an amendment to exempt rules relating to safe disposal of nuclear waste and to decontamination and decomissioning standards for NRC-licensed facilities was not accepted. The Chairman argued that this would qualify as an ''imminent threat'' and would therefore not be needed. However, it is difficult to argue that some waste, which has been sitting in temporary storage for decades, now presents an ''imminent'' hazard, or that standards for decontaminating or decommissioning NRC-licensed sites, which have been under development for some time, now fall under an ''imminent'' exemption.

The Committee accepted as amendment to exempt any actions to establish or enforce rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, or handicapped or disability status. Directly after accepting this amendment, the Committee voted to table an amendment that would have exempted any actions to enforce the constitutional rights of individuals, on the grounds that there was ''a certain amount of ambiguity.'' These amendments are similar to ones included by the Committee in the unfunded mandates legislation. As Senator Levin stated, ''This is a lot less ambiguous than [other amendments adopted by the Committee]. These are constitutional rights, and constitutional rights have been clearly defined. . . . If we are going to protect statutory rights to non-discrimination, . . . surely we ought to give the same protection to constitutional rights that are being implemented or enforced by law. . . . We should not put constitutional rights on a lower level than the statutory rights.''

The Committee accepted an amendment to exempt any rules under the Indian Self-Determination Act which had been the product of regulatory negotiation. Yet, when Senator Levin proposed an amendment to exclude all consensual rulemakings, the amendment was rejected.

In addition to the indiscriminate acceptance and rejection of amendments in Committee on specific rules, the majority report lists rules that are meant to be covered by the moratorium. In not one instance did the Committee in any of its deliberations make any finding on the merits of any of these rules. There may well be good arguments for stopping some or all of these rules, but that is not the point. The majority is creating exemptions from specific agency decisions with no legislative record.

The juxtaposition in the majority report of these so-called ''bad rules'' with what appear to be special interest ''good rules'' shows how inequitable and unfair this process is. There is no legislative record in the Committee to support the findings, let alone discussion, of the ''good'' regulations referred to in the Committee report. Consider the following striking examples of rules that the majority report stated should not be included in the moratorium and for which the Committee has absolutely no record:

''final regulations governing the alteration of producer recall information on containers of distilled spirits, wine and beer under the Federal Alcohol Administration Act of 1935 (27 U.S.C. 105e)'';

''final regulations governing trade practices under the Federal Alcohol Administration Act of 1935 (26 U.S.C. 201 et seq.)'' relating to ''alcohol promotional practices'';

''the final rules issued by the United States Department of Agriculture (and published in the Federal Register on Dec. 6, 1994) on meat derived from advanced separation machinery''; and

Department of Transportation ''HM–181 standards . . . for open-head fibre drums used for the transportation of liquids.''

The retroactivity of the moratorium stops regulations that have already been issued and creates unnecessary confusion. The bill applies both prospectively and retroactively. It would apply to all significant regulatory actions that occurred as of November 9, 1994. Retroactively stopping rules is extremely unfair to businesses and individuals who have complied with the regulatory process, playing by the rules, and counting on the finality of the regulations already in effect. Many businesses have already spent money to comply with regulations, or made investments based upon regulations that have been issued. Retroactively suspending final rules could give a competitive advantage to businesses that chose to ignore regulations issued since November. Similarly, it is unfair to companies that made investments to comply with those regulations. Regulatory reform should be prospective not retroactive; to do otherwise is wasteful and confusing.

Moreover, the stated purpose of the moratorium is to stop regulatory actions that may benefit from future regulatory reform legislation. However no regulatory reform bill that the Senate is now considering would apply retroactively. So rules that are final since November 9, 1994, would not be covered by the regulatory analysis requirements proposed under any pending reform legislation. Thus, subjecting such rules to a moratorium accomplishes nothing, except to suspend the effectiveness of the rule for the period of the moratorium.

Reporting and decision requirements will completely bog down the President. The

structure that the bill uses is cumbersome and one that encourages extensive lobbying throughout the life of the moratorium. In order to exempt a rule, the agency head must make a determination in writing that a rule meets one of the exceptions and then present that determination to the President who must then review it and make a determination whether or not to support the agency head's recommendation. If the President agrees, he must file a notice in the Federal Register, stating that a rule has been exempted from the moratorium (or, it appears, whether a rule previously exempted is no longer exempt). The requirement of monthly reports means that the agency heads and the President will be routinely lobbied by persons affected by covered rulemakings as to whether or not a rulemaking should be in or exempt from the moratorium. It is a nightmarish process except from the perspective of a lobbyist.

The five-month extension for deadlines is arbitrary, unnecessary, and merely draws out this problematic legislation. The Committee bill includes in the moratorium all deadlines that have been imposed either by a court or statute with respect to a significant regulatory action. Senator Levin offered an amendment to strike this section of the bill so that statutory and judicial deadlines would not be affected by the moratorium. Deadlines are dates that have been set previously by statute—passed by both houses of Congress and the President—to require that a regulatory action be taken by a date certain. Congress did not set those deadlines unwittingly; we set them because we were concerned enough about the particular situation to place the timing for action into law. The Consumer Product Safety Commission rule on choking hazards of toys for small children is one such example. Congress passed a law in 1994 requiring the CPSC to act by July 1, 1994, on rules implementing toy labeling provisions for choking hazards. Similarly, we have courts which have set deadlines based on extensive legal records and proceedings. As with the issue of retroactivity, inclusion of deadlines in the moratorium is useless, because many of these deadlines involve rules that are already final and have already become effective. Regulatory reform legislation will not likely affect these rules.

Moreover, the Committee bill establishes a new and longer time period for the moratorium as it applies to deadlines. The moratorium for significant regulatory actions is from November 9, 1994, to December 31, 1995, but for statutory or judicial deadlines, the moratorium extends for five months beyond December 31st, to May 31, 1996. The majority states that the purpose for the extended deadline is to avoid all the deadlines coming into effect at the same time the moratorium is lifted from the rulemakings. We do not see the logic in this argument nor do we know of one request from an agency that such an extended moratorium be provided for deadlines.

Many of the terms and definitions are unclear and will likely compound the problems of unintended consequences. For example, the bill's definition of ''significant regulatory action'' includes any ''statement of agency policy, guidance, guidelines.'' There was no discussion by the majority of what this would actually cover. Thus, when the Committee accepted an amendment to include in the ''significant'' definition any action that ''withdraws or restricts recreational, subsistence, or commercial use'' of public land, the majority was unable to explain what would or would not be included.

The Stevens amendment has wide-reaching, detrimental effects for public lands. Meriting separate discussion is the amendment by Senator Stevens that the Committee adopted concerning Federal agency actions on Federal lands. The Stevens amendment added to the definition of ''significant regulatory action'' (and thus to coverage of the moratorium) any agency action which ''withdraws or restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency. . . .''

The Committee had an extensive discussion about the amendment in an attempt to fully understand its scope. While there was considerable uncertainty during the mark-up as to the actual effect of the amendment, subsequent review has demonstrated that the scope of the amendment is sweeping and would stop not only regulatory actions but virtually all enforcement of regulations on Federal lands. That means that National Park Service employees would not be able to carry out basic management responsibilities in our national parks. The Park Service would not be able to prevent hot rods from racing in national parks, restrict access to fragile archaeological sites, or close dangerous passes on snow-covered peaks. As the National Parks and Conservation Association has said, ''This prohibition against rulemaking effectively eliminates the abilities of the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection.'' According to the Wilderness Society, ''This sweeping amendment would undermine fundamental protections for our national parks, national wildlife refuges, national forests, and all other public lands.'' The same strong point has been made by other conservation and environmental groups. The Committee's adoption of the Stevens Amendment demonstrates the lack of understanding the Committee had with respect to the full consequences of its actions on this bill.

3. CONCLUSION

The Committee hearing on February 22, 1995, and the mark-up on March 7 and 9, 1995, highlighted many problems with the moratorium proposal. The majority report only compounds these issues. In the views above we have again discussed many of these issues. Unfortunately, the outlined problems involve only those examples that we know of now. We believe there could well be many other important rules that would be inadvertently or otherwise inappropriately be stopped. The public will be the victims of such arbitrary congressional action. The moratorium is a bad idea.

There are most probably many rules that should be examined and even rescinded. We would support any reasonable effort to target specific regulatory problem areas—again, that is what the President is currently doing. We cannot, however, support an arbitrary, across-the-board freeze. We should fix the regulatory process, we should not freeze it and the benefits that flow from it.

JOHN GLENN.
SAM NUNN.
CARL LEVIN.
DAVID PRYOR.
JOSEPH I. LIEBERMAN.
DANIEL K. AKAKA.

EXAMPLES OF REGULATIONS STOPPED BY THE REGULATORY MORATORIUM (S. 219)

PUBLIC HEALTH AND SAFETY

(1) Improved Poultry Inspections (USDA)
(2) Seafood Safety (HHS)
(3) Motor Vehicle Safety Standards for Passenger Car Brake Systems (DOT)
(4) Standardization of Aviation Rules (DOT)
(5) Airport Rates and Charges (DOT)
(6) Head Impact Protection (DOT)
(7) Airline Crew Assignments (DOT)
(8) Flight Attendant Duty Period Limitations and Rest Requirements (DOT)
(9) Alcoholic Beverage Labeling (Treasury)
(10) Pesticide Regulation Flexibility (EPA)
(11) Flammability Standard for Upholstered Furniture
(12) Meat and Poultry Inspection Efforts (USDA) (exemption rejected by GAC)
(13) Standards for Nuclear Waste Disposal (EPA) (exemption rejected by GAC)
(14) Cleanup of Nuclear Facilities, Decontamination and Decommissioning Standards (NRC) (exemption rejected by GAC)
(15) Drinking Water Standards (exemption rejected by GAC)

WORKER SAFETY

(1) Logging Safety (DOL)
(2) Safe Practices for Diesel Equipment in Underground Coal Mines (DOL)
(3) Worker Exposure to Cancer Causing Agents (DOL)
(4) Reducing Exposure to Tuberculosis in the Workplace (DOL)
(5) Worker Exposure to Reproductive and Developmental Risks (DOL)

ECONOMIC GROWTH AND OPPORTUNITY

(1) Cruise Ship Access to Glacier Bay, Alaska (DOI)
(2) Energy Efficient Appliances (DOE)
(3) Forestry Regulations (Streamlining timber payments to tribes) (DOI)
(4) Landowner Relief Under Spotted Owl Regulation (DOI)
(5) Personal Communications Systems Auctions (FCC)
(6) Cable Rate Restructuring (FCC)
(7) Lower Electric Rates (FERC)
(8) Utility Rate Recovery (FERC)
(9) Shrimp Harvesting (DOC)

ENVIRONMENT

(1) Alternative fuel Providers (DOE)
(2) Great Lakes Protection (DOT)
(3) Standardizing Regulations for Domestic Shipments of Hazardous Waste (DOT)
(4) Prevention of Oil Spills (DOT)
(5) Agreement Establishing Water Quality Standards for San Francisco Bay Delta (EPA)
(6) Reducing Toxic Air Emissions (EPA)
(7) Cleanup at Uranium Processing Sites (EPA)
(8) Wetlands Determinations and Delineations (amendment to include in the moratorium, accepted by GAC)
(9) Withdrawals or Restrictions of Recreational, Subsistence, or Commercial Use of Public Land (amendment to include in the moratorium, accepted by GAC)

GOVERNMENT REFORM

(1) Personal Use of Campaign Funds by a Federal Candidate (FEC)
(2) Public Financing for Presidential Candidates (FEC)
(3) Political Campaign Disclaimers (FEC)
(4) Government Securities Large Position Reporting Requirements (Treasury)

OTHER

(1) Fisheries management (DOC)
(2) Noncitizen Housing Requirements (HUD)
(3) Preference for Elderly Families, Reservation for Disabled Families in Section 8 Housing (HUD)
(4) Continuation of Federal Home Loan Mortgage Corporation and Federal National Mortgage Association Housing Goals (HUD)
(5) Community Development Block Grants Economic Development Guidelines (HUD)
(6) Avoiding Homeowner Foreclosure (HUD)
(7) Reducing FHA Fund Losses (HUD)
(8) Increasing Home Ownership Opportunities for First Time Buyers (HUD)
(9) Family and Medical Leave Act (DOL)
(10) Procedure for Removal of Local Labor Organization Officers (DOL)
(11) Emergency Broadcast System (FCC)

(12) Video Dialtone (FCC)
(13) Caller ID (FCC)
(14) Recovery of License Fees (NRC)
(15) Enforcement of Constitutional Rights of Individuals (exemption tabled by GAC)

Mr. GLENN. Let me say on the issue of what rules might be covered by the moratorium: The reported Senate bill covers significant rules and related statements or actions, as well as any wetlands determinations, and any actions—not just rules—that affect the use of public land. The list of rules that I am submitting for the RECORD only covers the category of ''significant'' rules—those having an annual impact on the economy of over $100 million, or are otherwise determined to be of major importance. This is list has 58 entries.

I have no idea how many wetlands determinations there might be during the moratorium. I also doubt that anyone could come up with a reliable list of all the actions that might be taken by any Federal agency relating to public lands—no trail closing, maybe no closing picnic areas at night, or restricting the number of people who can climb up the Statue of Liberty. I do not know.

But this is not all. In addition to the Senate bill, we must remember that the House-passed bill covers all rules, significant or insignificant. This could total over 4,000 a year, if you include every little rule. I saw one list, just of important agency rules that might be covered by the House bill, and it had over 147 entries.

The thought of simply stopping government decisions, to show that we are serious about regulatory reform, if just about the dumbest thing Congress could do. Let us reform the regulatory process, not freeze it. Let us show the American people that we are doing our job, not that we are out to lunch.

3. REAL REGULATORY REFORM

In addition to understanding the moratorium, it is also very important to understand the status of regulatory reform. Again, according to the Governmental Affairs Committee's majority report, the supporters of the moratorium have said that ''the purpose of the temporary moratorium is to give Congress enough time to pass legislation to comprehensively change the regulatory process.''

In addition to our committee's hearing on the moratorium, Chairman ROTH held regulatory reform hearings on February 8, 15, and March 8. The result was the committee's markup last Thursday, March 23, 1995, in which we considered, amended, and voted favorably on a bill—15 to 0. Every member of the committee, Democrat and Republican, voted to report out a real tough, regulatory reform bill.

We should be back working on the committee report right now, but here we are—debating the moratorium—wasting time on damage control, when we could be working on real reform.

We in the Governmental Affairs Committee are, of course, not alone in the regulatory reform effort. The majority leader's bill—S. 343—will probably be marked up this week by the Judiciary Committee. They, too, have had several hearings.

The Energy Committee is also ready to mark up a bill that will, I believe, provide Government-wide reform.

When one consider the ongoing agency review of current rules, with a report due to the President by June 1, and these regulatory reform bills that should all be ready to come to the floor within a matter of a few weeks, there simply is no need for the moratorium—even if one could ever explain how and why it was needed in the first place.

Let us get on with the business of governing and of real reform. Let us leave the ill-conceived moratorium where it belongs—in the museum of stupid ideas.

Mr. President, I do not know if anyone could disagree with the Senator from Nevada when he talks about the intrusion of rules and regulations on our society. I agree with him on that.

We have all had many people come up to us at public events back in our States and talk about how they are being impacted by rules and regulations, that they think are nonsensical and really defy any rationality. I have agreed with them.

But that is not the issue here. We all favor regulatory reform. We passed out of the Governmental Affairs Committee, by unanimous vote of that committee—Democrat and Republican—last week, a regulatory reform bill, which has within it a legislative veto provision. There are some differences between that and this proposal today. But as I have already said, my basic problem goes even more deeply than just the differences between these two bills. The House-passed moratorium bill throws out the baby with bath water. It throws out the good rules with the bad, and needlessly.

The Senator from Nevada was talking of the alternative, about how many of these rules should come back to us, instead. Do you know why we have so many regulations that are nonsensical now? We had testimony that 80 percent of the rules and regulations—80 percent of the rules and regulations—are written because we specifically required them to be written in legislation. We required them to write them. If there are excesses, should they come back for review? Yes, and I do not quarrel with that. I support a legislative veto. There is no problem with that. But I do not think a moratorium that just throws out the good with the bad makes any sense at all. And I can tell you again what things will be affected by this.

We had testimony in committee by Rainer Mueller, and we had a press conference this morning with Nancy Donley, both of whom had lost children to E. coli bacteria. The USDA, U.S. Department of Agriculture, has new rules that have been proposed that make new inspections for meat that would prevent that happening. Here are people who have actually lost children, and we are talking about putting in a moratorium that would stop a rule that might save other families from having to go through that same kind of tragedy.

We are talking about final rules on airline safety. There is probably not a person in this Chamber who has not flown on an airline. We have new rules that are being promulgated to take care of things such as airline crew assignments; standardization of aircraft rules; we have air worthiness of aircraft engines. These are things that involve the safety of the American public. We are talking about saying we can put a moratorium on things like that just because we want to throw a broad net, but we are going to catch all these things.

We have had some bad rules and regulations—I am the first one to say that here—and we ought to correct those. But to say at the same time that we are going to throw out these things that are safety and health matters for the people of this country to get the few bad regulations, I just do not think makes any sense.

Why do I bring it up when the Senator from Nevada is discussing a 45-day hold over? Because I know the original sponsors of this legislation want the same bill the House passed, which is far more draconian and throws out most everything. That is what they passed over in the House.

We debated this bill in committee and had many amendments, some were accepted, many were rejected. The bill was then reported out of committee. Now we have see the fallback position, that rather than bringing up that straight moratorium here on the floor, we will have a 45-day review, almost a 45-day moratorium. But this 45-day idea is what would go to conference with the House on the far more draconian bill that they already have passed over there.

What happens when you get to conference with the House? I do not know. But I know the tendency will be, since the original intent of the sponsors here in the Senate was to do what the House has already done, probably to want to compromise in the direction of the House. That is what concerns me very, very much.

The bill as proposed here is one that would affect all rules, as I understand it. It is retroactive to November 9. As I also understand it, any Member can call up a rule for review.

Now, the Governmental Affairs Committee has passed out a regulatory reform bill, a comprehensive regulatory reform bill that covers this idea of a legislative veto in that legislation. But what we do with that legislative veto is we make it apply to major rules and make it prospective so it does not go back and undo things that business, industry, and communities already are planning for. In that legislation we provided that it would take a petition

by 30 Members to bring a rule back up for consideration.

Now, I thought that was probably a little high. I thought we did not need 30. I am sure we could debate that on the Senate floor when that legislation comes out. Whether we need 10 Members on a petition or some other number, we do need a number of Senators that say, ''Yes, this is bad, so we should reconsider that rule or that regulation, and bring that back up here on the floor.''

We cannot have it where just one Member can call something up and say, ''This affects my State and I disagree,'' although it might be something that is agreeable for all the rest of the whole United States. I do not think we want to waste our time on things like that.

Much has been made out of the fact that the President could exempt imminent health and safety matters. In committee, I challenged this time after time after time to please have the sponsors define ''imminent.'' They could not do that. ''Imminent'' means something, according to Webster's dictionary, that will happen right away—now. It is impending, right now. That would not cover such things as aircraft safety or airworthiness of airline engines. These are design things. They are new criteria. Nothing is imminent—even though it improves safety of the aircraft involved or the crew training involved. We do not expect the airplane to go down within hours or not complete the flight. But the overall safety of airlines is of major significance. Why should things like that ever be held up for a moratorium? Why should we have to debate about what is or is not ''imminent?''

This is just one problem with the moratorium. And now our attention is turned to the 45-day legislative veto. But what we really should be doing, instead of piecemealing this effort, is to deal with the whole regulatory reform problem.

Again, that is the legislation that we voted out of the Governmental Affairs Committee just last week. Final reports on that will be written and then we would be able to bring that up on the floor and debate the whole regulatory reform process, including a legislative veto.

The danger of this one being brought up separately is that it will go over and be conferenced with the House, as I understand what is being proposed here. That means we are up against the House with their complete moratorium, going clear back to shortly after the election last fall. That is far more draconian. And it lasts a year. It lasts until the ends of this year.

If our conferees on the bill would give in to some of the House provisions, it means we really are placing Americans, a far greater number of Americans, at risk for this year. That is, if that is what was agreed to.

I repeat, I do not disagree with the legislative veto. We are the ones that caused much of the problem. Why should we not go back on major rules and reconsider those where we believe people over in the agencies really have gone too far, where they have not sufficiently reflected the will of the Congress.

I do not see why we cannot bring up the Regulatory Reform Act of which a legislative veto is a part, not just pick this out separately so that it can now go to conference with the House. That is the danger in this, as I see it.

Mr. President, so far there have been only about 127 examples that have come out of the different agencies, 127 examples that we were able to get on the short basis of items that would be held up, that I felt, and many other Members on our committee and the administration felt, were things that should not have a moratorium applied to them.

But is that a complete list? No. We do not even know at this point what other E. coli situations or cryptosporidium situations may exist out there across this country, because we have not yet had a complete review of all the rules and regulations. That is ongoing right now.

President Clinton issued a directive to all the departments and agencies and said, ''Scan all the rules and regulations, go through them all, see which ones are overbearing and too intrusive, which ones should be taken out, which ones should be modified, and give me a complete list of all those, a complete review of all rules and regulations across Government.'' Now that is in the process. It is in the process now. It is not a 2- or 3-year study. It is not something that goes on into the future. We get it by June 1.

June 1, it turns out, is only 30 working days from now. If you look at the calendar and count out the Easter break and what we planned there, June 1 is just 30 working days from right now. I counted it up this morning on the calendar myself, just to see what time we would have on this.

The administration has guaranteed us repeatedly, the Office of Information and Regulatory Affairs, Sally Katzen, has guaranteed us we are going to have that list by the 1st of June. Why go ahead and do a partial job of looking into rules and regulations when we have a complete list that is going to be available for us on the 1st of June? Do you know how many significant rules, those that have a $100 million impact or above, are made every year in this country? Between 800 and 900; that was the testimony we had in committee. So when we have come up just with 127 rules that would be particularly affected by moratorium legislation, we are just nibbling around the edges. They are going through, not only those 800 to 900 over the last year or so, but the 800 to 900 per year that passed back for a long time. There are going to be several thousands of these rules that will be reviewed. We will get recommendations. Then we can take action on these things.

We can take action on some we separate out, some we may not agree with the administration about. I may disagree with them on a lot of them and be willing to go back and repass those things, or if necessary send them back to committee here to be reconsidered, if that is what is necessary. I am that dedicated to getting to real, honest-to-goodness regulatory reform. We need that. I support it. I worked on it the last 3 years in the Governmental Affairs Committee when I was still chairman, and I am still working on it now.

Our new committee chairman, Senator ROTH, has picked this up and he is pushing regulatory reform, to his everlasting credit. I complimented him the other day in public and will do so here on the floor again today. He really has been a champion in pushing regulatory reform. And what we voted out last week is an excellent bill. It is a tough regulatory bill. It is not draconian; it is very realistic. That is what we should be doing, considering regulatory reform on that basis, and not just picking out a little moratorium portion of this or a legislative veto portion of that for consideration separately. We have at hand a bill through which we can really make major regulatory reform, which is what we are all after.

As I started my comments, we have all heard over and over again the unhappiness of our people back home, of business and industry and farms and just individuals, impacted in their daily lives by rules and regulations that should never be out there.

I heard somebody berating the Clinton administration on this a couple of days ago. That is not the problem. The rules and regulations have been building up for the last 10 years or more. You can see a huge increase in regulations—really a bipartisan increase—thinking about the laws that led to those rules. So I look forward to having bipartisan solutions to this problem, also. I think we do it by taking a broad approach to regulatory reform, of which legislative review is one part of that legislation, and if the 45-day legislative veto would apply prospectively, I would support that.

I know my distinguished colleague from Michigan, Senator LEVIN, who has worked very hard on regulatory reform on the Governmental Affairs Committee, probably is as expert in this area as anyone we have in the Senate—I know he favors that, and I do, too. I see nothing wrong with that.

I do not like it going back. I do not like it retroactive.

I hope, Mr. President, we could get together, perhaps, and work this out so we get leadership to bring up the regulatory reform package, the total bill of which something like this is a part, and bring it up at a very early date. If we can do that, then we will have done a great service for this country. We will have gone a long ways toward telling people that, yes, we know the regulatory impact has been too heavy. We are doing something about it.

But at the same time, we should not be saying that we are going to throw out important health and safety rules. And why would even think of doing that? Not even because we disagree with all those rules and regulations, but because we are just saying everything should go out, even the good—this makes no sense.

That is what I disagree with on a moratorium, and what I disagree with strongly on the approach the House took. If we want to see who is at fault with regulations into the future, then, as I said earlier, we look in the mirror. Let's stop this. Let's be a part of fixing the process. Let's not make it worse.

Mr. President, I think we are on limited time—parliamentary inquiry; are we on limited time this morning?

The PRESIDING OFFICER. Time is limited.

Mr. GLENN. How is time divided?

The PRESIDING OFFICER. Three hours was accorded to each side for today.

Mr. GLENN. Mr. President, I ask unanimous consent that a Washington Post editorial dated March 26, 1995, entitled ''Good Move on Regulation,'' be printed in the RECORD.

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

[From the Washington Post, Mar. 26, 1995]

GOOD MOVE ON REGULATION

The United States has become an overregulated society. It is not just the volume or even the cost of regulation that is the problem, but the haphazard pattern—a lack of proportion. The government too often seems to be battling major and minor risks, widespread and narrow, real and negligible, with equal zeal. The underlying statutes are not a coherent body of law but a kind of archeological pile, each layer a reflection of the headlines and political impulses of its day. The excessive regulations discredit the essential. Too little attention is paid to the cost of the whole and the relation of cost to benefit.

The election results last November at least in some degree reflected resentment and impatience about this—and rightly so. The Republican-led Congress so understood and set about to fix this system, which unlike some things the government tries to fix, clearly is ''broke.'' The trick is to make sure the fix will itself be the right one, and one that will not end up killing good regulation along with bad.

The Senate Governmental Affairs Committee last week unanimously reported out a bipartisan regulatory reform bill the likely effect of which would be to improve the process rather than mangle it. It's a vast improvement over the merely anti-regulatory legislation too hastily passed several weeks ago by the House, as well as various rival bills in the Senate, including a proposal by majority leader Bob Dole. ''A restoration of common sense,'' Sen. William Cohen, a member of the governmental affairs committee, called the bill, and he is right.

The House voted both to impose a clumsy retroactive freeze on federal regulatory activity and to standardize and weaken in a single stroke the carefully worked out, separate regulatory standards in a broad array of health and safety and environmental legislation. The Senate committee bill would do neither of those things. Rather, it would require cost-benefit and other studies of all new major regulations and the regulatory process generally. Some of these are already done by executive order, others not.

With the studies as part of the basis for judgment, all major new regulations would then be submitted to Congress. The two houses together would have a set period in which to disapprove them; a resolution of disapproval would have to be signed and could be vetoed by the president. Some advocacy groups complain that this would politicize and harm the regulatory process. We think that, to the contrary, it would serve to legitimize and strengthen regulations once issued by putting them on a sounder political footing. Congress, under the present dispensation, can have it both ways. It passes broad regulatory statutes with laudable goals—clean air, clean water, pure food and drugs—and then denounces as heavy-handed and too costly the resulting regulations. Given a legislative veto, it would have to take responsibility for the fruits of its own handiwork. If some regulations were then struck down before they could take effect, it would finally be up to the voters to decide whether that was good or bad.

The bill would also require agencies to do cost-benefit analyses and risk assessments of existing major regulations over a number of years; to do comparative risk analyses in order to make sure that within their purviews they were attacking the greatest risks first; and to take part in the compilation of a ''regulatory accounting'' every two years, setting forth the benefits and compliance costs of regulations government-wide. The idea is to give Congress and the executive branch alike a better basis than they have now on which to make regulatory policy.

The measure wouldn't solve all regulatory excess. But it would put the regulatory process on a steadier and more rational footing, and expose regulatory decisions to the political process early on and in a healthy way. It's a good framework, and we hope Mr. Dole and the Senate stick to something like it.

PRIVILEGE OF THE FLOOR—S. 219

Mr. GLENN. Mr. President, I ask unanimous consent also that during the consideration of S. 219, Jenny Craig of my staff be granted the privilege of the floor during consideration of this bill.

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

Mr. GLENN. Mr. President, I reserve the remainder of our time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Senator from Oklahoma yield me a few minutes?

Mr. NICKLES. I yield the Senator such time as he desires.

Mr. REID. Mr. President, I want to make sure there is no misunderstanding about the substitute. We do not intend to throw the baby out with the bath water, but I think what we have is a reasonable framework to review all regulations promulgated by Federal agencies. This is not a blanket. We can pick and choose those that we feel are appropriately reviewable. It saves those regulations, which will be the vast majority of them, and those which are bad we can take a look at.

I repeat, one of the reasons I like this approach so much is it will have regulators be more cautious in the regulations that they promulgate. We know, following the Chadha decision, that regulators have said they do not care what we think of the regulations they promulgate; there is nothing we can do about it. This substitute will no longer allow bureaucrats to say that to Congress. If they are in very tight with their President, and we review those regulations and turn them down and the President wants to veto them, then it is up to us as a legislative body to see if we can get a two-thirds vote to override the veto. I would rather not have it that way, but that is what we have to have in order to work within the confines of the Chadha decision.

We have here a substitute that is on all fours—totally and irrevocably constitutional. I was necessarily off the floor for a minute, but I did understand that my friend from Ohio, the senior Senator from Ohio, indicated that E. coli, the disease that swept this country that was so difficult—if this were, in effect, the substitute, they could not issue such a regulation to deal with that disease. That is not true. We specifically have an exemption in our substitute that would allow matters of public health and safety to go forward.

There is also an argument that has been propounded that this legislation, the substitute, is a broad net that will kill a large number of regulations just to get at a few bad ones.

I hope that is not the case. But I hope, in reverse order, if there are a large number of bad regulations, that they will not be proposed.

Finally, Mr. President, this Senator does not like the underlying legislation. That is why I am so much in support of the substitute. I believe the substitute is good legislation. I believe it is something that will make this body proud. I believe it is something that the American public wants. The American public does not want us to stop all regulations. There are some good regulations. I went over some of them. We know the Food and Drug Administration does some good work, and they have gotten better in recent years.

So I want the substitute passed. I want it passed by an overwhelming majority so that when we go to conference with the House, we will have a strong position within which to negotiate. Mr. President, I hope that this legislation, this substitute, that has been offered by the Senator from Oklahoma and myself, will be supported by a large bipartisan vote. This legislation is among the best that I think I have ever worked on. It answers a significant problem that big business faces, that small business faces, and the American public generally feels; that is, too much regulation.

Interestingly, as I have indicated, all business is not opposed to regulation. We know there is a basis for regulation. And, in fact, I served as the chairman of the toxic subcommittee for 4 years, and would have this year but for the fact that the Republicans took control of the Senate. We did, I think, some very good work there. We dealt with all kinds of toxic substances. But

one of the groups I worked with that was continually before my subcommittee was the Chemical Manufacturers Association as we dealt with things they deal with.

There is an interesting article in the Atlanta Journal of January 11 that talks about the Chemical Manufacturers Association. I was surprised to read this. The Chemical Manufacturers Association, which has more than 180 members, including large companies like Dow, Du Pont, and Monsanto, said:

> We are not necessarily in favor of revolutionizing how we approach regulations because some of them, according to Chemical Manufacturers, are good.

The article says:

> The association supports regulatory reform but it also sounds downright worried that some of the extremist, anti-environmental rhetoric now coming out of Congress will lead to deregulation schemes that will get out of control and go too far.

That is a quote from an official of the Chemical Manufacturers Association.

Says Fred Webber, president of the Chemical Manufacturers Association, from the same article:

> Reform, let me say this very clearly, is not the same as repeal. The current system of . . . regulations has accomplished a great deal over the past quarter of a century. We do not want to undo that success, and we do not want to tolerate any retreat from our commitment of protecting the people and the environment.

I could not say it any better. That is also how I feel. What we are charged to do in this body is to make what we have better. That is what this substitute does. It does not repeal all regulations. It does not say we are not going to have any more regulations. It is not a blanket moratorium. What it says is that in the future, bureaucrat, be careful what you do because we are watching, and we have a regulatory veto scheme that meets the constitutional requirements of the U.S. Supreme Court.

Mr. President, I hope that my colleagues on this side of the aisle will understand what is going on here. We want to pass a bipartisan bill. The Senator from Oklahoma and the Senator from Nevada are sponsoring a substitute amendment that we believe should have unanimous support, if not heavy support. It is a commonsense way to approach regulatory reform. It is not regulatory repeal. I hope that my friends on this side of the aisle will join in this venture to improve the way regulations are handled in this country.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator REID from Nevada, for his comments, and I would like to respond briefly to some of the statements that were made by my friend and colleague from Ohio, Senator GLENN.

I think the thrust of what I heard in his comments was that he was afraid, if we pass this and go to conference, that we might have that terrible House bill. Let me just state it is my intention, if we are successful in passing this bill—and I expect that we will be successful in passing this bill—to do everything I can do to get the House to concur with the Senate position. I think the Senate bill, I tell my friend from Ohio—I was a sponsor of both—that this substitute is preferable to the moratorium legislation reported by the Governmental Affairs Committee. I think substitute is a better approach. Let me tell my friend and colleague from Ohio that, one, the substitute is permanent. The House bill and the Senate bill, the one that was reported out of the Governmental Affairs Committee, are temporary moratoriums. Those will expire as soon as we pass a comprehensive regulatory reform bill. That may be a couple of months.

So the temporary moratorium bill has received a lot of attention and a lot of partisan bickering, and there may be a very short period of time that it would be in effect, even if it did pass and even if it survived a Presidential veto, both of which are in doubt somewhat. The President indicated he would veto it. The House did not have quite the votes to override the veto. I do not think we would have the votes to override the veto in the Senate. I do not mind sending the bill to the President and letting him veto it. However, that is not my intention. I would like to pass significant regulatory relief regulation this year and have the President sign it.

I think the substitute that Senator REID and I are proposing will do that. I think the President will sign it. I see no reason why he will not sign it. I am interested in passing the bill that Senator REID and I are offering, the 45-day congressional review substitute which will be permanent law. So, whereas the temporary moratorium may succeed, if it were successful, in delaying some regulations for a few months, that time period would soon be gone and you would have nothing. This would be permanent law. This would be a significant response. This would give real energy, I think, for Members of Congress to review the regulators and to hold them accountable.

So I tell my friend and colleague from Ohio that, if I should be appointed a conferee, I would work very energetically to see that the Senate's position would prevail. I am very familiar with both pieces of legislation. I have heard my colleague from Ohio mention the underlying bill, the one reported out of the Governmental Affairs Committee, and he also referred to the House bill as a terrible bill and one that would throw out all regulations and cut out all of these rules and regulations whether they are good or bad. I disagree with that interpretation.

Looking at the bill as reported, S. 219, it has all kinds exemptions. One of the reasons I am not as excited about S. 219 as reported is because we have so many exemptions. I question how effective it would be. There are many regulations that will be covered by these exemptions. We have exemptions for imminent threat to human health and safety and other emergencies. I have heard E. coli mentioned. I have heard problems about drinking water. I have heard of air traffic problems or flight safety.

I think that the President, under the bill reported out of the Governmental Affairs Committee and also by the House, could exempt all of the rules mentioned previously by my colleague from Ohio. However, again, I am not here to debate S. 219 as reported. I am offering a substitute to it. But I think it is important to show for the record that a lot of the scare tactics used against the House-passed bill and the Senate bill that passed the Governmental Affairs Committee are not as egregious, not as outlandish, and not as heartless as some people would indicate.

S. 219 as reported out of committee also has exemptions for a regulation which has as its purpose the enforcement of criminal law or a regulation that has as its principal effect fostering economic growth, repealing, narrowing, streamlining the regulation and administrative process or otherwise reducing regulatory burdens. I have heard some people, including the President of the United States, say the moratorium bill would throw out all regulations, good ones and bad ones. As I have stated, there are clearly exceptions for good regulations.

We also have an exception for routine administrative actions and regulations related to public property, loans, grants, benefits, or contracts. I mention that one because the President of the United States said that if this moratorium bill is adopted, we will not be able to bury people in Arlington National Cemetery or that we would not be able to have duck hunting, both of which are routine administrative actions.

I just mention that. I am not here to defend this bill. I look at all these eight exemptions. The committee added a couple of others. My point being there are lots of exemptions. The President would probably exempt a great number of regulations under these. In addition, he would probably veto the moratorium legislation. So my thought is why not do something that we can pass? Why not do something that the President can sign? Why not do something that would not be temporary? Why not do something that would have, I believe, a long-lasting impact in reducing the impact of expensive, unnecessary regulations?

There are thousands of potential regulations. How many would Congress move on? On how many would Congress pass a resolution of disapproval? Probably only a few. But at least it would make Congress responsible.

I wonder how many Members of Congress have said, well, we passed the law—for example the Americans With

Disabilities Act or the Clean Air Act or maybe it was some other very well-intentioned bill—and then a Member of Congress is flabbergasted to find out, that a city in your State is no longer in compliance with the Clean Air Act, and therefore the city is not able to accept a new plant or new factory because of clean air constraints. The member would say I did not know. Where did this happen? The Member would be told it happened as a result of the Clean Air Act. How did that happen? It happened as a result of regulations that were just issued and, therefore, the city in your State is in nonattainment. Well, it came from regulations implementing the clean air bill. On and on, people kind of washing their hands.

Well, the legislation was well-intended, it had good intentions, but now the regulations have become so cumbersome, so expensive, so Congress is kind of washing its hands. The regulators say, no, Congress said so. And now they are implementing hundreds and maybe thousands of pages of regulations. My point is that Congress should be more accountable. Congress should hold the regulators accountable. So of all the thousands of regulations that are in process, we are saying Congress should have a 45-day expedited procedure where we can stop them if we think they are egregious or if we disagree with their intent.

I am pleased that the more comprehensive bill that Senator GLENN alluded to that passed the Governmental Affairs Committee, that will likely be taken up on the Senate floor sometime in May, did call for congressional review. But I might mention, as I understand the legislation approved by the Governmental Affairs Committee, the 45-day review provision applies only to significant regulations. Why should we limit this Congress to only review significant regulations? If we want to repeal a regulation—and under our bill it takes a majority of both Houses to pass it—we should have that opportunity.

Again, of the thousands of regulations, my guess is we will only do a few, but at least we will have the opportunity to hold bureaucrats accountable whether it is a small regulation or large regulation.

I think the proposal that we have, the substitute that we have is a commonsense approach. It is not outlandish. I will just again repeat to my friend and colleague, my intentions would be to try to convince our colleagues in the House that this approach achieves the same objective they are trying to achieve in the House on limiting unwarranted regulation and it is something we can pass and it is something we should pass and hopefully get the House to recede to the Senate when we go to conference.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

The Senator from Oklahoma brings up the key phrase that we debated long and hard in the Governmental Affairs Committee. Let me read from our minority report of that bill: The bill's exemption of rules that addresses any ''imminent threat to health and safety'' is unclear and the majority report's interpretation leaves unanswered many questions about what would and would not be covered. The bill would permit the President, upon written request by an agency head, to exempt a significant regulatory action from the moratorium upon a finding that the regulatory action ''is necessary because of an imminent threat to human health or safety or other emergency.''

That is the same language that is in the proposal by my distinguished colleague from Oklahoma that we are considering here.

For certain amendments in the markup, the majority argued that specific exemptions were unnecessary because of the broad exemption authority given to the President under section 5 of the legislation. The majority could not, however, provide a consistent interpretation of ''imminent'' or how it would be applied.

Now, let me tell you what we did. In committee, I repeatedly asked for a definition of ''imminent.'' I even got the definition out of Webster's, which said ''impending, immediate,'' and so on. It would not cover such things as airline safety, even though we know those rules and regulations should not be held up; there are no reasons why they should be held up.

But of more immediate importance this morning is this. I would ask my distinguished colleague from Oklahoma to listen to what I proposed in committee. I proposed in committee the E. coli prevention standards that he referred to, that we make an exemption for them; E. coli is a threat. We know that. We have had deaths from it. The amendment was voted down.

I brought up an amendment on cryptosporidium. It killed 100 people up in Wisconsin, and 400,000 fell ill. Once again, it was voted down as not being something that should be exempted. They were against it. Now, with that being the situation, I do not know what can be classified as imminent health and safety threats. While people have died, I'm not sure it would qualify as an ''imminent threat'' and therefore covered under that exemption.

So that is the reason I do not understand quite what we are doing. I appreciate the statement by my colleague from Oklahoma that he wants to convince the House that their bill is bad and that this one would be better. I certainly take him at his word on that.

Why not consider this then? Consider the proposal today out from under the umbrella of what the House has done so that we will not have the moratorium as a conferenceable item. Why not have the legislative veto as a separate bill? Why not go to the underlying bill here, S. 219, and not have an amendment? Instead, we could strike the moratorium and consider just the legislative veto amendment by itself, not as something that will go to conference with the House.

I do not know whether my distinguished colleague from Oklahoma would be willing to do that or not, but I have pointed out that the Nickles-Reid substitute, I felt, was perhaps an attempt to avoid Senate debate of the amendment on the underlying regulatory moratorium. If the objective is to go to conference with the House, which has passed a draconian—and I would repeat that word, which my distinguished colleague repeated himself a moment ago quoting me—regulatory moratorium bill, the result of the conference, when it comes back to us, would be unamendable.

Now, maybe I am wrong about this as being their strategy. Perhaps I am too suspicious. Maybe that is not the purpose of the substitute. Maybe the sponsors really just intended to use S. 219 as a convenient vehicle for the content of their amendment.

If that is the purpose, they need only to wait until a comprehensive regulatory reform bill, such as S. 343 or S. 291, comes to the floor, as they will, since both bills have been reported out by the Governmental Affairs Committee and both contain provisions for legislative veto of major regulations.

I do not know why we cannot wait until S. 343 or S. 291 comes to the floor. Maybe they just want their amendment to be considered now for other reasons. I think there would be an easy way to test whether the purpose of this amendment is to get it to a moratorium on regulations in a conference with the House or whether they just want their amendment considered as a stand-alone proposal. The test is whether there will be an objection to consider the substitute as a stand-alone bill.

If I made a unanimous consent request to consider the amendment as a stand-alone bill, I do not know what the response would be on the other side. But that would take away any opportunity as to what the intent of this legislation is.

I will not proceed with it at this point, but if I asked for unanimous consent—I am not asking for it formally now—but if I ask unanimous consent that the Nickles-Reid substitute amendment to S. 219 be sent to the desk as a stand-alone bill and that it be given immediate consideration, and that S. 219 be put aside indefinitely or until the Senate takes up and disposes of either S. 343 or S. 291, or other similar bills on comprehensive regulatory reform, would the distinguished Senator from Oklahoma object to that? If he would, I ask why.

Mr. NICKLES. I apologize. I was in another conference.

But if the thrust of the Senator's question was would I object to having a unanimous consent request that we

have this as a freestanding bill instead of S. 219——

Mr. GLENN. The reason I asked is because the Senator says he wants to go to conference with the House and does not plan, of course, to give in to the moratorium in the House, even though he proposed the same thing originally. Then, if the intent is just to get the legislative veto, which we have already voted out of the Governmental Affairs Committee in the regulatory reform bills, why not set S. 219 aside? We would let this amendment proceed as a freestanding bill, if it is intended just for the 45-day legislative veto, and not take this to conference with the House.

Mr. NICKLES. As the Senator knows, it takes two Houses to pass anything. The House already passed one bill. If we pass this free standing, then they would have to consider another piece of legislation entirely. They went through a lot of pain to get where they are today. I think that would create a lot of hard feelings over there. I do not want to do that.

I have told my friend and colleague—the Senator said I was against the House bill—I did not say that. I would like to correct my colleague. I would like to correct him on a little bit of the interpretation of the House bill.

But my point is, I favor this approach. I think this is a better approach. I think the moratorium, as the Senator has alluded to, made a lot of sense when we were in January. Now, we are at the end of March.

I would like to have something passed. I believe if we pass this tomorrow, hopefully we can convince the House to pass it—basically recede to the Senate—and we may have a bill on the President's desk very soon; this week, possibly. I would like to see that happen.

I am afraid if we did the freestanding approach that the Senator alluded to, we may end up with nothing. And I think that would be a mistake.

Mr. GLENN. If the Senator will yield, we are talking about not having action in the House. The House would have to consider this, too, and so they would have to go back and reconsider this substitute to the moratorium.

Why not consider this as a freestanding bill, rather than as something to be conferenced between the House moratorium bill that was passed and this bill? Why not consider this separately, if this is a good idea on its own?

Mr. REID. Will the Senator from Oklahoma yield?

Mr. NICKLES. Let me finish replying, but I will be happy to yield. The Senator from Ohio has the floor.

The House has already passed the legislation. If we pass entirely new freestanding legislation, then it has not even made the first hurdle. We are ready to go to conference very soon. If we pass this in the Senate tomorrow, as I hope and expect that we will, the House could recede. Both sides have to appoint conferees. If we could convince our colleagues in the House that this is a better approach, given the fact that the year has already moved along and so on—and I might tell my friend and colleague, originally we were talking about a 100-day moratorium back in November. So time has been moving. This is more permanent, more significant.

If we can convince our House colleagues of that, we could possibly have a bill on the President's desk in a short period of time.

Mr. GLENN. The House is going to have to take action one way or the other. Why not take action on this?

You are saying you hope to convince the House to come to your persuasion on the substitute to the moratorium. Why not pass the legislative veto separately and send it over to the House? They would take action on it, and it would get to the President's desk in the same length of time. The way you are talking about it, there is going to have to be a conference with the House on this bill, with the chance that we may wind up with most of what is in the House bill now. We do not know how strongly they may feel about this. I would feel much better about this if we had this as a freestanding bill. And if the intent of the sponsors is as they say it is, then I do not see why you would object to this procedure.

Mr. REID. Will the Senator from Ohio allow the Senator from Nevada to respond to the question?

Mr. GLENN. Yes.

Mr. REID. We have the underlying bill that is now before the Senate. Tomorrow, it has been the decision of the Senator from Oklahoma and the Senator from Nevada to offer a substitute. Of course, if the substitute passes, the vehicle that will be before the Senate will be our substitute.

I say to my friend from Ohio, it is pretty standard procedure around here to say, ''Why don't you drop your amendment? You can bring it up as a freestanding bill.''

Well, we know why we do not want to do that. Because momentum would be lost for our legislation.

It seems to me quite clear if our substitute passes, there will be a significant opportunity. If in fact—and I mentioned this in my earlier statement—if, in fact, the Senate, in a strong bipartisan fashion, passes this substitute, it will give the Senate conferees real direction on how to deal with the House. I support the substitute. I do not support the underlying legislation.

Mr. LEVIN. Will the Senator yield?

Mr. GLENN. Let me just ask one question, then I will yield, because I have held the floor long enough already and I know the Senator wants to speak.

Mr. LEVIN. No, I just wanted you to yield for a question.

Mr. GLENN. Go ahead.

Mr. LEVIN. Is it not true, in fact, that we would pass this more quickly if it were done as a freestanding bill, as was just adopted by the House, because you could then avoid the conference?

Mr. GLENN. Absolutely. I think that would be exactly the case.

I come back to my previous point, and I did not get an answer to that. I would like to, here on the Senate floor, finally and at last hear a definition of imminent threat to health and safety or other emergency.

Now, I know Webster's definition. But the definition of imminent threat did not explicitly include in committee E. coli or cryptosporidium.

I would like, here on the Senate floor, before I have to decide how I am going to vote on this bill, to have a firm definition of imminent threat to health and safety or other emergencies.

In committee, they said, ''Well, we leave this up to the President.'' That is not good enough; we are critical around here all the time of what the President interprets or does not interpret out of legislation.

What is a clear-cut definition of imminent threat to health and safety?

Mr. NICKLES. Would the Senator like a response?

Mr. GLENN. Yes.

Mr. NICKLES. I would just tell my colleague, in looking at the bill on page 9, its says ''the President finds in writing.'' The Presidents makes that determination.

I might also tell my colleague that we did not have it subject to judicial review. So if the President finds, if the President determines that E. coli, or anything else, is an imminent threat to health and safety or other emergency, it would be exempted. We give that kind of discretion. I happen to think that is a very broad provision, where we would give that to the President and not try to limit it, not try to micromanage it.

As the Senator knows, he alluded to the fact, there are thousands of regulations. To go through and try to enumerate which ones would qualify and which ones would not, we would be looking at a bill that would be very difficult. We were not trying to do that.

Just as when the original legislation was drafted, we did not say duck hunting would be exempted because we did have a provision that said routine administrative action would be taken. And, as an author of this, we did not feel that it was necessary to go through and define 4,000 exemptions. That was not our intent.

But the approach that Senator REID and I are now taking, I think is a good one, because we do not have to get into that debate.

One of the reasons I think the bill that was reported out of the Governmental Affairs Committee is not worth very much is because almost all regulations could be exempted. There are 4,300 regulations that are in process. The Governmental Affairs Committee says this bill only applies to significant regulations. That is about 900 out of the 4,500. Then all of the exemptions, apply that to those 900; Many more of the 900 would be exempted under the exemptions outlined in the bill.

So this bill only lasts for a few months and probably only applies to a few hundred regulations. The House bill is somewhat broader, but we end up with almost nothing, because I think the President could determine it as a threat to public health and safety or a routine regulation or a regulation fostering economic growth. He could drive a very broad path through these exemptions.

So I am saying that the approach of Senator REID and myself is to let the President go forward on the routine regulatory framework and, Congress, you can review those regulations, and, if we get a majority vote in both Houses of Congress for disapproval, we can try to stop them. If the President still disagrees with us, he has the veto, and we will have to override the veto. That is not an easy challenge.

Mr. GLENN. Mr. President, giving the President broad authority is one thing and giving him broad interpretive authority over what is imminent and what is not is another matter entirely.

When the committees of Congress and when we on the floor refuse to define ''imminent,'' and we say that is up to the President and his people and we give him broad authority in that area, when the President depends on his people to give him advice on what is imminent or what is not, they go back to what was intended in the legislation in the Congress.

What they have to go on right now is a vote in the Governmental Affairs Committee that said that standards to protect the public from E. coli or cryptosporidium should not be exempted. It is not clear to me whether they would be exempted under the ''imminent threat'' exemption or not. I voted to exclude them from the moratorium just to make sure. I do not think we have a good definition of ''imminent.''

I know my friend from Michigan wants to make some remarks, and I will not belabor this any further. If we do not adequately define imminent threat to health or safety or other emergency, we leave it up to the President and then we will criticize him in specific cases if his judgment is not what we agree with. We should have a better definition of this term. We were unable to get it in committee. We were unable to get it on the floor, too, as far as I see it. The legislative history right now would show that standards to protect against E. coli and cryptosporidium are not clearly and explicitly exempted from the moratorium.

I reserve the remainder of time. I ask how much time we have left on our side.

The PRESIDING OFFICER. The Senator from Ohio has 2 hours 50 seconds—just slightly over 2 hours.

Mr. GLENN. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. If the Senator from Michigan will give me a couple minutes, I am not here to debate the underlying bill. But on the committee report, page 14, ''Section 5. Emergency exceptions; exclusions'':

> It is the committee's understanding that the President has ample authority to except from the moratorium the promulgation of rules and regulations that are necessary to make food safe from E. coli bacteria, so long as there are no accompanying extraneous requirements or arbitrary rules. Several witnesses so testified at this committee's hearing.

I can read on, but I think the committee report will show the committee does think the President has that authority and would be able to make that determination.

Mr. President, the point I make now and, hopefully, my colleagues will comprehend is that under the proposal of Senator REID and myself, regulatory agencies can make their regs, they can promulgate their rules and regulations. Senator REID and I are saying they have that authority, they can do so, and except for the big ones, they all go into effect as planned, except that we have the opportunity to have expedited procedures to rescind them or to repeal them. On the large ones, the ones that have significant impact, they would be postponed, there would be a moratorium of their effective date for 45 days to give Congress a chance to review those.

That, I think, is a proper check and balance on the regulators. So if the administration came out with regulations dealing with E. coli, if nobody pushed resolutions of disapproval, they would go into effect. If the administration has regulations dealing with air traffic safety or something, they would go into effect unless both Houses passed a resolution of disapproval. So it puts the burden on Congress to select which ones are wrong.

My colleague from Ohio makes a good point in saying under the previous legislation, under the legislation that was reported out of the Governmental Affairs Committee, all discretion was given to the President; the President makes the determinations, the President determines the exemptions.

I think he had ample opportunity under the legislation, as passed out of the Governmental Affairs Committee, to exempt lots of regulations, maybe all regulations. He could say there is a positive health impact or threat to danger, or threat to health and safety or that they had a positive economic impact.

So he could exempt anything, I think, under the bill that passed out of the Governmental Affairs Committee. That was all given to the President. The President had sole authority to make the determination on the exceptions. That was the bill that was reported out of the Governmental Affairs Committee.

We are saying, no, Congress has a responsibility, Congress should be making some determinations. Congress can let these rules go into effect if we desire. Under Senator REID's approach and mine, Congress would take the initiative, and if we did not like the rule or regulation, we have an expedited procedure to review it and possibly repeal it. So it puts some of the burden back on Congress instead of, under the bill as reported out of committee, all that burden was on the executive branch.

I think it is a good approach, and I hope my colleagues will concur.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask the Senator from Ohio if he can yield me 20 minutes.

Mr. GLENN. I yield whatever time is needed.

Mr. LEVIN. Mr. President, the bill that we will be taking up tomorrow, S. 219, the regulatory moratorium bill, is really Government at its worst. It is arbitrary, it is extreme, it is unfair, it is a reckless piece of legislation.

As Senator GLENN has already described, S. 219 would stop or suspend all regulatory action taken between November 9, 1994, and December 31, 1995. In other words, it is also retroactive. It not only stops regulations from being issued this year through December 31, it goes back, picks an arbitrary date and suspends all regulatory actions taken from November 9 to the present, even those that are final and effective; even those that people, industries, and businesses have counted on, have changed their method of operation in order to accommodate, even those which industry and businesses have pleaded with us to put into effect. And there are such regulations, and I will get into some of those in a moment.

The Governmental Affairs Committee amended S. 219 in reporting it to the floor by applying it to significant regulatory actions, which are about 800 to 900 in any one year. But the committee did not alter the retroactive feature of this bill.

I want to go back and look at how this thing started in the House.

According to an article that appeared in the Washington Post on March 12, lobbyists gamed the system in the House as the bill was being drafted in order to keep the rules out that they wanted to take effect and keep the rules in that they wanted to stop.

First, they started with an effective date of November 9, arguing that the day after the election had significance for pending regulations, but then they changed the date from November 9 to November 20. This is in the House.

Why did they do that? Why was it November 20 instead of November 19 or November 18 or November 21? Because one Member of the House whose support they wanted had a rule that he cared about, that he wanted to go into effect. It was a marketing order for borrowing. He had been waiting for that marketing order. He did not want

that one caught up in the moratorium. That one took effect November 19. So he said, ''Well, make it November 20 and now you have my support.'' So they picked the first day after that particular rule took effect. Forget the fact that the moratorium blocks all other marketing orders, like cherries or sugar or flowers or anything else.

The principle involved in this decision was not that marketing orders should be exempt because they are central to the promotion and sale of key commodities; the principle that was operating in this case was the principle of political expedience, picking the date based on the desire to protect the rule for one particular Member.

Well, I have marketing orders that I am interested in, too. We have a cherry marketing order that will affect cherry production. We are number one in the entire market for cherries in the country. That one probably will not take effect—if it does—until later this year. Well, is my marketing order less important than that Representative's marketing order? Is one more significant than the other? Are we going to say, well, we will exempt this and that, and pluck this from the sky and pull this one from the ground, and we will exempt particular rules from this moratorium where a Member has a particular interest, out of thousands that are pending? Is that the way we are going to legislate? That is the way this bill was done in the House—cover barley, and then we will get another vote for a moratorium. It is arbitrary in the way it was done, both in the House and here.

There were a lot of other exemptions that were considered. Lobbyists from many sides bid for exemption. But the House rejected every exemption concerning rules to protect public health and safety and accepted numerous amendments to protect specific business-related items.

For instance, the House exempted from the moratorium a rule that was published on December 2 relative to the conditional release of textile imports; a rule that related to customs modernization; a rule that related to the transfer of spectrum by the Federal Communications Commission, and so forth. If you can catch the interest of a Member, you can get your rule exempted from the moratorium. I do not have any problem with exempting from the moratorium any of those rules. I am all in favor of that, because I do not think the moratorium makes sense. It is not as though I do not think we ought to exempt textiles or we should not exempt spectrum. I think we should have a rational way of legislating, which is to state a principle, not just willy-nilly pick items out of the blue which may have particular appeal to a particular Member.

One of the reasons this moratorium did not make sense is because it would catch up rules such as those enumerated. But it is going to catch up a lot of other rules which make sense, as well. It is not just a textile rule that it catches up. Well, that was exempt. It catches up a rule that finally gives us some sanity in the area of bottled water.

The water bottlers have been waiting for a decade for this rule; they want the rule. They have been asking for a rule to label bottled water so that the public knows what it is getting. It says ''spring water'' or ''artesian water'' or ''seltzer water,'' ''well water,'' or whatever it is. The bottling industry wants rules so the public is not misled. They want rules in order to restrict the amount of particular chemicals that can be in bottled water. They have been waiting for this rule. They wrote us in strong opposition to this moratorium, because it catches up rules that they have been waiting for.

Now, the textile folks are exempted, and it is fine with me. But how about the water bottlers; they are not exempted? What is the rationale for this? What is the reason behind that? Where is the fairness behind that?

Now, as the House bill came over to the Senate, this is the way it looked. It applies to all regulatory actions, big and small. It does not even permit agencies to receive comments from the public on pending rulemaking. This is the House bill, I emphasize. This is the one we are going to face in conference. All regulatory actions are stopped in the House bill, not just final regs. Agencies are not able to receive comment, issue guidance, nothing; stop it, everything. I do not know what we expect the folks at the agencies to do this year. Nonetheless, everything stops in its tracks. They cannot receive comments from the public—a grinding halt. It applies retroactively. It indiscriminately exempts some rules and not others. It does not exempt any rule pertaining to public health and safety, except it has an imminent threat stamp.

Well, as the Senator from Ohio says, the definition of ''imminent'' is not there. So we have to try to figure out now whether or not the President is going to exempt a rule that the Product Safety Commission is going to promulgate on bike helmets. Is that an imminent threat? They are looking at a rule which will require that items which are sold as bike helmets to protect the heads of bicyclists from injury, in fact, be structurally strong enough so that they will be able to perform that function. That is the Product Safety Commission that is doing that.

The industry wants it; they want these regs. But is that an imminent threat? Is the President just supposed to pick some kind of decision out of the air? Does that depend upon what the prediction is as to how many people will die within what period of time? Is that imminent? Is it one person a year? If it averages one per month, is that imminent or not? If it averages 10 per month, is that imminent or not imminent?

Choking toys. The Product Safety Commission, I think, has already issued regulations on toys which are a threat to children under 4 years old, which they can choke on. Now, is it imminent or is it not imminent? We do not know. But none of these are exempted. The bike helmets are not exempted. The E. coli bacteria is not exempted. The choking toy is not exempted. But we have exemptions for all kinds of other things that are more business-related exemptions, such as sale of spectrum by the FCC, or the textile regulation; those are specifically exempted in the House bill. But nothing relating to public health and safety is exempted. Instead, there is an imminent threat requirement that the President has to apply.

There is one other thing the House bill does. Again, I emphasize this is what we are going to face in conference. The Senate bill makes some changes—the underlying Senate bill. But the House bill extends statutory and judicial deadlines. In other words, where there is a rule which is required by law, be it judicial or statutory, to come into effect as of a particular date, in that case, the bill says, well, we want it to be longer by 5 months. The moratorium for December 31 is not good enough if the deadline for a rule has been set by a statute or by a court. There, for some reason—totally inexplicable to me—the deadline is extended 5 months beyond December 31. Mind you, if Congress set a statutory deadline for a rule to come into effect, and that one is moratoriumed until December 31, that becomes May 31. I do not know that logic. They tried to change that one in committee in the Senate version without any success. We never got an explanation as to the logic of that one. You would think if we set a deadline for a rule to come into effect, we would treat ourselves as well, at least when there is no such deadline for a regulation coming into effect. But we do not. This moratorium, I believe, is a diversion from the real job of drafting tough regulatory reform legislation.

We hope that we could just set this moratorium idea aside and get on with the real work of regulatory reform, the real work that the committees of this Congress are doing, which the Governmental Affairs Committee did by unanimous vote in adopting the Roth regulatory reform approach. Another committee of this Senate is doing work on regulatory reform. That is the serious work. Timely item review, cost benefit analysis, looking at each regulation, to weigh whether or not its benefits outweigh the costs.

In our bill, having a legislative veto provision—which I think is a very important and significant approach, one that I have supported since I got here. As a matter of fact, one which I supported before I got here.

When the moratorium bill that the committee took up, S. 219, came before the committee for markup, it was a

doozy of a markup. There were 22 amendments at our markup. I want to go through this markup briefly just to show how arbitrary this bill before the Congress is.

Senator COCHRAN offered an amendment to exempt any action taken to ensure the safety and soundness of a farm credit system institution, or to protect the farm credit insurance fund. That amendment was accepted.

Senator PRYOR offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action. That amendment was designed to exempt a regulation that permits duck hunting season to open. That was accepted.

Senator AKAKA offered an amendment to exempt the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of the Interior pursuant to the procedures specified in the advance notice of proposed rulemaking, published on March 17, 1994. That amendment was accepted.

Senator GLENN offered an amendment to exempt ''any regulatory action to improve air safety including such an action to improve airworthiness of aircraft engines.'' That amendment was accepted. Senator GLENN offered another amendment to exempt any regulatory action that would upgrade safety and training standards for commuter airlines to those of major airlines. That amendment was accepted.

Senator THOMPSON offered an amendment to exempt any clarification of existing responsibilities regarding highway safety warning devises which was intended to cover railroad crossings. That amendment was accepted.

Senator GLENN offered an amendment to exempt any regulatory action to bring compensation to Persian Gulf war veterans for disabilities for undiagnosed illnesses as provided by the Persian Gulf Veterans Benefits Act. That amendment was accepted.

Senator GLENN offered an amendment to exempt regulatory action by the EPA to protect the public from exposure from lead in house paints, soil, or drinking water. That amendment was accepted.

Now, each of those amounts was offered in an effort to exempt particular rules from coverage of the moratorium. I support each one of those amendments. They are fine. The problem is not that there is a problem with the amendments that were adopted. The problem is amendments which nobody offers to cover important regulation which have as much claim to be exempted from this moratorium as the ones that we exempted. Certain Senators, familiar with certain rules, offer an exemption from the moratorium. It gets adopted. That is fine. What about the ones where we are not familiar, acting on a matter of weeks upon thousands and thousands of regulations that get caught up in the net? They are caught up in a moratorium. How many rules are there that are just as important as the ones that we exempt that are still going to be subject to the moratorium, and with similar or even more serious consequences than these rules? There are hundreds of these rules, potentially, since we have been told there is perhaps 800 to 900 significant regulatory actions in any one year.

All these amendments identified about eight, eight that some Senators are familiar with. How many others? We do not have the vaguest idea. Some of them that we do know about we tried to offer amendments on. These are some of the ones that failed. See if there is any coherence to this.

Senator GLENN offered an amendment to exempt any regulatory action to reduce pathogens in meat and poultry taken by the Food Safety and Inspection Service of the U.S. Department of Agriculture. That one was defeated. We accepted the exemption for lead paint. That one was adopted. But when it came to a rule to protect against tainted meat, that exemption from the moratorium was rejected.

Now, maybe somebody can come up with a logic here as to why we should proceed without a moratorium to a rule on lead paint, but we should not proceed without a moratorium to a rule which protects citizens from tainted meat.

I think we ought to proceed with both unless on a one-by-one basis Congress, pursuant to a legislative veto, feels that a regulation is not consistent with the law that drives it or is not worth the cost.

That is the alternative approach to this moratorium. That is the coherent approach. That is the approach where we will be forced to rationally look at any regulation, one by one, not lumping them all together in one bushel basket and stopping the whole bushel, except for one or two or three, up to eight, which people have picked out of the bushel, but where we deal rationally with regulations one on one.

Then Senator GLENN offered an amendment to exempt any regulatory action by the EPA that relates to control of microbe risks in drinking water supplies. That is the one that addresses the concern about cryptosporidium in public drinking water. That was rejected.

Is the lead paint threat more imminent than the cryptosporidium threat? That is the decision of this committee, and, therefore, one is going to be subject to a moratorium and the other one is exempt. It beats me what the logic is. I do not see it.

I offered an amendment to exempt any significant regulatory action the principal purpose of which is to protect or improve human health or safety and for which a cost-benefit analysis has been completed and the head of the agency taking such action has concluded, to the extent permitted by law, that the benefits justify the cost. That one was rejected on a 7 to 7 vote.

There is so much inconsistency in this bill that it is really the totally wrong way for Congress to legislate. One rule is exempted just in case it might get caught by the moratorium, but a similar rule is not exempted because, well, it appears that it would not be caught by the moratorium. There is no rhyme or reason to why the committee specifically exempts air safety regulations and lead paint regulations, but refuses to specifically exempt meat safety and cryptosporidium regulations. There is no rhyme nor reason to that.

Surely we want to protect ourselves from dangerous situations in the air, from lead paint, from dangerous meat, and from cryptosporidium. We want to protect ourselves from all. Where is the logic?

Now, I offered an amendment which the committee accepted. Here is the way this amendment read: ''We will exempt from the moratorium, regulations that establish or enforce statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin or handicap or disability status.'' That one was accepted. Those are exempt from the moratorium.

But then I offered an amendment rejected by the committee—I cannot figure the logic it—to exempt any significant regulatory action which enforces constitutional rights of an individual. That one we did not exempt. Statutory rights that prohibit discrimination are exempt, but regulations to enforce constitutional rights are not exempt from the moratorium.

The committee accepted an amendment by Senator MCCAIN to exempt actions that ''limit it to matters relating to negotiated rulemaking carried out between Indian tribal governments and at agency under the 'Indian Self-Determination Act Amendments of 1994'.'' Fair enough; no problem with that exemption.

But how about an amendment to exempt any regulation issued pursuant to the consensual product of regulatory negotiation—not just the ones relating to Indian tribal governments but any product of regulatory negotiation; not just that product?

So it went, and so we have just a hodgepodge of exemptions that defy consistency or rationality.

We also add items of coverage to the moratorium. Senator GRASSLEY offered an amendment that the committee adopted which added the interagency memorandum of agreement concerning wetlands determinations to the moratorium. Mind you, this is just a interagency memorandum. This is not a regulation or rule, this is just a memorandum between agencies. That one is added to the moratorium on regulations. So that one is suspended during the moratorium period.

Senator STEVENS offered an amendment to extend the moratorium to include any action that ''* * * restricts commercial use of land under the control of a Federal agency''—any action, not just a regulation or rule, any action restricting the ''commercial use of land under the control of a Federal agency.''

We are still trying to figure out the ramifications of that amendment. Already the results are pretty stunning.

Under the Stevens amendment, the Federal agencies in charge of protecting Federal lands would presumably not be able to carry out enforcement proceedings against individual actions that could despoil the land or endanger human life. For instance, the National Park Service could presumably not close a dangerous pass in a national park because of drifting snow; it could not stop hikers using certain paths in a park that may be dangerous because of bears or high water.

The Department of the Interior has reviewed this amendment. Here is what it predicts if this amendment ever became law:

The Bureau of Land Management would not have authority to enforce existing permits or plans of operations for mineral leases; the Bureau of Reclamation would not be able to regulate boating, swimming and fishing on Federal land near dams and reservoirs; the Fish and Wildlife Service would not be able to regulate a variety of recreational activities on wildlife refuges; the National Park Service would not be able to regulate activities that might impair visitor enjoyment or protect the parks; the Department of Defense could not obtain additional public lands for military purposes without qualifying for Presidential exemption.

It goes on and on. Those are the impacts of the amendment just adopted in committee, which is added to a moratorium on regulation.

I just cannot believe that the members of the Governmental Affairs Committee ever intended that the Government be so limited in its ability to protect its people and its natural resources, but that is what we did in reporting this bill to the full Senate.

As I said, this bill also has a rather strange provision added in committee concerning statutory and judicial deadlines. That provision adds an additional 5 months to the length of a moratorium where deadlines have been established by either statute or a court case with respect to a regulation.

The first question is why would we want to include deadlines in the moratorium bill in the first place—particularly statutory deadlines where we, in Congress, have stated explicitly the date by which we want a rule issued? But, second, why should regulations with statutory or judicially imposed deadlines be singled out for an additional 5-months moratorium?

When I asked the question the answer that I got was that it would be too much for the agencies to handle all of the proposed and final regulations coming into effect at the same time when the moratorium ends, as well as the deadlines. But that does not make any sense. The lifting of a moratorium on proposed and final regulations does not force the agencies to take any scheduled action with respect to those regulations, and to the extent that the agencies do take action they will have the entire period of the moratorium to prepare for taking those actions. Moreover, when I asked whether any agency had asked for this kind of consideration, so to speak, the answer was ''no.''

But the report of the committee is just as telling. The report contains a litany of various selected rules that are referenced for purposes of determining whether or not they are covered by the moratorium. The committee members did not consider these rules individually. Most of them—maybe all of them—were not even mentioned in the committee markup or in documents circulated to committee members. Yet they appear in the report as though the committee acted intentionally and knowingly on them.

Here is one—this is from the committee report.

The Department of Transportation is currently considering whether alternative standards to the existing HM–181 standards are appropriate for open-head fibre drums used for the transportation of liquids. If the Department of Transportation determines that such alternative standards are appropriate, that decision could result in eliminating an unnecessary regulatory burden on the fibre-drum industry.

What is wrong with that? Nothing. That is great. I am all for exempting them from the moratorium. I do not want any unnecessary regulatory burden on the fibre-drum industry more than I want it on any industry. But here is a typical exception from the moratorium. It suddenly appears in the committee report. We never discussed this. It is just helter-skelter, willy-nilly. Can you get a Senator to put a little reference in there to exempting some regulation from a moratorium?

Here is another one. Similarly, the Bureau of Alcohol, Tobacco and Firearms is about to issue final regulations governing trade practices under the Federal Alcohol Administration Act that could simplify alcohol promotional practices. If so, these regulations could be excluded from the moratorium under this provision. Terrific, I am all for it.

What about the hundreds of others that should be excluded from the moratorium that are not named in here? What is the origin of naming one or two regulations, unless we want to go through these things in some rational way and name hundreds of regulations that ought to be exempted that will reduce burdens on industry?

How about that bottled water regulation that the bottled water industry has been waiting for, for a decade, one decade? Let me read the letter from the Water Bottlers Association.

''On behalf of the Bottled Water Association I am providing, at your request, information. * * * Et cetera, et cetera.

In addition to this final rule, I will describe two additional amendments to the bottled water standard of quality which, according to FDA, will be published this spring. IBWA strongly supports the finalization of these public health standards as well.

* * * * *

The December 1, 1994 final rule, which was identified at your committee hearing last Wednesday, significantly adds to the number of standard of quality levels that must be met by a bottled water product and as a result, will be a significant benefit to American consumers. Briefly, it establishes or modifies allowable levels in bottled water for 9 inorganic chemicals (IOCs) and 26 synthetic organic chemicals (SOCs) including 11 synthetic volatile organic chemicals (VOCs), 14 pesticides, and polychlorinated biphenyls (PCBs). The final rule presently becomes effective on May 1, 1995. Once effective, this final rule provides even greater assurance to American consumers that the bottled water they drink is the safest in the world. IBWA strongly supported FDA's efforts to finalize these quality levels and has consistently worked with FDA to develop and implement these rules. While IBWA members already voluntarily test for these substances, as part of a voluntary annual inspection program which is a condition of membership, making this final rule effective will ensure that the entire bottled water supply sold in the United States, from both domestic and foreign firms, conform to these valuable public health and safety standards.

This is their conclusion. I think it will resonate with every Member of the Senate.

The three standard of quality rules described herein have a material impact on the safety of all bottled water sold in this country. The standard of identity rules ensure that consumers are not mislead and legitimate bottled water producers not injured due to false or misleading names given to specific types of bottled water. IBWA and its members have devoted enormous time, technical resources, and money for over a decade to develop these federal standards. It would be a major setback to the bottled water industry and consumers to have these federal rules, so close to finalization, arbitrarily frozen. IBWA strongly supports the efforts of you and others to ensure that this highly damaging possibility does not become a reality.

Presumably maybe we could have exempted bottled water standards. Or maybe somebody can argue that there is an imminent health hazard that these address. It is pretty hard to argue. These have been in the works for a decade. What is so arbitrary about this bill, what is so unfair, is that it singles out some, picks them out of the blue, some pending regulations and says we will exempt these. We will exempt the textile regulations from this moratorium but these other 800, well, who knows about them? Let me emphasize. I am familiar with that textile regulation. I want to exempt it from the moratorium, too. But what about the other hundreds that have an equal claim to be exempt from the moratorium?

What about mammograms? On this floor on a bipartisan basis we had a law passed that required high-quality standards for mammograms and that

they be uniform. We had speeches from Members all over this floor saying how important it was that mammograms in this country meet certain high-quality standards. We lose thousands of women unnecessarily to breast cancer because we do not have high-quality mammograms in this country. And we all sit around here and stood around here and made speeches as to how critically necessary it was that we get these standards in place. Where are they? Caught in a moratorium. Or are they caught? Is it imminent? Is it is legally imminent? Is there less of a claim for an exemption from a moratorium for a mammogram regulation than it is for the duck hunting season? I have to share with Senator GLENN the same strong feeling. We do not want to mess up the duck hunting season. So we should exempt them. I have no problem with doing that. But what about mammograms? Is there less of a claim? I do not think so.

This bill has been turned into a vehicle for special interest pleading. That is what is so fundamentally disturbing about this moratorium. Who gets in and who gets out depends on whether you can get a Member's ear or attention and time to get a particular request in. In some cases it is a request to be excluded from the moratorium. In others it is a request to be covered by the moratorium. What about those who do not have the lobbyists or the representatives to adequately argue their case? What about them?

This represents arbitrary Government at its worst. What is ironic is that it is part of an effort to reduce the intrusion of arbitrary Government, an effort that I share.

There is going to be a substitute offered, the principle of which is an important principle and it is a principle that I very strongly support. The principle is that we as a Congress should be forced to look at the product of our laws and not just write general laws. We as a Congress should be forced to look at regulations that come out of these laws we write, not simply vote on the law and then move on to the next problem and think we have solved the first one. Because the regulations that are spawned by our laws can frequently create as many problems as they can cure.

I came to this Senate believing in legislative veto. And I think the first legislative veto in the 1980's was one that I cosponsored for Senator Boren, a so-called Levin-Boren legislative veto on the Federal Trade Commission. We passed it. We would have liked to have had a generic one, by the way, but the Supreme Court intervened and created some problems in the way it was done.

So I am all for legislative veto. I think it ought to be done the right way. I have some suggested changes in the one that is going to be offered as a substitute. But make no mistake about it. We are going to face this moratorium again in conference even if we substitute a legislative veto for this across-the-board regulatory moratorium. That does not unhappily put an end to this arbitrary and reckless approach to Government. We are going to face it again in conference.

It is important that this Senate go on record, not only as favoring the alternative, which is a legislative veto that will be offered, a totally different approach, one that looks at regulations one at a time that forces us in the legislative body to do our work instead of capturing all of the regulatory process in the executive branch in a net, willy-nilly. It is a very different approach. I hope we adopt something like the one that is going to be offered by Senator NICKLES and Senator REID. But it is also important in adopting that substitute that we put to rest, that we end, the threat of a moratorium which we are still going to face in conference, which I believe is one of the most arbitrary pieces of legislation that I have seen in my 16 years in the Senate.

I want to commend Senator GLENN for the effort that he has led against this moratorium. Hopefully tomorrow we will take step one in putting this thing to rest. But he is very right in alerting us to the fact that this is just step one. If we do in fact adopt this alternative approach that we not proceed along with this broad across-the-board regulatory moratorium but instead move to a legislative veto approach, that it is just phase one in this effort. Phase two will be in a conference where the folks who support the moratorium have already indicated publicly that they are going to try to get that moratorium enacted.

Mr. President, again with thanks to Senator GLENN for leading the effort to defeat this moratorium and to get an alternative approach utilizing the legislative veto or regulatory reform, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Texas.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that David Davis, a Fellow in my office, be granted floor privileges during the consideration of S. 219.

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

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. KYL. Mr. President, I would like to follow through on some of the remarks of the Senator from Michigan.

Mr. GLENN. Mr. President, parliamentary inquiry, if I might. Did we reserve the remainder of our time on this side so we do not have it charged against us?

The PRESIDING OFFICER. That is correct.

Mr. KYL. Mr. President, I listened with care to comments of the Senator from Michigan. I think he raised some legitimate points regarding both the House bill and also the Senate bill, S. 219, which came from the committee.

At the conclusion of his remarks, he got to the point that I would like to speak to; that is, the Nickles-Reid substitute which he indicated would most assuredly answer many of the questions that he had raised, that it constituted the concept of legislative veto that would enable the House and Senate to examine these regulations each one by themselves to determine whether they could conform to the intent of the legislative branch which pass the laws in the first place. I think that is the bottom line here. That is the question.

We should be able to rely upon the majority of the House and Senate to understand what we intended when we passed a law, and whether the regulations being issued by the regulatory agencies conform to our original intent. I suspect in most of those cases we will find that we agree with the regulations being proposed. But in those cases where we do not, we will have the opportunity to say so, and during the debate indicate why we think they perhaps do not conform to our original intent and, therefore, how the agencies can rewrite the regulations.

Most of the consequences of the House bill, or Senate bill, S. 219, that the Senator spoke of are answered, it seems to me, by the Nickles-Reid substitute. You have concerns expressed I think with either a moratorium or a lookback except that during the lookback to November 9, 1994, the regulations remain in effect. And so there should be no real concern because those regulations remain extant and they are only stopped if the House and Senate decide that they need to be changed. And the 45-day moratorium with the exceptions for emergencies and for public health and safety reasons that require an immediate implementation of a regulation is not really much of a delay considering the fact that many regulations, most regulations are delayed 30 days from implementation anyway. It seems to me the opportunity to look at these regulations and determine whether they conform to congressional intent is good and that we give up very little because the regulations already in effect remain in effect until we look at them and those regulations which are not emergencies are only delayed for a period of 45 days.

The concern that many of us have is twofold: The cost of regulations to our families, to our businesses and to society in general and also the burden of regulations today cry out for solution.

There are two charts here which I would like to briefly use to demonstrate that point. The pages of the Federal Register is some rough measure of the burden of these regulations, and we are almost up now to 67,000 pages in the Federal Register. You can see from the year 1976 that regulations went all the way up to 73,000 pages during the 1978 and 1979 period, down to a low during 1986 of about 44,000 pages in the Federal Register; last year, almost

65,000, and as I said now almost 67,000 pages in the Federal Register as of this date.

And by the way, that is pretty fine print so we are not talking about regulations just of one or two to a page. This demonstrates in at least some gross way the size of the burden that we are imposing on people.

I defy anybody to understand what is in all of these regulations. We spend billions of dollars trying to comply with the law. We all remember as school kids we learned the phrase ''ignorance of the law is no excuse,'' but in fact Americans, all of us, are ignorant of the law. We cannot possibly know what is in all of these regulations and comply with them, and we hire people to help us with that, spending billions of dollars in the process.

That gets to the second chart, Mr. President. The cost of Government per household 2 years ago, 1993, for the Federal regulatory burden was $6,000 compared to the Federal tax burden of $12,000. As a matter of fact, depending upon which study you look at, the cost by the end of 1993 of complying with Federal regulations overall, counting businesses as well, was just about equal to the Federal tax burden.

So if you include businesses as well as families in this, what you find is that we are paying as much to comply with regulations as we are money to the Federal Treasury. In rough dollar terms, about $1 trillion we pay into the Federal Treasury, about $1.3 trillion, as I recall. And the cost of complying with regulations is somewhere in that rough area, of roughly $1 trillion a year.

It is hard for any of us to comprehend what $1 trillion is, but for the average household we can understand $6,000 a year to comply with Federal regulations. We know that it is hard to know what is in them all. We know that it is expensive and burdensome. We know that they are not all necessary.

That is what our effort is all about, to have the Congress have at least the opportunity to look at them before they go into effect, to say, yes, that is needed, that is what we intended, let it go. Or, wait a minute, this goes far beyond what the Congress intended when we passed this law. This is not the kind of burden that we intended to impose upon society, upon our families, upon small businesses, for example. Or for some other reason to say, time out, hold this regulation up; this is not an appropriate extension of the law.

Mr. President, I just want to conclude with this story. When I first went to law school, I remembered thinking about the difference between administrative law and statutory law. I had never had occasion to think about that distinction before. The legislative branch passes laws, the executive branch signs those laws and then implements them. That is what I had learned in high school and in college.

However, I came to appreciate a distinction, that when you get to the way it really works in the real world with the Federal Government, you have the legislative branch passing laws that are usually not very many pages. Now, we like to talk about all these big laws and most of them are not that big. And then we tend to forget about it. This is what we intend to happen or to prevent from happening. It is then the job of the executive branch of Government to translate that into all of the rules and regulations by which the law is implemented.

A funny thing happens. The regulators end up taking far more space in the Federal Register writing many, many times the number of words to explain precisely what it is that Congress meant. And Congress does not go back and look at that until constituents come to us and say, ''Do you realize what you did when you passed this law? Do you realize what this regulator is making me do?'' Frequently we say, ''Well, now, that is not what we intended.'' But we never get around to changing the regulations. We literally have to go back and amend the law.

Well, this allows us a more efficient procedure, a shortcut, if you will, an opportunity before the fact, before the regulations hurt people to say, time out, Mr. Regulator friend of ours here in the executive branch, you are going beyond what we intended when we passed the law. So scale it back in this regard and then that will be what we intended and that is what our constituents then can live with.

I believe that this is long overdue. I have constituents back home who have pleaded with me to please try to do something to solve this problem. And I think that in the Nickles-Reid amendment we have really come to a good balance. We have found a way to look at old regulations and to consider new regulations and a way to ensure that they conform with congressional intent without preventing the executive branch through proper administration to deal with emergencies, to deal with public safety and the like. I think it is a good balance, and I think it is important for us to adopt this kind of approach. I am looking forward to the next day or two of debate hoping that we can get the Nickles-Reid substitute passed, go to conference with the House version of their bill, and quickly get a bill signed and sent to the President for his signature.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in strong support of the Nickles-Reid amendment. My friend and colleague from Arizona has done an excellent job of pointing out some of the burdens of regulation. I will not reiterate those, but I will make them a part of my full statement in the RECORD.

He has talked about the annual costs and economic terms of regulations. This is a study—I understand done in 1992—by Thomas D. Hopkins on the regulatory policy in Canada and the United States. He is talking about billions of dollars, in 1991 dollars, and shows back in 1977 they were running slightly under $550 billion, but at that time we projected that the 1995 burden would be about $600 billion annually.

Now, as chairman of the Small Business Committee, I suppose the one thing that I hear most from small businesses in my State and in the other States I have visited is that you are killing us with all these regulations. We are in business to make money, to hire people, to provide a product or a service. How are we going to keep up with the minute details, the tremendous volume of directions that you are giving to us. How are we supposed to run our business and still read all this stuff?

Now, before me, I have two stacks of regulations the Clinton administration has put forward since the election. I would have stacked them one on top of the other for more dramatic impact, but I am sure I would have been in violation of some regulation of OSHA because they could be very dangerous if you stacked up all of this material and put it where it could fall over on somebody. Unfortunately, it is the business person, the individual, the farmer, the retail store owner who is supposed to know everything that is in here.

Oh, by the way, just received today, March 27, 1995. You think you have problems getting to sleep tonight. This is what you need to read today as the regulatory burden that the Government is proposing to put on you today.

This is today's reading. The admonition that the problems of today are sufficient, do not worry about tomorrow; well, the Bible did not understand that the Federal Register could make the burdens of today as significant as this.

But this is what the small business person is supposed to know and supposed to follow.

The Clinton administration has proposed 4,300 regulatory actions and has some 2,000 final rules planned. This is going to enable this administration to surpass the dubious record of the Carter administration in the issuance of new regulations.

Another way of looking at the volume of regulations is how many bureaucrats does it take to write the regulations? In 1970, we had 28,000 people in the Federal bureaucracy telling us how to run our lives and what kind of regulations we have to obey. By today, glory be, that number has risen to 127,842 people trying to tell the small business person in my hometown, your hometown, or anyplace in this country how they live their lives and what they ought to do.

Now, let me make clear as we begin this debate, we are not saying all regulations are bad. And I do not believe any of the proponents of this legislation or this amendment are going to say that. People still rely, as they

must, as they should, on the Government to provide basic functions to ensure that we have clean water to drink, ensure safe and effective medicines to take, and safe food to eat. I want to be able to rely on that. But the people I talk to, the people I am hearing, want Government brought under control. They are tired of looking at Government and seeing how it runs and thinking to themselves, ''You could never run a business that way.''

The question I suggest, Mr. President, is how to get the best results from the regulations we must have? How do we use our finite resources best? If we waste time and effort and energy on complicated or unwise or overly prescribed regulations, we cannot put those resources and that time into being productive. It results in loss of jobs and a lower standard of living.

We ought to take a look at these regulations and ask some important questions. And that is what this 45-day period under the Nickles-Reid amendment would permit us to do. It would enable us to say: Would this regulation actually improve things or would it endanger lives? Could the same amount of spending be applied better in another way? Is this regulation the best way to allocate the resources in our globally competitive economy?

Let me just take two examples that might be under the heading of risk assessment.

According to the Office of Management and Budget, under the EPA's hazardous waste disposal ban, $4.2 billion would have to be spent before one single premature death is prevented. Again according to OMB, under EPA's formaldehyde occupational exposure limit, $119 billion to prevent one premature death. That is not to say that it is not a laudable goal to prevent deaths that would result from exposure to hazardous substances. The question we must ask is whether this is the best way to allocate these billions of dollars in resources? If resources were used a different way, could we not, in fact, save more lives and prevent more illness?

The money spent complying with regulations might be better spent. If society could take the resources spent to comply with the formaldehyde occupational exposure limit, $119 billion, and spent it on developing new lifesaving drug therapies, then 331 new drugs could be developed and brought to market. If the $92 billion that it will take to avoid one death under the atrazine/alachlor drinking water standard were used for cancer research, we could quadruple the research budget at the National Cancer Institute for the next 12 years. If we took the $168.2 million that it is estimated to cost to avoid just one death under the benzene nesahp standard, we could put 3,064 more police officers on the street.

Let me give you just a couple of examples, Mr. President, of some of the things that we have heard about before. I think our colleagues have heard about how dangerous it is to rescue a colleague, a fellow worker, who is in danger of death in a collapsed trench. Senator KEMPTHORNE has talked about it.

My one of my favorite columnist Dave Barry, wrote in ''Wit's End'' about this story in Idaho. He said:

But before we do anything, let's salute the Occupational Safety and Health Administration (OSHA) office in Idaho for its prompt action regarding. . .

Improperly attired rescue personnel: Here's what happened, according to an article in the Idaho Statesman.

On May 11, two employees of DeBest Inc., a plumbing company, were working at a construction site in Garden City, Idaho, when they heard a backhoe operator yell for help. They ran over, and found that the wall of a trench—which was not dug by DeBest—had collapsed on a worker, pinning him under dirt and covering his head.

''We could hear muffled screams,'' said one of the DeBest employees.

So the men jumped into the trench and dug the victim out, quite possibly saving his life.

What do you think OSHA did about this? Do you think it gave the rescuers a medal? If so, I can see why you are a mere lowlife taxpayer, as opposed to an OSHA executive. What OSHA did—I am not making this up—was fine DeBest Inc. $7,875. Yes. OSHA said that the two men should not have gone into the trench without (1) putting on approved hard hats, and (2) taking steps to ensure that other trench walls did not collapse, and water did not seep in. Of course this might have resulted in some discomfort for the suffocating victim (''Hang in there! We should have the OSHA trench-seepage-prevention guidelines here within hours!''). But that is the price you pay for occupational health and safety.

Unfortunately, after DeBest Inc. complained to Idaho Sen. Dirk Kempthorne, OSHA backed off on the fines. Nevertheless this incident should serve as a warning to would-be rescuers out there to comply with all federal regulations, including those that are not yet in existence, before attempting to rescue people. Especially if these people are in, say, a burning OSHA office.

But let me tell you what OSHA came up with. They did repeal the fine. They pushed it through in the first place, and then they pulled it back. And now OSHA has decided to provide for that.

So if you are thinking about a rescue situation, and here you are, this is any worker, this is any small contractor on a hazardous site, you have to know this before you try to rescue somebody.

This is from the Federal Register of Tuesday, December 27, 1994, volume 58, page 66,613—that will tell you something. And I quote:

(f) No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger unless:

(1)(i) Such employee is designated or assigned by the employer to have responsibility to perform or assist in rescue operations, and

(ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment, or

(2)(i) such employee is directed by the employer to perform rescue activities in the course of carrying out the employee's job duties, and

(ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

(3)(i) such employee is employed in a workplace that requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water; and

(ii) such employee has not been designated or assigned to perform or assist in rescue operations and voluntarily elects to rescue such an individual; and

(iii) the employer has failed to instruct employees not designated or assigned to perform or assist in rescue operations of the arrangements for rescue, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.

(4) For purposes of this policy, the term ''imminent danger'' means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice ban be abated.

And I close the quote there.

Is that not refreshing to know what the good Samaritan must know before he or she rescues somebody's life?

Mr. President, I think that is the kind of thing that, if it came up here for a 45-day look, we could say, ''I don't think so.''

I do not think we really need to go into all that detail. I do not think we really need to have everybody in America read this in case they would become a good Samaritan and rescue somebody in serious, serious condition.

These are the kind of things that are driving small businesses, individuals in all walks of life nuts in this country today.

Another example: The head of the Occupational Safety and Health Administration testified before Congress the horror stories were not true. He testified OSHA does not require material safety sheets for the normal use of consumer products, and workers must be informed of risks only when they are regularly exposed to high levels of substances that actually pose health risks.

This is a copy of a citation issued last July to a specialty food shop in Evanston, IL, for a serious violation and a proposed $2,500 fine. What is the violation? The company did not have a written hazard communication program. The primary chemicals used are used in the kitchen and bathroom areas. The chemicals used that were so dangerous were not limited to but included automatic dishwashing detergent and bleach. And for failure to have a hazardous notification—this is a serious violation and ''the employer did not develop, implement and/or maintain at the workplace a written hazard communication which describes how the criteria will be met.''

As I said, the primary chemicals used were automatic dishwashing detergent and bleach. My goodness, I used automatic dishwashing detergent this

morning. I did not have a hazard notification. Am I in imminent danger? I do not think so.

But, Mr. President, businesses across the country, small companies, are in imminent danger of being hit with a $2,500 fine if they do not have that kind of written hazardous communication warning them about dishwashers and bleaches and automatic detergent.

I think these problems are what the bill, as amended by the Nickles-Reid amendment, intends to fix. Under this bill, Congress is held accountable, as it should be, for delegating responsibility to implement regulations. This measure would give Congress 45 days to review significant regulations and to pass a joint resolution of disapproval to block the implementation. The 45-day layover adds to the checks and balances between the legislative branch and the executive branch by bringing back to Congress major regulations so that we can see if they really do what we meant and, second, if we meant what we said, and, third, are they unnecessarily restrictive or proscriptive?

Too long we in Congress have taken the credit for solving problems. We have somebody come in and talk about regulations and we say, ''Oh, well, I'll get after somebody and we won't have to have you comply with that particular provision.'' But rather than try to come in after, would it not make sense for us to take a good hard look up front? That is what Congress needs to do.

Frankly, I think that a 45-day period before Congress will have a very salutary effect because I just believe that many people in the executive agencies are getting the message: We are going to start taking a look at what you write, and if you do not want it to be overturned, let us make it simple. Do not write it so complicated that people cannot understand it.

I have a U.S. Department of Housing and Urban Development notice to renters on lead-paint poisoning. These are all single-spaced sheets. There are four sheets. You tell me somebody who may be getting assistance in housing is going to be able to read all that and understand it? I tell you, I have gone through it and I have gotten lost and I have had some training, supposedly, in reading regulations.

I do not think that we are serving our people well when we put burdens of tremendous regulations on them, kill a lot of trees to boot and wind up with systems that often do not make any sense.

I believe one of the messages that the people of America gave us in November 1994 was: Enough is enough, get off our back. Stop weighing us down with these kinds of overly restrictive, proscriptive regulations.

Regulations to protect health and safety, simple ones that people can understand, that is fine. We anticipate those when we pass legislation calling for regulations. It is time that we in Congress got back into the process and made sure that we stop some of this idiocy before it is placed on the backs of an already overburdened economy, dragged down by more than $600 billion worth of regulatory burden each year.

For small businesses, the burden is disproportionately high. No one can say how many new small businesses were never started, or new products that never get developed, or how many jobs are destroyed because of the burden of regulations out of control.

One group that thrives on the confusion and fear of regulators is regulatory consultants. All across this country consultants profit from helping businesses, especially small businesses, navigate the regulatory maze and figure out how to comply. A new and complex regulation is a boon to these consultants. In the environmental sector, the consulting market was estimated at $9 billion on 1993 by Farkas, Berkowicz & Co., a Washington-based consulting firm. These firms also conduct mock OSHA inspections and make inquiries to OSHA for their clients. Businesses do not want to call OSHA themselves because they are fearful it would trigger an inspection and fines. These are businesses who want to comply and are trying hard to comply, but are too afraid to call the agency themselves.

Congress has been unaccountable for the burdens it creates. Most of the regulatory burden results from the ways laws are written here in Congress. Let me quote from the special report on regulatory overkill published by the Kansas City Business Journal:

> The Congress passes laws in a very sloppy manner. They don't spell things out in great detail the way they should, because that requires hard work and technical expertise, and those are two things that are in short supply in Congress.

Congress' reliance on agency bureaucrats to flesh out lawmakers' intentions gives unelected officials vast discretionary powers, but ''oftentimes regulators are confused about what Congress wants and then Congress loses control over what regulators do. The regulators prescribe very unworkable solutions, and Congress says that's not what we had in mind, but by then, we're all stuck with the regulations.''

> Lost jobs, businesses that can't grow, products that can't be developed, a loss of research and development. All of these are fundamental dangers that affect not just business, but ultimately every citizen in this country if the system is allowed to continue unchecked.

That problem, Mr. President, is what this bill seeks to fix. Under this bill, Congress is held accountable for the regulations that result from the laws it passes. The Nickles-Reid substitute will give Congress 45 days to review significant regulations and a chance to pass a joint resolution of disapproval to block implementation.

The Nickles substitute brings accountability to Congress and the Federal agencies.

The 45-day layover adds to the checks and balances between the legislative branch and the executive branch by returning major regulations to Congress to see if they match congressional intent.

For too long Congress has taken the credit for solving the crisis of the hour—but when the check comes due, Congress has ignored the costs to States, cities, business, and individuals—no more.

This makes Congress accountable for its laws—many of our environmental laws do not allow the agency to take costs into consideration. Example: RCRA requires EPA to issue rules for land disposal of hazardous wastes that establish treatment standards using the best demonstrated available technology without regard for cost or risk.

This makes Federal agencies accountable for their rules—too often EPA ignores the discression it has. Example: The Clean Air Act Amendments of 1990 required major sources of hazardous air pollutants to engage in enhanced monitoring. EPA has taken these two words into a huge new regulatory program. EPA estimates the proposed rule would cover 30,000 sources at 10,000 facilities at a cost of over $1 billion. This is not for emissions reductions, it's just for monitoring.

This forces us to confront antiquated laws—sometimes the facts of the situation changes, so today the law means something quite different than when it was passed. Example: When the Delaney clause was adopted in 1958, we were measuring contaminants in parts per million, today we're measuring in parts per billion or parts per quadrillion. The advance in technology has converted the Delaney clause from a reasonable rule to a ridiculous one.

A vote for the Nickles amendment is a vote for accountability in Congress and the agencies.

Who can disagree with that? If a majority in Congress believe a regulation should not be put in place to implement a law passed by Congress, then proper oversight action should be taken. Congress might weigh the consequences of the laws it passes and must ensure that regulatory agencies do not overstep the boundaries set by Congress. Congress delegates a great deal of decisionmaking authority to the regulators and if the regulators abuse that power, Congress should have the power to act quickly and decisively.

Mr. President, I strongly support the Nickles-Reid amendment, and I urge my colleagues to adopt it.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my understanding that Senator DORGAN is not ready yet, so I am going to go forward.

First, I want to thank my colleague from Missouri, Senator BOND. I am

privileged to serve with Senator BOND as cochair of the regulatory reform task force that is trying to put some common sense into the regulations of our country, trying to bring them under control.

Senator BOND and I are having a good time, actually. He has given some of the examples that we have found from ordinary citizens and small business people who are fed up to here with the overregulation of our country, and I applaud him for his efforts. I appreciate the fact that he has just read all of the regulations that are stacked on his desk. I am sure it was great bedtime reading.

Mr. President, I rise in support of the Nickles regulatory review substitute bill. I am proud to be a cosponsor of this bill. Senator BOND and I and Senator NICKLES have been working for months, really, trying to see what we could do to give the business people and the individuals in our country some relief. In fact, Congress passes laws and they delegate the implementation to the regulators. But if the regulators do not do what is envisioned by the Congress, it is our responsibility to step in and to say, ''No, this is not really what we intended. In fact, Congress intended for you to go in this direction.''

This bill will inject some democracy into what has been an increasingly arbitrary regulatory process. Americans have the right to expect that their Government will work for them, not against them. Instead, Americans have had to fight their Government to drive their cars, graze cattle on their ranches, build a porch on their homes, or operate their small businesses in a reasonable, commonsense manner.

This legislation would provide lawmakers with a tool for ensuring that Federal agencies are, in fact, carrying out Congress' regulatory intent properly and within the confines of what Congress intended and no more.

Agencies have gotten into the habit of issuing regulations which go so far beyond the intended purpose we hardly recognize them anymore. This bill is simply an extension of the system of checks and balances which has served our country so well for more than two centuries.

In November, the message came loud and clear from the voters of America: ''We're tired of bigger Government; we are tired of business as usual in Washington, DC, and we are tired of the arrogance that we see in our Federal Government.''

Nothing demonstrates that arrogance more than the volumes of one-size-fits-all regulations which pour out of this city and impact on the daily lives of American people. The voters went to the polls because they felt harassed by the Government that issues these regulations without considering the impact on small business.

The egregious stories about the enforcement of some of these regulations have become legendary, and the people are asking us to call a timeout, and that is what we are doing today.

Common law has always relied on a reasonable-person approach. The standard behind our laws should be what would a reasonable person do in these circumstances? But many of our Federal regulations have been designed to dictate the way in which a person, reasonable or otherwise, must act in every single situation, something that is impossible to do. In short, we must make reasonable persons not an oxymoron in this country. We have literally taken the common sense out of the equation and completely failed to allow for the application of common sense. It is for that reason that this debate is dominated by example of Government regulators out of control.

When you have the city of Big Spring, TX, being forced to spend $6 million to redesign its reservoir project, to protect the Concho snake, which they are told is endangered, only to find out that the Concho snake is not really endangered after all, but after they have spent the $6 million, you find the unreasonable man coming to the forefront.

When you have a plumbing company in Dayton, TX, cited for not posting emergency phone numbers at a construction site, and the construction site is three acres of empty field, and OSHA actually shut the site down for 3 days until the company constructed a freestanding wall in order to meet the OSHA requirement to post emergency phone numbers on that wall. Or when the Beldon Roof Co. in San Antonio, TX, is cited for not providing disposable drinking cups to their workers, despite the fact that the company went to the additional expense of providing high-energy drinks free to their employees in glass containers, which the employees in turn used for drinking water. In this case, you have a company going the extra mile and being cited because they did not meet a lesser standard.

What about when the EPA bans the smell of fresh bread from the air and forces bakeries, like Mrs. Baird's, to spend $5 million for a catalytic converter to take that smell out of the air? Or the case of Mrs. Clay Espy, a rancher from Fort Davis, TX. She allowed a student from Texas A&M to do research on plants on her ranch. He discovered a plant which he thought to be endangered and reported his findings. The Department of the Interior subsequently told Mrs. Espy that she could no longer graze her cattle on the ranch on which her family had grazed cattle for over 100 years because her cattle might eat this particular weed. It took a lawsuit and an expenditure of over $10,000 before the Department reversed its ruling and declared that the weed was in fact not endangered.

And then there is Rick's High-Tech Auto Motive Service in Katy, TX; they have eight employees. Ten months ago, he spent $30,000 purchasing a console analyzer and an additional $3,500 in training. But new EPA regulations came out for inspection and maintenance which pulled the rug out from under him, and he will now have to fire at least two employees.

And Howard Goldberg in El Paso, TX, owns Supreme Cleaners. Two years ago, he bought all new equipment. When the State implementation program mandated that he install recovery dryers, it cost him an additional $19,000 and rendered his new equipment totally useless and also unsalable. He is a dry cleaner. He is a small business person.

These numerous horror stories which have come forward since we began our efforts for regulatory reform provide evidence of a Government out of control. It demonstrates the need to introduce common sense and reasonableness into the system where these qualities are sorely lacking.

That is why one of the messages sent by the American people in 1992, and again in 1994, was: We have had enough. Fix this.

The question is: Have the people in Washington heard the message? Will it take this time? I am not sure, because I am not sure some people in Washington yet realize the frustration level of people in America. With this bill, we are sending a message to America: Signal received.

It is going to be difficult, but we are going to reverse this disastrous trend. Our goal must be to put the Federal Government's financial house in order, decrease the size of the Federal Government, return Federal programs to the States, reauthorize the 10th amendment of the Constitution of this country, which said that the Federal Government will have limited powers and everything else will be left to the States and to the people.

The Federal Government was supposed to be a strong, but small, efficient Government, with very limited powers, and I think we have gone in the other direction.

What are the stakes here? Mr. President, if we are going to be able to compete in the new global economy, we must change the regulatory environment and the litigation environment so our businesses can compete.

To put this in perspective, for business, the cost of complying with current Federal regulations is $430 billion a year. The overall cost to the economy of regulatory compliance, if you put the mandates on State and local governments, is $900 billion. Now, to put that in perspective, our income tax brings in approximately $700 billion. So when you are writing out your taxes in the next few weeks, look at the stealth tax that is on top of the bill that you are paying, and that is going to be double—double—what you are writing the check for, and that is the real Federal encroachment on your life.

We need to let people manage their own lives and their own money instead of having Washington do it, I think we

are perfectly capable of giving it to the American people.

We need to turn the regulatory engines around. The Nickles substitute is an important first step on the road to regulatory reform in this process.

I have been working on this legislation with Senator NICKLES and Senator BOND for years. I hope my colleagues will side with the American people, who have called on us to get the bureaucracy under control and vote in favor of a bill that will begin to tell the American people that we got the message in November 1994, and we are going to do something about it.

Mr. President, that is the mission. That is what we must do. We must show the people of this country that things are changing in Washington, DC, that they are getting the message inside the beltway and relief is on the way. That is what this bill will do. I urge my colleagues to support it.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I listened with interest to the previous two speakers, and I have also listened today to Senator GLENN from Ohio who has spoken on this subject, as well as the Senator from Michigan, Senator LEVIN, and others.

This subject is regulations. I suspect it is safe to say that not many people like regulations. It is also safe to say that the fewer regulations probably the better, for most parts of our country. However, there are certain specific areas I think most people would say we want to make sure the regulations are there and work. For example, there are important regulations relating to air safety. I have flown some in my life. I have not flown nearly as much as the Senator from Ohio who has his own plane and has orbited the Earth, as a matter of fact. He understands when you take off with a bearing and leave the ground there are certain regulations about at what height you can stay.

If a plane is flying east, it can fly at a certain altitude. If it is flying west, it can fly at another altitude. It may or may not be cumbersome, but it is comfortable when flying east to understand the person flying west is not flying at your same altitude.

That is a regulation, and one that is perfectly reasonable, of course. There are a lot of regulations in our country that have grown of public need.

I was reading the other day about the early 1900's—1904, 1905, 1906—when there were scandals in this country about the quality of meat, and some stories about some meatpacking plants. The plants were infested with rats. In order to get rid of the rats in the meat factory plant, they put out bread laced with poison. So the rats would eat the bread laced with poison, and the poison would kill them. The dead rats came out of the same shoots as the meat, and of course the public scandal was that that injured the people of this country, and citizens finally wanted to know what they were eating. Were they eating beef, or pork, or chicken, or rat, or poison, or poisoned bread, for that matter?

From that grew a series of increasingly tough standards with respect to meatpacking in this country. Finally, when people began to purchase meat from the grocery store shelves, they understood that this was inspected. It was produced under certain conditions that required safety and cleanliness. And people had some confidence in that product.

Those series of regulations now over nearly 80 or 90 years were born not of someone's interest in interfering, but were born of the interest in public health and safety. That is true of a lot of regulations.

It is also true, as previous speakers have alleged, that regulations often become oppressive, and regulations that flow from well-intended law become regulations that do not make any common sense when issued, and are not able to easily be complied with by mom and pop businesses on the Main Streets of our country.

In many cases, regulations have caused substantial anger and substantial anxiety. I think that unreasonable and excessive regulation has caused a lot of people to go very sour on the subject of Government itself.

I do not disagree at all that if we miss the message in the last election, we missed something important. The message in the last election is that American people want some change. Among the important changes that this Congress will offer shall be changes with respect to Federal regulations.

There is a right way to do that and a wrong way to do that. Some would say that we should just throw everything out. They contend that all regulations are essentially bad and we must get rid of them.

That is not, in my judgment, a thoughtful way to do it. In my judgment that is a very thoughtless way to approach it. A thoughtful way to do this is to decide that we need to make sure when decisions are made by the U.S. Congress on the subject of clean air or clean water or poultry inspection or dozens of other things that the American people feel are important to their lives, that the rules and regulations that flow from that are rules and regulations that make common sense and that stick with the intent of the legislation itself.

Now we have a couple of proposals floating around, some of which I think make a great deal of sense, and some of which make no sense at all.

I know Senator GLENN and Senator LEVIN have talked about the bill that we dealt with in the Governmental Affairs Committee recently on the subject of the regulatory moratorium. The proposal was, ''Gee, we had this message in the last election. Regulations are essentially bad. So let's have a moratorium and prevent any regulation from moving at this point, until a date certain. Just throw a blanket over all of them and decide we will shut this down completely.''

Well, I did not support that. I do not think it made any sense. When the moratorium bill was marked up in the Governmental Affairs Committee, we raised a number of examples and offered amendments. It became clear to me that those who proposed the moratorium had no notion at all about what the consequences would be. Some of the consequences would be just as inflammatory and detrimental as the consequences of saying there is no problem here at all, and let the current circumstance stand.

For example, we raised questions about many rules that are now in the pipeline that really need to be issued. A regulation that deals with standards on mammography. Should that not be issued? Sure, it probably should be issued.

A rule that deals with improving inspection techniques for meat and poultry to prevent the loss of lives because of E. coli and other food contaminates. We received testimony from a father who lost a son to E. coli infected meat. He obviously believes very strongly we ought not interrupt the process of making sure that regulations needed to improve that area continue to move.

We should not have a moratorium on regulations that deal with that sort of thing. The moratorium bill would prevent timely issuance of rules needed to control the microbial and disinfection byproduct risks, such as cryptosporidium in our drinking water. The cryptosporidium issue came from recent outbreak in Milwaukee, WI, in which over 100 people died and hundreds of thousands of people became ill.

Those are the kind of things that get prevented when we establish a moratorium. We would interrupt very laudatory regulatory goals that we ought not interrupt such as those dealing with nuclear waste, with work safety, with seafood inspection, and a whole series of other things.

Let me give another example. If we say we will have no regulations at this point, at all, I raise the question where there are some good regulations we want.

There is a regulation, for example, about to be issued allowing a larger harvest of shrimp in the Gulf of Mexico because the previous regulated harvest can now be increased. There are more shrimp out there. So by regulation, they will allow that to increase.

I say to the proponents of the moratorium bill, would you not want that to be able to proceed? Why should we have those folks out there making their living on shrimp be prevented from harvesting a greater number of shrimp that now is deemed appropriate? We should not have a moratorium on a regulation like that. That is a helpful regulation.

So, those are the kind of things when we propose a moratorium that I think render the proposal of a moratorium pretty much a thoughtless proposal. That does not make much sense. It is sort of like saying we cannot differentiate, or we cannot distinguish, or we do not have the time for judgment.

So, we will shut everything down. Shut down, then, the good with the bad. And we shut down a whole range of things that, I think, can in a detrimental way affect people's daily lives.

That is why the moratorium bill I think is not being brought to the floor. We raised a lot of these questions about it. We offered amendments, almost none of which were accepted. And, interestingly enough, after it was passed out of the Governmental Affairs Committee over our objections the decision has been made, I think, that this moratorium bill is probably not now a good idea.

Well, it is nice to see that that judgment was made. Now we can go on to some other things. We have since written another bill in the Governmental Affairs Committee which deals with comprehensive reform of the regulatory process which I did support, which Senator ROTH, the chairman of that committee, and the ranking minority member, Senator GLENN supported. It makes eminent good sense.

It says Congress and Federal agencies must change the way we do business on regulations. When we pass a law, and we decide we want to do something that represents something good for this country, such as the Clean Air Act, we want to make sure that the regulations that come from that are regulations that meet a common sense standard and are regulations that can conform to cost-benefit analysis and risk assessment made prior to the issuance of the regulation.

We will also have proposals on the floor of the Senate that provide for a legislative veto so that significant regulations that are proposed by agencies would have to provide a time window by which the Congress review those regulations and decide to veto those regulations if the Congress said, ''This is not what we meant at all. This goes far afield from what this Congress intended,'' and we can veto those regulations.

Both of those approaches make good sense to me and are the right way to deal with the regulatory reform issue. Regulatory reform is not being debated as to whether we should have regulatory reform. The debate is how. Those who bring the issue of the moratorium to the floor or through the committees, I think, have understood their remedy for how to reform the regulations is an inappropriate remedy. This is why we see them stalling on that and deciding they will not bring it.

The ''how'' that is appropriate, I think, are the two approaches on cost-benefit analysis and risk assessment, and the legislative veto that are incorporated in the recently passed Governmental Affairs Committee bill. I think this is a rare instance, and I would like to see more instances, where Republicans and Democrats will join hands and agree that this makes good public policy. This makes good sense.

That is that we have here on the issue of regulations. This is not a case of who can bring the biggest stack of regulations to the Chamber. I suppose as we debate these things we will have a wheelbarrow carting out all the regulations. Sign me up for saying some of them are dumb. Some of them make no sense. Sign me up for saying at least when I am flying at 5,500 feet, I want to know the guy flying in my direction is at 6,500 feet, because the regulation separates each plane by 1,000 feet.

There are a lot of good regulations that are necessary for health and safety for good living in our country. I certainly want to support those at the same time as we try and streamline this whole area.

I was thinking as I was waiting to speak today, we have learned a lot. That also is what has caused Members to develop different standards in our lives.

When I was a young boy, my father ran a gasoline station, and the gasoline station, like all gasoline stations in our country, would accept automobiles to do oil changes and lube jobs and so on. You would bring a car in and put it up on a hoist and drain the crankcase of oil, and we would put it in this big barrel. I lived in a town of 300 people, with dirt streets. When barrel got full at my dad's station, our station and the other station in town, because there were two—that is called competition in a small town—both stations did a public service with their used oil. When it was time and the barrel was full, my dad would have me go get the little co-op tractor, hook it up to this tank and they had a pipe across the back with some holes in the pipe that you could unleash and then I would drive up and down Main Street and drip that used car oil on Main Street of our hometown. So did the other gas station, for that matter. So both of us were performing a public service and everybody thought it was great because that was blacktop, at least in our small town at that point. You would drop used oil on Main Street to keep the dust down on Main Street. Of course now, if I were doing that, I suppose I would be sent to Leavenworth or somewhere. It really is a very serious felony offense.

Why? Because what we learned over the years is you destroy or you injure your drinking water. This seeps into groundwater and you cause all kinds of human health problems.

So what we have done over the years is we have learned a lot about water and air and safety. We have done a lot of very good things with respect to regulations.

I was around one day in my father's station when a fellow named Pete, who was kind of a handy guy, was working on a combine and Pete cut off all his fingers. I just happened to be there. There were no chain guards or anything on combines at that point. He was fixing a chain and the chain around the sprocket—there were no safety features, no guards—he was trying to monkey with the chain, the thing engaged and cut off all his fingers. The nearest hospital was 50 miles away and my father asked me to pick up all the fingers that were there. There was not microsurgery then, I should say, but we took him and his fingers 50 miles to a hospital. They could not reattach his fingers because we did not know about microsurgery back then.

The fact is today he probably would not have cut off his fingers in that combine because now they have chain guards and safety devices. All of that, yes, might be a nuisance for some people, but it is also something that saves fingers and hands and accidents. So we have made a lot of progress in a lot of these areas.

I again want to say I think the question about regulatory reform is appropriately asked, not whether we have regulatory reform, because all of us in this Chamber believe that we need to reform our regulatory system; the question is how?

The answer for me is that a moratorium is a relatively thoughtless approach and one in which we simply say, ''Let us not be thinking about the specifics, let us sort of throw a blanket over all of it and not worry about what the consequences of it might be. Let us decide we cannot issue standards on mammographies, mammogram machines. Let us decide we cannot issue standards on the regulation of computer airlines. Let us decide we cannot do all of these things because we have decided a moratorium is the right approach.''

A moratorium is not the right approach. The right approach is for us to do what we have done already in a risk assessment bill and for us also to decide that we can, even as we look at regulatory reform, do some things that I think will get the agencies to understand that risk assessment must relate to regulation, to the consequences of the regulation for the American people.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I see the minority leader is here. If he will indulge me for about 2 more minutes, I