

Cost-benefit analysis would allow Congress, the press, and the public to learn how cost-effective a given regulation is. We would be able to see how much value we are getting back when we give something up pursuant to regulation. Cost-benefit analyses of different regulations could be compared and we could see what regulations bring large improvements and what regulations bring small improvements to American life. We include in our bill a requirement that agencies analyze a wide variety of regulatory alternatives. Doing so will reveal what the incremental costs and benefits are along a range of options. This will help agencies choose the right place to draw the line—the place where we get the most benefits for the least cost.

Risk assessment is a characterization of the nature of the harm addressed by a regulation, and our bill requires it for regulations addressing health, safety, and the environment. Rather than anecdotes and fear, we need sound scientific descriptions of what causes a given harm, how the harm is caused, and what the chances are that a harm will occur. We also need to reveal what assumptions these assessments rely on. Certain harms are extremely rare, and even speculative, yet sometimes we protect against them more carefully than the harms that befall hundreds of Americans every day. Quality risk assessment will reveal where this has been the case, so we can refocus our efforts on real improvements in quality of life for all Americans.

A substitution risk assessment should study what risks might be created or threatened in the process of avoiding another risk. Substitution risk assessment is the reason most people do not jump into automobile traffic to avoid meeting a bicycle on the sidewalk. The risk this would create is greater than the risk avoided. I do not suggest that any current regulations actually create net risks, but there have been examples where a significant new harm was created by a regulation. We want to avoid this in the future, for the good of our people and for the credibility of the regulatory process.

Let me make some key points about this bill, though I recognize that mine will not be the only view on these subjects. First, to do an effective cost-benefit analysis, all effects of a regulation must be quantified in comparable terms. We must be able to compare apples to apples and oranges to oranges. Otherwise, the true effects of a rule will be obscured. Note well, Mr. Speaker, that accurate cost-benefit analysis does not require tough choices to be made. It illustrates the choices that inevitably are being made in a proposed regulation.

Second, anything that we refer to as a law, including administrative law, must be enforceable. That is, there must be someone to review the actions of the agency. The best source of this kind of review, the one that has always been recognized in this country, is the courts. In the 104th Congress, I was the original author of legislation to make compliance with the Regulatory Flexibility Act judicially reviewable. Judicial review made it into the Regulatory Flexibility Act in the Small Business Regulatory Enforcement Fairness Act of 1996. Today, we have seen the benefits of judicial review. A very small number of agencies have been reversed or remanded by the courts, while the clear majority of agencies are now assiduously following the law. If we intend this

bill to be followed once it is law, there should be judicial review. This bill is silent as to review, which means that its provisions are subject to judicial review under the Administrative Procedure Act, which it amends.

These are just two important points I want to lend to the debate on how to achieve rational regulation. I am pleased to introduce this bill, and again acknowledge the hard work of colleagues who have laid the foundation for it.

We realize the window of opportunity for advancing this bill is small. It would represent true improvement of the regulatory process, which is a serious challenge to the status quo. We intend to conduct hearings and move this bill at the outset of the next session. We hope that our vision of regulatory improvement proves out and attracts the support of an administration that has so far only offered to reinvent the regulatory wheel.

I am confident that we will succeed and that the vision we all share—of safe and healthy people, unburdened by irrational regulation—will be achieved through this legislation.

TANNER PRAISES DR. JOHNS' COMMITMENT AS CARROLL COUNTY CIVIC LEADER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. TANNER. Mr. Speaker, it is a personal privilege to rise, and have spread on the pages of the CONGRESSIONAL RECORD, an article about my good friend, Dr. Howard Johns of Huntingdon, Tennessee. The article adequately describes Dr. Johns' many sterling qualities, as well as his dedicated and distinguished service to Carroll County.

I would be remiss not to add that my late father-in-law, Mr. Billy Portis, and Dr. Johns were close personal friends for over 50 years. Mr. Billy and Dr. Johns both served as Carroll County Commissioners, and both were active in the Democratic Party.

Dr. Johns attended many of our family functions, and, in fact, he has been almost like a member of our family.

So it is with pride and pleasure that I include a profile article about Dr. Johns that was published recently in The McKenzie Banner and reprinted below. Dr. Johns is a distinguished Tennessean and I am proud to call him my friend.

[From the McKenzie Banner, Oct. 20, 1999]

DR. HOWARD JOHNS—RETIRED VETERINARIAN,
ACTIVE CIVIC LEADER

(By Deborah Turner)

Summers spent in rural Georgia on his grandfather's farm are among the favorite memories of Dr. Howard Johns, retired doctor of veterinary medicine in Huntingdon. Nestled in a tiny town consisting of two stores and a service station, his grandfather owned a racehorse farm, and Howard got to help with the animals while visiting from his hometown of Eatontown, Georgia.

He enjoyed feeding, washing, walking and brushing the beautiful, spirited horses which were trained to pull the two-wheeled carriages, called sulkies, in which one man rode to drive the horse in racing.

He was the middle child of five children: 2 older brothers and a younger brother and sis-

ter. His brothers accompanied him in his visits to the farm, where cows, mules and other animals were raised as well as racehorses. Together, the boys got into plenty of mischief during the visits, but what Howard enjoyed most was riding out with his grandfather on visits to other farms. His grandfather was a "quack veterinarian", doing what he could to help sick or injured animals in his community. It was because of his grandfather's influence that Dr. Johns decided, "I'm going to be a graduate veterinarian; I'm going to go to school." World War II intervened when, at age 20, Dr. Johns joined the Air Force as a mess sergeant serving in the Pacific theatre, traveling to New Guinea with rotation to Australia. Finally able to make his dreams come true at the end of his tour of duty, there were only six schools in the nation teaching veterinary science. Sixty slots were available at Alabama Polytechnic Institute at Auburn; Dr. Johns was chosen from 1500 applicants and began his studies.

Unfortunately, his grandfather did not live to see him become a graduate veterinarian, passing away after Dr. Johns completed pre-veterinary school.

In 1949, as a licensed veterinarian, Dr. Johns came to Tennessee to practice. An avid duck hunter, he came here "looking for ducks," he said, and he found them. He dated Judith McConnell for a year and a half before tying the knot in marriage. Over the years, the couple had 4 children; Judy's child, also named Judy, came into the marriage from Judy's earlier relationship; the couple had two more daughters, Kathy and Johnny Beth. Their son, Howard, Jr., affectionately known as Bubba, was tragically lost at the age of eight when he slipped on some hay, falling from a truck as it rounded a corner.

Upon arriving in Carroll County, Dr. Johns set up his clinic in a room at the Carroll County Co-op building, where he remained for a year and a half. Although there were several persons practicing as unlicensed vets, Dr. Johns brought a learned element as the only educated veterinarian in the area. Through the Co-op, Dr. Johns met many farmers and built his practice. He moved into a new clinic on Main Street, where the beauty shop "Snips and Curls" is now housed. There he was able to establish an animal hospital, where around the clock medical care could be provided. As time went on, Dr. Johns saw much evolution in veterinary medicine. When he first began his practice, he saw more large farm animals than small animals. Later, people began taking better care of their pets, and didn't mind spending a little money to keep them healthy. Another change was drive-in service, when farmers and large animal owners began bringing their cows and horses to the clinic in trailers for treatment. Even more has happened in advancements in the science since his retirement 12 years ago, according to Dr. Johns, with better drugs being developed, creating more options for treating diseases. Before the advent of life savings drugs, "We treated symptoms, that's all we could do with the drugs we had," said Dr. Johns. Common in those days were outbreaks of "black leg", caused from a bacteria that enters the muscles where gasses form, capable of killing a calf within two days. The bacteria is found in the soil, and once there it remains, although the advent of vaccinations now prevents recurring breakouts. Another common infection in earlier years was stomatitis, an infection caused by fungus growing on the grasses. When eaten, the mouth becomes infected, rendering the animal unable to eat due to the soreness of its mouth. Many of the advancements made in veterinary medicine are the result of research. Dr.

Johns feels strongly that animal research is necessary and beneficial to the many animals cared for across the United States each year.

Dr. Johns worked long, hard hours in order to provide care to the animals in the county and surrounding areas. Farmers arising very early to milk cows would call him early in the day, while people returning from work in the evenings would call after they got home. He remembers taking the children with him in the car to make house calls on Christmas Day. Asked if he enjoyed his work despite the hardships, he replied emphatically, "I certainly did; I loved it."

His practice included some oddities with mistakes of nature occurring in a two-headed calf he delivered, which survived a month, as well as siamese twin calves which were stillborn. Upon the birth of the two-headed calf, the lady of the house asked how long it would live. He predicted it would live about a month. Though it was cared for and bottle fed, it was never able to rise to its feet and died a month later as he had predicted. "She thought I was real smart," said Dr. Johns. It took 3 hours to deliver the siamese twin calves; with forefeet and hind feet mixing together to be delivered from the birth canal, it took Dr. Johns some amount of confusion before he realized what was going on. It was 10:00 in the evening before the job was complete. "That was before we got married and I took my wife with me that night. She had worked till 10:00 and went to sleep in the car. I woke her up and said, 'Come in here and look at this thing. You've never seen anything like it, and I haven't either, and don't expect to ever see it again.'"

One Sunday his nephew accompanied him on his rounds. In a typical year Dr. Johns handled around 250 deliveries, but on that day there were an astounding 7 deliveries in which his assistance was required, three of them on the same farm at different times during the day. After witnessing the birth of several calves, his nephew asked, "How do the calves get up in there?" Dr. Johns replied, "The cows are just lying around out here and the calves are running around and just run up in there." On their third visit of the day to the farm, Dr. Johns recounted, with a hearty laugh, that his nephew told the farmer, "You're going to have to separate your cows and your calves; we can't keep coming back here all afternoon."

Dr. Johns retired 12 years ago, 2 days before his 65th birthday, in order to care for his wife, who was ill with cancer. "I stayed right here with her and never missed it a day," he said regarding the transition from his work to caregiver. In 1986, his wife lost her fight with the disease, although her personality may still be seen in their home. Among many feminine touches, an embroidered plaque proclaims, "I know I'm efficient; Tell me I'm beautiful." Dr. Johns has had his own share of health concerns, undergoing two successful bypass surgeries; one in 1982 and another in June, 1998, as well as surgery for prostate cancer. He was back delivering calves a month after the first operation. He tires more easily since the last bypass, however, it hasn't prevented him from being an active participant in life.

Dr. Johns has led a busy retirement full of community involvement, being honored

many times over in his leaderships capacities. Most recently, he was awarded a Leadership of Carroll County plaque, in recognition of commitment to the leadership of Carroll County and completion of a leadership program. Dr. Johns is the oldest Carroll Countian ever to complete the program, which entails many physical feats involving teamwork in their accomplishment. Other honors Dr. Johns has received are as follows: President of Tennessee Veterinary Medicine Association 1955; the Silver Medallion Award awarded by the County Court in 1980; Carroll Countian of the Year in 1992; 21 Years as County Commissioner in 1996; 1998 Outstanding Citizen Award for Community Service; 16 Years on the Carroll County Electric Board from 1982-1998; 6 Years on the Huntingdon City Council; past Board of Directors of Farm Bureau; past Board of Directors for Carroll County Live-stock Association; past Board of Directors of Carroll County Cop; presently serves on the Boards of Directors for the Bank of Huntingdon and the Chamber of Commerce. Dr. Johns is a Member of the First Baptist Church in Huntingdon. Of his involvement in the community, Dr. Johns said sincerely, "The people of Carroll County took me in and this was home the next day after I got here. Carroll County and the surrounding counties have been home for 50 years, because I've been here for 50 years now. They gave to me and I wanted to give some of it back to them."

In addition to his community involvement, Dr. Johns enjoys reading and "piddling" on his farm where he raises cattle, all of which are offspring of cattle he has raised over the years, and two horses which belong to his grandchildren. Dr. Johns takes much pleasure in the role he plays as "butler" at the Cedar Wood Bed and Breakfast owned by his friend, June Crider. The large colonial home that houses Cedar Wood is also available for weddings, parties, and club meeting. Dr. Johns' daughter, Kathy Whitehead, is a nurse at the Huntingdon Hospital; Johnny Beth is a teacher of health occupations at the Vocational School in Huntingdon, and Judy is a health facilities surveyor for the Tennessee Department of Health. He has 7 grandchildren and 7 great-grandchildren.

HOUSE/SENATE AT IMPASSE ON AVIATION REAUTHORIZATION BILL

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1999

Mr. SHUSTER. Mr. Speaker, I rise today to apprise my colleagues of a statement I issued last night in reference to the House/Senate conference committee's efforts to reauthorize the Federal Aviation Administration.

STATEMENT OF CHAIRMAN BUD SHUSTER ON AVIATION IMPASSE

The nation is hurtling towards aviation gridlock and potential disaster in the sky. Our aviation system is in trouble. Too many flights are delayed. Service is not as good as

it should be. And as the technology leader of the world, we have second-rate air traffic control equipment.

It is against this backdrop that I must reject the Senate proposal to cut aviation spending.

While the Senate claims that they are unlocking the Aviation Trust Fund, just the opposite is true. The Senate proposal actually spends about \$3 billion less over the next three years than the trust fund takes in in revenues during that same period.

To make matters even worse, the Senate proposal actually reduces Aviation Trust Fund spending below current baseline levels.

I am also dismayed that the Senate is insistent on eliminating the general fund contribution to aviation which has been in place for the last 25 years. This general fund share reflects security and safety investments, as well as military usage of the air traffic control system.

The Senate proposal simply fails to recognize the growing needs in aviation, such as the projected one billion people that will be flying annually just a few years from now.

The House tried to find common ground. We were willing to accept a TEA 21-type firewall in lieu of off-budget. But the Senate would not agree. We proposed to guarantee trust fund spending with a point-of-order in lieu of a firewall. But the Senate still would not agree.

I question our priorities when in these times of trillion dollar budget surpluses, with air travelers investing billions more into the Aviation Trust Fund, we cannot find the commitment to make our aviation system safe and competitive.

The Senate proposal also says the flying public cannot use the money they have invested in the Aviation Trust Fund to make their skies safer. According to today's numbers, that is \$11 billion in trust fund cash balances and the \$1 billion in annual interest earnings. The flying public dutifully deposited the money and they deserve to see it invested properly. Under the Senate proposal, the trust fund balances would grow by over \$3 billion over the next three years.

Worshipping at the altar of fiscal shortsightedness will carry a high price when our aviation system becomes hopelessly congested. If we do not make investments that are necessary we risk the destruction of one of the economic engines that keeps our economy roaring.

I hope we have not let this historic opportunity slip through our fingers. I hope we can find a workable compromise and I hope we can give the American people the safe and competitive aviation system they deserve. But I cannot accept a proposal that makes little changes to a system that is in desperate need of change.

I continue to oppose further short-term extensions of selected aviation programs. This band-aid approach can only delay the significant investments that the flying public has paid for and deserves.

I pledge that I will renew my efforts next year to unlock the Aviation Trust Fund and fulfill our commitment to make our skies as safe as they can be.