

However, affirmatively, I believe that we should place our confidence and place our faith in the individual who has the constitutional responsibility to lead United States efforts in a matter of this type, and that is the President of the United States.

On Friday, I met with the President at the White House, and I was impressed with the degree to which he was personally knowledgeable of the minute details of this issue; that he had been in personal contact with key figures who have the capability of bringing maximum pressure upon the Iraqis, and his commitment to see that these two men are released as expeditiously and in the best possible circumstances.

So, Mr. President, I support the resolution that is before us today. I think it is important that the United States Senate send a strong signal to Baghdad as to our outrage at their action and that their action will not secure any steps which will be beneficial to the country of Iraq.

The irony is that the control of the future of Iraq and its people, the ability to lift the economic sanctions and to begin a process of restoring Iraq to a membership in an international community of law-abiding nations lies totally within the Government of Iraq itself and particularly its leader, Saddam Hussein.

For months, that regime has rejected its opportunity and responsibility to take those actions. Now they are potentially attempting to use these two innocent Americans as a lever to achieve that result.

They shall not succeed. The United States, with our international allies and with the coalition that is being organized by President Clinton, will bring both maximum force, maximum diplomatic, economic and, if necessary, other initiatives in order to achieve the release of these men, while at the same time standing firm behind the sanctions which Iraq imposed upon itself by its lawless activities.

So, Mr. President, I urge my colleagues to adopt this resolution and send the signals that have the best opportunity to achieve the release of these two men to the regime in Baghdad and to reinforce the leadership which is being provided by our President in Washington.

Thank you, Mr. President.

EXHIBIT 1

MARCH 24, 1995.

Senator BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Thank you for your letter of 23 March 1995 expressing your grave concern for the two United States citizens who have been detained by the Government of Iraq since 13 March after accidentally crossing the border between Kuwait and Iraq. Please be assured that I share your concern.

Since the incident occurred, General Krishna Thapa, the Force Commander of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), which is situated along

the international border between the two countries, has been repeatedly in contact with Iraqi authorities to ascertain the whereabouts of the two individuals, obtain assurances of their well-being, and urge the Government to release them immediately.

Mr. Kofi Annan, Under-Secretary-General for Peace-keeping, has also been in touch with the Permanent Representative of Iraq to the United Nations to protest the incident and to urge the Government of Iraq to take immediate steps to obtain release of the detainees. Mr. Annan is also keeping the Permanent Representative of the United States informed of any developments in this regard as they occur.

You may be assured that the United Nations will continue to do everything we can to bring about the rapid release of the detainees. Please convey to their families my deep concern, together with my personal wishes that their families will soon be reunited.

Please accept, Sir, the assurances of my highest consideration.

BOUTROS BOUTROS-GHALI.

Mr. FEINGOLD. Mr. President, I commend the Senator from Iowa, Senator HARKIN, for his leadership on this issue. The virtual kidnaping of two innocent American businessmen by Iraq is a very serious matter.

Obviously, I will vote for this amendment because it strongly condemns the Government of Iraq for its unjustified action. I also think it empowers the President as he strives to assure the prompt release and safe exit of our two citizens from Iraq.

At the same time, though, I want to explain for the RECORD that in voting for a resolution which urges the President to "take all appropriate action" in this matter, I do not believe that Congress is authorizing any broad use of military action. While the President may initiate an emergency operation to rescue American citizens, any military action beyond that into Iraq would have to be specifically authorized by Congress.

I make this point, Mr. President, because I have seen in the past how sometimes we quickly and quite appropriately pass some foreign policy resolutions to express a sense of the Senate, only to have them reinterpreted as a broad authority for some unforeseen or even un contemplated military action later. I hardly expect that to be the case with this amendment, but I wanted to set the record straight from the outset.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS-CONSENT AGREEMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to conduct morning business and request that the Senate stand in recess following my remarks.

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

Mrs. HUTCHISON. I thank the Chair. (The remarks of Mrs. HUTCHISON and Mr. NUNN pertaining to the introduc-

tion of S. 635 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. Mr. President, I ask unanimous consent, if I might, to be listed as an original cosponsor of the legislation just introduced by the Senator from Texas and extend my commendations to her for proposing this long-overdue reform in the treatment of our highest national military leadership.

Mrs. HUTCHISON. Mr. President, I am proud to have the Senator from Florida be an original cosponsor of the bill, and I look forward to working with him to correct this inequity that we have seen occur over the last few years.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 411

The PRESIDING OFFICER. The question occurs on amendment No. 411 offered by the Senator from Iowa [Mr. HARKIN].

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire [Mr. SMITH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—99

Abraham	Craig	Hatfield
Akaka	D'Amato	Heflin
Ashcroft	Daschle	Helms
Baucus	DeWine	Hollings
Bennett	Dodd	Hutchison
Biden	Dole	Inhofe
Bingaman	Domenici	Inouye
Bond	Dorgan	Jeffords
Boxer	Exon	Johnston
Bradley	Faircloth	Kassebaum
Breaux	Feingold	Kempthorne
Brown	Feinstein	Kennedy
Bryan	Ford	Kerrey
Bumpers	Frist	Kerry
Burns	Glenn	Kohl
Byrd	Gorton	Kyl
Campbell	Graham	Lautenberg
Chafee	Gramm	Leahy
Coats	Grams	Levin
Cochran	Grassley	Lieberman
Cohen	Gregg	Lott
Conrad	Harkin	Lugar
Coverdell	Hatch	Mack

McCain	Pell	Simon
McConnell	Pressler	Simpson
Mikulski	Pryor	Snowe
Moseley-Braun	Reid	Specter
Moynihan	Robb	Stevens
Murkowski	Rockefeller	Thomas
Murray	Roth	Thompson
Nickles	Santorum	Thurmond
Nunn	Sarbanes	Warner
Packwood	Shelby	Wellstone

NOT VOTING—1

Smith

So the amendment (No. 411) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter before this body?

AMENDMENT NO. 410

The PRESIDING OFFICER. The pending question is amendment No. 410, offered by the Senator from Oklahoma.

Mr. REID. Mr. President, the senior Senator from Oklahoma and I, among others, have offered this substitute to S. 219 because we believe it is a good solution to the problem of excessive bureaucratic regulation.

Mr. President, yesterday on the Senate floor, I outlined in some detail the merits of this substitute amendment. During that period of time, the Senator from Oklahoma and I, in a number of exchanges, laid the foundation for this legislation. What this is all about is the fact that we have too many regulations that, in effect, are given to us—and when I say “us,” I mean the American public—without the Congress having any ability whatsoever to review these regulations.

In fact, Mr. President, since the Chadha decision, the bureaucrats have, in effect, laughed at the Congress. When we were concerned about an area in which they were going to promulgate regulations, there was not a thing we could do about it because they, in effect, said you tried once to put up a legislative framework to review regulations and you were told by the Supreme Court you could not do it. So, as a result of that, I believe personally that we have had a lot of regulations that were unnecessary and, in effect, the bureaucrats have told the Congress: We will do what we want.

It is estimated by the U.S. Chamber of Commerce that complying with Federal regulations costs over \$500 billion a year. The amount of time filling out paperwork for these same procedures is about 7 billion hours—not million, but billion hours. Multiply that times the minimum wage, and it is a lot of money. But, of course, it is more than minimum wage.

Mr. President, we all know that regulations serve a valid purpose if they are implemented properly and they serve the intent, what the legislature in-

tended, in allowing them to go forward with the regulations. We all know that the workplace is a lot safer today than it was 50 years ago. We know that there are people today who are not permanently disfigured as a result of the workplace rules that are in place.

We have an airline industry that has the finest safety record of any airline industry in the world. We know that we have problems that have developed, but, generally speaking, our food regulations allow the American public to clearly eat food that is given to them.

Some good things have happened. Twenty years ago, Mr. President, 80 percent of the rivers were polluted. Now it is 20 percent. It has just reversed. It used to be, 20 years ago, that 20 percent of the rivers were unpolluted; now 80 percent of the rivers are not polluted. So we have made progress and a lot of this is because of meaningful legislation and the meaningful implementation of regulations.

The problem is, though, that too often Congress passes a law with good intentions and sound policy, only to have the agencies turn these simple laws into complex regulations that even the regulators do not understand. And certainly they go beyond the intent of Congress.

There are a myriad of stories that each of us have in our offices of how businesses, large and small, have to hire large legal departments. And if that is not enough, they have to have people who specialize in other areas, dealing with regulations that have been promulgated.

The reality is that Americans have become frustrated and skeptical about our Government. One reason, I believe, is because of the myriad of regulations over which they feel and we as a Congress feel we have no control.

As an example, a survey was conducted by Times Mirror, which found that since 1987, the number of Americans who believe regulations affecting business usually do more harm than good has jumped from 55 to 63 percent. In just these few short years, people feel worse about government rather than better. So we should get the message.

Mr. President, yesterday I pointed out to the Members of this body the number of regulations that have been placed in effect just since the last election. It is a large number of regulations, about 15 pages of very fine print that we have of new regulations.

I talked, Mr. President, about some of the—for lack of a better description—ridiculous things that have happened because of some regulations. I talked yesterday about a number of companies. One that I talked about was a New York company which was told to get benzene out of its water supply. They said, “Fine,” because they knew how much benzene was in their water that they could remove. The manufacturer said, “But we will make you a better deal. We have other processes in this plant where we can get rid of sig-

nificantly more benzene and it will only cost us a fraction more of the \$31 million that it would take to remove the benzene in the water.”

The regulators said, “No deal.” So, in effect, they spent \$31 million and removed a little bit of benzene, where they could have spent a few dollars more and removed a lot of benzene. But, no; that is how far into space some of these regulations go.

The Senator from Oklahoma and I believe that we need to eliminate many of the problems. To do that, we need to establish a safety mechanism that will enable Congress to look at the regulations that are being promulgated and decide whether they achieve the purpose they are supposed to achieve in a rational, economic, and less burdensome way. The substitute does just that.

The Senator from Oklahoma and I have worked for many years in a bipartisan fashion to do something about Government regulations. We approached this in the past. In fact, last year, this body passed legislation that we introduced which would have put a dollar number on regulations that were promulgated.

Well, I believe this is a more realistic way to approach the problem. The legislation that we introduced last year that passed was knocked out in a conference committee. So this is a bipartisan approach to accomplishing the goal of making Government more meaningful.

I would like to just mention briefly, Mr. President, that this bill provides a 45-day period where Congress can review new regulations. We can enact a joint resolution of disapproval and we would do it on a fast-track basis. If the rule would have an economic impact of over \$100 million, it is deemed to be significant and the regulation will not go into effect until the 45-day period has expired. This 45-day review will allow Congress to hold Federal agencies accountable before the regulations become, in effect, law and start impacting the regulated community.

If the rule does not meet the \$100 million threshold, the regulation will go into effect but will still be subjected to fast-track review.

Even significant regulations may go into effect immediately if the President, by Executive order, determines that the regulations are necessary for health, safety, national security or are necessary for the enforcement of criminal law. This is not subject to judicial review.

On issuing a rule, the Federal agency must forward a report to Congress containing a copy of the rule.

Mr. President, this 45-day review process will begin when the rule is sent to Congress or is published in the Federal Register, whichever is sooner.

I want to spend just a very brief time talking about the Chadha case. In that case, the Supreme Court ruled that Congress had no right to veto a regulation unless the President was involved

in it; in effect, unless we treated this like regular legislation.

In the Chadha instance, the President had no power to do anything. It would just be the Congress would overturn the regulation.

No matter whether you agree with the reasoning of the Court or not, that is the rule of the land, and so to meet the problems that were encompassed in that decision, the Senator from Oklahoma and I drafted this substitute so that the President would have the right to veto our legislative veto.

If a regulation is submitted to us and we do not like it, both Houses turn it down, and the President does not like it, he can veto it. The only way we can override his veto is by a two-thirds vote. That is fair. I am sorry we have to take it to the President, but that is what the Supreme Court said we have to do.

I think this procedure meets all the constitutional requirements that people raised in the past.

Mr. President, I hope that we can have a strong bipartisan vote on this bill. It is time that we worked together on issues. There is not a Member of this body, on either side of the aisle, who does not recognize, I hope, that we have all kinds of problems with regulations. If one goes home to a townhall meeting and there is a businessman there, big or small, that is what they complain about more than anything else, the paperwork that is burying them. And in the process of burying them, people are losing jobs, and it is just not good for the American process.

So I hope that we will respond with a strong vote. This bill sets forth procedures that are designed to make sure the process of evaluating new regulations does not give an advantage to either the President or to the Congress. So I hope that we can move forward on this bill at the earliest possible date.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I, too, share the concerns about regulations that the Senator from Nevada just talked about. We all have heard from our people back home, our constituents, our businessmen, our industry, our farmers, our average citizens about the impact of Federal regulations. How we deal with that is something else again. That is what we are grappling with.

We have had a couple things happen here. One, over in the House there is H.R. 450, which we view as rather draconian. It would stop everything from just a few days after the election on for a year, stop all rules and regulations from going into effect.

That is draconian in that it throws out the good with the bad. We have a lot of rules. Many of them are final rules and some of them are proposed rules that have taken effect since the election last year. Many had been in preparation for a year, a year and a half, some of them maybe even a little bit longer than that.

But the rules on health and safety, for instance, would be thrown out by that House legislation. They would be held up. In other words, the protections against E. coli bacteria, which killed children, or cryptosporidium, which killed 100 people in Wisconsin and some 400,000 ill, were not in effect.

Airline safety is another one where we have rules and regulations that would be held up now even though they should be in there.

Those are some examples of things that would be held up if we passed that House bill. That is not what we are dealing with today. But the companion bill in the Senate is S. 219, which was introduced by the distinguished Senator from Oklahoma. S. 219 drew a lot of amendments, a lot of fire in committee, enough so that when it was finally voted out of committee, over our objections on the minority side, this substitute for it was brought forward.

This substitute is a legal veto or legal reconsideration which is a long ways from the original S. 219 that it replaces.

If we then sent this legislative veto to the conference with approval today, and it is goes to conference with the original bill in the House, H.R. 450, they are poles apart in what they provide; what our concern has been all along is that if we go to conference with the House and then give in to the House, we could come back with something completely unacceptable, and it will not be amendable by our rules for consideration of conference reports.

There is another situation we have. In the Governmental Affairs Committee, we already considered and voted out a regulatory reform bill, of which a similar legislative veto like this is a part. I have wished, if things had been different, that we would be working on that bill on the floor instead of on this measure that only encompasses part of the regulatory reform problem.

That is not what we are voting on, though, today. I think most of us will probably vote for the legislative veto provision that the Senator from Oklahoma has proposed. We do have some perfecting amendments. Senator LEVIN, who is not on the floor at the moment but I understand will be here very shortly, has two or three amendments. I have one I may propose later this afternoon. I think there are a couple on the other side of the aisle to be proposed.

Regulatory reform is a very, very complex matter. It is not easy. I think we should be taking it up in its entirety and not just piecemeal with things like this where we drag out parts of it for consideration and do not consider the other parts of it.

Our regulatory reform that we voted out of committee, for instance, had provisions in it for risk assessment and cost-benefit analysis for rules above \$100 million. It had a requirement that all the regulations be reviewed at least once every 10 years. If they were not

reviewed, they would be sunset. We had the 45-day legislative veto in that legislation, which this substitute amendment to S. 219 provides, and we had judicial review only on the final rule.

That is a good, tough bill. Let me say that Senator ROTH, our committee chairman now on the majority side, moved that bill through committee, and I think it is an excellent bill.

We supported that bill. We voted it out of committee 15 to 0, our committee membership being a total of 15. All Democrats, all Republicans got together. It is a good, tough, workable regulatory reform bill. I hope that we could consider it shortly.

But meanwhile, just a part of that bill—in effect, the 45-day legislative veto—is what we are considering now as a substitute for S. 219. Yesterday we held the floor for several hours talking about our concerns and what could happen under the original moratorium bill, which is H.R. 450, or the S. 219 as voted on the floor. What we are doing today is substituting this legislative veto for S. 219.

I have gone through this a couple of times because it is a little bit complex, and in talking to some of our Members, they do not understand exactly where we stand with regard to the legislative veto or the moratorium bill.

So the legislative veto substitute, in effect, replaces the Senate version of the moratorium bill, S. 219. So the examples I gave on the floor for a couple of hours yesterday were things that would occur if we went to conference and came back basically with the House bill, which we think goes way, way, way too far.

So I think Senator LEVIN will be on the floor shortly with some amendments to be proposed first, and then I hope we can move along and complete action on this bill today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

VISIT TO THE SENATE BY THE NEW ZEALAND PRIME MINISTER

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the Members to come to the floor and pay their respects to the distinguished Prime Minister of New Zealand, Mr. James Bolger.

There being no objection, the Senate, at 3:16 p.m., recessed until 3:23 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ABRAHAM].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator