would like to make one additional point on another subject today because I think it is important. I wanted to make it last week but I did not. I was not able to. I want to make it today.

Last week it was announced that the January trade deficit, the merchandise trade deficit, in our country was $16.3 billion, the worst in our history.

The reason I mention that is we have seen great angst on the floor of the Senate and the House about the Federal budget deficit, and it is an enormously important problem for our country, which we must address. But it is almost a conspiracy of silence with respect to the trade deficit. We are suffering the worst trade deficit in human history in this country. The merchandise trade deficit is terrible and it is growing, higher than it has ever been. It relates to jobs moving from our country overseas.

I want to show my colleagues just two charts. The January trade deficit shows our trade problems with China and Japan and Mexico have all grown. There is not one major trading partner with which this country does business where we now have a positive trade balance—not one. Japan is well over $65 billion a year. We have a trade deficit with Japan of $65 billion a year. With China, we now have a trade deficit of nearly $30 billion a year. You can see what has happened. It has grown exponentially. This is an outrage. This means the loss of American jobs and American opportunity.

You can see what is happening with Mexico. This chart simply reflects the January balance. Multiply it by 12. We start with a surplus, 1992; 1993 a small surplus, 1994 a minuscule surplus. Now in January of this year we have the first deficit. If you multiply that deficit by 12, you will find out what some of us who opposed NAFTA have said for a long, long while. We are going to be stuck with a big trade deficit with Mexico.

The fact is the devaluation of the peso has meant American goods are much, much more expensive in Mexico and Mexican goods are much, much cheaper here in the United States.

I might also observe that the trade deficit with Japan—and I do not have a chart on that at this point—the trade deficit with Japan has increased at the very time the dollar has fallen against the yen to some of its lowest levels ever.

This trade strategy is not working. It is a bipartisan failure. This country needs a new Bretton Woods Conference that takes trade out of foreign policy and decides to stand up for the interests of this country. Not protectionist, not building walls, but to decide that this trade strategy hurts America and one-way trade rules that allow our country to be a sponge for everything everyone makes and allow their countries to keep American goods out is a trade strategy that we must stop.

It is time for us to decide, nearly 50 years after the end of the Second World War, that our trade policy ought not be a foreign policy. Our trade policy ought to be to stick up for the economic interests of Americans: producers, workers, entrepreneurs, risktakers. They deserve this country to stick up for their interests and demand fair trade—not preferential trade, fair trade. Fair trade from Japan, fair trade from China, fair trade from Mexico, fair trade from all of our trading partners. Anything less than that, in my judgment, is failing this country.

As I said, I think there is almost a conspiracy of silence about the worst trade deficit in human history. I do not understand why. Our Trade Ambassador, Mickey Kantor, is the best we have had since I have been in Washington, DC. He has taken on Japan and taken on China. But, still the problem gets worse with both China and Japan. I hope one of these days we can find others who feel as I do that that trade strategy is hurting this country and there is a better way and a new day to set this country right.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Democratic leader.

REGULATORY TRANSITION ACT OF 1995

Mr. DASCHLE. Let me commend the distinguished Senator from North Dakota for his comments on both issues. I will talk more about trade on another day, but certainly what the Senator said about the wisdom of the moratorium could not be better said. I appreciate his leadership and that of the distinguished ranking member of the Governmental Affairs Committee, who is on the floor now and who has already discussed this matter at some length.

Mr. President, I think it is fair to say, it is accurate to say that the moratorium is dead. There is no moratorium. It is over. There will not be a moratorium in spite of whatever decisions or promises the House may have made. The clear recognition in the Senate is that the moratorium is worse medicine than the disease itself, that the cure in this case is too broad, too problematic, and far too imprudent for us to support. So the moratorium is over. It is dead. I am very pleased that legislation is now pending to replace this moratorium that will be debated tomorrow.

Let me say, if it reappears, then I am confident that Members, at least on this side of the aisle in this Chamber, will again kill it. Everyone recognizes we must deal with problematic regulations. Everyone recognizes that this is not a partisan issue, that indeed we have to confront the proliferation of regulation and recognize that there are some which simply do not make sense.

Bringing balance and common sense to the regulatory process is something Democrats have argued for a long time. With bipartisan support, the Governmental Affairs Committee approved just last week a better and more meaningful way to address regulatory problems. As I understand it, the Judiciary Committee and the Energy Committee are meeting this week to do the same thing. So by the end of the week, three committees of the Senate will have done what we should do: Develop a framework to analyze and address many of the problems that have proliferated as a result of irresponsible regulation.

In my view, that is what we should do. That is the subject of the President's review that will be made available to us before the end of June, and I am very pleased that the White House as well as the Congress is working on this in a very comprehensive way.

Comprehensive reform is what is necessary, not the shortsighted, simplistic approach recommended by some of our Republican colleagues, especially on the House side.

So the moratorium is dead. And I think that this week we can come up with a meaningful way to achieve regulatory reform. Hopefully, this will be the first in a two-step process, one that provides us with an opportunity to deal with regulations in a meaningful way.

Frankly, we could have accomplished comprehensive reform in one step. We could have done it at a later date, once we have had a more thorough debate. That would have been my preference. But certainly, this can work. I think there is broad base of support for examining alternatives to the moratorium and we will begin that process tomorrow.

I think the Reid-Nickles legislation can give us an opportunity to review regulation in a selective and meaningful way. It can at least begin to address some of the problems that many of us have articulated with regard to reform for some time.

Again, the way to accomplish regulation reform is not through a sweeping moratorium that halts the progress of the good along with the bad. We should always be wary of temporary ''one-size-fits-all'' solutions that do not address the underlying source of the problem. It is an approach that will have unintended negative consequences. It is our responsibility here in the Congress to distinguish between the rules that are good and necessary and those that must be fixed or scrapped altogether. Clearly, the authors of the moratorium do not seem to feel such a need and would stop even those rules that would have broad-based support. That is what I would like to address this afternoon.

I would like to cite a few examples of the kinds of rules that a moratorium would have stopped, had it passed. Fortunately, because the moratorium, as I said is dead, we do not have to worry about it. But had a moratorium been passed, these types of rules would have been detrimentally affected. I want to address those briefly this afternoon.

First of all, our meat and poultry inspection process, as everyone understands, is outdated and unable to satisfactorily detect bacterial contamination. The results, as we have seen, can be lethal.

In the last Congress, I was chairman of the Agriculture Nutrition Subcommittee and Research, Conservation, Forestry, and General Legislation. We conducted four hearings to explore the issue of meat and poultry inspection in this country.

At every one of these hearings, there was a clear consensus that we must modernize our meat and poultry inspection system. During the hearing we uncovered a number of troubling facts. For example, it has been estimated that major bacterial pathogens are responsible for up to 5 million illnesses and 4,000 deaths annually. Foodborne illness attack persons at a greater risk such as children and the elderly. In the Pacific Northwest four children died after eating contaminated meat, while hundreds became ill.

That tragic event prompted everyone involved in this issue to seek a more sensitive and responsible alternatives to the current meat and poultry inspection system—one that would prevent such a tragedy from every happening again. In fact, the American meat industry even petitioned USDA to propose a new rule.

The current meat and poultry inspection system is based upon sight and smell and cannot detect the presence of some deadly human pathogens. To correct this problem, the Department of Agriculture on February 3 proposed a regulation to improve the inspection of meat and poultry.

This rule is the product of several years' worth of debate with the scientific community and food industries. As we all know, the moratorium would substantially delay this rule. In the meantime, how many more outbreaks will occur? How many more children will become ill and perhaps die?

Americans enjoy the safest and most abundant food supply in the world. But it can and should be improved. Adopting a science-based meat and poultry inspection process is an important step. The ill-conceived and politically motivated moratorium must not be used to delay implementation of this long-overdue regulation.

The same can be true of seafood inspection.

Mr. President, on January 28, the Food and Drug Administration proposed a rule to improve the inspection of seafood. This is a sensible thing to do, given the desire on the part of most of us to have the safest food supply possible, but the moratorium would block it. Apparently, either those who push this regulatory moratorium are unwilling to support the changes necessary to have a safer food supply, or the moratorium will have the unintended consequence of stopping yet another reasonable and necessary rule. I find neither case acceptable.

The rule, which is based on the same principles used to overhaul the meat and poultry inspections, is designed to better ensure the safe processing and importing of fish and fish products.

The rule will benefit both the seafood industry and consumers. The industry will benefit, as consumers will have greater confidence in seafood products, leading them to purchase greater quantities of seafood, while consumers will benefit by having access to safer fish.

Unless this rule is covered by the safety and health exception—and it is far from clear that it is—then the moratorium will stop this rule in its tracks.

Are we willing to play politics with our food supply, needlessly endangering the public in order to score a few cheap political points? Or are we going to take responsibility for the health of Americans and acknowledge that many of these rules like the seafood safety rule, make sense and should move forward?

The same can be said about head injuries. Mr. President, the Department of Transportation has issued a rule requiring protection against head impacts in the upper interior of cars, light trucks, and light multipurpose passenger vehicles. Each year we delay implementing this rule, 1,000 Americans will lose their lives and several hundred crippling head trauma injuries will occur.

The costs associated with these injuries will continue to drive up health care costs, insurance rates, and time away from work for injured victims.

The greatest tragedy is that these deaths and injuries will have been prevented if the regulations had been kept in place. The moratorium would, at a minimum, delay this rule from taking effect for many months, costing what otherwise would have been preventable deaths and injuries. Is that the result intended by the authors of this moratorium? I cannot believe that it is.

Third, with respect to radioactive waste, although we have identified safer alternatives for nuclear waste disposal, that continues to represent a very serious problem. In spite of the fact that we are making progress, serious problems continue to exist with regard to how we dispose of nuclear wastes in the future. Efforts have been underway for years to identify better places and practices that would assure the safe disposal of nuclear waste for the many thousands of years that the waste remains dangerous.

This year, after considerable deliberation and analysis, the Environmental Protection Agency proposed long-awaited rules for the disposal of nuclear waste. While I do not expect that we are at the end of our quest for safe nuclear waste disposal, these rules represent a giant step in the right direction. This rule would apply in particular to the first national nuclear waste repository, the waste isolation pilot project in New Mexico.

The nuclear power industry and the Defense Department, as well as the Department of Energy, are looking forward to these rules to help create additional certainty and safety in the disposal of nuclear waste. The moratorium would halt the implementation of these rules. Given the high stakes in this debate, including the public health issues, risks and economic factors, does it make sense to place a moratorium on rules that would move us closer to a means of more safely disposing of nuclear waste? I do not think so.

Finally, during the Governmental Affairs Committee markup, Senator GLENN offered an amendment to exempt from the moratorium Environmental Protection Agency regulations to control contamination and disinfection byproducts in drinking water. As many of us remember, the city of Milwaukee not long ago experienced a serious outbreak of disease due to contamination of the city's water supply. In 1993, a microscopic parasite known as cryptosporidium got into Milwaukee's drinking water supply. Ultimately, the outbreak resulted in over 100 deaths and 400,000 illnesses. There are numerous other cities that have experienced the ravages of bacterial contamination in their water supply. Just ask the people of Carrollton, GA; Cabool, MO; or Jackson County, OR. In the wake of these episodes, the committee nevertheless rejected the Glenn amendment. Given the recent experience of residents in Milwaukee and other areas, I cannot imagine how anyone could defend the moratorium on regulations designed to protect the public water supply from contamination.

So, Mr. President, let us be clear. The regulatory moratorium is not a tool of genuine reform. It is a blunt tool of expediency and, if enacted, it would have serious negative consequences.

Fortunately, the moratorium, as I have said, is dead. Real reform requires hard work. Real reform allows a serious consideration of proposals that will allow us to make a difference in the regulatory process by defining good from bad. And that is exactly what we want to do here. We want to provide meaningful alternatives to the moratorium, and I believe that the so-called Nickles-Reid approach is a beginning in that effort. It allows us to assess in a more constructive way which regulations ought to be issued and gives us the opportunity to stop those that are not well-intended or certainly are not prudent. But we will get into that debate tomorrow.

My purpose in coming to the floor today is simply to say that the moratorium is recognized here as something that cannot work, a blunt instrument that in our view is far more serious in remedy than the actual problem that it is trying to cure.

So I am hopeful that as we go through this deliberative process, first with regard to the very limited nature

of the Nickles-Reid amendment, and then ultimately in a more comprehensive way later on, we can deal with the regulatory proliferation as we know it should be dealt with, in a way that provides us an opportunity to use discretion, and in a way that gives us an opportunity to make better decisions about regulations as they affect the American people.

With that, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to respond just briefly to a couple of comments made by the minority leader, Senator DASCHLE, my friend from South Dakota.

I noticed he said the GOP moratorium. We are not debating moratorium because we do have the substitute to it, but in his charts he said it would block better meat, poultry, and seafood inspection. I take issue with that because I do not think it does.

I happen to be the sponsor of the moratorium bill, and, again, we are going to offer a substitute, something I think is even better. But we do have exceptions. We have exceptions for imminent threat to health or safety or other emergencies. That is determined by the President of the United States. Maybe Senator DASCHLE does not have any confidence in the President of the United States, but we allow the President of the United States to make that determination.

It also says protection against head injuries and so on. Again, I think if the President felt that was a threat to health and human safety, he could exempt it. Or if he felt it was necessary for the enforcement of criminal laws, he could have exempted it. Or I heard some comments about the Safe Drinking Water Act, or could not differentiate between good and bad.

Again, in the bill, on page 9 of the bill, it says the President could exempt a regulation if he found that the regulation has as its principal effect fostering economic growth, repealing, narrowing, streamlining rule regulation, administrative process, or otherwise reducing regulatory burdens. The President could exempt it. Senator DASCHLE mentioned safe drinking water. Again, if the President felt it was necessary to enact such a regulation in order to save lives—I heard the comments of hundreds of lives or something—certainly the President would have that authority. As a matter of fact, we did not have judicial review. His authority would have been accepted without court review or anything.

So I just mention that. We do not have to continue debating this bill. I know Senator DASCHLE said the moratorium is dead and now we are looking at this more streamlined Nickles-Reid bill.

Let me compare this to the moratorium. The bill that Senator REID and myself are proposing is congressional review of all regulations. The moratorium bill that passed out of the Governmental Affairs Committee did not review all regulations. It reviewed only a small percentage and then allowed the President to exempt those.

We started out with eight exemptions. The committee added another two or three and then had some exemptions on specific amendments. So there are like 10, at least 10 exemptions in the Governmental Affairs Committee but that only applied to significant regulations.

So for people to say that was so draconian and so unfair and so much a terrible disaster, I would say the Nickles-Reid substitute is a lot more comprehensive because it has the potential of stopping any regulation. It says Congress can review them. It puts the burden on Congress. Granted, the bill that was reported out of the Governmental Affairs Committee had the responsibility on the executive agencies, had the responsibility on the President of the United States. The President would have to exempt those regulations, due to the following exemptions. Now it is on Congress if we are successful.

Congress has the responsibility—and I want to underline the word ''responsibility,'' because Congress, in my opinion, in many cases has abdicated that responsibility. We have passed laws and then we forget about them. We are busy. We do not have time to go in and actually follow up and do congressional oversight. And so we pass the laws, and bureaucrats take over and enforce them and come up with the rules and regulations to make those things happen.

Now Congress is going to have some responsibility to review those rules. Particularly those rules that have significant impact, we are going to have to find out does the rule make sense? Is it a good idea? And maybe even some of those rules that do not have significant impact—maybe they do not have to have $100 million of economic impact—we should review those rules as well, and if our constituents are telling us that these rules are far too costly or too expensive or bureaucratic or too complicated to comply with, maybe we will listen to them and maybe we will stop them. Maybe we will make the administration more accountable. And I think it is one of the reasons why President Clinton should support this legislation. I expect that he will. I expect that he will sign this legislation because this will make the bureaucrats more accountable. They will know if they come up with a regulation, they cannot hide behind the legislation. They know that Members of Congress can have them appear before the various committees and they will have to justify the regulations. If there is a serious opposition to it, they will have to justify it in such a way or else, if we can get a majority vote in both Houses, we can rescind it. We can repeal it. We can stop it. We can reject it, as we should.

Mr. President, I know this chart behind me talks about the number of pages that are in the Federal Register. It shows the growth that we had basically during the Carter years in 1977, 1978, 1979, and in 1980, we reached an all-time high. We had actually 73,258 pages in the Federal Register. It declined significantly under Ronald Reagan's term, fell all the way down at the end of his first term in 1984 down to 48,000-some pages. In 1986, it reached the low point, I guess, of 44,821. In 1988, it had gone up to 50,000. At the end of 1992—and I guess that was the end of President Bush's term—we were up to 57,000. And under President Clinton's term, the first couple of years, the number of pages has increased up to almost 65,000, and seems to be continuing to increase.

A lot of these regulations are good and a lot of them are not good. A lot of them are not well thought out. Some of them need congressional review.

The Senator from Montana talked about having a hearing in Montana a couple weeks ago. Senator BURNS talk about having a hearing dealing with logging and had somebody from OSHA there who had actually been designing the rules and regulations and having that kind of oversight. We need more of that. We need the regulators to know that they can be held accountable by Congress and, if they pass or try to implement egregious rules, that we can have the opportunity to overturn those in an expedited process.

This bill has bipartisan support. I think it is a good substitute. I think it is a better substitute, frankly, than the underlying bill. I happen to be involved in both of these. And I think this one, because it is permanent, because it has, I think, a very good chance of passage and signature by the President of the United States, Mr. President, I think are very positive reasons why it should be enacted. I hope my colleagues would concur.

I yield the floor.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

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

The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 629 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

Mr. GLENN. I thank the Chair.

Mr. President, I hate to take exception with my distinguished colleague from Oklahoma, but he said that we are not debating the moratorium bill.

Yes, we are. I hate to disagree, but we are. That is exactly what we are debating today. That is what is before us.

The proposed Nickles-Reid substitute is one that we will address tomorrow. I know that the debate today has gotten off on that subject a number of times.

The bill that was voted out of committee, S. 219, the moratorium bill, as proposed by the Senator from Oklahoma, with a few changes that were made in the committee, was, as I understand it, almost exactly the same as H.R. 450, the House bill that has already passed. And that is the bill that we are addressing a lot of our concerns toward today, as well as S. 219.

When the Nickles-Reid substitute comes up tomorrow, I may well vote for that. I am not against the legislative veto. What I am concerned about is the moratorium bill. The House passed a devastating bill that is basically the same as S. 219, and that is what we are debating today.

I want to run through some of the regulations that would be stopped under a moratorium. I have about 40 minutes remaining, and I would like to go through some of these particular regulations that would be knocked out if we pass the House bill or if we passed a version that would then go to conference and be changed according to the House bill.

So we are debating the moratorium today and not what may occur tomorrow or what may be addressed tomorrow.

Now what would be affected? Well, we would have a lot of regulations. I will not go through all of them here. We have about 120 of them we could bring up. Some of them have already been mentioned today.

Shrimp harvesting that the States of Alabama, Mississippi, Florida, Louisiana, and Texas want would be cut back. The final rule was published on that December 28, 1994, so that would be affected.

Another one is on fisheries management under the Department of Commerce, National Marine Fisheries Service. The moratorium would affect all States with fisheries. The rules that would be affected restrict the number of fish that commercial fishermen can catch in certain fisheries each year.

They are based on scientific data and designed to allow for the maximum take of fish, while at the same time preventing depletion of fish stocks. Depletion has been a serious problem in many fisheries around the country.

Beneficiary of the rule include all fishermen and the consuming public. So the impact of S. 219 and H.R. 450 would be that many of these management specifications were published after November 20, 1994, and a moratorium could suspend these specifications, potentially allowing unlimited fishing in these fisheries, which could lead to long-term decline in the number of fish available for future fishing.

How about seafood safety administered by the Department of Health and Human Services and the Food and Drug Administration? What States will be affected? All.

The rule: FDA is proposing regulations to utilize hazardous analysis critical control point [HACCP] principles as a most effective way to ensure the safe processing and importing of fish and fishery products. HACCP procedures can be used by food processors and importers. Beneficiaries of the rule include consumers and the seafood industry. Consumers will benefit from safer products and will gain additional health benefits by substituting seafood products in place of other meats higher in fats and cholesterol.

The seafood industry will benefit from increased consumer confidence in safer seafood products and more uniform inspection procedures.

What would be the impact of S. 219 and H.R. 450? Unless this rule is included in a health and safety exception, passage of a moratorium bill will prevent the implementation of a final rule, consumption of seafood may continue to decrease, and consumers' lack of confidence in the safety of seafood products would persist.

That proposed rule was published January 28 of this year, and the final rule is slated for publication in the summer of 1995. That would be knocked out if H.R. 450 and S. 219 prevail.

Another issue: Noncitizen housing requirements of the Department of Housing and Urban Development.

All States would be affected.

This rule would restrict HUD housing assistance to U.S. citizens, nationals, and certain categories of legal immigrants. The beneficiaries of the rule would be citizens and legal immigrants who would be deprived of limited available housing assistance.

What would be the impact of S. 219 and H.R. 450? U.S. citizens and legal immigrants would be deprived of the limited housing assistance offered by HUD and, instead, this housing could be available to illegal immigrants. That final rule was submitted to OMB on December 30, 1994.

Another issue: Continuation of Federal Home Loan Mortgage Corporation and Federal National Mortgage Association housing goals administered by the Department of Housing and Urban Development.

I believe in the Governmental Affairs Committee, the Senator from Oklahoma asked that that be addressed and it was, but it is not in H.R. 450.

All States would be affected.

The rule: By statute, HUD is required to establish housing goals to direct the purchase of mortgages by Freddie Mac and Fannie Mae on housing for low- and moderate-income families, housing located in central cities, housing located in rural and underserved areas, and housing meeting the needs of low-income families and very low-income families.

In October 1993, HUD established these goals for 1993 and 1994. This rule extended into 1995 the 1994 housing goals pending the issuance of a more comprehensive final rule.

Beneficiaries of the rule? Very low- to moderate-income families in central cities and rural areas and other underserved areas.

The impact of H.R. 450 and S. 219: A moratorium could put a halt to Fannie Mae and Freddie Mac meeting housing goals set by HUD in accordance with the law and in recognition of the responsibilities of Fannie Mae and Freddie Mac under their charters. The needs of moderate-, low-, and very low-income families would not be served, and the opportunities for such families to purchase homes would be greatly reduced.

The final rule was published November 30, 1994, after the election.

Community development block grants is another issue also administered by HUD.

All States are affected by this.

The rule establishes guidelines to assist the community development block grant recipients to evaluate and select economic development opportunities for CDBG funds. The rule also makes changes for the use of CDBG funds for economic development.

Who benefits from this rule? State and local communities who receive these CDBG funds. The rule reduces administrative burdens on the recipients and focuses on assisting residents of low- and moderate-income neighborhoods.

The impact of H.R. 450 and S. 219: State and local governments will have limited use of CDBG funds for economic development which will adversely affect the communities served by these State and local governments.

The final rule on this was published January 5, 1995.

We can see just from these few I read so far that if we agree to H.R. 450 from the House or if we pass S. 219 here, which is what is before us at the moment, then, indeed, as the minority leader said a few moments ago, we can assume, I think, that the moratorium is dead; the moratorium is dead.

This is only a beginning. I have probably another 75 or so, and I will not be able to go through all of them today, but I plan to go through a few more to show that I, too, believe that the moratorium is dead and that the more the American people know about what the moratorium, H.R. 450 in the House, proposes and what S. 219, its companion bill here, which is before us today, proposes, the more they will agree that these are ill-considered pieces of legislation and should not have been proposed.

I think whatever changes we may make in this tomorrow and whatever bill we may wind up sending over to the House, I want the record to be full and complete in the Senate that what would happen under that bill in the House, if we accepted it or if we accepted S. 219 here, would be devastating to the lives of all individuals in many of

these different areas. I am just addressing a very, very few on the floor today.

Another one out of the Park Service: Cruise ship access to Glacier Bay.

Only Alaska is affected.

The rule: The Department of the Interior recently decided to allow increased vessel traffic in Glacier Bay. New vessel management plan regulations are planned to implement this policy decision.

The beneficiaries of the rule include travelers to Glacier Bay, area businesses, cruise ship industry, and businesses in Alaska.

The impact of S. 219 and H.R. 450: A moratorium could delay the implementation of this new policy, which could reduce the number of potential cruise ship passengers and diminish trade to businesses in the area.

The rule is planned for publication during 1995.

Another one, administered by the Department of Labor, is the Family and Medical Leave Act regulations.

All States will be affected.

The regulation would implement the Family and Medical Leave Act of 1993, which allows eligible employees to take up to 12 weeks of unpaid leave a year for the birth of a child, adoption of a child, or to care for a seriously ill relative.

The beneficiaries of the rule include both employers and employees, who will benefit from the clarification and guidance provided in the final rules, including, for example, clarification of what a serious health condition really is.

The impact of H.R. 450 and S. 219, without the final rules: Uncertainties raised by the law and the interim regulations would remain.

The final rules were published on January 6, 1995, and they will become effective on April 6, 1995.

Another one is under OSHA, the Occupational Safety and Health Administration, on logging safety. All States are affected. This rule addresses the major causes of logger deaths and serious injuries by providing safety provisions for chain saws, logging machinery, tree harvesting procedures, training, and personal protective equipment.

Logging companies are expected to benefit from over 4,000 fewer lost workday injuries and a standardization of industry safety requirements. This rule is expected to prevent an average of 111 logger deaths, 4,759 lost workday injuries, and 2,639 other serious injuries each year.

The impact of H.R. 450 or S. 219: The logging occupation has the highest death rate of all occupations—14,000 per 100,000 workers—almost three times the private sector rate. If S. 219 would pass, or H.R. 450 were to be accepted, it would allow continuation of the carnage that now takes place in the logging industry. Most of the final rule went into effect on February 9, 1995, with 12 provisions of the final rule having been stayed until August 1995.

Another one is administered by the Labor, Mine Safety and Health Administration. All the coal mining States would be affected. The rule relates to the use of diesel-powered equipment in underground coal mines, which has mushroomed in the past 18 years, without special safety and health regulations or equipment approval regulations necessary to control fire hazards and health concerns of acute and long-term exposure to diesel exhaust gases. This rule will provide basic common sense standards for use of this potentially dangerous machinery.

The beneficiaries of the rule are mine workers and mine operators.

State regulatory officials have strongly supported finalizing diesel regulations. Many mine operators have already begun implementing some improvements in anticipation of the standard rule. The impact of H.R. 450 or S. 219, a moratorium, would allow diesel equipment to continue to be used without specific regulation or safety controls.

In a 13-year period, there were 10 diesel-related fires investigated. Suspension of this rule would stall or halt the good-faith efforts that many mine operators have begun to work toward in improving the use of diesel equipment in underground coal mines. The final rule is to be issued in March 1995—this year. I do not know whether it has been issued yet or not.

Another one from OSHA is a rule to reduce exposure to tuberculosis in the workplace. All States are affected. Based on the Centers for Disease Control recommendation, this proposed rule will protect employees from occupationally acquired tuberculosis, for engineering controls, administrative controls, work practice controls, respiratory protection, medical surveillance, and training. In order to reduce the regulatory burden on facilities with low incidence of TB, this rule will be especially tiered on the basis of the location and type of facility.

The beneficiaries of the rule will be the 4½ million workers covered under this rule, and the employers who will have fewer lost workdays to this disease. The impact of H.R. 450 or S. 219: Unless workplace transmission of TB presented an imminent threat to health and safety, a moratorium could prevent effective control of this virulent disease, especially in high-risk workplaces and locations.

Another area that is covered by the Department of Transportation is standardizing regulations for domestic shipments of hazardous materials. All States are affected. The rule standardizes regulations for shipments of domestic hazardous materials, making them more consistent with similar international regulations.

The beneficiaries of the rule are shippers and carriers of hazardous materials that are engaged in both domestic and international shipments. Without revisions to the final rule, carriers would have to comply with differing rules for domestic and international shipments of hazardous materials.

The impact of S. 219 and H.R. 450: They would increase the cost of doing business for international and domestic shippers and carriers of hazardous materials, placing an unfair burden on U.S. businesses. Moreover, requiring different regulations for domestic and international shipments may stifle exports of hazardous materials, which had a positive balance of trade of approximately $17 billion in 1994. The rule was in effect as of January of this year.

Mr. President, we can go on with others. I would like to state a couple more here in this area, and then I want to get over into some of the nuclear matters.

Airworthiness directives were mentioned by Senator DORGAN a few moments ago on the floor. These are administered by the FAA. All States are affected.

Periodically, the FAA issues airworthiness directives—AD's, as they are known as in the industry. They are designed to rectify potential safety problems in aircraft—potential, not imminent.

Several examples of airworthiness directives that could be suspended are: Restrictions on the operation of the ATR–42 and ATR–72 aircraft in icing conditions following the October crash in Indiana that we remember from last year. Another revision to the airplane flight manual to prohibit takeoff in certain icing conditions unless either an inspection is performed or specific take off procedures are followed. That is applicable to the Fokker F–28 model aircraft; inspection modification of the tail cone release assembly of certain McDonnell Douglas aircraft to ensure that passengers can escape during an emergency evacuation; inspection and repair of landing gear brakes for certain Airbus aircraft. This was prompted by an accident in which an aircraft was unable to stop on a wet runway. Another one: Replacement of bolts, nuts, and washers that hold together parts of the wing flap; the new attachments prevent failures that could cause the aircraft to roll over upon liftoff, and that is applicable to Boeing 757 aircraft. Another requires measures to prevent the sliding cockpit side windows from rupturing in certain Airbus models. Failure to prevent that can potentially result in rapid decompression of the aircraft.

The impact of S. 219 and H.R. 450: The moratorium could prevent these types of directives from being issued. The safety concerns they address, though significant, may not be sufficiently imminent—repeat, imminent—to qualify for an exception under S. 219.

I know we had discussions this morning about the President making his own judgments on these things, because Congress is apparently not willing to define what it means by imminent.

These airworthiness directives were published after November 20, 1994. They

are out there now. If S. 219, as it came out of committee, or H.R. 450, was accepted, those airworthiness directives would not be in effect.

Standardization of aviation rules is another one that is put out by the FAA or followed by the FAA. They standardize regulations between the U.S. and European joint aviation authorities regarding flight operations, aircraft safety considerations.

Commuter airlines safety standards are another one where all States are affected. The proposed rule is supposed to be issued in March of this year, with final rules planned for December 1995. The rule would upgrade the standards for commuter airlines to those of major airlines—something I am sure we all would like to see happen and not be held up by any legislation such as this.

So once again, I say, when the minority leader came out a little while ago and made his statement that the moratorium is dead, I agree with that. These are just a few of the things I have been running through here today. But the moratorium had better be dead, or we are going to have a great deal of discussion on this when it comes back from conference with the House, if the House moratorium legislation would prevail, as was proposed in S. 219, which is before us today here on the Senate floor.

This is not all on airplanes and on health and safety matters.

We also have Government securities, large position reporting required by the Treasury. The proposed rule for public comment was put out on January 24 of this year.

Another is an agreement to establish water quality standards in the San Francisco Bay delta area. The final rule was published January 24 of this year.

We go on and on. Reducing toxic air emissions, the Environmental Protection Agency rule allows industries—this is one industry wants—to obtain pollution credits for voluntarily reducing air pollution before they are required to by law. Thus, this rule allows interested companies—those who now want to invest in clean air—to take credit now for early compliance.

So we get the benefits of cleaner air sooner. Everybody gets a benefit of that. Industry wants that.

Twenty-one companies have applied for the program and 17 more have indicated an interest. This is the proposal that came out November 21, 1994. The final is supposed to come out later this year. That would be held up by any moratorium.

For lead poisoning prevention, most regulations and guidelines have been proposed, and are to be finalized in summer or fall. Lead is a threat to children, regardless of family income, and adversely affects the nervous system, kidney, the hematopoietic system, causing decreased intelligence, impaired neurobehavioral patterns, coma, convulsions, hypertensions, and even death in children. Regulations on these matters would be held up if H.R. 450 or S. 219 would happen to prevail.

Mr. President, I would like to focus for a few minutes on the effects a regulatory moratorium would have on an area which I have long been concerned—health and safety as it pertains to nuclear facilities, nuclear cleanup, and radiation protection. As we shall see, the proposed moratorium will delay a number of important regulatory actions that have been crafted to provide for the public's health and safety—in a cost-effective manner.

Let me start by making a basic observation. Radiation protection, nuclear safety, and radioactive cleanup are complex, technical issues. It follows that the regulations governing these issues are also complex. To wield indiscriminately the meat ax of a regulatory moratorium at the existing nuclear regulatory framework is precisely the wrong way to go about improving this situation.

As currently proposed, the regulatory moratorium would delay the implementation of many important nuclear-related regulations—from standards for nuclear waste disposal to standards for cleaning up radioactively contaminated sites to rules for improving the safe operation of Government nuclear facilities to rules governing health studies of contaminated or potentially contaminated populations.

Now, Mr. President, I do not deny that the existing regulatory framework for radiation protection standards can be improved. But a moratorium is not the way to do it. In fact, I have been working for some time to improve the Federal radiation regulatory framework. I would like to call my colleagues' attention to an October 27, 1994, ''Dear Colleague'' letter which I sent to all Senators on this issue. I would like to quote from the letter, and I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

DEAR COLLEAGUE: I want to draw your attention to the enclosed GAO report on federal radiation protection standards and regulations (Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED–94–190). the GAO finds that:

''Historically, interagency coordination of radiation protection policy, . . . has been ineffective. Time-consuming and potentially costly dual regulation of nuclear licensees has been an issue between EPA and the Nuclear Regulatory Commission (NRC), and standards for major sources of radiation have been lacking for years because interagency disagreements have delayed the completion of regulations.'' ''At present, it is apparent that agencies' radiation standards and protective approaches ultimately reflect a general lack of interagency consensus on acceptable radiation risk to the public.''

Congressional concerns in this area are long-standing. In 1979, I introduced legislation that prompted the Carter Administration to form a federal radiation policy council (later dissolved by the Reagan administration). In 1982, I again introduced legislation which, though never enacted, helped spur formation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC), whose primary purpose is to coordinate Federal radiation policy. The enclosed report indicates that, while there has been limited progress recently, much remains to be done.

A coherent, rational approach to these issues is long overdue. By helping to rationalize this important area of regulation, we will lighten the regulatory burden, streamline the federal bureaucracy and, enhance public protection and public confidence. Another clear benefit from a coherent, consistent radiation protection regime will be a savings of taxpayer dollars from the resulting efficiencies in Federal facility cleanup.

I believe, consistent with GAO's recommendations, the EPA should take the lead to develop a plan for broadening and strengthening its ongoing radiation protection harmonization effort. I have asked that the EPA report to me with a plan for a path forward to rectify the current radiation regulation regime.

Such a plan should be developed with input from effected agencies, including the NRC, DOE, and DOD. Clearly, CIRRPC should serve in a coordinating role to assist in this plan's development. I have asked that this plan be developed prior to the beginning of the 104th Congress. After reviewing the interagency plan, I will consider whether any legislative remedies may be necessary to create a coordinated approach to this field of regulation.

Radiation protection standards affect our entire population. I encourage you and your staff to read this report, and would be interested in any comments you may have. My Governmental Affairs staff contact on this issue is Chris Kline (4–7954).

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

Mr. GLENN. Mr. President, quoting from the letter:

DEAR COLLEAGUE: I want to draw your attention to the enclosed GAO report on federal radiation protection standards and regulations (Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED–94–190). The GAO finds that:

''Historically, interagency coordination of radiation protection policy, . . . has been ineffective. Time-consuming and potentially costly dual regulation of nuclear licensees has been an issue between EPA and the NRC, and standards for major sources of radiation have been lacking for years because interagency disagreements have delayed the completion of regulations. At present, it is apparent that agencies' radiation standards and protective approaches ultimately reflect a general lack of interagency consensus on acceptable radiation risk to the public.''

My letter continues by describing past executive and legislative efforts, including several pieces of legislation which I introduced, the purpose of which was to coordinate Federal radiation policy. The GAO report describes some 26 radiation protection standards, rules and regulations, which, when taken together, still result in gaps, overlaps, and inconsistencies. In my view, and that of the GAO, the radiation protection framework is broken and needs to be fixed.

That is why, Mr. President, on the same day I circulated the ''Dear Colleague'' letter mentioned earlier, I wrote to Administrator Browner of the EPA, Chairman, Selin of the NRC, and Dr. Gibbons of OSTP requesting that they develop a plan for a ''path forward'' to address the inconsistencies, gaps, and overlaps in current radiation protection standards. In my letters to these officials, which I ask to be made part of the record, along with their subsequent responses, I stated that this plan should clearly identify and prioritize the standards and issues which need to be resolved. I asked also that the plan identify feasible milestones on which there is consensus agreement for progress to move forward.

Mr. President, I ask unanimous consent to have these letters printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

HON. CAROL BROWNER,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR BROWNER: Since coming to the Senate, one of my primary interests has been protecting our citizens' health and safety from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated facilities. As you clearly know, the Environmental Protection Agency (EPA) plays a key role in the Federal government with regards to regulating radiation. With this in mind, I wanted to bring to your attention a recent General Accounting Office (GAO) report that directly concern programs under your jurisdiction.

The report ''Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RED–94–190)'' examines the existing set of radiation protection standards and analyzes whether these standards provide a coherent, complete, federal framework for public protection. The report describes a federal regulatory regime for radiation that is inconsistent, overlapping and incomplete. The GAO finds large disparities in the standards established by different agencies and no consensus emerging on what those standards should be. In fact, GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these agree numerically, but others differ.

Over the years I have chaired numerous Governmental Affairs Committee hearings and made several legislative proposals which address this issue. For example, in response to legislation I introduced in 1979, President Carter created a federal radiation policy council. While this organization was disbanded by President Reagan, the problems it was intended to address did not go away. I then introduced legislation in 1982 which would have created an interagency council to address the fragmented and inconsistent nature or radiation protection regulation. This proposal spurred the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). Since the mid-80's I have chaired hearings which have highlighted similar problems with the regulation of medical radiation, as well as the impact of inconsistent radiation protection guidance on federal facility clean-up operations.

The GAO report points out—and I would like to underscore—the progress that has recently been made between EPA and the NRC concerning the recent Memorandum of Understanding on this subject. I congratulate you and your staff for the leadership you have displayed thus far, and strongly encourage you to expand this effort into a government-wide exercise in coordination and harmonization of radiation exposure standards and regulations.

I concur with the GAO's recommendation that the EPA should take the lead in creating coherent, consistent standards in cooperation with other agencies and CIRRPC. A coherent federal approach to these issues is long overdue. By rationalizing this important area of regulation, the EPA could ease the burden on the regulated community while at the same time enhancing public protection and public confidence.

However, past history has proven that initial progress on this subject can easily become ensnared in interagency disputes and bureaucratic infighting. For this reason, I would request that, prior to the date the 104th Congress convenes, EPA and NRC, in coordination with CIRRPC, develop a plan for a ''path forward'' to address the inconsistencies, gaps, and overlaps in current radiation protection standards. This plan should clearly identify and prioritize the standards and issues which need to be resolved. The plan should also identify feasible milestones on which there is consensus agreement for progress to move forward. Should the EPA prove unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body which would be mandated to produce and carry out this plan.

I appreciate your past and ongoing efforts in this very important area, and I am willing to assist future activity in any way that I can. Should you have any questions, please do not hesitate to contact me directly. My staff contact on the Governmental Affairs Committee is Chris Kline (202) 224–7954.

Best regards.
Sincerely,

JOHN GLENN,
Chairman.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

Hon. IVAN SELIN,
Chairman, U.S. Nuclear Regulatory Commission, Washington, DC.

DEAR MR. CHAIRMAN: Since coming to the Senate, one of my primary interests has been protecting our citizens' health and safety from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated facilities. As you clearly know, the Nuclear Regulatory Commission (NRC), along with the Environmental Protection Agency (EPA) play key roles in the Federal government with regards to regulating radiation. With this in mind, I wanted to bring to your attention a recent General Accounting Office (GAO) report that raises a number of important issues.

The report ''Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RED–94–190)'' examines the existing set of radiation protection standards and analyzes whether these standards provide a coherent, complete, federal framework for public protection. The report describes a federal regulatory regime for radiation that is inconsistent, overlapping and incomplete. The GAO finds large disparities in the standards established by different agencies and no consensus emerging on what those standards should be. In fact, GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these agree numerically, but others differ.

Over the years I have chaired numerous Governmental Affairs Committee hearings and made several legislative proposals which address this issue. For example, in response to legislation I introduced in 1979, President Carter created a federal radiation policy council. While this organization was disbanded by President Reagan, the problems it was intended to address did not go away. I then introduced legislation in 1982 which would have created an interagency council to address the fragmented and inconsistent nature of radiation protection regulation. This proposal spurred the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). Since the mid-80's I have chaired hearings which have highlighted similar problems with the regulation of medical radiation, as well as the impact of inconsistent radiation protection guidance on federal facility clean-up operations.

The GAO report points out—and I would like to underscore—the progress that has recently been made between EPA and the NRC concerning the recent Memorandum of Understanding on this subject. I congratulate you and your staff for the leadership you have displayed thus far, and strongly encourage you to expand this effort into a government-wide exercise in coordination and harmonization of radiation exposure standards and regulations.

I concur with the GAO's recommendation that the EPA should take the lead in creating coherent, consistent standards in cooperation with other agencies and CIRRPC. A coherent federal approach to these issues is long overdue. By rationalizing this important area of regulation, the EPA could ease the burden on the regulated community while at the same time enhancing public protection and public confidence. The NRC, however, as the federal agency with the most relevant and diverse experience in regulating radiation must provide crucial technical assistance and policy guidance based on your experience in this complex field.

However, past history has proven that initial progress on this subject can easily become ensnared in interagency disputes and bureaucratic infighting. For this reason, I would request that, prior to the date the 104th Congress convenes, EPA and NRC, in coordination with CIRRPC, develop a plan for a ''path forward'' to address the inconsistencies, gaps, and overlaps in current radiation protection standards. This plan should clearly identify and prioritize the standards and issues which need to be resolved. The plan should also identify feasible milestones on which there is consensus agreement for progress to move forward. Should the EPA, in coordination with CIRRPC, the NRC and other agencies, prove unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body which would be mandated to produce and carry out this plan.

I appreciate your past and ongoing efforts in this very important area, and I am willing to assist future activity in any way that I can. Should you have any questions, please do not hesitate to contact me directly. My staff contact on the Governmental Affairs Committee is Chris Kline (202) 224–7954.

Best regards.
Sincerely,

JOHN GLENN,
Chairman.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

JOHN H. GIBBONS,
Director, Office of Science and Technology Policy, Washington, DC.

DEAR MR. GIBBONS: Since coming to the Senate, I have maintained a keen interest in protecting our citizens from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated Federal facilities.

Historically, the federal government's program of standards and regulations for radiation exposure have been fragmented, overlapping, and poorly coordinated. In 1979 and 1982 I introduced legislation to address this situation that later prompted the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) which was chartered under the Federal Coordinating Council for Science, Engineering and Technology, Office of Science and Technology Policy. CIRRPC currently reports to the National Science and Technology Committee's Committee on Health, Safety & Food R&D.

In light of CIRRPC's role as a coordinating body for federal radiation policy, I want to bring to your attention a recent General Accounting Office (GAO) report on the current status of federal radiation policy coordination. In its report, ''Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED–94–190),'' GAO finds that despite some initial efforts at coordination between the EPA and NRC, the federal program for regulating radiation risks is characterized by ''ongoing disagreements on jurisdictional and philosophical issues, including protective strategies. Also, in recent years EPA and CIRRPC have coordinated federal radiation policy ineffectively.''

The GAO recommends that EPA and NRC expand on their recent coordinating activities to include the effective participation of other agencies and CIRRPC in pursuing interagency consensus on radiation policy. I have asked that the EPA take the lead in implementing this recommendation and report to me on its plans within 90 days. I want to encourage CIRRPC to assist in this endeavor.

Should EPA, in coordination with CIRRPC and other agencies, be unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body with the mandate to produce and carry out this mission.

A coherent federal approach to these issues is long overdue. By helping to rationalize this important area of regulation, the CIRRPC could lighten the regulatory burden on the regulated community while at the same time enhancing public protection and public confidence. Another important benefit likely to spring from a coherent, consistent federal radiation protection policy is reduced cost to the taxpayer for the cleanup of contaminated federal facilities.

I would appreciate learning of your plans for improving CIRRPC's effectiveness, as well as any other proposals you may have for addressing the issues raised by the GAO. Please do not hesitate to contact me directly should you wish to discuss this matter. My Governmental Affairs Committee staff contact is Chris Kline (202) 224–7954.

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

(Mr. CRAIG assumed the chair.)

Mr. GLENN. Mr. President, I would note that a regulatory moratorium does none of these things. A regulatory moratorium doesn't ask for a plan. It doesn't provide for careful analysis of the existing regulatory framework. A regulatory moratorium is a blind and ignorant attempt to address complex issues.

In late January and February of this year, I received the responses from NRC, EPA, and OSTP. As a result of my efforts the current Federal radiation protection framework is being restructured. The previous coordinating body, the Committee on Interagency Radiation Research and Policy Coordination is being disbanded. While CIRRPC has had some success in addressing some issues, it was widely viewed as being ineffective.

In its place, the National Science and Technology Council, chaired by Dr. Gibbons, has formed a subcommittee to coordinate interagency radiation research activities. This move will more effectively integrate radiation research into the rest of the Federal R&D effort.

I ask unanimous consent to have printed letters concerning this.

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

THE WHITE HOUSE,
Washington, Feb. 10, 1995.

Dr. ALVIN L. YOUNG,
Chairman, Committee on Interagency Radiation Research and Policy Coordination, Washington, DC.

DEAR DR. YOUNG: Thank you for your letter of December 2 regarding the future of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). We owe you a great debt of gratitude for your outstanding service over the years and accept your decision to resign as chairman of the committee.

For a number of years CIRRPC has successfully complemented radiation research and policy activities of the Federal agencies. Under your able leadership CIRRPC has produced a number of highly referenced documents and provided a forum for the resolution of often contentious policy and scientific issues. However, a number of factors have led to a recent examination of CIRRPC as the appropriate body to coordinate radiation matters among agencies, evaluate radiation research and provide advice on the formulation of radiation policies. The creation of the National Science and Technology Council (NSTC) as the Administration's mechanism for addressing interagency science and technology issues, the October 1994 General Accounting Office report on nuclear health and safety, and our efforts to create a government that works better and costs less are some of those factors.

The NSTC Committee on Health, Safety and Food (CHSF) leadership has reviewed CIRRPC's role in relation to the charter and the factors described above and recommended that CIRRPC phase out its activities. I have accepted this recommendation with the understanding the CHSF will establish a new subcommittee to coordinate interagency radiation research activities in accordance with the NSTC roles and responsibilities. Accordingly, the CIRRPC charter will not be renewed.

I want to thank you for your unwavering commitment and leadership over the past decade in the interagency radiation research and policy environs. You clearly have played a critical role in CIRRPC's many successes, and I commend you for your work and dedication.

Sincerely,

JOHN H. GIBBONS,
Assistant to the President for Science and Technology.

THE WHITE HOUSE,
Washington, Feb. 24, 1995.

Hon. JOHN GLENN,
Washington, DC.

DEAR SENATOR GLENN: This letter is to update you on the actions that have been taken since your October 27, 1994 letter regarding the GAO report, ''Consensus on Acceptable Radiation Risk to the Public is Lacking.''

Office of Science and Technology Policy (OSTP) representatives met with the Environmental Protection Agency (EPA), the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE), and with your Governmental Affairs Committee staff to explore better mechanisms to coordinate radiation standards and radiation effects research activities among Federal agencies.

I would like to summarize the results of these discussions. The Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) has undergone a review by its parent committee, the Committee on Health, Safety, and Food (CHSF) of the National Science and Technology Council (NSTC). For over a decade, CIRRPC has coordinated radiation related matters among agencies, evaluated radiation research, and provided advice on the formulation of radiation policies. As a result of the CHSF review, I have decided that CIRRPC's charter will not be renewed. I believe there are more effective and less costly ways of coordinating radiation issues and activities and that we have some excellent mechanisms in place which, with minor reconfiguration, can better achieve national goals.

First, EPA and NRC agreed to expand the scope of the present Interagency Steering Committee on Radiation Clean-up Standards, which currently includes EPA, NRC, DOE and the Department of Defense (DoD). The Steering Committee will immediately begin to develop a consensus on how to address the issues cited in the GAO report, including acceptable radiation risk to the public, the establishment of consistent risk assessment and management approaches, and completeness and uniformity in radiation standards and methods of public education on radiation safety. The Steering Committee will report its progress to OSTP, the Office of Management and Budget (OMB), and to agency heads.

Second, since many of the issues involve ''risk assessment'' in the promulgation of Federal regulations, the Interagency Steering Committee referenced above will bring to the Subcommittee on Risk Analysis those regulatory issues that require review by the senior level of government. I chair the Subcommittee on Risk Analysis which is under the Regulatory Working Group chaired by Sally Katzen of OMB.

Finally, the CHSF will establish a new subcommittee to be charged with coordinating interagency radiation effects research activities across the Federal agencies. This body will provide advice on the needs and priorities of radiation effects research.

EPA and NRC have shared with us their responses to your October 27 correspondence on this same matter. I am encouraged by their efforts to coordinate radiation activities, particularly the development of an EPA/NRC joint risk harmonization white paper.

I deeply appreciate your interest in radiation issues and believe that the recent events, which you have helped promote, will

provide better and more effective coordination in the years to come.

Sincerely,

JOHN H. GIBBONS,
Assistant to the President for Science and Technology.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 27, 1995.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR MR. GLENN: I am responding on behalf of the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) to your letters dated October 27, 1994, concerning the Federal government's responsibility to protect the public from ionizing radiation. Your letters discussed the recent General Accounting Office (GAO) report on this subject, ''Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (GAO/RCED–94–190), and requested that EPA and NRC, in coordination with the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) develop a plan, prior to the date the 104th Congress convenes, for a ''path forward'' to address inconsistencies, gaps, and overlaps in current radiation protection standards.

The GAO report combines 26 radiation-related standards or guidelines into three categories: (1) general public, (2) source—(or media-) specific, and (3) occupational. It also identifies differences in ''estimated lifetime risks'' to members of the public, as well as gaps and overlaps among the standards making up categories 1 and 2. Such inconsistencies are explainable in part by legal mandates, regulatory responsibilities, and varied technical assumptions underlying each of the standards (see attachment). However, we recognize the need for more coherent, complete, and consistent radiation standards, as well as a clear communication of these standards throughout agencies and to the general public.

The report note several ongoing efforts by EPA and NRC to resolve many of these issues. For example, EPA has led an interagency effort to develop and coordinate federal radiation cleanup standards for contaminate sites. The effort has been overseen by the Interagency Steering Committee on Radiation Cleanup Standards composed of senior agency managers. NRC has closely coordinated with EPA in developing standards for the decommissioning of NRC-licensed facilities.

Also, on December 23, 1994 EPA proposed new federal radiation protection guidance for the public. This guidance has been developed with the help of a working group composed of representatives from 13 federal agencies and a representative of the Conference of Radiation Control Program Directors (CRCPD).

Finally, the report cited a Memorandum of Understanding (MOU) signed by EPA and NRC in 1992. The MOU provides a formal mechanism for agency cooperation on issues relating to environmental regulation of radionuclides subject to NRC licensing authority. Among other things, the MOU committed the agencies to ''actively explore ways to harmonize risk goals'' and ''avoid unnecessary duplicative or piecemeal regulatory requirements for NRC licensees, consistent with the legal responsibilities of the two agencies[.]''

Pursuant to the MOU, EPA and NRC are developing a joint Risk Harmonization White Paper which outlines the similarities and differences in the agencies' approaches to radiation risk assessment and risk management. NRC and EPA are currently reviewing a drafting of this paper with other federal agencies involved in enhancing the consistency of federal radiation protection standards. Based on the findings of this white paper, the agencies plan to develop a specific set of actions.

EPA and NRC have also been working to eliminate unnecessary regulatory duplication. For example, on July 15, 1994, EPA published a final rule rescinding its Clean Air Act (CAA) standards (40 CFR 61, subpart T) for NRC-licensed uranium mill tailings disposal sites after the regulations under the Atomic Energy Act (AEA) were revised to conform with the CAA standard. EPA has proposed to rescind the CAA standard for nuclear power reactors (40 CFR 61, subpart I) and intends to issue a final rescission soon. For NRC-licensed facilities other than nuclear power reactors, EPA and NRC have just resolved a key issue and expect to agree soon on a process to rescind subpart I for this category as well. In each case, rescission will be based on a determination by EPA that the NRC program provides an ample margin of safety to protect public health.

There has also been a considerable amount of cooperation between EPA and the Department of Energy (DOE) on radiation protection issues. DOE has and continues to work actively with EPA in such areas as EPA's radiation cleanup standards, federal radiation protection guidance for workers and the general public, CAA radionuclide standards, radiation dose and risk assessment models, and in the development of DOE implementing Orders and rules for radiation under the AEA.

The GAO report recommended that EPA, in cooperation with NRC, take the lead in sustaining and broadening the ongoing EPA-NRC harmonization effort to include the effective participation of other agencies. Your letter underscored this recommendation and requested the development of a plan to address the inconsistencies, gaps, and overlaps in the standards.

As stated in our preliminary response to your letter on November 8, 1994, we welcome your request and agree that more effective federal leadership in radiation policy is needed. We also accept GAO's recommendation that EPA take the initiative in addressing the deficiencies in federal radiation standards. We are taking steps to broaden our ongoing harmonization efforts with the NRC to include senior-level participation from other agencies as part of our ''path forward.'' We have already begun to coordinate this effort with the Office of Science and Technology Policy (OSTP) and the Committee on Health, Safety, and Food (CHSF).

Accordingly, the plan EPA proposes is to continue the efforts of EPA and NRC that are effective and that were cited by GAO; to expand the scope of the Interagency Steering Committee on Radiation Cleanup Standards to include review of other radiation standards; and to select and prioritize new issues for coordination. The committee is an appropriate existing body that can effectively address uniformity of all radiation protection standards. Its membership includes senior level agency representatives from NRC, DOE, EPA, and the Department of Defense (DOD). We also believe there is a need for public information on radiation protection and have incorporated this into our plan.

More specifically, the plan includes the following:

1. Continue to develop the Federal Radiation Protection Guidance for the General Public.

Reach a consensus on how much radiation risk to the public is acceptable.

Hold public hearings on proposed Federal Radiation Protection Guidance for Exposure of the General Public on February 22–24, 1995.

Explore approaches to provide information to the public concerning radiation exposure.

Finalize recommendations on the guidance for the President's approval by January 1, 1996.

2. Complete the draft NRC-EPA Risk Harmonization White Paper.

Complete a coordinated EPA review of the draft white paper by June 1, 1995 and add a description of NRC's and EPA's approaches to selecting acceptable risk standards and dose limits and a discussion of the extent to which the agencies may be subject to legislative constraints which inhibit greater risk harmonization.

Conduct a review of the draft white paper by involved agencies including OSTP by June 1, 1995.

Develop a set of actions based on interagency review of the draft white paper and submit the proposed actions for approval by the Administrator and Commission by September 30, 1995.

3. Based on the white paper, explore development of consistent risk assessment and risk management approaches to ensure consistency of radiation standards and sufficient protection of the public.

Begin implementation of actions developed from the white paper after interagency review and approval by November 30, 1995.

Publish interagency consensus tables of nuclide-specific risks from ingestion, inhalation, and direct exposure for uniform federal risk assessments (Federal Guidance Report No. 13) by February 1, 1996.

4. Reduce gaps and conflicting overlaps in radiation standards.

Expand the scope of the current Interagency Steering Committee on Radiation Cleanup Standards to review, prioritize, and reduce the gaps and overlaps in radiation standards in key policy areas including:

CAA regulation of NRC-licensed facilities;

Low-level radioactive waste disposal standards;

Radioactive mixed wastes;

Naturally-occurring and accelerator produced radioactive materials (NARM);

Recycling.

Hold the first meeting of this refocused, senior level steering committee in February 1995.

The Steering Committee will report its progress to agency heads and OSTP within six months.

This proposal has been shared with OSTP and the principal affected federal agencies whose standards were cited in the report, namely, the NRC, DOE, and the Department of Labor (DOL).

EPA and NRC greatly appreciated your concern and efforts to protect the public from radiation and hope that this plan meets with your approval. We thank you for your offer to assist us and look forward to continuing to work with you on this important public issue.

Sincerely yours,

MARY D. NICHOLS,
Assistant Administrator for Air and Radiation.

ATTACHMENT

GAO recognized that the different risks associated by the report with the standards result in part from different technical assumptions. For example, the first high risk standard in category two is the cleanup standard for radium contamination in soil at uranium mill tailings sites. GAO estimated that this standard (both the EPA standard and the corresponding NRC implementing regulation) results in a lifetime risk or 1 in 50, by assuming that an individual resides on land with extensive deposits of soil contaminated at this level. However, this is an unrealistic

assumption, and such lifetime risks would not likely occur. Given the actual conditions at the 26 sites to which this standard applies, cleanup to the standard will usually result in essentially total removal of the contamination. When this is taken into account, the maximum risk level is substantially lower and, since these disposal sites are located in sparsely populated, arid regions, the chance of exposure is small.

Further, two of the cited standards (NRC's 1982 low-level radioactive waste (LLW) standards and EPA's 1977 uranium fuel cycle standards) are regulations that use an old methodology to specify dose (which can be related to specific risk levels). This methodology has been superseded by the committed effective dose equivalent (CEDE) methodology used by NRC and EPA in more recent rulemakings (e.g. EPA's 1993 high-level waste disposal standards, draft cleanup and LLW disposal standards, as well as NRC's draft decommissioning standards). Therefore, comparing the estimated risks from these two sets of standards is complicated by the change in dose units and dose assessment methodology. However, a detailed analysis shows that although the two sets of standards are numerically different, they nonetheless provide a similar degree of protection.

The report also recognized that the 26 standards or guidelines (see Appendix II of the report) are indicative of the standards' different regulatory applications and separates them into three categories: (1) general public, source- (or media-) specific, and (3) occupational. It correctly distinguishes between standards applicable to all sources of exposure combined (category 1) and standards that apply only to specific sources or individual pathways (category 2). However, the report fails to emphasize that different (lower) standards for category 2 are generally justified. This is because people may be exposed to several different sources or pathways at the same time. On December 23, 1994, (59 Fed. Reg. 66414) EPA proposed new federal guidance that would bring the existing standards applicable to all sources of exposure combined into conformity, and provide explicit guidance for relating these upper bound limits to the (lower) source- and pathway-specific standards.

The other high risk ''standard'' cited in the report, EPA's indoor radon action level, is unlike the other examples in the second category because it is not a regulatory standard. Pursuant to the Indoor Radon Abatement Act, EPA uses a nonregulatory approach consisting of a series of action levels indicating the risks associated with different levels of indoor radon and the cost and technological feasibility of reducing radon exposure. Importantly, the Agency does not recommend the cited level as a ''safe'' or ''acceptable'' level but emphasizes that, since significant health risk exists below the action level, mitigation of indoor radon is valuable at lower levels.

Therefore, although the radiation protection standards listed in Table 1 (and Appendix II) of the report may initially seem inconsistent, further examination reveals that many do in fact provide a consistent degree of protection or are different for legitimate reasons.

The GAO report also noted that the gaps and overlaps in standards reflect individual legal mandates and independent development by agencies to fulfill their different responsibilities. NRC regulates its licensees under the AEA, for the most part, on a *site-by-site* basis under the ''umbrella'' of an upper-bound dose limit. This limit is based on international and national recommendations of the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRP). The limit is coupled with the required application of procedures and engineering controls to reduce potential public doses to levels that are as low as is reasonably achievable (ALARA), which almost always results in significant reductions in actual risk levels.

EPA, in its primary role as a standards-setting (rather than licensing) agency under the AEA and other statues, regulates by *class of facility or source, pollutant, or environmental media*. In setting its standards, EPA uses either a risk objective and considers further risk reduction if it is justified by cost/benefit considerations for the class as a whole, or a contaminant goal (often mandated by legislation) and considers technological feasibility, costs, and other factors in determining levels to be achieved in practice. EPA's standards for radionuclides are also significantly influenced by its effort to be consistent with its regulatory policies for chemicals under environmental statutes, most notably the CAA, Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Although the agencies have often worked together successfully, their differing legal mandates and regulatory responsibilities described above have contributed in large part to the gaps and overlaps cited in the report including: (1) radionuclide air emissions from NRC licensees under the CAA, (2) groundwater protection requirements for radionuclides, (3) radioactive mixed wastes, and (4) NARM.

Mr. GLENN. Now, as far as the regulatory agencies—EPA and NRC—are concerned, they still will play the key role in improving the existing radiation protection framework. As part of the administration's plan, EPA and NRC will expand the scope of the present interagency steering committee on radiation cleanup standards to address other radiation issues identified by the GAO, including acceptable radiation risk to the public, the establishment of consistent risk assessment and management approaches, and completeness and uniformity in radiation standard, and public education on radiation safety.

Mr. President, the decision to expand the scope of this interagency steering committee was made because it had been successful in addressing one of the primary problems identified by GAO, inconsistencies in how different agencies approach radiation protection. This steering committee effectively coordinated EPA's proposed radiation cleanup standards with NRC's proposed decontamination and decommissioning standards. As a result, these two major regulatory actions reflect the same risk and protection levels—something that has been notably absent from previous efforts.

Now Mr. President, some people may argue that the proposed EPA and NRC standards go too far, or not far enough. In fact, I have some concerns that these standards may not be enough to protect the public. However, through this interagency steering committee, any changes that might be made to the rules, based on public and scientific input, will be reflected in both rules. At long last we will begin to move away from the illogical situation that has existed for some time which has led to different levels of protection based solely on the agency that is doing the regulating.

Let me make clear, this interagency committee will have the authority to examine the current radiation regulatory framework, recommend ways that it can be improved—including consolidating or eliminating duplicative standards—and then implement their recommendations. Where legislative action may be needed, I am prepared to assist the committee's effort.

Mr. President, I would note that the proposed moratorium would sabotage the progress that has recently been made to coordinate these standards, resulting in delayed cleanup and increased costs.

Mr. President, a number of other rules concerning nuclear safety and public exposure to radiation will be delayed as a result of this moratorium. Let me list these for the information of my colleagues.

Epidemiology and Other Health Studies Financial Assistance Program [10 CFR 602, Final Rule Published Jan. 31, 1995, DOE]. This rule establishes open and competitive procedures for providing financial assistance relating to health studies. These health studies support the Department of Energy's mission to protect the health of DOE and contractor workers, as well as residents living near DOE facilities.

Standards for Nuclear Waste Disposal—primarily for Waste Isolation Pilot Plant in New Mexico—proposed January 31, 1995, EPA. This proposed rule sets standards for transuranic waste disposal, low levels of plutonium among other radionuclides. This guidance has already been delayed for many years and is critical to solving the nuclear waste disposal problem.

Cleanup at Uranium Processing Sites, EPA. This new final rule, issued on January 11, 1995, sets out cost-effective standards for preventing and cleaning up ground water contamination at inactive uranium processing sites. This rule replaces a restrictive and costly interim standard.

Cleanup of NRC-licensed facilities, NRC. This proposed rule provides cleanup criteria for the decontamination and decommissioning of NRC-licensed sites. These criteria include the cleanup and release of these facilities for unrestricted and restricted use. These standards are the ones I referred to earlier which have been developed in coordination with EPA's general standards for radioactive cleanup.

Rulemaking expected by June 30, 1995. Nuclear Safety Management [10 CFR Part 830, DOE]. This action establishes requirements for DOE contractors and subcontractors for ensuring nuclear safety at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the radiological and

chemical hazards posed by these facilities.

Mr. President, a moratorium on this last rulemaking would result in delays to long-sought efforts to bring DOE's nuclear facilities closer to commercial standards as far as safety is concerned.

To conclude, I strongly support regulatory reform, and good sense efforts to improve the current system. The unfortunate fact, which the proponents of the moratorium do not seem to fully grasp, is that to improve a regulatory system you must first understand what it is you are trying to fix. A meat ax isn't the way to solve the problem; better to use a scalpel to save this patient.

As I have outlined here today, a responsible regulatory reform effort for radiation issues is currently underway. The proposed moratorium would delay this effort for no good reason. I urge my colleague to oppose this moratorium.

I would summarize by saying a moratorium would bring all of this rulemaking to a stop, and the American people would not get the protection they deserve. And that is what we are debating today.

This goes on to describe some of our efforts on the committee to get that as an exception while the bill was in committee, and we failed. It was a party line vote on E. coli. If there is ever an imminent threat to health and safety, that would be it.

During the committee markup, I submitted an amendment to exempt regulatory actions that would reduce pathogens in meat and poultry. That amendment was rejected. I would like to discuss this important rule to show that the moratorium is indeed both dangerous and arbitrary.

This amendment I offered would address rules to update inspection techniques for meat and poultry and would provide a safeguard against E. coli and other contamination. Mr. Mueller, whose 13-year-old son died from E. coli-contaminated hamburger, testified before the committee on February 22.

He stated:

I am here to tell you about the dire consequences that would result in enactment of this moratorium. In the fall of 1993, my thirteen year old son died from eating a cheeseburger. A new meat inspection rule which would have prevented his death would be stopped by this legislation.

In January, the U.S. Department of Agriculture released a proposed hazardous analysis critical control point [HACCP] regulation to improve meat and poultry inspection. This rule would mandate rigorous sanitation requirements and scientific testing for bacteria in meat and poultry processing.

Under HACCP, workers regularly monitory hazards in a production system on the basis of risk. They identify risks, they monitor the controls, and they sample end products periodically to check the HACCP process.

Under HACCP, emphasis is placed on the process rather than the end product. Instead of monitoring every carcass for a defect, plant employees will regulatory monitor the processing of carcasses: the temperature of storage areas, the cleanliness of the equipment, or the consistency of carcass washes or other solutions used.

The employees will keep records of their observations. Samples of end products will be tested to make sure that the process is working properly and the Government will review company HACCP records.

HACCP has been endorsed by the United Nations, the World Health Organization, the General Accounting Office, the National Food Processors Association, the National Broiler Council, the American Meat Institute, and the Safe Food Coalition. Ten years ago, the National Academy of Sciences recommended that the USDA adopt HACCP for meat and poultry inspections. Industry petitioned USDA to mandate the program. Now the implementation of HACCP is threatened by this moratorium.

The meat and poultry inspection laws were written in 1906. Federal inspectors are limited to touching, smelling, and visually inspecting carcasses to determine whether they are fit for consumption. We all know that inspectors are not going to find harmful bacteria like E. coli without microscopes and sampling. Clearly, this inspection program should be updated.

As you know, the moratorium bill allows for the President to exempt imminent threats to health and safety. The majority in our committee argued that E. coli and other contaminants in meat and poultry would be an imminent threat to health and safety. We simply do not agree. The meat inspection rules are not emergency rules designed to address an immediately pressing event or disaster. They have been under development for several years now.

Therefore, I and others strongly believed that we should specifically exempt these inspection rules from the moratorium.

We cannot afford to pass a law that would end up with more needless deaths. While we do need to reform our regulatory process, we must not give up our responsibility to protect the public health and safety. As Mr. Mueller stated in his testimony before our committee, ''My son paid the ultimate price for eating one of his favorite foods.'' We have the ability to prevent this from happening again, and we should—by opposing the moratorium all together.

Mr. President, I addressed very briefly a moment ago the subject of airline safety. I will make a few more comments about that.

The lack of thought that went into the moratorium is seen in many ways. Once example is the effort it took to ensure protections for airline safety.

In the House, the supporters of the moratorium resisted all arguments for an exemption for airline safety—in committee and on the floor, where they defeated an amendment that contained an exemption for aircraft safety. At the last minute, however, on the floor, the managers of the bill finally realized what a terrible idea it was, so they accepted an exemption.

In the Senate, the moratorium also contained no exemption for airline safety. Even after the bill was redrafted for our committee markup, the supporters did not think it important enough to protect the traveling public from unsafe aircraft equipment and operations.

Finally, in markup, I offered amendments that the majority could not reject. We exempted:

FAA airworthiness directives—these are rules that govern aircraft safety, such as standards for aircraft engines, wing flap repairs, landing gear brakes, et cetera; and

Commuter airline safety standards—these rules would upgrade standards for commuter airlines to those of major airlines.

Mr. President, I ask unanimous consent to include in the RECORD a letter I received from the Airline Pilots Association describing the urgent need for the commuter airline rules.

Commuter carriers, which operate aircraft with fewer than 30 seats, represent one of the fastest growing segments of the U.S. airline market and often dominate airline service to many medium-sized cities and rural areas. This set of rules would require pilots on small commuter aircraft to go through the same training as pilots of the large carriers. The rules will also increase crew flight and rest requirements.

These rules were issued on Friday as proposed rules, and the new rules are supported by both the Regional Airline Association and the Air Line Pilots Association.

The proposed rules will be available for public comment for 90 days. I am sure that some will find provisions to object to, and I am sure that the FAA will make changes. Given the projected cost of these rules—over $275 million—I am also confident that OMB will use its Executive order powers to ensure that the rules are supported by a cost benefit analysis.

This is how the process should work—rules to protect the public from harm or to serve some other purpose are proposed, made available for comment, analyzed, reviewed and discussed. This is government working.

I believe the regulatory process needs reform. I've said that many times now. But, these air safety rules just prove my point about the moratorium. Does the American public want Government shut down, while some in Congress talk about reform, or do they want Government to try to make good decisions and protect them from harm, while we do our job of reform?

That is the issue. Let us work together to reform the regulatory process—which is what we have been doing in the Governmental Affairs Committee. Let us not waste time fighting

over important protections that all agree save lives.

Mr. President, I ask unanimous consent that a letter I received from the Airline Pilots Association describing the urgent need for these commuter airline rules be printed in the RECORD.

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

AIR LINE PILOTS ASSOCIATION,
March 8, 1995.

HON. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: It is my understanding that during the committee's deliberations on S. 219, a bill to establish a moratorium on federal rulemaking, that you will offer an amendment to exempt proposed rules that the Department of Transportation and the Federal Aviation Administration plan to issue later this month which would bring commuter airlines up to the same safety standards as the larger carriers. On behalf of the 42,000 members of the Air Line Pilots Association, I wish to express our strong support for this amendment and urge its adoption.

The Air Line Pilots Association has long advocated ''One Level of Safety'' for all U.S. scheduled airline service. These proposed rules were not developed in a vacuum. Many of them have been pending for years and have already undergone intensive review and analysis. Some originated with recommendations from the National Transportation Safety Board. In addition, because of the spate of accidents last year, Secretary Peña, convened a two-day safety conference in January, where hundreds of representatives from industry and government worked together to develop the top 70 priorities for increased air safety. ALPA was deeply involved in this process and we believe the regulations that will be put forward later this month will go a long way on the road toward the goal of ''Zero Accidents.'' Now is not the time to delay, it is the time to proceed.

ALPA understands and agrees with the goals of eliminating burdensome, costly regulations and to bring common sense into rulemaking. However, safety should not be compromised in the process. The traveling public should not have to wait for a fatal accident before the government acts. We should be in the business of preventing accidents rather than responding to them.

I strongly urge that the committee adopt your amendment and allow these much needed safety regulations to go forward.

Sincerely,

J. RANDOLPH BABBITT,
President.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes 54 seconds remaining.

Mr. GLENN. Mr. President, we could go on for a number of hours here reading all of these things, but I think I have made my point. I hope today we could agree that a straight moratorium, as proposed by S. 219, which is the bill we are debating here today—the substitute has not been laid down yet, and H.R. 450, its companion piece over in the House—is indeed ill thought out, ill considered, and bad for America and the American people, American business and industry.

In what time I have remaining I would like to just read a short table of contents of different regulations. Some of these have several regulations that would be held up if we passed this moratorium legislation. All of these have some beneficial effect on the American public, or in particular businesses or industries.

TABLE OF CONTENTS

I. PUBLIC HEALTH AND SAFETY

(1) Towing Vessels Safety Regulations.
(2) Commuter Airline Safety Standards.
(3) Head Impact Protection.
(4) Cleanup of Nuclear Facilities.
(5) Prevention of Oil Spills.
(6) Environmental Review in Public Housing.
(7) Recovery of License Fees.
(8) Meat and Poultry Inspection.
(9) Alcoholic Beverage Labeling.
(10) Improved Poultry Inspection.
(11) Protection of Florida Keys.
(12) Pesticide Regulation Flexibility.
(13) Waste Management.
(14) Safety Zones for America's Cup.
(15) Airline Crew Assignments.
(16) Flight Attendant Duty Period Limitations and Rest Requirements.
(18) Disease-Free Food.
(19) Security of Sensitive Information in Aviation.
(20) Bike Helmet Safety Standards.
(21) Flammability Standard for Upholstered Furniture.
(22) Radioactive Material Reporting.
(23) Child-Resistant Packaging.
(24) Lead-Free Cans.
(25) Nuclear Power Plant Safety.
(26) Approval of State Air Quality Plans.
(27) Reducing Toxic Air Emissions.
(28) Safe Drinking Water at Lower Cost.
(29) Lead Poisoning Prevention.
(30) Cleanup at Uranium Processing Sites.

II. WORKER SAFETY

(1) Logging Safety.
(2) Ventilation in Underground Coal Mines.
(3) Safe Practices for Diesel Equipment in Underground Coal Mines.
(4) Child Labor.
(5) Reducing Exposure to Tuberculosis in the Workplace.
(6) Worker Exposure to Cancer Causing Agent.
(7) Worker Exposure to Reproductive and Developmental Risks.

III. ECONOMIC GROWTH AND OPPORTUNITY

(1) Small Business Development Center Program.
(2) Streamlining Loan Procedures for Small Business.
(3) Lower Electric Rates.
(4) Expanded Markets for American Farmers: (a) Sheep and Lamb Producers; (b) Fruit, Vegetable, and Dairy Producers.
(5) Lower Costs for American Cotton Producers.
(6) Reducing FHA Fund Losses.
(7) Energy Efficient Applicances.
(8) Utility Rate Recovery.
(9) Education Funding Flexibility.
(10) Drawbridge Regulations.
(11) Missing Pension Beneficiaries.
(12) Indian Self Determination and Self Governance.
(13) Forestry Regulations.
(14) Landowner Relief Under Spotted Owl Regulation.
(15) Cruise Ship Access to Glacier Bay, Alaska.
(16) Alternative Fuel Providers.
(17) Extension of Port Limits, Hawaii.
(18) Recordkeeping by Casinos.
(19) Cable Rate Restructuring.
(20) Radio Frequency Allocation.
(21) Mobile Radios.
(22) Video Dialtone.

IV. GOVERNMENT REFORM

(1) Public Financing for Presidential Candidates.
(2) Political Campaigns Disclaimers.
(3) Efficient Clearance of Federal Checks.
(4) Government Securities Large Position Reporting Requirements.
(5) Capital Sufficiency.
(6) Government Securities—Risk Assessment.
(7) Environmental Information ''One Stop Shopping.''
(8) Housing Reforms.

V. HELP FOR FAMILIES AND THE MIDDLE CLASS

(1) Student Loan Borrower Harassment Defenses.
(2) Caller ID.
(3) Mortgage Lending for Moderate Income Individuals.
(4) Foreclosure Alternatives.
(5) Increasing Home Ownership Opportunities for First Time Buyers.
(6) Pell Grant Availability.
(7) Avoiding Homeowner Foreclosure.

Mr. President, I read all these to show the diverse nature of what we are dealing with here. This is not some little minor matter. It affects all businesses and industries. A moratorium would affect health and safety for this country and all of our people. I go on at this length today talking about these things because H.R. 450 has already passed over in the House. When we go to conference, we will be dealing with all these things I mentioned today and more. We have not even listed all the impacts of what this moratorium would do.

I realize tomorrow we will have the Nickles-Reid substitute for this, which provides for legislative veto. I have favored legislative veto. But I do not want to see it combined in conference with some of the things I have mentioned here today, which go too far and which I think never should have been proposed to begin with.

Our status on regulatory reform is this: We have passed regulatory reform out of the Governmental Affairs Committee. It is a good bill. Senator ROTH deserves a lot of credit for bringing that bill to the floor and making it a good, tough, solid bill. We should not be just picking little bits and pieces, such as a legislative veto, out of that bill. Those are parts of that bigger bill, and it is voted out now. It will be ready for floor action shortly. I see no reason why we should be picking out pieces of it for separate legislation unless the intent is to go to conference with the House and come back with something that goes part way toward what the House has done with H.R. 450 and which has been proposed here in the Senate with S. 219.

The President last September issued a directive to all Government agencies and departments to go through all rules and regulations and come up with a sweeping proposal for correcting the problems we have with the rules and regulations in effect now—all of them.

That will be with us on the 1st of June. They have committed to having

it to us on the 1st of June. So this legislation just makes little sense to me. We will have the President's proposals before us on the 1st of June, which is just about 30 working days from now if you take out the Easter break period. We will be able to take up those considerations along with regulatory reform and not even try to do something where we go to conference with the House on their moratorium bill.

I may have more to say on this subject tomorrow. We will be looking forward to the proposal I know the distinguished Senator from Oklahoma is going to make tomorrow. But I hope we could get ahead with regulatory reform on a broad front and not just on this narrow issue of legislative veto. If we make it something that has to be conferenced with the House, as I see it, we can only lose.

If we go over to the House with this and we say it is this or nothing, the House is liable to not agree with that. I do not know where we go from there with compromise, which is usually the way we get by our conferences.

So, Mr. President, we will have more to say on this tomorrow, I am sure. I have asked for extensive things to be put in the RECORD today, I realize. But I think it is so important because, as the minority leader said a little while ago here on the floor, the moratorium is dead. If it is not, it should be. We want to make sure that it is.

As for the legislative veto, we may be able to vote on that tomorrow. I do not know. If we can say the moratorium is dead and regulatory or legislative veto is what we are really going to stick with, and we are not going to come back with something that accommodates the House, then I think legislative veto may be the way we all want to go. We might even get a unanimous vote tomorrow. I do not know.

I thank the Chair. I look forward to more debate on this subject tomorrow.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have just a couple of very brief comments.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 70 minutes and 20 seconds.

Mr. NICKLES. It will be my intention to yield most of that time in just a few moments.

Mr. President, after listening to the long list of regulations that are so important and so effective, I wonder how we could be safer with big Government doing so many wonderful things for us and saving so many lives. When you listen to the litany of regulations affecting everything, all the way down to safety zones for America's Cup—I did not know we had regulations dealing with safety zones for America's Cup, but I am sure they will be a lot safer. But I hasten to add that the bill that was before us only applied to regulations that had significant economic impact. So the moratorium that passed out of the Governmental Affairs Committee would not have limited the regulations dealing with safety zones for America's Cup. It would have had no impact on them. As a matter of fact, most of the regulations that were mentioned would not have been impacted by the legislation that was reported out of the Governmental Affairs Committee because the committee decided to only impact significant regulations.

I have heard a couple of my colleagues say the moratorium bill is dead. But I should mention that the bill that Senator REID and I are pushing has a moratorium on significant regulations for 45 days to give Congress a chance to review them, and maybe a chance to repeal them. So there is a moratorium on significant regulations, just as there is a moratorium that passed out of the Governmental Affairs Committee. The Governmental Affairs Committee moratorium would last until we pass a comprehensive bill. We may pass a comprehensive bill in 45 days and have it signed by the President. Or it could last until the end of the year. I make mention of that.

I think when people said there is no moratorium, actually we have a moratorium on significant regulations. That is what was in the bill that was passed out of the Governmental Affairs Committee. But we have it for different purposes. In the bill that passed out of the Governmental Affairs Committee, it said we would exempt the small regulations and then the President could exempt. The moratorium would only apply to significant regulations, and then the President had lots of exceptions, A through H in exceptions, that the President could determine would be exempt. My thought was that they ended up with almost no regulations covered.

The substitute that Senator REID and I will be pushing allows Congress to review all regulations. It is not just the significant ones that we are able to review for all regulations. Hopefully, Congress will do that. Hopefully, Congress will do a better job. We may even have the opportunity to review the safety zones for America's Cup. I do not know why I am intrigued by that. But I did not know the Federal Government had to be involved in making safety zones for America's Cup. You would think that they would be quite able to do that without the big hand of Federal Government. Maybe that is necessary. I am not sure.

But I see my friend and colleague from Rhode Island. Mr. President, it is my intention to yield back the remainder of the time shortly after Senator CHAFEE's comments.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished senior Senator from Oklahoma for the time he has given me. My comments will not be too long.

Mr. President, tomorrow the Senator will vote on an amendment by the Senators from Oklahoma and Nevada; that is, a complete substitute to the moratorium bill that is currently before us in the Senate. When we take that action, the Senate will be on record in opposition to a 1-year moratorium. Will they be for a moratorium? Yes. But it is a 45-day moratorium, as the Senator from Oklahoma pointed out, solely applying to what are defined as significant regulations.

But this concern that I have is when the Reid-Nickles substitute goes to conference with the House bill, that some version of the moratorium incorporated in the House bill will come back from that conference. The moratorium in the House bill applies to all regulations, and it is for a year.

I share the concern that others have voiced that the legislation that comes back from the House will include some significant moratorium, or let us say 6 months, or maybe even a year. I would vigorously oppose a conference report if it included that type of moratorium.

There are many other problems with the House-passed bill. First, the House bill makes no distinction between good regulations that are needed and poor regulations that are poorly designed and unneeded.

For instance, the Senator from Michigan has mentioned the rules-setting quality standards for bottled drinking water which are to be issued by the Food and Drug Administration this coming April, next month. These rules would be blocked by the House bill. The bottled water industry actually wants these rules to restore consumer confidence. They have been urging FDA action, the Food and Drug Administration action, for years, but they would be blocked by the House bill. The proponents in the House would say President has the power to exempt rules like that for bottled drinking water because they are needed to address an imminent threat to public health and safety. But it is hard to believe that the bottled water industry would want the President of the United States to declare that their product represents an imminent threat to health and to the people of the United States before this rule could be issued.

There are many other regulations that are supported by the regulated community that would be suspended by the House bill. For example, last December, EPA, the Environmental Protection Agency, and the Fish and Wildlife Service, issued a rule that resolves a 20-year dispute between agriculture interests, the cities, and environmentalists over waters discharged into the San Francisco Bay. This comes under the Clean Water Act. Reaching an agreement involving all those California interests was some accomplishment. Even though all the affected interests now support the agreement, it would be set aside for a year under the House bill. As a result, sensitive wetland resources in the San Francisco Bay area would experience further damage for no good reason.

One frequently heard argument for the House moratorium of 1 year is the need to establish new procedures for development and review of major regulations. What we need, the reason we have to have this year's waiver, is we need some new approaches. We have to have a cost-benefit analysis and risk assessment. But most major rules already use those tools. There are many regulations that are necessary to protect health, safety, and the environment that have been designed by using cost-benefit analyses and risk assessments. These would be needlessly delayed by the moratorium.

For example, in February, the U.S. Department of Agriculture proposed changes to meat and poultry inspections to prevent life-threatening infections. The science supporting that regulation is not going to be different between now and next year. They are already using risk assessment and cost-benefit analyses. Yet, that rule would be set aside. There is a possibility of more lives being endangered in the interim.

Those on the other side supporting the House measure would say, ''Oh, well. Those foods currently represent an imminent threat to health, and the President could, therefore, exempt them from the delay.'' But that action by the President of the United States could be challenged in court and in the House bill. There is judicial review in the House bill. Thus, they could be held up for a considerable time.

Another major concern with the House bill that has not been discussed here on the floor is the impact of the moratorium on the efforts by the States to carry out the Clean Air Act and other laws. Let me explain. The way the Clean Air Act works is State plans to reduce smog and carbon monoxide pollution must be promulgated as Federal regulations before they become effective. In other words, the State comes up with a plan, files a plan, and the EPA then issues the regulations. But it is the Federal Government that issues the regulations. EPA actually proposes the State plan in the Federal Register.

What the EPA does is take what the States have given them, puts it in the Federal Register, considers comments and then promulgates the State plan as a Federal rule. States have been working for 4 years to develop new plans under the 1990 amendments to the Clean Air Act. Just as they are completing this difficult job, the House bill would impose a year-long recess on their efforts. These are plans, mind you, that are written by the States, and they are going to be delayed.

Now, what is the purpose of all that? The House moratorium is also retroactive. It repeals regulations already in effect only to reinstate them at a later time, a year from now. This is going to cause a lot of confusion in the regulated community and actually can impose some very unfair costs on some industries.

Example: Under the moratorium bill passed by the House, the Clean Air Act program for reformulated gasolines that became effective last January 1 would be suspended, which would cost the oil companies that are complying with this rule tens of millions of dollars as noncomplying gasoline, nonreformulated gasoline would be allowed to enter into the reformulated market areas. Now, perhaps this will surprise some.

By the way, this is not some kookie regulation dreamed up by a bunch of tree huggers from EPA. Reformulated gasoline is a requirement of the Clean Air Act that was added to the law by an amendment on the floor sponsored by the two leaders, the current Democratic and current Republican leader; namely, Senators DOLE and DASCHLE. That came when the Clean Air Act amendments were before the Senate in 1990. The regulation went into effect last January 1. But that is during the period covered by the House moratorium. So the requirement would be suspended.

The oil companies subject to the regulation have built up stocks of millions of gallons of reformulated gasoline to meet the demand in their markets. Information from the Congressional Research Service indicates the oil industry now has 1.85 billion—that is not million, that is billion, B as in billion—gallons of reformulated gasoline in storage right now.

If the House moratorium bill should be enacted, the reformulated gasoline requirement would be suspended and cheaper conventional gasoline could be brought into those markets. The oil companies that are complying with the law could probably still sell their reformulated gasoline. Sure, they could sell it, but they would have to obviously do it at the price of conventional gasoline, which is some 3 cents a gallon less expensive because of the costs that have gone into making the reformulated gasoline. So that will be a loss of about $55 million—$55 million—if the House moratorium were enacted.

Mr. President, my vote on the final bill will, of course, depend upon the amendments that might be offered and adopted during the course of this debate. But I did want to join with others to express my grave concerns about the House moratorium bill. Should I vote for this bill later this week, I would oppose any report that came back from the conference with a regulatory moratorium, that is, a year, 6 months, something to that effect, which is quite different from the 45-day delay that is in this legislation here before us.

I thank the Chair.

Mr. NICKLES. Mr. President, I know of no other Senators who wish to speak on this issue. So I will yield back the remainder of our time.

MORNING BUSINESS

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the impression simply will not go away; the enormous Federal debt greatly resembles the energizer bunny on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game, when they go home to campaign about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted for one bloated spending bill after another during the 103d Congress, which could have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of Friday, March 24, at the close of business, the total Federal debt stood—down to the penny—at exactly $4,846,988,457,046.59 or $18,399.25 per person.

The lawyers have a Latin expression which they use frequently—''res ipra loquitur''—''the thing speaks for itself.'' Indeed it does.

TRIBUTE TO GOVERNOR MIKE O'CALLAGHAN

Mr. REID. Mr. President, today, I rise as a matter of personal privilege to share with the Senate a Nevadan whose life is a role model for all Americans. This man, Mike O'Callaghan, has not only had an impact on me personally, but also the State of Nevada, our country, and many parts of the world. Mike O'Callaghan is a man of unbridled energy who has had an enviable and remarkable career as a war hero, an educator, a public servant, a distinguished State Governor, a newspaper editor and publisher, and a citizen of the world.

I first met Mike O'Callaghan in 1956 when he began teaching U.S. Government classes at Basic High School in Henderson, NV. He had been decorated as a marine in the Korean conflict and was awarded 2 Purple Hearts, a Bronze Star with valor, and a Silver Star for heroism. Unfortunately, he had also lost a leg in battle, but he never used that injury as an excuse.

I learned a lot about government from Mr. O'Callaghan, but I learned more about life. He was my boxing coach, my adviser, my mentor, and my friend. And he was largely responsible for helping me obtain scholarships and personally assisting me with money to go to college.

This was not unusual, for Mr. O'Callaghan took an active interest in all of his students and pushed all of them to do their best. We stood in awe of him, we feared him, and we deeply respected him, and all of us students were better because of him.

While I was away in college and law school, Mike continued working for