

## PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will resume consideration of the regulatory reform bill tomorrow at 9:45 a.m. Further amendments are expected to the bill tomorrow; therefore Senators should expect rollcall votes throughout Tuesday's session of the Senate.

## ORDER FOR RECESS

Mr. HATCH. If there is no further business to come before the Senate, I now ask that, following the remarks of Senator REID, the Senate stand in recess under the previous order.

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

Mr. REID. Mr. President, I ask the unanimous-consent request be modified so I be allowed to speak for such time as I may consume. I will try to do it as quickly as possible, but I do not want to be bound by the 10 minutes when there is no one else here on the floor.

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

The Senator from Nevada.

## REGULATORY REFORM

Mr. REID. Mr. President, in 1969 the Cuyahoga River in Ohio caught fire. I repeat, the Cuyahoga River caught fire. This river was so polluted that it actually started burning.

As a result of this, Members of Congress and the President decided it was time we did something about the rivers and streams in this country. Following that fire, that is a river catching fire, the Clean Water Act was passed. It has been 25-plus years since that river burned. Since that time, there has been a reversal of how the rivers and streams were. Then, 80 percent of the rivers and streams were polluted. Now, about 20 percent of the rivers and streams are polluted. We have made a lot of progress with the Clean Water Act, and that is the subject of this discussion tonight.

We have heard a lot of talk lately about regulatory reform, and I think it is important, because there is no area in the Federal Government—and as far as that goes, State government—that causes people as much concern as regulations. They have not only had the laws to deal with, but in recent years the laws propound regulations and the regulations propound all kinds of business decisions that people have to make.

It used to be that when we passed a law, or a State government passed a law, the laws could, in effect, be administered differently. If a bureaucrat wanted to administer the law in one part of the country in one way and in another part of the country in another way because of the climatic conditions, or whatever other variances there may be, he was able to do that. But the courts have said that is not permis-

sible, that there must be, when a law is passed, rules promulgated so that law is enforced the same for everyone.

That has caused a lot of problems. We have heard, in recent days during the debate on this issue, a great deal about the pros and cons, for example, about threshold limits; that is, what dollar value should be in effect before a regulation is treated one way as compared to if it is under that threshold amount, should it be treated a different way. We have been barraged by declarations about rolling back existing rules, and this has caused areas of disagreement.

Within the framework of this debate, I have tried to find a commonsense approach to how we should approach this most important area of the law, namely regulation reform. All too often, in issues such as this, it seems that common sense becomes clouded with political agendas, Presidential campaigns, congressional campaigns; obscured, perhaps, by various ideologies and smothered in the shouting from the right and the left. Common sense requires a balance, I think, in reform; a look at what is reasonable and then legislation that does not harm the whole to benefit just a few.

I do not know any Members of this body who would refuse small businesses the opportunity to grow and prosper. I know I feel that way because most of the jobs in this country are created by small businesses, not the General Motors, not the Lockheeds, not the Aerojets, but, rather, small businesses—mom and pop stores. In fact, small businesses produce about 85 percent of the jobs in the United States. So we must be responsive to how small business performs in our country. The better they perform, the more jobs are available, the better our country performs.

I have consistently been an advocate and have encouraged the stimulation of small businesses. They assume the risks of the marketplace and, as I have already indicated, are the backbone of our economy. But the profit of the business community should not come at the expense of clean air, clean water, and clean food. We cannot approach all problems with a dollar figure as the principal determination in the cost-benefit analysis.

Mr. President, as with all of us, we have recently returned from our States. Recently being in Nevada, and having had a number of town hall meetings, I heard from many people expressing concern about a rolling back of regulations that put certain areas that they were concerned about at risk, especially the environment. They were concerned also about the cleanliness of food and, of course, the safety of workers. In fact, a recent poll in Nevada is very illuminating, as to how people in Nevada feel. Nevadans do not believe they are overregulated in the areas of health and the environment. In fact, when you ask the people of the State of Nevada, "Do you think that

laws and regulations relating to clean water are not strict enough? About right? Or too strict?" here is how the people of Nevada feel. Mr. President, 49 percent of the people in Nevada say that the clean water laws and regulations are not strict enough; 34 percent feel they are about right. Mr. President, that is about 85 percent of the people in Nevada who feel that the clean water regulations are either just right or not strong enough. Only 11 percent of the people feel that they are too strict.

Clean air—again, 44 percent feel that the clean air regulations are not strict enough. Remember, the State of Nevada has Las Vegas, it has Reno, and then the vast majority of the State, areawise, is rural in nature. This takes into consideration the views of rural Nevadans. Nevadans said that clean air rules and regulations and laws are not strict enough, to the tune of 44 percent. Twenty-five percent said they are about right.

Mr. President, with the environment, when you ask the question broadly, "Do you feel the laws relating to the environment are not strict enough, too strict, or about right?"—39 percent said they are not strict enough; 29 percent said they are just right.

Food safety: 43 percent of the people of Nevada said they are not strict enough, 43 percent said they are about right, and only 8 percent said that food safety regulations are too strict.

Workplace safety: Again, the same situation, not strict enough, and about right. Those figures come to about 65 percent.

The people of Nevada are very concerned about food, water, air, and the environment generally.

It is interesting, people in Nevada were asked the question—that is, people over age 60—"Would you be less likely to vote for someone that tampered with Medicare or less likely to vote for someone that messed with the environmental laws?" Seniors, people over 60 years of age, said, "We would be less likely to vote for someone that tried to weaken environmental laws."

So I do not think Nevada is unusual. I do not know statistically how other States feel other than what I read in the Washington Post newspaper yesterday, where a writer said that a recent Times-Mirror survey shows that although a large majority of respondents want most types of regulations rolled back, they make an exception for conservation rules. Seventy-eight percent said that Government should do whatever it takes to protect the environment. So it sounds to me, Mr. President, that nationwide the people feel the same as they do in Nevada.

I am not advocating the existence of any program, rule, or regulation that does not serve the public good. That would not serve anyone's purpose. In fact, it hinders more than it helps.

But I would like to look at what Senator John GLENN said when S. 343 was introduced. Senator GLENN, who is the

ranking member of the Government Operations Committee, who has worked on this bill in this area of the law a significant amount, said:

Any bill on the subject of regulatory reform to be deserving of support must pass the test that is twofold: Number one, does the bill support the reasonable, logical, appropriate changes to regulatory procedures that eliminate unnecessary burdens on businesses and individuals? Number two, does the bill maintain the Government's ability to protect the health, the safety, and the environment of the American people? If the answer to both those questions is yes, then the bill should be supported.

That says it all. I congratulate and applaud Senator GLENN for this statement because that is what it is all about.

Mr. President, I believe that after the Government has acted on a problem, and there is a need for the Government to act on that problem, after time has passed I think it is important that we in Government look at the action that was taken by our prior Government. We have to reexamine I believe for efficiency, and because of that we need a periodic review. We do not have that. We should have that.

I have introduced legislation previously that said if Congress authorizes a program, we should reauthorize that program every 10 years, or it should fall. The reason I believe that is important is we have had some really unusual things happen in this Chamber that I am aware of.

It was just a year ago that I offered an amendment to do away with the Tea-Tasting Board—I repeat, the Tea-Tasting Board, costing almost \$0.5 million a year, which had been going on for 60, 80, 100 years. We did not need it anymore. But it was just going on and on and on, like the battery you see on television. Had we had something in place that would have mandated a reauthorization of that program, the taxpayers' money would not have been wasted.

We had another program. During the Second World War it was important for soldiers to have wool. When wool gets wet, you can still stay warm with it. We did not have the synthetic products we now have. It was found during the Second World War we were not raising enough wool and mohair. As a result of that, we made special provisions that there would be a subsidy for people that would grow wool and mohair. This went on for 50 years. There was no need for it anymore. It was only recently that we terminated that program.

It should have been reviewed on a periodic basis. That is what we need to do with laws, and we need to do the same with regulations. Once a regulation is promulgated, there is no reason it should be there forever. There should be some way to reexamine that regulation that has been promulgated. That is what I am going to look for in the legislation that is now before this body.

Mr. President, I chaired a subcommittee when the Democrats were

in the majority, a subcommittee in the Environment and Public Works Committee. It was the Subcommittee on Toxic Substances Research and Development. I chaired this subcommittee for a couple of Congresses. We had some really interesting hearings there. We had hearings that dealt with lead in the environment. And clearly as a result of those hearings, we focused attention on the need to do something about lead in the environment. We had physicians testify that it was the most dangerous condition for young children in America. Lead in the environment affected all people, no matter what race and no matter what economic strata they came from. We focused attention on this. As a result of that, legislation was passed that was directed toward taking lead out of the environment.

Mr. President, we held hearings on composite materials. These are the plastics that are used on airplanes like the Stealth fighter plane. We learned that in the workplace, this substance was killing people and making thousands of people sick. As a result of the hearings which we held, regulations were promulgated, workplaces were changed, and work conditions were changed. We needed to use composite materials. But we needed to do it safely.

We held hearings on fungicides and pesticides on foods learning that some of them were dangerous. As an example, hearings were held on a substance called alar, a substance to make apples, cherries, and grapes stay on trees longer than they normally would. This substance is now not used in the United States.

We held a significant number of hearings, Mr. President, on TOSCA. This is a program that we have now in effect that is old and needs to be updated. It has not been yet.

My only reason for pointing these things out is to suggest that in the areas I have mentioned, and in other areas such as lawn chemicals where we found people were getting sick, and we heard testimony before the committee that people died as a result of improper application of these substances and a lot of people got sick, that we have to be very careful that we do not throw the baby out with the bath water.

We have problems with too many regulations. But we must have a framework in place that allows protection of people in the workplace, in the marketplace, so that we can enjoy life with clean air and clean water. The regulations must be such that we can protect people but yet not make the rules so burdensome that people cannot conduct business.

This Congress has already had consideration of regulations. The House put a moratorium on all regulations. This body felt that had gone too far. Senator NICKLES, the senior Senator from Oklahoma, and I introduced an amendment. Basically, what the amendment said is that if a regulation

has an impact of more than \$100 million, this body and the House would have the opportunity for a legislative veto. That regulation would not go into effect for 45 days. During that 45-day period, we would have the opportunity to review that. If we did not like it, we could wipe that regulation off. It would not become effective. If it had an impact of less than \$100 million, it would become effective immediately, but we would have 45 days to review that regulation. If we did not like it, we could rescind it.

This is a reasonable, sensible approach to regulatory reform. I am happy to see that the version submitted by the majority through Senator DOLE has this approach in it.

That submitted by my friend, the senior Senator from Ohio, also has a provision similar to this in it. I think that is important. It recognizes that this body by a vote of 100 to nothing adopted the Reid-Nickles amendment.

In sum, Mr. President, we need a sensible approach to regulatory reform. I think that we should all keep in mind what Senator GLENN has said. I think we would acknowledge what he said is right.

Any bill on the subject of regulatory reform to be deserving of support must pass a test that is twofold. No. 1, does the bill provide for reasonable, logical, appropriate changes to regulatory procedures that eliminate unnecessary burdens on businesses and on individuals? And, No 2, does the bill maintain the Government's ability to protect the health, the safety, and the environment of the American people?

That should be the goal that the majority and the minority work toward on this legislation. Let us not form gridlock. Let us work to improve the way that the American public must deal with these regulations and in the process protect what people want protected the most, and that is food, water, and working conditions.

Mr. President, I yield the floor. I understand that ends this session tonight.

#### RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. Tuesday, July 11.

Thereupon, at 6:51 p.m., the Senate recessed until Tuesday, July 11, 1995, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 30, 1995:

##### NATIONAL MEDIATION BOARD

ERNEST W. DUBESTER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1998. (REAPPOINTMENT)

##### DEPARTMENT OF STATE

RICHARD HENRY JONES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

Executive nominations received by the Senate July 10, 1995: