It is time to change our policy and provide direct funding to tribes under title 20.

RECOGNITION OF GLENN T. CARBERRY, NORWICH CITIZEN OF THE YEAR

Mr. DODD. Mr. President, I rise to extend my warm congratulations to attorney Glenn T. Carberry, of Norwich, CT, who was recently named Citizen of the Year by the Eastern Connecticut Chamber of Commerce.

A long-time community and political activist in Norwich, Glenn has served as vice chairman and economic development chairman of the chamber, fundraising chairman of the American Cancer Society, and director of the Norwich Lion's Club. Glenn, managing partner of the New London law firm Tobin, Levin, Carberry & O'Malley, has also served on numerous civic committees and boards, including the Mohegan Park Advisory Committee, the Eastern Connecticut Housing Opportunities Commission, and the United Community Services Commission.

The best example of Glenn's commitment to the community was his leadership of a successful community-wide effort to bring the minor league Albany Yankees to Norwich. As an avid baseball fan, Glenn studied the history of minor league baseball and envisioned enormous potential for a new Connecticut team. For months, he worked tirelessly to turn his dream into reality. Securing permits and garnering financial support from State and community leaders, Glenn was the key to the project's success. The team, now known as the Norwich Navigators, will officially open its first season in Connecticut on April 17 at the Thomas Dodd Memorial Stadium.

As a result of Glenn's efforts, thousands of families will have the opportunity to see the Norwich Navigators in action. In addition to its entertainment value, the Navigators and the team's new stadium have already had a tremendous and long-lasting impact on the regional economy. Hundreds of construction jobs have been filled, and hundreds more service-related positions will be created in the coming months. Eastern Connecticut also expects the tourism industry and local small businesses to expand and prosper because of the team.

In keeping with the tradition of the Eastern Connecticut Chamber of Commerce, Glenn has wholeheartedly championed the economic interests of eastern Connecticut. Through his advocacy of economic growth and commerce, he has provided a wonderful example of citizenship and community responsibility. He is a tremendous asset to Norwich and the entire State of Connecticut. Without question, Glenn Carberry is the Citizen of the Year.

I ask unanimous consent that an editorial from the New London Day on Glenn Carberry be printed at this point in the RECORD.

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

GLENN CARBERRY'S TALENTS—THIS NORWICH ATTORNEY HAS DEVELOPED A CLEAR VISION OF HOW SOCIAL, ECONOMIC PROGRESS DEPEND ON REGIONAL COOPERATION

The Eastern Connecticut Chamber of Commerce recognized a real go-getter in choosing attorney Glenn Carberry as citizen of the year. The award speaks most directly to his championing the successful effort to attract the Norwich Navigators' Yankee baseball team, but Mr. Carberry deserves the award for more important reasons.

He has committed his considerable talents as a lawyer, politician and economic-development specialist to shape a regional sense of community.

He understood early on what others only recently have learned and what still others have yet to understand; that economic development is regional. More than that point, however, Mr. Carberry knows that the benefits of an orderly society that prospers and offers opportunity to a broad range of citizens happen only when people understate their differences and recognize their similarities.

Mr. Carberry, who ran unsuccessfully for Congress in the 2nd District, has served as an adviser to the Rowland campaign and administration, on the Otis Library Board, in efforts to provide housing through several agencies, and as an active member of the chamber in Norwich.

The Eastern Connecticut Chamber will honor him at a dinner April 7 at the Ramada Hotel in Norwich. Perhaps the most fitting tribute to this impressive young man, however, would be continued efforts to form a regional organization that merges the Eastern Chamber with the Southeastern Connecticut Chamber of Commerce in New London.

Such a chamber would exemplify the progressive thinking and regional outlook that has made Mr. Carberry a leader for progress in this area.

CONGRATULATING RICO TYLER AND CYNTHIA HILL-LAWSON

Mr. FORD. Mr. President, I am pleased to have this opportunity today to recognize Rico Tyler and Cynthia Hill-Lawson, two secondary school teachers from the Commonwealth of Kentucky who were recently presented with Presidential Awards for Excellence in Science and Mathematics Teaching.

As you may know, the Presidential Awards for Excellence in Science and Mathematics Teaching Program was established over a decade age to recognize and reward outstanding teachers and to encourage high-quality educators to enter and remain in the teaching field. Both Rico, in his work with the astronomy program at Franklin-Simpson High School, and Cynthia, who teaches math at Beaumont Middle School in Lexington, have demonstrated that they are committed to providing a quality education to their students. I am very proud of them—as I am sure their friends, colleagues and family are—for they represent the triumphs in our educational system that often go unheralded.

Again, Mr. President, I congratulate Rico and Cynthia for this tremendous achievement and wish them many more years of success in the classroom.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REGULATORY TRANSITION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 219, the Regulatory Transition Act of 1995, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 219) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on certain significant regulatory actions is imposed and an inventory of such actions is conducted.

SEC. 3. MORATORIUM ON REGULATIONS.

(a) MORATORIUM.—During the moratorium period, a Federal agency may not take any significant regulatory action, unless permitted under section 5. Beginning 30 days after the date of enactment of this Act, the effectiveness of any significant regulatory action taken during the moratorium period but before the date of the enactment shall be suspended until the end of the moratorium, unless an exception is provided under section 5.

(b) INVENTORY OF RULEMAKING.—Not later than 30 days after the date of enactment of this Act, and on a monthly basis thereafter, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget shall conduct an inventory and publish in the Federal Register a list of all significant regulatory actions covered by subsection (a), identifying those which have been granted an exception as provided under section 5.

SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any significant regulatory action prohibited or suspended under section 3 is extended for 5 months or until the date occurring 5 months after the end of the moratorium period, whichever is later.

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

(c) IDENTIFICATION OF POSTPONED DEADLINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and

Budget shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 5. EXCEPTIONS.

(a) IN GENERAL.—Except as provided in subsection (b), section 3(a) or 4(a), or both, shall not apply to a significant regulatory action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the President, and a copy thereof to the appropriate committees of each house of the Congress;

(2) the President finds, in writing, the action is—

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

(B) necessary for the enforcement of criminal laws;

(C) related to a regulation that has as its principal effect fostering economic growth, repealing, narrowing, or streamlining a rule, regulation, administrative process, or otherwise reducing regulatory burdens;

(D) issued with respect to matters relating to military or foreign affairs or international trade;

(E) principally related to agency organization, management, or personnel;

(F) a routine administrative action, or principally related to public property, loans, grants, benefits, or contracts;

(G) limited to matters relating to negotiated rulemaking carried out between Indian tribes and the applicable agency under the Indian Self-Determination Act Amendments of 1994 (Public Law 103-413; 108 Stat. 4250); or

(H) limited to interpreting, implementing, or administering the internal revenue laws of the United States; and

(3) the Federal agency head publishes the finding in the Federal Register.

(b) INAPPLICABILITY OF EXCEPTIONS.—The authority provided under subsection (a) shall not apply to any action described under section 6(B)(ii).

SEC. 6. DEFINITIONS.

For purposes of this Act—

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

(2) MORATORIUM PERIOD.—The term ''moratorium period'' means that period of time beginning November 9, 1994, and ending on December 31, 1995, unless an Act of Congress provides an earlier termination date for such period.

(3) SIGNIFICANT REGULATORY ACTION.—The term ''significant regulatory action'' means any action that—

(A)(i) consists of the issuance of any substantive rule, interpretative rule, statement of agency policy, guidance, guidelines, or notice of proposed rulemaking; and

(ii) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

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

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

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

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

(B)(i) withdraws or restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency, except for those actions described under paragraph (4) (K) and (L); or

(ii) is taken to carry out—

(I) the Interagency Memorandum of Agreement Concerning Wetlands Determinations for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act (59 Fed. Reg. 2920) (referred to in this clause as the ''Memorandum of Agreement''); or

(II) any method of delineating wetlands based on the Memorandum of Agreement for purposes of carrying out subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

(4) RULE; GUIDANCE; OR GUIDELINES.—The terms ''rule'', ''guidance'', or ''guideline'' mean the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Such term shall not include—

(A) the approval or prescription, including on a case-by-case or consolidated case basis, for the future of rates, wages, corporate or financial structures or reorganization thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(B) any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, the Federal Home Loan Banks, or Government sponsored housing enterprises, or to protect the Federal deposit insurance funds;

(C) any action taken to ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund;

(D) any action taken in connection with the reintroduction of non-essential experimental populations of wolves before the date of the enactment of this Act;

(E) any action by the Environmental Protection Agency that would protect the public from exposure to lead from house paint, soil, or drinking water;

(F) any action to provide compensation to Persian Gulf War veterans for disability from undiagnosed illnesses, as provided under the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4647) and the amendments made by that Act;

(G) any action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines;

(H) any action that would upgrade safety and training standards for commuter airlines to the standards of major airlines;

(I) the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of the Interior pursuant to the procedures specified in the advanced notice of proposed rulemaking published on March 17, 1994, at 59 Fed. Reg. 12740 et seq., except that this subparagraph shall not apply to any such overflight in the State of Alaska;

(J) any clarification of existing responsibilities regarding highway safety warning devices;

(K) any action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action; or

(L) the granting of an application for or issuance of a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief from a regulatory requirement, or other action relieving a restriction, or taking any action necessary to permit new or improved applications of technology or allow manufacture, distribution, sale, or use of a substance or product.

(5) LICENSE.—The term ''license'' means the whole or part of an agency permit, lease, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission, including any such form of permission relating to hunting and fishing.

(6) PUBLIC PROPERTY.—The term ''public property'' means all property under the control of a Federal agency, other than land.

SEC. 7. EXCLUSIONS.

This Act shall not apply to any significant regulatory action that establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, handicap, or disability status.

SEC. 8. CIVIL ACTION.

No determination under this Act or agency interpretation under section 6(4) shall be subject to adjudicative review before an administrative tribunal or court of law.

SEC. 9. SEVERABILITY.

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

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

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 410

(Purpose: To ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes)

Mr. NICKLES. Mr. President, on behalf of myself and Senators REID, BOND, and HUTCHISON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. BOND and Mrs. HUTCHISON, proposes an amendment numbered 410.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed

in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

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

(i) a copy of the rule;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) PRESIDENTIAL WAIVER AUTHORITY.—

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

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

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

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

(C) necessary for national security.

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

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

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

(2) TREATMENT UNDER SECTION 4.—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

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

(b) REFERRAL.—

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

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

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

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

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

(d) FLOOR CONSIDERATION.—

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

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

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

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

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

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

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

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

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

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

(1) as an exercise of the rulemaking power of the Senate and House of Representatives,

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

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

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

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

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

SEC. 6. DEFINITIONS.

For purposes of this Act—

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

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

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

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

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

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

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

SEC. 7. CIVIL ACTION.

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

SEC. 8. APPLICABILITY; SEVERABILITY.

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

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

SEC. 9. EXEMPTION FOR MONETARY POLICY.

Nothing in this Act shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 10. EFFECTIVE DATE.

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

Mr. NICKLES. Mr. President, this is an amendment that Senator REID and myself and several other Senators discussed at length yesterday, so I do not think I have to go into too much detail.

But just to summarize what this amendment would do, this amendment would provide for a 45-day congressional review of regulations—all regulations. Significant regulation would have a moratorium. They would be suspended for 45 days.

This would give Congress an expedited procedure to where we could repeal or reject those regulations if we deem it necessary. We could reject any of the regulations, whether they be significant or whether they be smaller regulations.

We also have a look back. We can look back at the significant regulations that were enacted since November 20, 1994, and have a chance to reject or repeal those. Those regulations would not be suspended. They would still be in effect, but if Congress so desired, if we were successful in passing a resolution of disapproval through both Houses and if that resolution is signed by the President, then those regulations would be repealed.

Likewise, on any of the prospective regulations that might come out, we would have 45 days for an expedited procedure, and if Congress passed a resolution of disapproval, then those regulations would be stopped. Of course, again, the President would have the opportunity to veto that resolution and we would have the opportunity to override that veto.

Mr. President, I think this is good reform. It is a substitute to the bill as reported out of the Governmental Affairs Committee. I think, frankly, in my opinion, it is a significant improvement. I was a sponsor of the bill that came out of the Governmental Affairs Committee. We had 36 cosponsors. That is the so-called reg moratorium.

Some of my colleagues have labeled that bill draconian, they say it will be a disaster, so on. My final analysis was that bill would not do very much because the bill, as reported to the House, pertained to all regulations with lots of exceptions. When it was reported out of the Governmental Affairs Committee, it applied to significant regulations.

To put this in a framework, the administration on November 14 published in the Federal Register that they were reviewing and working on 4,500 rules and regulations that would be effective for the years 1995, 1996, and 1997—4,500. Many of those had significant economic impact. I thought we should have a review of those or stop those. But the bill that passed out of the Governmental Affairs Committee applied only to significant. That would be several hundred, maybe 800 or 900 out of the 4,500, and then the Governmental Affairs Committee had several exceptions.

We had several exceptions when we introduced the bill. I believe we had eight exceptions: For imminent public health and safety; exceptions for actions that would streamline the process and make Government work more efficiently and effectively; exceptions dealing with criminal statutes.

The Governmental Affairs Committee had a lot more exceptions. The net result was, in my opinion, the bill passed out of the Governmental Affairs Committee was a temporary moratorium. It would only last until Congress passed a comprehensive reform bill. My guess is we will probably do that in 2 or 3 months. So instead of having a year moratorium as people anticipated, the bill said it would last until the end of the year or until Congress passed a comprehensive regulatory reform bill. I think we will do that in a couple of months. I hope we do. I think it is important to do with cost-benefit analysis and risk assessment. So my guess is the temporary moratorium would only last a couple months. And then, like I said, it would apply not only to significant regulations. The bill before us gives Congress an expedited procedure to reject all regulations, whether significant or not. I think it is more permanent, because we are talking about permanent statutory change. So not only this Congress—not just for the next 100 days or for this year—but this Congress and future Congresses will have the right and the responsibility, in my opinion, to not only review, but to analyze these regulations and to reject those that we find are too expensive, reject those we find do not make sense. Again, it applies to all regulations, not just to the significant ones.

I think it is an improvement on the bill as reported out of the Governmental Affairs Committee. I thank Senator ROTH and other colleagues for their work on that. I know it was not an easy markup in conference.

I think the substitute we have today, which is supported by Senators DOLE, ROTH, and several others, is a better substitute for another reason. It is bipartisan. I want to compliment Senator REID for his cosponsoring this approach, as well as several other colleagues on the other side of the aisle that have mentioned to me they think this is a good approach. This should actually pass regardless of whether you have a Republican-controlled Congress or a Democrat-controlled Congress. This says Congress should be making the decision. Congress should use their oversight and should have the responsibility to make sure the bureaucrats, the regulators, actually follow through

with our intentions and desires on legislation. This will give us that responsibility.

I am optimistic. I think this is a good substitute, one that deserves very strong bipartisan support. I hope we have a very strong vote in the Senate later today and one that I hope my colleagues in the House would concur is an improvement over the House-passed bill and, hopefully, they will recede to the Senate when we go to conference.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, might I inquire, what is the parliamentary procedure now?

The PRESIDING OFFICER. The Senator from Oklahoma offered an amendment to the committee substitute for S. 219.

Mr. HARKIN. The substitute is the pending business?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 411 TO AMENDMENT NO. 410

(Purpose: To condemn the conviction and sentencing of American citizens held in Iraq)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 411 to amendment No. 410.

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE REGARDING AMERICAN CITIZENS HELD IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) On Saturday, March 25, 1995, an Iraqi court sentenced two Americans, William Barloon and David Daliberti, to eight years imprisonment for allegedly entering Iraq without permission.

(2) The two men were tried, convicted, and sentenced in what was reported to be a very brief period during that day with no other Americans present and with their only legal counsel having been appointed by the Government of Iraq.

(3) The Department of State has stated that the two Americans have committed no offense justifying imprisonment and has demanded that they be released immediately.

(4) This injustice worsens already strained relations between the United States and Iraq and makes resolution of differences with Iraq more difficult.

(b) SENSE OF SENATE.—The Senate strongly condemns the unjustified actions taken by the Government of Iraq against American citizens William Barloon and David Daliberti and urges their immediate release from prison and safe exit from Iraq. Further, the Senate urges the President of the United States to take all appropriate action to assure their prompt release and safe exit from Iraq.

Mr. HARKIN. Mr. President, this amendment is a sense-of-the-Senate resolution and not really related to the bill at hand. But it responds to an urgent matter.

On Saturday morning, March 25, an Iraqi judge sentenced two American citizens, David Daliberti and William Barloon, to 8 years in prison for illegal entry into Iraq, under paragraph 24 of Iraq's residence law.

Apparently, the men had innocently and mistakenly entered Iraqi territory last March 13 while attempt to go visit friends at the U.N. observer mission in the demilitarized zone.

According to the State Department, no American official was present at the trial, which lasted about 1½ hours. Both Americans were represented by a court-appointed Iraqi attorney. The Polish authorities, who are representing us in Iraq, were given less than an hour's notification before the trial was to begin.

One of those Americans sentenced, William Barloon, is from New Hampton, IA. He is an engineer for the McDonnell Douglas Corp. He has lived, for the past 2 years, in Kuwait with his wife, Linda, and their three children. His family and friends are rightfully shocked, angered, and frustrated by the sentence. I share the concerns of Mr. Barloon's family and friends in Iowa and offer this amendment to publicly support them to do whatever I can to ensure the prompt and swift return of their loved one.

I have been, and my staff has been, closely monitoring the diplomatic efforts underway and have expressed my concern to the Secretary of State, Warren Christopher.

Mr. President, there is absolutely no justification for these sentences. These two Americans, who work for private contractors in Kuwait, inadvertently crossed over into Iraq when attempting to visit friends in the demilitarized zone between Iraq and Kuwait. They committed no offense justifying jail sentences. Allegations of espionage to the contrary, these men were not in Iraq for any nefarious purpose. They did not commit any criminal actions.

In addition, Mr. President, their stay in Iraq was very brief. They had then attempted to return back into Kuwait, probably when they discovered that they had crossed over. According to the State Department, they were merely charged with being in Iraq illegally, without proper documents, in violation of that country's residence law.

Mr. President, I have long been a defender of human rights throughout the world. And today I rise to speak out in defense of the human rights of two Americans unjustly sentenced to 8 years in prison for what essentially amounts to an honest mistake of not knowing where they were.

Imprisonment in this case is unconscionable. Both Mr. Daliberti and Mr. Barloon, on the basis of their fundamental human rights and humanitarian considerations, should be immediately and unconditionally released.

Finally, it has been suggested that Iraq may be seeking to take advantage of this incident as leverage in whatever real or perceived grievances Iraq has with the United States, or to gain some advantage internationally. I do not know if that is the case. I do not wish to comment on that. I just hope it is not the case. But if that is the case, then I urge them to reconsider using this incident in such a manner, because I can tell you one thing—any attempt to use this incident in such a manner can only be counterproductive, there is nothing for Iraq to gain by using this incident in the hopes of gaining leverage in bilateral or international relations.

I urge my colleagues to unanimously support this amendment. It will put the United States Senate on record as condemning Iraq's actions in this case and urges the President to take all appropriate measures to secure the immediate release of Mr. Daliberti and Mr. Barloon so they may be reunited with their family and friends.

I ask unanimous consent to have printed at this point in the RECORD two articles from The New York Times of this morning.

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

IN HOMETOWNS, SPY CHARGES BY BAGHDAD ARE DISMISSED

(By Dirk Johnson)

NEW HAMPTON, IA, March 27.—This Iowa town was draped in yellow ribbons today in a gesture of support for its native son, William Barloon, who with another American, David Daliberti, has been sentenced to an eight-year prison term in Iraq after their puzzling foray into that country two weeks ago.

Nobody here could imagine any good reason for the two men to cross the Kuwaiti border, which is marked with a 10-foot-deep, 16-foot-wide trench. Even so, friends and family of the two men, civilian workers for American defense contractors in Kuwait, scoff at the accusation by Iraq that the men were involved in underhanded activity.

''From what I know of Billy, I don't think he'd make a very good spy,'' said Kevin Kennedy, a lawyer in this town of 4,000, adding that Mr. Barloon was ''better at telling a story than keeping a secret.''

Mr. Daliberti's father, Raymond Daliberti, said it was ridiculous to believe that his soon was a spy. ''If he is, he must be the dumbest spy in the world,'' the elder Mr. Daliberti said in Jacksonville, Fla.

State Department officials, who have denounced the prison sentences, say the two men mistakenly crossed into Iraqi territory while trying to visit friends in the demilitarized zone between Kuwait and Iraq.

Mr. Barloon, 39, worked for the McDonnell Douglas Corporation in Kuwait on support crews for F–18 fighter jets. Mr. Daliberti, 41, worked for Kay and Associates, a subcontractor for McDonnell Douglas.

A spokesman for McDonnell Douglas, Tom Williams, said the men ''wound up in Iraq by accident—an honest mistake.'' He said he had no details to add to the reports of officials in Washington.

Mr. Barloon, who moved away from here in 1973, grew up in a brick-and-frame house on Hamilton Street, where his mother, Mary Rethamel, still lives. His father, Ed Barloon, a tavern owner, drowned in a quarry here when the son was about 5. As a teen-ager, he worked summers at a truck stop, and joined the Navy after his junior year in high school.

The Rev. Carl Schmitt, pastor of St. Joseph's Roman Catholic Church, whose elementary school Mr. Barloon attended, said townspeople here were indignant over the severity of the punishment imposed by Iraq.

''We feel devastated and frustrated,'' Father Schmitt said. ''People are trying to deal with the anger. I tell people we aren't going to gain anything by spreading more hatred in the world.''

Mr. Daliberti was born in Tennessee, but spent most of his childhood in Jacksonville, where his father worked as an aviator machinist at Cecil Field Naval Air Station, and where he would develop a passion for jets. After four years in the Navy and a string of civilian jobs near Jacksonville, Mr. Daliberti took a job in Kuwait three years ago as a trainer of mechanics on F–18 jets.

''He loved the people over there and was getting along great,'' his father said.

UNITED STATES DENIES TWO AMERICANS ENTERED IRAQ AS SABOTEURS

(By Steven Greenhouse)

WASHINGTON, March 27.—The Clinton Administration today rejected assertions from Baghdad that two Americans being held prisoner there had crossed into Iraq as saboteurs or spies.

White House and State Department officials said again today that the two had strayed mistakenly and innocently into Iraq while trying to visit a friend south of the border in Kuwait and did not deserve the eight-year prison sentences an Iraqi court imposed on them on Saturday.

''It was an innocent mistake,'' said Michael D. McCurry, the White House spokesman. ''These two crossed across the border and had no intention to conduct any kind of sabotage at all.'' He also denied their motive was espionage.

Saddi Mehdi Saleh, the Speaker of Iraq's Parliament, told The Associated Press today: ''We have no aggressive intentions toward these two Americans. But we have just applied Iraqi law according to the manner we do to all the foreigners who are coming for sabotage or other political reasons.''

He added: ''Sending spies or saboteurs, we reject this equation and don't agree with it. The United States of America must understand this fact.''

Mr. Saleh later denied that he had said the two Americans planned acts of sabotage. Instead, he asserted that their aim was to create an incident that would prolong United Nations sanctions against Iraq.

United States officials said today that the two men—David Daliberti, 41, of Jacksonville, Fla., and William Barloon, 39, of New Hampton, Iowa—had apparently made a wrong turn and strayed into Iraq when they were seeking to visit a Danish friend at a United Nations compound in Kuwait, a half-mile south of the Iraqi border.

According to interviews with American and United Nations officials, the two Americans drove north from Kuwait City on March 13 to visit their friend, who was in a Danish engineering unit that is part of the 1,142-member United Nations Iraq-Kuwait Observer Mission.

It is well known that many Westerners who live in Kuwait visit acquaintances who are part of the United Nations mission because alcoholic beverages are readily available in its compounds, unlike elsewhere in Kuwait.

The two, who worked on a McDonnell Douglas contract to maintain Kuwaiti military aircraft, were apparently allowed to pass into Iraq by both a United Nations border patrol and an Iraqi border patrol. Iraqi police arrested them a few minutes later when they sought to cross back into Kuwait.

One American official said ''we're as baffled as everyone else'' how they could have mistakenly entered Iraq.

Secretary of State Warren Christopher told reporters: ''The sentences were unjustified. These men strayed into Iraq and we certainly think they should be promptly released. There's no basis for the kind of sentences that were imposed.''

Mr. Christopher specifically denied suggestions that the two men were working for the Central Intelligence Agency, telling reporters, ''There is no basis for those reports.'' He said such rumors would complicate efforts to win their release ''only if'' the Iraqis ''let it complicate it.''

Mr. HARKIN. I thank the Senator from Oklahoma for letting me speak and propose this amendment at this time.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator HARKIN from Iowa, for this amendment. I am sympathetic to it and I will support it.

I might tell my colleagues we do not expect to vote now, and probably we will ask for the vote. We will check and see on the Democrat side if it is OK to vote at 12 noon. If not, we will announce the vote shortly.

I am sympathetic for a lot of reasons. Certainly it is an injustice when we have two American citizens who are working for a company, McDonnell, to be taken hostage and be sentenced for 8 years for mistakenly crossing the border.

I am sympathetic for another reason, because I found out the hard way. We had an Oklahoman that also was taken captive and held in Iraq for some time in 1993, Ken Beaty, an Oklahoman from Mustang, OK. He worked for an oil company. He was jailed for 205 days, I tell my colleague, in April 1993 through November 1993. He is 45 years old. Eventually we were successful. My colleague, Senator BOREN, Members might recall, went to Iraq to obtain his release. I hope we will have even a speedier resolution for these two individuals. Certainly it is an outrage that this type of a sentence was given for an innocent trespass. Eight years is certainly outrageous.

I concur with my colleague. The Senate should speak out in this amendment. I have no objection, and I suspect we will be voting on it around 12 o'clock.

Mr. HARKIN. If the Senator will yield, I want to thank the Senator from Oklahoma.

I know the managers of the bill—we do not want to load the bill with amendments and resolutions, but this is important. I appreciate his willingness to go away and get this up and get the Senate to express itself on this amendment. Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent to speak as in morning business.

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

MALMSTROM AIR FORCE BASE

Mr. BAUCUS. Mr. President, this weekend, the Base Closure and Realignment Commission comes to Great Falls for a hearing on the future of Malmstrom Air Force Base. And as both the Great Falls community and the BRAC Commissioners prepare for the hearing, I would like to recall a piece of history many have forgotten.

In 1942, as the United States entered the Second World War, President Roosevelt and Gen. George Marshall selected Malmstrom Air Force Base for a critically important mission. They chose this to be the main base for Lend-Lease supplies to the Soviet Army.

Over the next 3 years, 1942 to 1945, Malmstrom pilots made over 10,000 flights to the Soviet Union. They gave the Soviet Army trucks, tank parts, and other supplies crucial to the defense of Leningrad, the Battle of Kursk, and other watershed events in the European theater.

Now, you may ask, why Malmstrom?

The answer is simple. This air base is practically at the geographic center of North America. Thus it is the one place that is most secure military locations anywhere. At the same time, because flights to Europe and Northern Asia fly over the North Pole, there is no continental airbase closer to Japan and Russia than Malmstrom.

So, paradoxically, Malmstrom Air Force Base is among two very important groups: First, the bases most secure against foreign attack, and second, the bases most strategically important in wartime.

I am pleased to say that the Air Force recognizes this. In their report to the President last March 1, they said Malmstrom should remain a principal site for our land-based strategic nuclear forces.

But they also made a more puzzling recommendation. They asked the President to reverse two previous BRAC decisions, and move Malmstrom's squadron of KC–135 tanker aircraft to Florida.

Though I do not believe this would make much military sense. So I hope the BRAC Commissioners look closely at Malmstrom, listen to the community, and make the right decision to keep the tankers where they are now.

As the 1992 BRAC found, Malmstrom is a good place for the tanker squadron, and can support an expanded rather than a contracted flying mission.

That is no accident. Since the days of Roosevelt and Marshall, the Air Force has put a great deal of money into making Malmstrom a top-level base for our nuclear missiles and for the flying missile. They have done a good job; and they had good reasons to do it.

First of all, we may again need Malmstrom's service in wartime.

Everything human—whether it is technology, relations between governments, or anything else—is subject to change. But geography is not. We will