

the Republican proposal would cut only \$1.138 billion in outlays in fiscal year 1995.

I ask unanimous consent that a CBO analysis issued today on the rescissions package be printed in the RECORD at this point.

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

SUMMARY: SECOND SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1995 (S. 617), STATUS: SENATE REPORTED

[Note: estimates based on April 1, 1995 enactment; by fiscal year, in millions of dollars]

	Budget authority	Outlays—				
		1995	1996	1997	1998	1999
Emergencies						
Fiscal year 1995 .....	1,900	335	67	1,498	0	0
Contingent Emergencies						
Fiscal year 1996 .....	4,800	0	0	346	1,981	2,474
Supplementals						
Fiscal year 1995 .....	2	(15)	20	304	99	0
Discretionary .....	(7)	(24)	20	304	99	0
Mandatory .....	9	9	0	0	0	0
Fiscal year 1996 .....	251	0	(41)	22	0	0
Fiscal year 1997 .....	(40)	0	0	(60)	21	0
Fiscal year 1998 .....	(39)	0	0	0	(43)	3
Total, Fiscal years 1995–98 .....	174	(15)	(21)	265	77	3
Discretionary .....	165	(24)	(21)	265	77	3
Mandatory .....	9	9	0	0	0	0
Rescissions						
Fiscal year 1995 .....	(13,152)	(1,138)	(2,939)	(2,454)	(1,981)	(2,912)
Emergencies .....	(62)	(*)	(2)	(2)	(2)	(4)
Non-Emergencies .....	(13,090)	(1,138)	(2,937)	(2,452)	(1,979)	(2,908)
Fiscal year 1996—Non-Emergencies .....	(26)	0	(26)	0	0	0
Fiscal year 1997—Non-Emergencies .....	(29)	0	0	(29)	0	0
Total Fiscal years 1995–97 .....	(13,208)	(1,138)	(2,965)	(2,484)	(1,981)	(2,912)
Emergencies .....	(62)	(*)	(2)	(2)	(2)	(4)
Non-Emergencies .....	(13,146)	(1,138)	(2,963)	(2,481)	(1,979)	(2,908)
Total Bill						
FY 1995–98:						
Emergencies .....	6,700	335	67	1,844	1,981	2,474
Supplementals .....	174	(15)	(21)	265	77	3
Rescissions .....	(13,208)	(1,138)	(2,965)	(2,484)	(1,981)	(2,912)
Total .....	(6,334)	(818)	(2,919)	(374)	77	(435)

\*Congressional Budget Office, Mar. 28, 1995.

Mr. DASCHLE. Mr. President, I hope we can avoid the politicization of the debate about reorganizing government. Democrats and Republicans both recognize the need to reinvent government, to find ways to run our Federal Government in a much more efficient manner.

The President and the Vice President should be congratulated—not criticized—for leading the effort to find new ways, going all the way back to the very beginning of this administration, to both reduce the cost and the size of government in a meaningful way.

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as a cosponsor to the pending substitute.

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

Mr. LEVIN. Mr. President, I support the substitute. I have supported what we call legislative review—the earlier form being called legislative veto—not only when I got to the U.S. Senate but before I got to the U.S. Senate. It was actually, believe it or not, part of my election platform when I first ran for the U.S. Senate in 1978, because I believed that elected officials should have the responsibility to review important regulations of the bureaucracy.

I found, as a local official, that I was too often confronted with regulations which had major impacts on my community, and I was told, if you want to go and complain about those regulations, go to the agencies somewhere out in the yonder somewhere, see if you can find that agency or the regional office of that agency somewhere. I was shunted around from unelected official to unelected official.

I wanted very much to have an elected person accountable to me for major regulations, be it an elected President or be it an elected Member of Congress.

So I very much supported legislative veto starting in 1979 when I worked with Elliott Levitas in the House and Harrison Schmitt in the Senate on Government-wide legislative veto, as well as a specific provision for the Federal Trade Commission.

As a matter of fact, Senator Ribicoff, who was then chairman of the Governmental Affairs Committee, held a series of hearings on regulatory reform, did a major study which was the basis for an omnibus regulatory reform bill called S. 1080 that passed the Senate in 1982 but died in the House.

I sponsored the legislative veto provision that was added to the FTC. The reason we did that was because of some major controversial rulings of the FTC relative to used-car dealers and funeral directors and other major industries and segments of our economy.

Senator Schmitt and I, in March 1982, offered a Government-wide legislative review amendment to the regulatory reform bill that I have made reference to. And some of the same key players

who are active now—Senators NICKLES, GRASSLEY, and COCHRAN—were all cosponsors of that legislative veto provision. That amendment was adopted by an overwhelming vote. We would be in a lot better shape today had that provision been enacted into law.

That provision, like Nickles-Reid, required a joint resolution of disapproval as distinguished from just a concurrent resolution or a simple resolution. The Supreme Court in *Chadha* had ruled that the concurrent resolution form of legislative veto was unconstitutional.

After the defeat of that omnibus regulatory reform bill, S. 1080, in the House, Senator GRASSLEY tried to resurrect it in the 98th Congress. I supported that effort. But, again, we did not make it.

So, Mr. President, with that kind of long history of support for legislative veto, here called legislative review because it is somewhat different from those original forms, I am happy to cosponsor the substitute that is before us. And I am particularly pleased because I think this has a good chance of becoming law. This is real reform.

I believe it is the most significant reform that we can make in this area, because regulation is legislative in nature. Except for these rules of specific applicability or individual applicability which we have now exempted, when rules are adopted by agencies, they are significantly legislative in effect. They apply to large numbers of people, usually prospectively. And it is because of that legislative nature of these major rules that we should keep some political accountability. We should be politically responsible for the actions of the agencies to make sure that what they are doing carries out our intent and to make sure that what they are doing in fact is cost effective.

Mr. President, the delay that is involved in this form of legislative review is insignificant. The Administrative Procedures Act already has a mandatory 30-day delay before a rule can become effective. There may be a little problem when Congress is out of session, but we are just going to have to live with that. But this 45-day period of delay to give Congress an opportunity to use an expedited process to review a rule that it chooses to on an individual basis makes us accountable for the rules that affect large numbers of people's lives in this country. We should accept that responsibility. We should be accountable for this kind of agency activity.

This legislative review approach will do just that, and it does it in a very reasonable way. It is not a lumping of all rules together like that moratorium was and say freeze everything. This, to the contrary, takes a look at individual rules by the Congress, and the only delay that is involved, that 45-day delay, makes it possible for us legislatively to look individually at rules to make sure again that, before a rule goes into effect, it is cost effective and carries out our intent.

So, Mr. President, again, I am pleased to cosponsor this substitute. I congratulate Senator NICKLES and Senator REID on this substitute. The Senator from Oklahoma and the Senator from Nevada are to be congratulated on this substitute and I think it has been improved by a series of amendments.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate began debate on overhauling how the Federal Government imposes regulatory regulations. This legislation is the first of several bills the Senate may consider that have far-reaching implications for every policy that we consider on the floor.

In the last 20 years, this Congress has passed many laws to protect the public health and safety. The regulations to implement these laws were largely written by Presidents Ford, Reagan, and Bush.

The theory behind this legislation is that regulators have been running amok.

If that is so, they have been running very slowly. Today, every car ad brags about airbags, but it took 20 years to get the regulations in place to protect us from accidents.

In 1987, I started trying to get meat inspection reformed. It has taken 8 years to get those regulations issued—they are not final—even though they will save 4,000 lives a year.

The Senate Judiciary Committee will soon consider a bill that will delay them at least 2 years more.

This proposed legislation is not an antidote to regulators run amok. It is regulatory reform run amok. I believe in regulatory reform. The Laxalt-Leahy regulatory reform bill passed the Senate unanimously in 1982—13 years ago.

I believe that first, Congress should decide what responsibility we have to avoid harming our neighbors—what values it wants to protect. Then the agencies should use cost-benefit analysis—and whatever other tools are available to make the best decision.

This bill takes a fundamentally different approach to regulatory reform.

This bill is hypocritical.

Under this legislation USDA will continue to give a "grade A" label to unsafe meat.

This bill is so unworkable that the corporate lawyers insist on being exempted from it. Permits to put a product on the market are exempt from all reform. To protect the public, however, you have to do a judicially reviewable, peer reviewed, cost-benefit analysis and a peer reviewed, judicially reviewable, risk assessment.

This bill is unworkable. My regulatory reform bill used cost-benefit analysis as a tool to make sure regulation is done right. This bill takes a useful tool, and turns it into a rigid rule.

My bill made sure that rules were based on a cost-benefit analysis. This bill is a recipe for paralysis.

Instead of making sure there are good decisions, it makes sure that there will be no decisions.

This bill is antidemocratic. Even the Reagan Department of Justice rejected putting the courts in charge of cost-benefit analysis because it was antidemocratic.

An elite group of economists using formulas we do not understand, and values we do not share, will veto laws passed by Congress designed to protect the health and safety of the American people.

Perhaps this legislation can be fixed. If not, President Clinton should veto it.

Mr. KOHL. Mr. President, I rise with great ambivalence about the legislation that we are considering today. I have expressed grave reservations about efforts to impose a regulatory moratorium, similar to that reported out of the Governmental Affairs Committee. I believe such legislation to be extreme, because it assumes all regulations are bad, and does not allow for distinctions between necessary regulations and superfluous regulations.

While I agree that we should scrutinize regulations to assure that they are justified and reasonable, I believe a straight moratorium to be irresponsible. In that context, I am pleased that a bipartisan substitute has been offered to change the focus of this bill toward a legislative veto, which allows Congress to formally review major regulations.

However, even though the substitute we are considering today is reasonable, I am concerned that the regulatory moratorium concept is not dead. The House has passed moratorium legislation, and will be pushing to have that version enacted.

Foremost among my concerns with a moratorium is the status of pending drinking water regulations addressing cryptosporidium. Just under 2 years ago, the residents of Milwaukee experienced a debilitating outbreak of the parasite cryptosporidium in the drinking water. By the time the parasite infestation had fully run its course, 104 Milwaukee residents had died, and over 400,000 had suffered from a debilitating illness.

And it turns out that this problem was nothing new to this Nation. In reality, while the Milwaukee incident is the largest reported cryptosporidium outbreak in U.S. history, it is just one of many outbreaks nationwide. Other major outbreaks in recent years include a 1987 cryptosporidium outbreak in Carrollton, GA, that sickened 13,000 people, and a 1992 incident in Jackson County, OR, that caused 15,000 people to become ill. There are numerous other examples of parasite contamination nationwide.

But despite these outbreaks, no regulatory actions had been taken to protect consumers against future outbreaks. With the Milwaukee disaster, the Nation finally woke up to the problem. In the aftermath of Milwaukee,

EPA is now in the process of promulgating a package of regulations to require communities to test for cryptosporidium in their drinking water, and ultimately to treat the water to remove cryptosporidium threats. These regulations are long overdue and must not be delayed any further.

Mr. President, I offer the cryptosporidium example to remind my colleagues that there are instances in which the Federal Government has not done enough. Much of the rhetoric of recent months has been focused on the extreme horror stories of overregulation. While some of these concerns are valid, we must also remember the horror stories of underregulation. I believe that the 104 deaths and 400,000 illnesses in Milwaukee are a testimony to the dangers of government inaction.

I certainly believe that the cryptosporidium threat in this Nation constitutes an imminent threat to human health and safety, and should, therefore, be theoretically exempted from any regulatory moratorium bill. However, I am concerned that the bureaucratic process necessary to make a declaration of imminent threat will cause unnecessary delay and place the people of this Nation at future risk.

So while I will support this substitute to establish a legislative veto, I do so with reservations about the potential of a resurrected regulatory moratorium. If such an effort is renewed in this body, I will strongly oppose such legislation.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 418 TO AMENDMENT NO. 410

Mr. REID. Mr. President, I believe the last matter this evening, at least as far as the Senator from Nevada is concerned, is an amendment offered on behalf of the Senator from Minnesota [Mr. WELLSTONE]. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WELLSTONE, proposes an amendment numbered 418 to amendment No. 410.

Mr. REID. 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:

On page 3, after line 24, insert the following:

“(4) FAILURE OF JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding the provisions of paragraph (2), the effective date of a rule shall not be delayed by operation of this Act beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 4.

On page 8, line 4, delete everything from “after” through “Congress” and insert on line 5 “including the period beginning on the date on which the report referred to in section 3(a) is received by Congress and ending 45 days thereafter.”

Mr. REID. Mr. President, the staffs have been working on this amendment

most of the afternoon. It is technical in nature. It clarifies what was the intent of the Senator from Nevada and the Senator from Oklahoma. I believe the Senator from Oklahoma has cleared the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed this amendment, and we have no objection to it. I ask for its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 418) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 419 TO AMENDMENT NO. 410

(Purpose: Making technical corrections to the Nickles-Reid substitute)

Mr. NICKLES. Mr. President, I send an amendment making technical corrections to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 419 to amendment No. 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:

On page 12, line 7, strike the word “significant”;

On page 13, line 2, of amendment No. 415, strike the words “, issued after November 9, 1994,”;

On page 14, line 23, strike the word “significant”.

Mr. NICKLES. Mr. President, as I mentioned, this is a technical amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 419) was agreed to.

Mr. NICKLES. Mr. President, I know of no further amendments on this bill.

Mr. REID. The Senator from Nevada knows of none on this side.

The PRESIDING OFFICER. If there are no further amendments, the question then is on agreeing to amendment No. 410, as amended, the substitute offered by the Senator from Oklahoma.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Nickles-Reid amendment.

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

The PRESIDING OFFICER. The question is on agreeing to Nickles-Reid substitute amendment No. 410, as amended.

The amendment (No. 410), as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. 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 ask unanimous consent that final passage occur on S. 219, as amended, at 10:45 a.m. on Wednesday, March 29, and that paragraph 4 of rule XII be waived.

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

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator REID.

I wish to thank him and the Senator from Michigan and the Senator from Ohio, Senator GLENN, for their leadership and cooperation in enabling us to come to final passage.

I will remind my colleagues, for those who have not been following this, that we will have final vote tomorrow at 10:45. We were discussing 11, but it has been requested that the vote be at 10:45 a.m.

## MORNING BUSINESS

### REPORT ON THE HEALTH CARE FOR NATIVE HAWAIIANS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Indian Affairs.

*To the Congress of the United States:*