

S. 1001

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1001, a bill to reform regulatory procedures, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from California [Mrs. BOXER], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

SENATE RESOLUTION 146—TO DESIGNATE NATIONAL FAMILY WEEK

Mr. JOHNSTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES.146

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved, That the Senate designates the week beginning on November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week". The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.

● Mr. JOHNSTON. Mr. President, I submitted legislation in the 103d Congress designating the week beginning on November 21, 1993, and the week beginning on November 20, 1994, as "National Family Week." This was signed by the President and became Public Law 103-153. Today I am pleased to submit legislation which would designate a "National Family Week" for the following 2 years, the week beginning on November 19, 1995, and the week beginning on November 24, 1996.

The family is the basic strength of any free and orderly society and it is rather appropriate to honor the family as a unit essential to the continued well-being of the United States. It is only fitting that official recognition be given to the importance of family loyalties and ties and that the people of the United States observe such weeks with appropriate ceremonies and activities.

Since Thanksgiving falls during both these weeks, families may already be gathered for festivities. Therefore, it is particularly suitable to pause as a Nation and recognize the support that families give to their members, and therefore to the community of the United States. I hope my colleagues will join me in this effort.●

SENATE RESOLUTION 147—TO DESIGNATE NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 147

Whereas there are 103 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate designates the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week". The Senate requests the President of the United States to issue a proclamation calling on the people of the United States and interested groups to observe the weeks with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mr. THURMOND. Mr. President, I am pleased to rise today to submit a Senate Resolution which authorizes and requests the President to designate the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges Week".

It is my privilege to sponsor this legislation for the 11th time honoring the Historically Black Colleges of our Country.

Eight of the 103 Historically Black Colleges, namely Allen University, Benedict College, Claflin College, South Carolina State University, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

Mr. President, thousands of young Americans have received quality educations at these 103 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically Black Colleges offer our citizens a variety of curricula and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that Historically Black Colleges and Universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the Judiciary.

Mr. President, through adoption of this Senate Resolution, Congress can reaffirm its support for Historically Black Colleges, and appropriately recognize their important contributions

to our Nation. I look forward to the speedy adoption of this Resolution.

SENATE RESOLUTION 148—RELATIVE TO THE ARREST OF HARRY WU

Mr. HELMS submitted the following resolution; which was considered and agreed to:

S. RES. 148

Whereas Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995, near the China-Kazakhstan border;

Whereas Harry Wu, a 58-year-old American citizen, was traveling on a valid United States passport and a valid visa issued by the Chinese authorities;

Whereas the Chinese authorities confined Harry Wu to house arrest for 3 days, after which time he has not been seen or heard from;

Whereas the Chinese Foreign Ministry notified the United States Embassy in Beijing of Mr. Wu's detention on Friday, June 23;

Whereas the United States Embassy in Beijing approached the Chinese Foreign Ministry on Monday, June 26, to issue an official demarche for the detention of an American citizen;

Whereas the terms of the United States-People's Republic of China Consular Convention on February 19, 1982, require that United States Government officials shall be accorded access to an American citizen as soon as possible but not more than 48 hours after the United States has been notified of such detention;

Whereas on Wednesday, June 28, the highest ranking representative of the People's Republic of China in the United States refused to offer the United States Government any information on Harry Wu's whereabouts or the charges brought against him;

Whereas the Government of the People's Republic of China is in violation of the terms of its Consular Convention;

Whereas Harry Wu, who was born in China, has already spent 19 years in Chinese prisons;

Whereas Harry Wu has dedicated his life to the betterment of the human rights situation in the People's Republic of China;

Whereas Harry Wu first detailed to the United States Congress the practice of using prison labor to produce products for export from China to other countries;

Whereas Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about the Chinese government practice of murdering Chinese prisoners, including political prisoners, for the purpose of harvesting their organs for sale on the international market;

Whereas on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by section 402(c) of the Trade Act of 1974 (Public Law 93-618; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

Whereas This waiver authority will allow the People's Republic of China to receive the lowest tariff rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 3, 1995; and

Whereas The Chinese government and people benefit substantially from the continuation of such trading benefits: Now, therefore, be it

Resolved, That (a) the United States Senate expresses its condemnation of the arrest of Peter H. Wu and its deep concern for his well-being.

(b) It is the sense of the Senate that—

(1) the People's Republic of China must immediately comply with its commitments under the United States-People's Republic of China Consular Convention of February 19, 1982, by allowing consular access to Peter H. Wu;

(2) the People's Republic of China should provide immediately a full accounting of Peter Wu's whereabouts and the charges being brought against him; and

(3) the President of the United States should use every diplomatic means available to ensure Peter Wu's safe and expeditious return to United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States with the request that the President further transmit such copy to the Embassy of the People's Republic of China in the United States.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

DOLE (AND OTHERS) AMENDMENT NO. 1487

Mr. DOLE (for himself, Mr. JOHNSTON, Mr. HATCH, Mr. HEFLIN, Mr. NICKLES, Mr. ROTH, Mr. MURKOWSKI, Mr. BOND, Mr. GRASSLEY, Mr. COVERDELL, Mr. THOMPSON, Mr. CRAIG, Mr. BROWN, Mr. THOMAS, Mr. KYL, Mr. BREAUX, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. GRAMS, and Mr. LOTT) proposed an amendment to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Regulatory Reform Act of 1995".

SEC. 2. DEFINITIONS.

Section 551 of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking "this subchapter" and inserting "this chapter and chapters 7 and 8";

(2) in paragraph (13), by striking "and";

(3) in paragraph (14), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(15) 'Director' means the Director of the Office of Management and Budget."

SEC. 3. RULEMAKING.

Section 553 of title 5, United States Code, is amended to read as follows:

"§ 553. Rulemaking

"(a) **APPLICABILITY.**—This section applies to every rulemaking, according to the provisions thereof, except to the extent that there is involved—

"(1) a matter pertaining to a military or foreign affairs function of the United States;

"(2) a matter relating to the management or personnel practices of an agency;

"(3) an interpretive rule, general statement of policy, guidance, or rule of agency

organization, procedure, or practice, unless such rule, statement, or guidance has general applicability and substantially alters or creates rights or obligations of persons outside the agency; or

"(4) a rule relating to the acquisition, management, or disposal by an agency of real or personal property, or of services, that is promulgated in compliance with otherwise applicable criteria and procedures.

"(b) **NOTICE OF PROPOSED RULEMAKING.**—General notice of proposed rulemaking shall be published in the Federal Register, unless all persons subject thereto are named and either personally served or otherwise have actual notice of the proposed rulemaking in accordance with law. Each notice of proposed rulemaking shall include—

"(1) a statement of the time, place, and nature of public rulemaking proceedings;

"(2) a succinct explanation of the need for and specific objectives of the proposed rule, including an explanation of the agency's determination of whether or not the rule is a major rule within the meaning of section 621(5);

"(3) a succinct explanation of the specific statutory basis for the proposed rule, including an explanation of—

"(A) whether the interpretation is clearly required by the text of the statute; or

"(B) if the interpretation is not clearly required by the text of the statute, an explanation that the interpretation is within the range of permissible interpretations of the statute as identified by the agency, and an explanation why the interpretation selected by the agency is the agency's preferred interpretation;

"(4) the terms or substance of the proposed rule;

"(5) a summary of any initial analysis of the proposed rule required to be prepared or issued pursuant to chapter 6;

"(6) a statement that the agency seeks proposals from the public and from State and local governments for alternative methods to accomplish the objectives of the rulemaking that are more effective or less burdensome than the approach used in the proposed rule; and

"(7) a statement specifying where the file of the rulemaking proceeding maintained pursuant to subsection (j) may be inspected and how copies of the items in the file may be obtained.

"(c) **PERIOD FOR COMMENT.**—The agency shall give interested persons not less than 60 days after providing the notice required by subsection (b) to participate in the rulemaking through the submission of written data, views, or arguments.

"(d) **GOOD CAUSE EXCEPTION.**—Unless notice or hearing is required by statute, a final rule may be adopted and may become effective without prior compliance with subsections (b) and (c) and (e) through (g) if the agency for good cause finds that providing notice and public procedure thereon before the rule becomes effective is impracticable, unnecessary, or contrary to the public interest. If a rule is adopted under this subsection, the agency shall publish the rule in the Federal Register with the finding and a succinct explanation of the reasons therefor.

"(e) **PROCEDURAL FLEXIBILITY.**—To collect relevant information, and to identify and elicit full and representative public comment on the significant issues of a particular rulemaking, the agency may use such other procedures as the agency determines are appropriate, including—

"(1) the publication of an advance notice of proposed rulemaking;

"(2) the provision of notice, in forms which are more direct than notice published in the Federal Register, to persons who would be substantially affected by the proposed rule

but who are unlikely to receive notice of the proposed rulemaking through the Federal Register;

"(3) the provision of opportunities for oral presentation of data, views, information, or rebuttal arguments at informal public hearings, meetings, and round table discussions, which may be held in the District of Columbia and other locations;

"(4) the establishment of reasonable procedures to regulate the course of informal public hearings, meetings and round table discussions, including the designation of representatives to make oral presentations or engage in direct or cross-examination on behalf of several parties with a common interest in a rulemaking, and the provision of transcripts, summaries, or other records of all such public hearings and summaries of meetings and round table discussions;

"(5) the provision of summaries, explanatory materials, or other technical information in response to public inquiries concerning the issues involved in the rulemaking; and

"(6) the adoption or modification of agency procedural rules to reduce the cost or complexity of the procedural rules.

"(f) **PLANNED FINAL RULE.**—If the provisions of a final rule that an agency plans to adopt are so different from the provisions of the original notice of proposed rulemaking that the original notice did not fairly apprise the public of the issues ultimately to be resolved in the rulemaking or of the substance of the rule, the agency shall publish in the Federal Register a notice of the final rule the agency plans to adopt, together with the information relevant to such rule that is required by the applicable provisions of this section and that has not previously been published in the Federal Register. The agency shall allow a reasonable period for comment on such planned final rule prior to its adoption.

"(g) **STATEMENT OF BASIS AND PURPOSE.**—An agency shall publish each final rule it adopts in the Federal Register, together with a concise statement of the basis and purpose of the rule and a statement of when the rule may become effective. The statement of basis and purpose shall include—

"(1) an explanation of the need for, objectives of, and specific statutory authority for, the rule;

"(2) a discussion of, and response to, any significant factual or legal issues presented by the rule, or raised by the comments on the proposed rule, including a description of the reasonable alternatives to the rule proposed by the agency and by interested persons, and the reasons why such alternatives were rejected;

"(3) a succinct explanation of whether the specific statutory basis for the rule is expressly required by the text of the statute, or if the specific statutory interpretation upon which the rule is based is not expressly required by the text of the statute, an explanation that the interpretation is within the range of permissible interpretations of the statute as identified by the agency, and why the agency has rejected other interpretations proposed in comments to the agency;

"(4) an explanation of how the factual conclusions upon which the rule is based are substantially supported in the rulemaking file; and

"(5) a summary of any final analysis of the rule required to be prepared or issued pursuant to chapter 6.

"(h) **NONAPPLICABILITY.**—In the case of a rule that is required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply in lieu of subsections (c), (e), (f), and (g).

"(i) **EFFECTIVE DATE.**—An agency shall publish the final rule in the Federal Register