

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

from Michigan, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RETIREMENT OF CHICK REYNOLDS

Mr. BYRD. Mr. President, Chick Reynolds, chief reporter of the Official Reporters of Debates, will retire from the Senate effective July 7, 1995.

Mr. Reynolds' career in stenotype reporting began in 1949, when he was employed by the Department of Defense. In 1950, he went to work for the Alderson Reporting Co. in Washington, DC, where he stayed until 1971, at which time he opened his own stenographic reporting firm. In 1974, he was appointed an official reporter with the Senate Official Reporters of Debates and became chief reporter in 1988.

During his working career as a stenotype reporter, Chick was considered one of the fastest and most accurate writers in the country.

His assignments covered every aspect of his profession, some of which put him in the center of the headlines of the day. He reported Federal agency hearings and various committees in both the House and the Senate. He reported the Joseph McCarthy and Jimmy Hoffa hearings on Capitol Hill. He was assigned to cover the White House during the Kennedy, Johnson, and Nixon administrations. During his assignment with the Kennedy administration, he reported President Kennedy's famous Berlin speech and was also in the Presidential motorcade on that tragic day in Dallas, TX, when President Kennedy was assassinated.

Mr. Reynolds has served the Senate and the Nation with distinction and loyalty for the past 21 years.

I know all Senators will join me in thanking Chick for his long and dedicated service, and extending our prayerful wishes to him and his wife, Lucille, in the coming days.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative 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.

REGULATORY TRANSITION ACT

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, this is the first chapter of one of the most significant debates that will occur during the 104th Congress: the debate about regulatory reform.

If we take the right approach to regulatory reform, we can provide more protection for public health. At the same time, we can cut costs and cut red tape.

But if we take the wrong approach, we may jeopardize public health. And we may create more redtape, litigation, and delay.

So the stakes are high. Fortunately, it looks like we are getting off to a good start.

Last week, I was not so sure. We faced a short term moratorium that would have blocked some urgently needed rules. We also faced a long-term reform bill that would repeal some of the laws that protect our air, our water, and our neighborhoods.

In both cases, we seem to be coming to our senses. The moratorium is about to be replaced with the Nickles-Reid amendment. And the Government Affairs Committee declined to adopt radical versions of long-term regulatory reform. Instead, it reported a solid, bipartisan bill.

CONCERNS ABOUT THE MORATORIUM

Today we are considering the bill to impose a short-term moratorium. Let me briefly explain why such a flat, broad-based moratorium is a bad idea.

In a nutshell, it does not distinguish good rules from bad.

All too many rules fall into the second category: stupid, unnecessary rules that impose high costs and just plain make people angry.

For example, OSHA recently proposed new rules that would require loggers to wear steel-toed boots.

Seems to make sense. Unless you are working in western Montana in winter, on a steep slope and frozen ground. In that case, steel-toed boots may be slippery and unsafe. Especially if you are carrying a live chain saw.

For that reason, western Montana loggers thought that the rules made no sense at all. So we convinced OSHA to back off, talk to Montana loggers, and reconsider. But there are other rules that do make sense. That protect public health. That protect the environment. And that are urgently needed.

Yesterday, Senator GLENN gave some very compelling examples: E. coli; airline safety; radioactive waste; and others.

Let me mention one such rule, which is of particular concern to the Environment and Public Works Committee. It is the rule, or cluster of rules, for cryptosporidium. Cryptosporidium is a deadly pathogen. It occurs in drinking water. As we all know, it was responsible for the deaths of hundreds of people, and the illness of hundreds of thousands more, in Milwaukee.

EPA has been working with public water suppliers to develop an information collection rule. This rule will provide EPA, States, and public water suppliers with critical information about the occurrence of cryptosporidium and other pathogens. It also will provide information about the effectiveness of various treatment methods. It will be

the cornerstone of our efforts to prevent further poisoning.

However, if the moratorium is enacted, the information collection rule cannot be issued. If that happens, water suppliers will not be able to monitor for cryptosporidium during spring runoff, when it is thought to be more prevalent. That will prevent us from gathering data for at least another year. And that, in turn, will further delay the development of an effective treatment method. As a result, we will run the risk that another outbreak will occur, and that hundreds more people will die.

THE NICKLES-REID AMENDMENT

Fortunately, the moratorium is being withdrawn, at least for now. Instead, we are considering the Nickles-Reid amendment.

To my mind, this amendment is much closer to the mark. It requires that Government agencies submit their new rules to Congress. And it sets up a fast-track process for reviewing those rules. That way, Congress can distinguish good rules from bad. If an agency goes haywire, like OSHA did with its logging rule, Congress can reject the rule. But if an agency is doing a good job, the rule will go into effect, and public health will not be jeopardized.

Of course, the amendment is not perfect. In particular, I hope that we can improve some of the fast-track procedures. But, on balance, the Nickles-Reid amendment improves the process for reviewing agency rules.

CONCLUSION

Mr. President, I also believe that the Nickles-Reid amendment does something more. It sets the right tone for the upcoming debate about regulatory reform. We must get past the slogans, and get down to the hard work of making Government rules more effective and understandable.

I look forward to continuing to work with the members of the Government Affairs Committee and with all Senators to accomplish this important objective.

Mr. NICKLES. Mr. President, I might mention to our colleagues that we have made significant progress in the last couple of hours in negotiations on a few amendments. I appreciate the cooperation of Senator REID, and also Senator LEVIN, Senator GLENN, and Senator DOMENICI, who have had some amendments, and we are working those out. Hopefully, we will be able to agree to some of those.

I might mention to my colleagues, I discussed this with the majority leader, and he very much would like to pass this bill tonight. It is our expectation to finish this bill tonight, partly because we need to go to the supplemental appropriations or the rescissions bill that was reported out of the Appropriations Committee last Friday. That may take some time.

So the majority leader has let it be known that he plans to go to that bill tomorrow. So we need to finish this bill.