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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. EVERETT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 1995.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority and minority leaders, limited to not to exceed 5 minutes.

COMPACT-IMPACT AID

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise today to again call attention to an issue which combines all of the worst elements of a failed Federal policy in immigration which has resulted in huge unfunded mandates and stands as an example of how to make and break a promise. Mr. Speaker, I am speaking of the Federal Government's failure to compensate the people of Guam for expenses incurred as a result of a treaty we on Guam had no part in shaping.

Mr. Speaker, do Members of this body or the citizens of this country know that there are countries in this world, independent nations which have free and unrestricted access to the United States?

Mr. Speaker, do Members of this body or the citizens of this country know that there are nationals of other countries who can walk through immigration checkpoints with only an identification card; with no visa requirement, with no passport, with no restriction on their movement or time of stay?

Mr. Speaker, do Members of this body or the citizens of this country know that there are citizens of other countries who can come into the United States and work, receive public assistance and other benefits available to citizens and permanent residents apparently without restrictions?

It is true that citizens of the newly independent countries of the former Trust Territory of the Pacific Islands, under a treaty relationship between their countries and the United States, can come and have come to the United States, primarily to the State of Hawaii and the Territory of Guam and the Commonwealth of the Northern Marianas. And many have come to work and be productive participants in the economy.

But there is the matter of the Federal Government making a commitment to unrestricted access by foreign nationals via a treaty which falls disproportionately on local governments like that of Guam. This is not new to many areas of the country where a similar situation has resulted in ''unfunded mandates.'' Bear in mind that this is legal immigration with no restrictions—no paperwork and no documentation, and all that is required for entry is an identification card from their own country—not even Canada, which has open borders with the United States, has such favorable immigration treatment.

This is a serious enough situation, but in the case of Guam—it is far more egregious in its negative impact because of our small size and limited population. And in terms of the issue of the unfunded mandates, the commitment was not made verbally or through exchanges of letters by the Federal Government—it was authorized in statute passed by this body in Public Law 99–239.

Public Law 99–239, section 104(e)(6) states:

> There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, such sums as may be necessary to cover the costs, if any, incurred by the State of Hawaii, the territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia.

We call this reimbursement compact-impact-aid—the assistance due local governments for the financial impact of the Compact of Free Association. Guam, due to its proximity, has received the greatest share of this immigration. Since the treaties went into effect, we now estimate that 6 percent of the total population of Guam is from these freely associated states. If the same percentage of immigrants were applied to the United States, there would be 15 million immigrants. And what is more startling is that this unrestricted immigration is entirely legal.

The total cost to the Government of Guam since the inception of this immigration is in excess of $70 million. The Guam Memorial Hospital estimates an impact of $750,000 in costs in fiscal year 1994, and $2.55 million since 1986 to the Medically Indigent Program due to compact immigrants. Public housing assistance cost Guam $2 million in fiscal year 1994 and $7.5 million since 1986.

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I have also heard reports from one elementary school principal who must devote three classrooms, with teachers and aides, just to teach English and reading skills to immigrants.

The total reimbursement given to Guam based on the law has been $2.5 million.

This is all that has been given to Guam in reimbursement for this dramatic impact on our society and economy. Mr. Speaker, given this legacy of the Federal Government's inability to make good on its promises, we should ask the question, What is Guam asking for in the Interior appropriations and what is Guam getting in the Interior appropriations?

These are easy questions. Guam is asking only that the Federal Government start living up to its commitment by putting in $4.58 million that the administration requested for fiscal year 1996. Guam is not asking for Government assistance; Guam is not asking for special projects; Guam is only asking for a down payment of a long overdue bill.

And what is Guam getting? Well, the answer is simple. Currently, the Interior budget is giving Guam zero, zilch, zip, nothing, nada, tayá—no money, however you want to say it. It is time to begin paying the bill.

Mr. Speaker, this week I intend to offer an amendment to H.R. 1977, the Interior appropriations bill, to restore the funding requested by the administration for the cost of this immigration. The Federal Government cannot have a free ride at Guam's expense, on a policy Guam had no part in shaping. The Federal Government cannot open Guam to unrestricted immigration and then stick us with the bill. The Federal Government cannot pass on this unfunded mandate to Guam while leaving us alone to deal with the impact of this immigration. I urge my colleagues to support Guam's compact-impact reimbursement.

COST OF GOVERNMENT DAY 1995

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DELAY] is recognized during morning business for 5 minutes.

Mr. DELAY. Mr. Speaker, today is the first day that the American citizens start working for themselves. What do I mean by that:

Yesterday was the Cost of Government Day. The American people worked from January 1 of this year to July 9 of this year for the government. I say to my colleagues, ''If you add up all the taxes paid on the local, State, and Federal level, and the cost of regulation, 52 cents out of every hard-earned dollar that the American people earn goes to the government. Out of the 365 days in the calendar year, the American people worked 189.9 days for the government and the regulatory bureaucracy. They worked 15.3 days for defense, 13½ days for interest on the national debt, 28.7 days for Social Security and Medicare, 51.1 days for State and local taxes and regulations, 41.7 days for Federal regulations, and 35.6 days for other Federal programs.''

I ask my colleagues, ''Did you know that more than half of the money that you earn goes to the government? Actually 52 cents of every dollar, every dollar earned by the average worker, is spent on government, tax and regulations? This means that you spend more time working for the government than you do for yourself and your family. It means that only 48 cents out of every dollar earned by the American family is available to pay for housing, food, education, transportation, and other essentials.''

Mr. Speaker, this is unconscionable and immoral. By recognizing government-imposed costs and regulations, we can begin to increase public awareness of the 52-cent swindle.

As chairman of Cost of Government Day I say to my colleagues, ''I urge you to join me in highlighting the cost of government to the average American family by giving a 1-minute or participating in the press conferences to come, and I urge all my colleagues to do so.''

True, this year, the total cost of government is estimated to be $3.3 trillion. Nearly $1 trillion of this is the result of regulation. The Federal Government alone is responsible for $720 billion in hidden taxes through regulation this year. That amount equals $2,800 for every man, woman, and child in America.

Although the burden is immense, it can be lessened quickly. If the House Republican budget proposal were to be implemented, the Cost of Government Day would be 17 days earlier by the year 2002. That would allow Americans to work 2½ weeks longer for themselves and their families. Regulatory and legal reforms could move the Cost of Government Day to even earlier.

Mr. Speaker, we need these budget, legal, and regulatory reforms in order to reduce the Government's negative impact on the American family.

Mr. Speaker, July 9 marks the third annual Cost of Government Day. Cost of Government Day is an excellent opportunity to drive home the need for less government spending and more regulatory reform. The 104th Congress has made an excellent start. Passage and implementation of the House Republican budget will make Cost of Government Day come much quicker and the American family be able to spend more of its hard-earned dollars for things they think are important rather than for what some bureaucrat thinks is important.

Mr. Speaker, over in the other body they are starting the debate on regulatory reform, and the first thing out of the box for the last week has been an absolute unheralded attack on Members of Congress that are trying to bring some good science and common sense to regulations in this country. We have been attacked with the notion that we are destroying the environment, that we are removing safety. Indeed people are attacking us for even costing lives. What we are talking about is bringing reasonableness to regulations.

Let me just go over a couple of these issues that show how crazy and extreme the regulatory environment in this country has gotten. In Sacramento, CA, residents are reeling over a U.S. Fish and Wildlife Service ruling last fall which added three varieties of fairy shrimp to the endangered species list. The agency relied on a one-paragraph petition submitted by a Davis, CA, botanist in 1990 even though millions of hardy shrimp can be found in California, Europe, Asia, Australia, and Africa. The decision has shut down a pony ranch that housed a Sacramento program for the needy and disabled children and could cost the Sacramento area housing industry $500 million.

That is the kind of regulation that we are trying to stop. That is the kind of regulation that we are trying to bring reasonableness to. That is the kind of regulation that we are trying to bring forward, regulatory reform to bring forward, to stop the cost. That is a direct cost to the American people, thereby a direct cost to the American family.

Mr. Speaker, I think it is really sad that yesterday was the Cost of Government Day, that the American family has to work more than half the year for the government. I think, Mr. Speaker, that we need to put policies forward in this country that lessen the number of days that the American family has to work for their Government and increase the number of days that the American family can work for themselves.

GLOSSING OVER THE ROUGH SPOTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, when credible and respected observer organizations, notably the International Republican Institute, returned from the June 25 elections in Haiti to report their documented observations—both the good and the bad—they were not received with open arms. It was more like a shoot-the-messenger situation here and elsewhere in Washington because at that time international organizations, the Clinton administration officials, and some of the national media even were too busy painting rosy pictures of what was going on in Haiti—glossing over widespread irregularities in the elections that actually happened hailing the relatively nonviolent atmosphere on election day as the measure of a successful electoral

process in Haiti, never mind the widespread and serious mismanagement, chaos, confusion, and disorganization that disenfranchised so many candidates and so many voters.

Now the flurry of election reports of 2 weeks ago in Haiti has dwindled to a few inches of space in the major papers. Last Friday, for example, the news that the run-off elections, the important run-off elections scheduled for the end of this month were being pushed back to August. This was buried in the deepest recesses of the major papers. Even the New York Times barely gave it mention, and none among the major media dared question the wisdom of the provisional electoral council's intention to announce results on this past Saturday despite the protests of most of the parties that participated in the election on June 25.

This week, the news that 23 of the 27 parties who actually participated in the elections of June 25 in Haiti have signed official communiques calling for the elections to be annulled, and that still has not made the cut in the smattering of the Haiti-related articles in the major press outlets in this country either.

The New York Times did take the time to editorialize and declare the delay of the run-offs as a step that will give officials time to learn from their mistakes. Of course, some might question whether or not it is appropriate to hold a run-off for an election that is being challenged by almost all the participants, because it was characterized by the widespread disenfranchisement of voters and candidates alike, as we now all know.

But the Clinton administration marches onward down the yellow brick road. At the State Department briefing this weekend, Spokesman Burns declared that Haiti ''now has a functioning democracy * * *'' and that the administration believes ''* * * the Haitians did rather well, if you look at this election as it should be properly viewed in the context of the environment in Haiti and the history of Haiti.''

Well, indeed, it is good news that democracy has come to Haiti. Now perhaps we can bring back thousands of troops that are down there at taxpayers expense providing security and stability in that country and perhaps we can cut back on the hundreds of millions of dollars being sent to Haiti every day to help get democracy started.

Mr. Speaker, the truth is the Haitian people who toiled long and hard on election day trying to make the best of a bad process deserve more than the cursory analysis and condescending statements of support we have been hearing from the administration and the media in this country.

Rather than pressure to simply move on, Haitians need the support of the White House, the State Department and the American media to find the truth of what actually went wrong in the elections on the 25th—and to get it fixed. And before this December's Presidential elections because they are going to be very important, and more importantly for the American people, we need to be kept abreast of where are the taxdollars the Clinton administration has been doling out for the elections and for U.S. operations in Haiti? And what good, if any, they are doing? It is a lot of money. The White House owes us an accounting and it is overdue.

At the most basic level, these elections were about Haitians being free to elect the entire local governmental structure in Haiti and a new national parliament, a congress, being free to construct in those offices the checks and balances envisioned and provided for in the new Haitian constitution. The success of the process will determine how soon we can bring our troops home and whether or not anything lasting, in fact, does come out of all the money, time, and effort the American people have poured into that small friendly Caribbean nation.

Glossing over the rough spots in this process does not help any of the parties involved.

I say to my colleagues, ''If you want to shoot the messenger, go ahead, but the fact of it is that there are some problems, and they need to be fixed.''

Even the distinguished New York Times today has had the temerity to suggest what they would not suggest 2 weeks ago after the elections, and I quote from the editorial page from the Times today: ''Haiti is wise to postpone its next round of elections. The first round, on June 25, was marred by massive disorganization,'' et cetera. They would not admit that, and now they admit it. We are making progress. We are getting at the truth.

COST OF GOVERNMENT DAY CELEBRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. BARTLETT] is recognized during morning business for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, yesterday, July 9, was the kind of day when you did not know whether you should laugh or cry. It was a kind of day when you did not know whether you should mourn or celebrate. You see yesterday, July 9, was Government Free Day. Up until yesterday every American worked full-time just to pay for the costs of government. Until about mid-May we all worked to pay the costs of Federal, State, and local taxes, and then incredibly, incredibly from mid-May until July 9, every American worked full-time just to pay the cost of unfunded Federal mandates. It was the day on which one would cry and mourn that he had spent so much of his time working for government. But it was also a day in which we could look forward to today; you might celebrate that, the first day on which you could earn any money for yourself.

The average American this year worked a bit more than 189 days to pay for the cost of government. He has left just a bit more than 175 days to do all the things that one needs to do. Father and mother work to pay the mortgage, save money for an education, to prepare for their retirement, to take care of their sicknesses, and all of this has to be done in 175 days after working a bit more than 189 days for the government.

Let us kind of put this in perspective. According to Prof. Charles Adams, author of ''For Good and Evil,'' which is a history of taxation published in 1933, peasant serfs in the Mongol Empire in the period of Genghis Khan had to give their feudal lords just one-tenth of what they produced. When you consider how oppressed we think those people were in giving one-tenth of their income, what do you have to say about us who had to work about 52 percent of this year to pay for the cost of government?

In the last two elections it was a revolution that began at the polling places, and all across America Americans said enough is enough, and they voted to begin to return this country to that vision of our forefathers. The kind of government that they envisioned was stated by Thomas Jefferson when he indicated that the government which governs best is the government which governs least. We have got to be about a million miles from that dream of Thomas Jefferson, and that Abraham Lincoln in a period of crisis in our country said it just as well. He said it differently. He said that government should only do for its citizens what they cannot do for themselves.

Someone has said that considering how ineffective government is, how much it has interfered with our families, how much it has depreciated the business environment, that we ought to be thankful that we do not get all the government that we pay for. If government was efficient and effective in doing what it does, it would have done even more damage to our families and to our economy.

Another thing that really causes one to stop and think is the realization that after 7 years of balancing the budget, as my colleague from Texas indicated just a little earlier, we will have moved back the Cost of Government Day just 17 days. I do not think that that is what Americans had in mind when they went to the polling places these last two elections and began this revolution.

Moving back the Cost of Government Day just 17 days after 7 years; that is not enough. That is not what Americans had in mind. We have just begun this battle to take back our country and to return it to the kind of country envisioned by our forefathers. Think about it, America.

Think about July 9. Think about spending 52 percent of your time working for government. Think about that when you go to the polls and the next election to continue this revolution.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 3:30 p.m.

Accordingly (at 2 o'clock and 25 minutes p.m.) the House stood in recess until 3:30 p.m.

□ 1530

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SHAYS] at 3:30 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us, O gracious God, and teach us until we understand that each day is Your gift to us, a day which we receive without merit but we receive with gratefulness. As the psalmist has recorded, we ought make a joyful noise unto You and serve with gladness of heart, for Your steadfast love endures forever and Your faithfulness to all generations. May we keep these words before us as we get immersed in the duties of the time, that though our responsibilities are ever before us, we never lose sight of Your promises and Your grace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. STUDDS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUDDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 1, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO PARLIAMENTARY ASSEMBLY OF CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 169(b) of Public Law 102–138, the Chair announces the Speaker's appointment to the U.S. delegation to the parliamentary assembly of the Conference on Security and Cooperation in Europe the following Members of the House: Mr. SMITH of New Jersey, vice chairman; Mr. HOYER of Maryland; Mr. TORRICELLI of New Jersey; Mr. SAWYER of Ohio; Mr. COLEMAN of Texas; Mr. FORBES of New York; Mr. CARDIN of Maryland; and Ms. SLAUGHTER of New York.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

TOP 10 REASONS DEMOCRATS WANT TO TIE UP HOUSE WITH PROCEDURAL VOTES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, from the home office in Scottsdale, AZ, the top 10 reasons Democrats want to tie up the House with procedural votes today:

(10) Build up voting percentage.

(9) Journal vote important to the American people.

(8) Like to work hard at nothing all day.

(7) Manufactured rage makes me smile.

(6) They say they are not for sale. What they won't say is nobody's buying their line anyway.

(5) We don't want to work. We just want to bang on this gavel all day.

(4) Monday Night TV is just reruns anyway.

(3) Holding breath until blue in the face doesn't work.

(2) BONIOR told them to.

And the number one reason Democrats want to tie up the House with procedural votes today:

(1) They have fallen and they can't get up.

AMERICA'S TRADE POLICY—A WISH AND A PROMISE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. How soon we forget, Mr. Speaker. Another Japanese trade crisis, another Japanese promise, another Japanese victory.

Check this out: At the last minute, Japan promised to buy more cars, to buy more auto parts from America, and open up their markets for the 20th time. It seems like Japan said this time, ''Scout's honor, America. This time we really mean it. Cross my heart and hope to die.''

Beam me up, Mr. Speaker. America's trade policy is nothing more than a wish and a promise—an American wish for American workers, and the Japanese promise after promise after promise. It was time to hit Japan in the pocketbook. We failed to do that. Two more years now, and we will see how the program goes.

STAND STRONG FOR AMERICA REGARDING VIETNAM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT]. He is exactly correct. Promises, promises. Tomorrow President Clinton is expected to break yet another one of his campaign promises.

He promised American veterans and the families of those servicemen still missing in action that he would not normalize relations with Vietnam until we had a full and complete accounting of those still missing in action.

But now, with 55 cases still unsolved, he is going ahead with normalization, praising the Vietnamese for their so-called cooperation. But, in reality, between 1992 and 1994 they provided us more than 21,000 documents, photos, and artifacts. Only 1 percent have pertained to missing Americans.

The Vietnamese have not changed; if they had they would have already opened up all the records and we wouldn't be involved in bartering information for normalization.

You know, I don't expect us to be able to count on the Vietnamese. But, we should at least be able to count on our own President. He should take a strong stand for America, instead of caving in to narrow special interests and giving away America's integrity.

FRANCE NEEDS TO JOIN CONTINUING MORATORIUM ON NUCLEAR TESTING

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, yesterday, French navy commandos seized the Greenpeace ship *Rainbow Warrior*

II, thwarting its attempt to land protesters on a South Pacific atoll where France plans to conduct nuclear tests.

With its latest commando raid, France has demonstrated once again that they will go to whatever lengths necessary to restart their nuclear testing program. Firing tear gas at 11 people, including journalists, and acting like thugs, is not the behavior that behooves a nation which fancies itself the epitome of civilization.

The problem is that France is digging itself into a bigger hole than the one they created in Muroroa in the face of universal opposition. Since President Chirac announced on June 13 that France will resume its nuclear test program with eight tests French officials have ignored world opinion.

But this do as we say, not what we do attitude ignores France's responsibility as a nuclear power. France needs to join with other major powers in continuing a moratorium on nuclear testing before, not after, it conducts tests in the South Pacific. Instead of boarding the ships of protesters, it is time for France to get back on board the nuclear test ban.

COMPROMISING INTEGRITY

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, when we convened for the 104th Congress in January, we came with our word and honor to uphold. And we have done it. We promised the American people action toward a more responsive, efficient Government, and we came here with our honor and integrity on our minds, not the next campaign.

The President, however, doesn't seem to take his job as seriously. Instead, he compromises his integrity by using his office for personal political purposes. His agenda focuses not on service to the American people but on benefiting from special interest donations.

We can here with determination to do the work of the American people, not to sell our offices for political advantage. In his State of the Union Address, President Clinton implored politicians to just stop taking contributions from special interest donors. Now, several months afterward, he is blatantly practicing the very things he preached against. Unfortunately for him, actions speak louder than words.

COMMENDING PHILIP MORRIS CORP. FOR ACTION AGAINST ACCESS PROGRAM

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I rise today to pay recognition to a program initiated by the Philip Morris Corp. to help prevent access to cigarettes by young people. I applaud their efforts.

The program, action against access, will involve placing minimum age signs and other materials in over 200,000 retail outlets throughout the United States. The program will also conduct compliance seminars for retailers and law enforcement officers.

In an effort to end smoking by young adults, the action against access program will discontinue free cigarette sampling and will place additional notices on cigarette cartons prohibiting sales to minors.

Mr. Speaker, I would like to commend Philip Morris on their efforts to address a serious problem in our Nation—I hope that other cigarette manufacturers will follow suit.

SELF-RIGHTEOUS HAVE FALLEN

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Mr. Speaker, my, my, how the self-righteous have fallen. It was just a week ago that Democrats were beating their chests on this floor about Republicans daring to have a fund-raiser in New York City. Why, that is something Democrats have never done before, have a fund-raiser in New York City.

Well, I guess what they meant to talk about is saying they are going to move their yard sale from New York City down to the front lawn of the White House, because now the President and the Democratic Party want to conduct all of its fund-raising activities on the lawn of the White House.

Could this be the same President who a few years ago beat his chest and said, ''We will not put a 'for sale' sign on the front lawn of the White House?'' Could that be the same President of the United States who is now saying, ''Hey, if you want to talk to me, pay me $100,000? The Democratic Party will even give you a special advisor.''

Well, my goodness, if this is putting an end to business as usual, I think we need to go another step further.

ANNUAL REPORT OF CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting (CPB) for Fiscal Year 1994 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1994.

Since 1967, when the Congress created the Corporation, CPB has overseen the growth and development of quality services for millions of Americans.

This year's report, entitled ''American Stories,'' is a departure from previous reports. It profiles people whose lives have been dramatically improved by public broadcasting in their local communities. The results are timely, lively, and intellectually provocative. In short, they're much like public broadcasting.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 10, 1995.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

EXTENDING MOST-FAVORED-NATION TREATMENT TO CAMBODIA

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1642) to extend nondiscriminatory treatment—most-favored-nation treatment—to the products of Cambodia, and for other purposes.

The Clerk read as follows:

H.R. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Cambodia is now under democratic rule after 20 years of undemocratic regimes and civil war, and is striving to rebuild its market economy;

(2) extension of unconditional most-favored-nation treatment would assist Cambodia in developing its economy based on free market principles and becoming competitive in the global marketplace;

(3) establishing normal commercial relations on a reciprocal basis with Cambodia will promote United States exports to the rapidly growing Southeast Asian region and expand opportunities for United States business with investment in the Cambodian economy; and

(4) expanding bilateral trade relations that includes a commercial agreement will promote further progress by Cambodia on human rights and toward adoption of regional and world trading rules and principles.

SEC. 2. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF CAMBODIA.

(a) HARMONIZED TARIFF SCHEDULE AMENDMENT.—General note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking ''Kampuchea''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the effective date of a notice published in the Federal

Register by the United States Trade Representative that a trade agreement obligating reciprocal most-favored-nation treatment between Cambodia and the United States had entered into force.

SEC. 3. REPORT TO CONGRESS.

The President shall submit to the Congress, not later than 18 months after the date of the enactment of this Act, a report on the trade between the United States and Cambodia pursuant to the trade agreement described in section 2(b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1642, legislation to extend permanent most-favored-nation [MFN] tariff treatment to the products of Cambodia. This legislation, which was introduced by myself and the ranking member of the Ways and Means Subcommittee on Trade, Mr. RANGEL, is noncontroversial and was reported out of the Ways and Means Committee by a voice vote on June 20.

After two decades of civil war, Cambodia held democratic elections in May, 1993. Upon the formation of the freely elected Royal Cambodian Government on September 24, 1993, the United States and Cambodia immediately established full diplomatic relations. To normalize trade relations between our countries, the United States concluded an agreement with Cambodia in the spring of 1994 on bilateral trade relations and intellectual property protection that calls for a reciprocal extension of MFN status.

Since taking office, the Cambodian Government has taken steps, and planned additional action, to convert the Cambodian economy from one based on central planning to one based on market-oriented principles. Establishing normal commercial relations with Cambodia will assist in this transformation by making Cambodian exports to the United States more competitive in the global marketplace.

In addition, establishing normal commercial relations with Cambodia on a reciprocal basis will promote United States exports to the rapidly growing southeast Asian region and expand opportunities for United States businesses and investment in the Cambodian economy. Furthermore, expanding our bilateral trade relations with Cambodia will promote further progress by Cambodia on human rights and toward the adoption of regional and world trading rules and principles.

The Congressional Budget Office has determined that enactment of H.R. 1642 has no significant budgetary effect.

I urge my colleagues to support enactment of this legislation.

□ 1545

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois [Mr. CRANE] has adequately explained this piece of legislation. I want to just comment a little on the term ''most favored nation.''

First of all, I heartily endorse what the gentleman from Illinois [Mr. CRANE] has said. We need to grant most-favored-nation treatment to Cambodia. Now, I hate to explain this to my colleagues, but most favored nation does not mean that much. It just means normal trading status for an emerging country.

I mention this because every now and then somebody gets on the floor and says, oh, for that horrible country, and then they will name the country, you are giving them most-favored trading status, which sounds like you are really giving them something.

Well, we are not really giving them anything. We are giving ourselves access to their markets and them to our markets on the same basis that we give all the other nations on earth, with very few minor exceptions.

So I hope nobody will take umbrage by the fact that we are granting most-favored-nation treatment to little Cambodia. Cambodia has had a tortured career in the last few years. They have had terrible revolutions in their country and awful bloodshed, but they have signaled that they want to go right and want to do the right thing.

It is time that we welcome them into the family of trading nations. Perhaps as more of our people go there and more of their people come here and as we exchange goods with each other, we may exchange some ideas that will do us both some good.

Mr. Speaker, I heartily endorse most-favored-nation treatment for Cambodia.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I want to commend our ranking minority member on the Committee on Ways and Means who has been a devotee of the advancement of free trade principles in all the years I have had the privilege of working with him. I think it illustrates the bipartisan support that we have on this proposal before us today.

Mr. Speaker, I have no further requests for time, and I year back the balance of by time.

Mr GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 1642.

The question was taken.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 1642.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENDING MOST-FAVORED-NATION TREATMENT TO BULGARIA

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 1643—to authorize the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of Bulgaria.

The Clerk read as follows:

H.R. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS AND SUPPLEMENTAL ACTION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that Bulgaria—

(1) has received most-favored-nation treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1993;

(2) has reversed many years of Communist dictatorship and instituted a constitutional republic ruled by a democratically elected government as well as basic market-oriented reforms, including privatization;

(3) is in the process of acceding to the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO), and extension of unconditional most-favored-nation treatment would enable the United States to avail itself of all rights under the GATT and the WTO with respect to Bulgaria; and

(4) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) SUPPLEMENTAL ACTION.—The Congress notes that the United States Trade Representative intends to negotiate with Bulgaria in order to preserve the commitments of that country under the bilateral commercial agreement in effect between that country and the United States that are consistent with the GATT and the WTO.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO BULGARIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Bulgaria; and

(2) after making a determination under paragraph (1) with respect to Bulgaria, proclaim the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of non discriminatory treatment to the products of Bulgaria, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1643, which would extend permanent most-favored-nation [MFN] tariff treatment to the products of Bulgaria. This legislation, which was introduced by myself and the ranking member of the Ways and Means Subcommittee on Trade, Mr. RANGEL, is noncontroversial and was reported out of the Ways and Means Committee by a voice vote on June 20.

At present, Bulgaria's MFN status is regulated by title IV of the Trade Act of 1974, the provision of U.S. law which governs the extension of MFN tariff treatment to nonmarket economies. Bulgaria was first granted MFN treatment by the United States in 1991 under a Presidential waiver from the freedom of emigration requirements contained in the Trade Act of 1974. Since 1993, Bulgaria's MFN status has been renewed after the President has found the country to be in full compliance with the requirements stipulated in U.S. law.

The political and economic circumstances in Bulgaria have changed considerably since the enactment of the Trade Act of 1974. The Communist dictatorship in Bulgaria has collapsed and a democratically elected government has taken office which has instituted basic market-oriented principles, including privatization, in the Bulgarian economy.

Normalizing United States trade relations with Bulgaria, as has been done of other Eastern European countries, by authorizing the removal of the application of title IV of the Trade Act of 1974, from Bulgaria will enhance our bilateral relations with that country and foster the economic development of the region by providing the business community with greater certainty with respect to Bulgaria's status under United States law.

At the present time, Bulgaria is in the process of acceding to the World Trade Organization [WTO]. For this reason, the extension of permanent MFN tariff treatment to Bulgaria is also necessary in order for the United States to avail itself of all WTO rights vis-a-vis Bulgaria at the time of the country's accession to the agreement.

The Congressional Budget Office has indicated that its baseline revenue projections assume that Bulgaria's MFN status will be renewed annually by the President. Therefore, enactment of H.R. 1643 will not affect projected Federal Government receipts.

I urge my colleagues to support the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, the gentleman from Illinois, [Mr. CRANE] has adequately explained this legislation. I will be brief.

The trade subcommittee of the Committee on Ways and Means first visited Bulgaria as an official delegation in 1985. We were impressed then that Bulgaria was moving faster than most of the countries in the Eastern Bloc away from a centrally planned economy and toward a free and open economy. The evidence was clear then that that was their ultimate goal.

Bulgaria, like most Eastern European countries, has had a tortured history, occupied by many different foreign powers over a long period of time, most recently occupied by the Germans during World War II and, prior to World War I, by the Turkish Government, the Ottoman Empire, for 500 or 600 years.

They were abused greatly during their occupation, suffered a great deal, and have come out of it a wiser, but sadder nation.

Mr. Speaker, we should grant to this country most-favored-nation treatment; in other words, ordinary trade treatment for a civilized country. It will help us. It will help them.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the very able ranking minority member for yielding time to me.

I apologize for speaking a little bit out of order. If it is 4 o'clock, it must be Bulgaria, which means I missed Cambodia. I admire the dispatch. I do not mean to get in the way of it. I think we sometimes take too long on things, but I did want to address a couple of words to the situation in Cambodia and, with the indulgence that the ranking minority member has given me, I will do that now.

I was supportive of a letter that was sent by Lane Kirkland, president of the AFL–CIO, to the Government of Cambodia in which he makes some very cogent objections to the proposed labor law. The gentleman from Florida has quite correctly pointed out that most-favored-nation treatment is a misnomer, since it does not mean that you are given preferential treatment.

On the other hand, it is something which it is within our power to confer and you are better off with it than without it. And I do believe as a matter of course, we should now be doing everything we can to urge better labor laws among other things, better respect for working people in our trading partners as one way of preventing an erosion of the rights that have been gained by people here, in eastern Europe, and elsewhere.

I do not oppose the Cambodia resolution, which is a good thing, since it is already over, but I do want to take the opportunity to have in the appropriate RECORD my concern. I have been told that the Cambodian Government has given assurances to Mr. Kirkland and others that they intend to correct the labor law that they are going to promulgate so that we will genuinely reflect the rights of workers to make their own choices and to advocate for their own rights.

I would just note that many of us are supportive of the most-favored-nation treatment for Cambodia on that assumption. I hope that by the next time it comes up, when it is time to be renewed, if it has to be, we will have that assurance.

I thank the ranking minority member for yielding time to me.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 1643, extending most-favored-nation status to Bulgaria. Bulgaria has made great strides in the areas of human rights, foreign policy, economic reforms, and Jackson-Vanik requirements. MFN has been granted to Bulgaria since 1991 and this bill will continue Bulgaria's commitment to minority rights and a free market with permanent and unconditional most-favored-nation trade status.

Mr. Speaker, since the fall of communism, Bulgaria has pledged progress toward democratic and economic reforms. They have met some significant barriers which have slowed the pace of some of these reforms, including a budget crisis and high inflation. It should be noted that much of the $8 billion debt is due to its commitment to participate in the UN embargo against Yugoslavia.

Nonetheless, Mr. Speaker, human rights are respected in this diverse country of ethnic Bulgarians, Turks, Gypsies, and Bulgarian muslims. Ethnic Turks, in particular, have seen their situation improve considerably since the fall of communism and the Bulgarian Government has also displayed leadership in improving its traditionally rocky relations with Turkey. In virtually every area * * * freedom of movement, treatment of national minorities, and freedom of expression, Bulgaria has improved dramatically.

In the former Yugoslavia, Bulgaria continues to work for a peaceful resolution and was the first country to recognize all of the former Yugoslav republics, including Macedonia. With a resolution of this nightmare if and when it ends, Bulgaria will see much improved economic conditions.

Mr. Speaker, the future for Bulgaria is very bright. Their continued movement to a free market means a better standard of living for the Bulgarian people and improved relations with the United States. H.R. 1643 is a major step in the right direction toward reaching this end and I urge its passage. Thank you.

Mr. NEAL. Mr. Speaker, today we are voting on granting MFN to Cambodia. Cambodia did not have MFN in the past because they were under Communist rule. Over the past few years the country has had democratic elections, and the new government has made steps toward a market economy.

I am concerned about granting MFN to Cambodia. This legislation provides Cambodia with permanent and unconditional MFN status. In my opinion, Cambodia needs to make

progress in two extremely important areas: Human rights and labor rights.

Democracy and human rights are continually under attack in Cambodia. The Royal Cambodian Government is persecuting journalistic critics, expelling government opposition members of Parliament, and creating an atmosphere of fear to stifle those who would speak up for democracy.

The granting of MFN does not mean Congress is not concerned about human rights violations. Congress will continue to monitor Cambodia's progress in this area.

Cambodia has still not passed a labor law that meets international labor standards. At this time, freedom of association for workers is not guaranteed. The right to strike does not exist. In addition, there are no minimum labor standards.

Recently, an opposition member of the Cambodia National Assembly, Sam Rainsy, was expelled from the assembly without a vote by the governing parties lead by the co-Prime Ministers. Also, there is a rumor other human rights supporters might be expelled.

In recent months, the situation in Cambodia has not improved. I have raised these issues with USTR and the State Department and I will continue to follow them closely. We have to continue to monitor Cambodia and strongly encourage improvements.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 1643.

The question was taken.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1643.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SIKES ACT IMPROVEMENT AMENDMENTS OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1141) to amend the act popularly known as the Sikes Act to enhance fish and wildlife conservation and natural resources management programs, as amended.

The Clerk read as follows:

H.R. 1141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sikes Act Improvement Amendments of 1995''.

SEC. 2. AMENDMENT OF SIKES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled ''An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations'', approved September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to, and in this Act referred to, as the ''Sikes Act''.

SEC. 3. INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS GENERALLY.

(a) IN GENERAL.—Section 101(a) (16 U.S.C. 670a(a)) is amended—

(1) by striking ''is authorized to'' and inserting ''shall'';

(2) by striking ''in each military reservation in accordance with a cooperative plan'' and inserting the following: ''on military installations. Under the program, the Secretary shall prepare and implement for each military installation in the United States an integrated natural resource management plan'';

(3) by inserting after ''reservation is located'' the following: '', except that the Secretary is not required to prepare such a plan for a military installation if the Secretary determines that preparation of such a plan for the installation is not appropriate''; and

(4) by inserting ''(1)'' after ''(a)'', and adding at the end the following new paragraph:

''(2) Consistent with essential military requirements to enhance the national security of the United States, the Secretary of Defense shall manage each military installation to provide—

''(A) for the conservation of fish and wildlife on the military installation and sustained multipurpose uses of those resources, including hunting, fishing, and trapping; and

''(B) public access that is necessary or appropriate for those uses.''.

(b) CONFORMING AMENDMENTS.—Title I, as amended by subsection (a) of this section, is further amended—

(1) in section 101(b) (16 U.S.C. 670a(b)) in the matter preceding paragraph (1) by striking ''cooperative plan'' and inserting ''integrated natural resource management plan'';

(2) in section 101(b)(4) (16 U.S.C. 670a(b)(4)) by striking ''cooperative plan'' each place it appears and inserting ''integrated natural resource management plan'';

(3) in section 101(c) (16 U.S.C. 670a(c)) in the matter preceding paragraph (1) by striking ''a cooperative plan'' and inserting ''an integrated natural resource management plan'';

(4) in section 101(d) (16 U.S.C. 670a(d)) in the matter preceding paragraph (1) by striking ''cooperative plans'' and inserting ''integrated natural resource management plans'';

(5) in section 101(e) (16 U.S.C. 670a(e)) by striking ''Cooperative plans'' and inserting ''Integrated natural resource management plans'';

(6) in section 102 (16 U.S.C. 670b) by striking ''a cooperative plan'' and inserting ''an integrated natural resource management plan'';

(7) in section 103 (16 U.S.C. 670c) by striking ''a cooperative plan'' and inserting ''an integrated natural resource management plan'';

(8) in section 106(a) (16 U.S.C. 670f(a)) by striking ''cooperative plans'' and inserting ''integrated natural resource management plans''; and

(9) in section 106(c) (16 U.S.C. 670f(c)) by striking ''cooperative plans'' and inserting ''integrated natural resource management plans''.

(c) CONTENTS OF PLANS.—Section 101(b) (16 U.S.C. 670a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C) by striking ''and'' after the semicolon;

(B) in subparagraph (D) by striking the semicolon at the end and inserting a comma; and

(C) by adding at the end the following:

''(E) wetland protection and restoration, and wetland creation where necessary, for support of fish or wildlife,

''(F) consideration of conservation needs for all biological communities, and

''(G) the establishment of specific natural resource management goals, objectives, and timeframes for proposed actions;'';

(2) by striking paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

''(2) shall for the military installation for which it is prepared—

''(A) address the needs for fish and wildlife management, land management, forest management, and wildlife-oriented recreation;

''(B) ensure the integration of, and consistency among, the various activities conducted under the plan;

''(C) ensure that there is no net loss in the capability of installation lands to support the military mission of the installation;

''(D) provide for sustained use by the public of natural resources, to the extent that such use is not inconsistent with the military mission of the installation or the needs of fish and wildlife management;

''(E) provide the public access to the installation that is necessary or appropriate for that use, to the extent that access is not inconsistent with the military mission of the installation; and

''(F) provide for professional enforcement of natural resource laws and regulations;''; and

(5) in paragraph (4)(A) by striking ''collect the fees therfor,'' and inserting ''collect, spend, administer, and account for fees therefor,''.

(d) PUBLIC COMMENT.—Section 101 (16 U.S.C. 670a) is amended by adding at the end the following:

''(f) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for public comment on each integrated natural resource management plan prepared under subsection (a).''.

SEC. 4. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—The Secretary of each military department shall, by not later than 9 months after the date of the enactment of this Act—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resource management plan under section 101 of the Sikes Act, as amended by this Act, is appropriate; and

(B) submit to the Secretary of Defense a report on those determinations.

(2) REPORT TO CONGRESS.—The Secretary of Defense shall, by not later than 12 months after the date of the enactment of this Act, submit to the Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of those military installations reviewed under paragraph (1) for which the Secretary of Defense determines the preparation of an integrated natural resource management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of the reasons such a plan is not appropriate.

(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.—Not later than 2

years after the date of the submission of the report required under subsection (a)(2), the Secretary of Defense shall, for each military installation for which the Secretary has not determined under subsection (a)(2)(A) that preparation of an integrated natural resource management plan is not appropriate—

(1) prepare and begin implementing such a plan mutually agreed to by the Secretary of the Interior and the head of the appropriate State agencies under section 101(a) of the Sikes Act, as amended by this Act; or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of the enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to that plan that are necessary for the plan to constitute an integrated natural resource plan that complies with that section, as amended by this Act.

(c) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for the submission of public comments on—

(1) integrated natural resource management plans proposed pursuant to subsection (b)(1); and

(2) changes to cooperative plans proposed pursuant to subsection (b)(2).

SEC. 5. ANNUAL REVIEWS AND REPORTS.

Section 101 (16 U.S.C. 670a) is further amended by adding after subsection (f) (as added by section 3(d) of this Act) the following:

''(g) REVIEWS AND REPORTS.—

''(1) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by not later than March 1 of each year, review the extent to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include—

''(A) the number of integrated natural resource management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

''(B) the amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report, including amounts expended under the Legacy Resource Management Program established under section 8120 of the Act of November 5, 1990 (Public Law 101–511; 104 Stat. 1905); and

''(C) an assessment of the extent to which the plans comply with the requirements of subsection (b) (1) and (2), including specifically the extent to which the plans ensure in accordance with subsection (b)(2)(C) that there is no net loss of lands to support the military missions of military installations.

''(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.

''(3) COMMITTEES DEFINED.—For purposes of this subsection, the term 'committees' means the Committees on Resources and National Security of the House of Representatives and the Committees on Armed Services and Environment and Public Works of the Senate.''.

SEC. 6. FEDERAL ENFORCEMENT OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS; ENFORCEMENT OF OTHER LAWS.

Title I (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106 as section 110; and

(2) by inserting after section 105 the following:

''SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

''All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws which occur on military installations within the United States.''.

SEC. 7. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 6 of this Act) the following:

''SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

''The Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans.''.

SEC. 8. DEFINITIONS.

Title I (16 U.S.C. 670a et seq.) is further amended by inserting after section 107 (as added by section 7 of this Act) the following:

''SEC. 108. DEFINITIONS.

''In this title:

''(1) MILITARY DEPARTMENT.—The term 'military department' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

''(2) MILITARY INSTALLATION.—The term 'military installation'—

''(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the head of a military department; and

''(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the head of a military department.

''(3) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means an agency of State government that is responsible under State law for managing fish or wildlife resources.

''(4) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.''.

SEC. 9. SHORT TITLE.

Title I (16 U.S.C. 670a et seq.) is further amended by inserting after section 108 (as added by section 7 of this Act) the following:

''SEC. 109. SHORT TITLE.

''This title may be cited as the 'Sikes Act'.''.

SEC. 10. COOPERATIVE AGREEMENTS.

(a) COST SHARING.—Section 103a(b) (16 U.S.C. 670c–1(b)) is amended by striking ''matching basis'' each place it appears and inserting ''cost-sharing basis''.

(b) ACCOUNTING.—Section 103a(c) (16 U.S.C. 670c–1(c)) is amended by inserting before the period at the end the following: '', and shall not be subject to section 1535 of that title''.

SEC. 11. REPEAL.

Section 2 of the Act of October 27, 1986 (Public Law 99–651; 16 U.S.C. 670a–1) is repealed.

SEC. 12. CLERICAL AMENDMENTS.

Title I, as amended by this Act, is further amended—

(1) in the heading for the title by striking ''MILITARY RESERVATIONS'' and inserting ''MILITARY INSTALLATIONS'';

(2) in section 101(a) (16 U.S.C. 670a(a)) by striking ''the reservation'' and inserting ''the installation'';

(3) in section 101(b)(4) (16 U.S.C. 670a(b)(4))—

(A) in subparagraph (A) by striking ''the reservation'' and inserting ''the installation''; and

(B) in subparagraph (B) by striking ''the military reservation'' and inserting ''the military installation'';

(4) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1) by striking ''a military reservation'' and inserting ''a military installation''; and

(B) in paragraph (2) by striking ''the reservation'' and inserting ''the installation'';

(5) in section 102 (16 U.S.C. 670b) by striking ''military reservations'' and inserting ''military installations''; and

(6) in section 103 (16 U.S.C. 670c) by striking ''military reservations'' and inserting ''military installations''.

SEC. 13. AUTHORIZATIONS OF APPROPRIATIONS.

(a) PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 110 (as redesignated by section 6 of this Act) are each amended by striking ''1983'' and all that follows through ''1993,'' and inserting ''1995, 1996, 1997, and 1998,''.

(b) PROGRAMS ON PUBLIC LANDS.—Section 209 (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking ''the sum of $10,000,000'' and all that follows through ''to enable the Secretary of the Interior'' and inserting ''$4,000,000 for each of fiscal years 1995, 1996, 1997, and 1998, to enable the Secretary of the Interior''; and

(2) in subsection (b), by striking ''the sum of $12,000,000'' and all that follows through ''to enable the Secretary of Agriculture'' and inserting ''$5,000,000 for each of fiscal years 1995, 1996, 1997, and 1998, to enable the Secretary of Agriculture''.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sikes Act Improvement Amendments of 1995''.

SEC. 2. AMENDMENT OF SIKES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled ''An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations'', approved September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to, and in this Act referred to, as the ''Sikes Act''.

SEC. 3. INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS GENERALLY.

(a) IN GENERAL.—Section 101(a) (16 U.S.C. 670a(a)) is amended—

(1) by striking ''is authorized to'' and inserting ''shall'';

(2) by striking ''in each military reservation in accordance with a cooperative plan'' and inserting the following: ''on military installations. Under the program, the Secretary shall prepare and implement for each military installation in the United States an integrated natural resource management plan'';

(3) by inserting after ''reservation is located'' the following: '', except that the Secretary is not required to prepare such a plan for a military installation if the Secretary determines that preparation of such a plan for the installation is not appropriate''; and

(4) by inserting ''(1)'' after ''(a)'', and adding at the end the following new paragraph:

''(2) Consistent with essential military requirements to enhance the national security of the United States, the Secretary of Defense shall manage each military installation to provide—

''(A) for the conservation of fish and wildlife on the military installation and sustained multipurpose uses of those resources, including hunting, fishing, and trapping; and

''(B) public access that is necessary or appropriate for those uses.''.

(b) CONFORMING AMENDMENTS.—Title I, as amended by subsection (a) of this section, is further amended—

(1) in section 101(b) (16 U.S.C. 670a(b)) in the matter preceding paragraph (1) by striking ''cooperative plan'' and inserting ''integrated natural resource management plan'';

(2) in section 101(b)(4) (16 U.S.C. 670a(b)(4)) by striking ''cooperative plan'' each place it appears and inserting ''integrated natural resource management plan'';

(3) in section 101(c) (16 U.S.C. 670a(c)) in the matter preceding paragraph (1) by striking ''a cooperative plan'' and inserting ''an integrated natural resource management plan'';

(4) in section 101(d) (16 U.S.C. 670a(d)) in the matter preceding paragraph (1) by striking ''cooperative plans'' and inserting ''integrated natural resource management plans'';

(5) in section 101(e) (16 U.S.C. 670a(e)) by striking ''Cooperative plans'' and inserting ''Integrated natural resource management plans'';

(6) in section 102 (16 U.S.C. 670b) by striking ''a cooperative plan'' and inserting ''an integrated natural resource management plan'';

(7) in section 103 (16 U.S.C. 670c) by striking ''a cooperative plan'' and inserting ''an integrated natural resource management plan'';

(8) in section 106(a) (16 U.S.C. 670f(a)) by striking ''cooperative plans'' and inserting ''integrated natural resource management plans''; and

(9) in section 106(c) (16 U.S.C. 670f(c)) by striking ''cooperative plans'' and inserting ''integrated natural resource management plans''.

(c) CONTENTS OF PLANS.—Section 101(b) (16 U.S.C. 670a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C) by striking ''and'' after the semicolon;

(B) in subparagraph (D) by striking the semicolon at the end and inserting a comma; and

(C) by adding at the end the following:

''(E) wetland protection and restoration, and wetland creation where necessary, for support of fish or wildlife,

''(F) consideration of conservation needs for all biological communities, and

''(G) the establishment of specific natural resource management goals, objectives, and timeframes for proposed actions;'';

(2) by striking paragraph (3);

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

''(2) shall for the military installation for which it is prepared—

''(A) address the needs for fish and wildlife management, land management, forest management, and wildlife-oriented recreation;

''(B) ensure the integration of, and consistency among, the various activities conducted under the plan;

''(C) ensure that there is no net loss in the capability of installation lands to support the military mission of the installation;

''(D) provide for sustained use by the public of natural resources, to the extent that such use is not inconsistent with the military mission of the installation or the needs of fish and wildlife management;

''(E) provide the public access to the installation that is necessary or appropriate for that use, to the extent that access is not inconsistent with the military mission of the installation; and

''(F) provide for professional enforcement of natural resource laws and regulations;''; and

(5) in paragraph (4)(A) by striking ''collect the fees therefor,'' and inserting ''collect, spend, administer, and account for fees therefor,''.

(d) PUBLIC COMMENT.—Section 101 (16 U.S.C. 670a) is amended by adding at the end the following:

''(f) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for public comment on each integrated natural resource management plan prepared under subsection (a).''.

SEC. 4. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—The Secretary of each military department shall, by not later than 9 months after the date of the enactment of this Act—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resource management plan under section 101 of the Sikes Act, as amended by this Act, is appropriate; and

(B) submit to the Secretary of Defense a report on those determinations.

(2) REPORT TO CONGRESS.—The Secretary of Defense shall, by not later than 12 months after the date of the enactment of this Act, submit to the Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of those military installations reviewed under paragraph (1) for which the Secretary of Defense determines the preparation of an integrated natural resource management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of the reasons such a plan is not appropriate.

(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.—Not later than 2 years after the date of the submission of the report required under subsection (a)(2), the Secretary of Defense shall, for each military installation for which the Secretary has not determined under subsection (a)(2)(A) that preparation of an integrated natural resource management plan is not appropriate—

(1) prepare and begin implementing such a plan mutually agreed to by the Secretary of the Interior and the head of the appropriate State agencies under section 101(a) of the Sikes Act, as amended by this Act; or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of the enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to that plan that are necessary for the plan to constitute an integrated natural resource plan that complies with that section, as amended by this Act.

(c) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for the submission of public comments on—

(1) integrated natural resource management plans proposed pursuant to subsection (b)(1); and

(2) changes to cooperative plans proposed pursuant to subsection (b)(2).

SEC. 5. ANNUAL REVIEWS AND REPORTS.

Section 101 (16 U.S.C. 670a) is further amended by adding after subsection (f) (as added by section 3(d) of this Act) the following:

''(g) REVIEWS AND REPORTS.—

''(1) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by not later than March 1 of each year, review the extent to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include—

''(A) the number of integrated natural resource management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

''(B) the amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report, including amounts expended under the Legacy Resource Management Program established under section 8120 of the Act of November 5, 1990 (Public Law 101–511; 104 Stat. 1905); and

''(C) an assessment of the extent to which the plans comply with the requirements of subsection (b)(1) and (2), including specifically the extent to which the plans ensure in accordance with subsection (b)(2)(C) that there is no net loss of lands to support the military missions of military installations.

''(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.

''(3) COMMITTEES DEFINED.—For purposes of this subsection, the term 'committees' means the Committees on Resources and National Security of the House of Representatives and the Committees on Armed Services and Environment and Public Works of the Senate.''.

SEC. 6. FEDERAL ENFORCEMENT OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS; ENFORCEMENT OF OTHER LAWS.

Title I (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106 as section 110; and

(2) by inserting after section 105 the following:

''SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

''All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws which occur on military installations within the United States.''.

SEC. 7. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 6 of this Act) the following:

''SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

''The Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans.''.

SEC. 8. DEFINITIONS.

Title I (16 U.S.C. 670a et seq.) is further amended by inserting after section 107 (as added by section 7 of this Act) the following:

''SEC. 108. DEFINITIONS.

''In this title:

''(1) MILITARY DEPARTMENT.—The term 'military department' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

''(2) MILITARY INSTALLATION.—The term 'military installation'—

''(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the head of a military department; and

''(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the head of a military department.

''(3) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means an agency of State government that is responsible under State law for managing fish or wildlife resources.

''(4) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.''.

SEC. 9. SHORT TITLE.

Title I (16 U.S.C. 670a et seq.) is further amended by inserting after section 108 (as added by section 7 of this Act) the following:

''SEC. 109. SHORT TITLE.

''This title may be cited as the 'Sikes Act'.''.

SEC. 10. COOPERATIVE AGREEMENTS.

(a) COST SHARING.—Section 103a(b) (16 U.S.C. 670c–1(b)) is amended by striking ''matching basis'' each place it appears and inserting ''cost-sharing basis''.

(b) ACCOUNTING.—Section 103a(c) (16 U.S.C. 670c–1(c)) is amended by inserting before the period at the end the following: '', and shall not be subject to section 1535 of that title''.

SEC. 11. REPEAL.

Section 2 of the Act of October 27, 1986 (Public Law 99–651; 16 U.S.C. 670a–1) is repealed.

SEC. 12. CLERICAL AMENDMENTS.

Title I, as amended by this Act, is further amended—

(1) in the heading for the title by striking ''MILITARY RESERVATIONS'' and inserting ''MILITARY INSTALLATIONS'';

(2) in section 101(a) (16 U.S.C. 670a(a)) by striking ''the reservation'' and inserting ''the installation'';

(3) in section 101(b)(4) (16 U.S.C. 670a(b)(4))—

(A) in subparagraph (A) by striking ''the reservation'' and inserting ''the installation''; and

(B) in subparagraph (B) by striking ''the military reservation'' and inserting ''the military installation'';

(4) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1) by striking ''a military reservation'' and inserting ''a military installation''; and

(B) in paragraph (2) by striking ''the reservation'' and inserting ''the installation'';

(5) in section 102 (16 U.S.C. 670b) by striking ''military reservations'' and inserting ''military installations''; and

(6) in section 103 (16 U.S.C. 670c) by striking ''military reservations'' and inserting ''military installations''.

SEC. 13. AUTHORIZATIONS OF APPROPRIATIONS.

(a) PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 110 (as redesignated by section 6 of this Act) are each amended by striking ''1983'' and all that follows through ''1993,'' and inserting ''1995, 1996, 1997, and 1998,''.

(b) PROGRAMS ON PUBLIC LANDS.—Section 209 (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking ''the sum of $10,000,000'' and all that follows through ''to enable the Secretary of the Interior'' and inserting ''$4,000,000 for each of fiscal years 1995, 1996, 1997, and 1998, to enable the Secretary of the Interior''; and

(2) in subsection (b), by striking ''the sum of $12,000,000'' and all that follows through ''to enable the Secretary of Agriculture'' and inserting ''$5,000,000 for each of fiscal years 1995, 1996, 1997, and 1998, to enable the Secretary of Agriculture''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, as the author of H.R. 1141, I am pleased that we are considering this legislation to reauthorize and improve the effectiveness of the Sikes Act.

Since coming to Congress in 1973, I have led the fight to enhance and conserve the vital fish and wildlife resources that exist on our military lands. The Department of Defense [DOD] manages nearly 25 million acres at approximately 900 military bases nationwide. These lands contain a wealth of plant and animal life, they provide vital habitat for thousands of migratory waterfowl, and they are home for nearly 100 federally listed species.

The Department does a superb job of training our young men and women for combat. Regrettably, they often fail to do even an adequate job of comprehensive natural resource management planning. At far too many installations, management plans have never been written, are outdated, or are largely ignored. Furthermore, when these plans do exist, all too often they are not coordinated or integrated with other military activities.

While H.R. 1141 will make a number of improvements in the Sikes Act, the bill does not undermine in any way the fundamental training mission of a military base.

What the bill does is expand the scope of existing conservation plans to encompass all natural resource management activities, require management plans for all appropriate installations, mandate an annual report summarizing the status of these plans, require that trained personnel be available, and ensure that DOD shall manage each installation to provide for the conservation of fish and wildlife, and to allow the multipurpose uses of those resources. In addition, the bill extends the act's authorization for the next 3 years at half of the current funding level.

Mr. Speaker, this is a noncontroversial bill that has been thoroughly considered in both the Resources and National Security Committees. I want to thank FLOYD SPENCE, JIM SAXTON, JOEL HEFLEY, and GERRY STUDDS for their leadership and for joining with me in this important conservation effort. I am confident that our bill will greatly assist DOD in the management of those natural resources under their jurisdiction.

I urge my colleagues to vote ''aye'' on H.R. 1141.

□ 1600

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note with some trepidation the violent beginning of the gentleman's week. His assault on the desk and podium I hope does not bode ill for the remainder of the evening and of the week.

Mr. Speaker, interestingly, some of the most controversial issues facing us in this Congress are embodied in this noncontroversial bill: the most appropriate uses for federally owned lands, how best to protect wildlife habitat, and public/private partnerships to manage lands and protect endangered species.

Under the provisions of the Sikes Act, the military is required to manage its 25 million acres for fish and wildlife conservation, including the protection of critical habitat for almost 100 endangered and threatened species. That is a big job, and the military has often worked closely with nongovernment partners to provide efficient, cost-effective management. I am pleased to point out that this bill encourages the continued use of those partnerships.

In short, this legislation provides a good working model for compromise on many of the difficult issues we will be facing over the next several months, and I want to thank the gentleman from Alaska for his efforts in bringing a truly bipartisan bill to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Massachusetts [Mr. STUDDS] mentioned, this is a bipartisan bill. This is not the first time that he and I have addressed this issue. We want to stress that 25 million acres of land now is under military jurisdiction for training of our personnel for military purposes. What we are trying to do in this bill and with the original bill was to make sure the military recognized the extraordinary value. Most military bases are in the proximity of urban areas. They are truly the wildlife refuge areas of the urban people. They are also very valuable for those resource activities, which I think are also very valuable for the maintaining and the management of those species; that is, in fact, the wildlife itself, for fishing and hunting and recreational purposes.

Mr. Speaker, under this act, with the help of the gentleman from Massachusetts, I do believe we strengthen the DOD and in fact direct them to better manage those resources available to them. The 25 million acres of land, refuge land that is under military jurisdiction today, is actually more land than we have in any other part of our natural Federal use lands in the lower 48. Therefore, I do urge the passage of this legislation. It is good legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I fully concur with the gentleman, especially with regard to the good things that have been said about us.

Mr. SAXTON. Mr. Speaker, I rise today to express my support for H.R. 1141, the Sikes Act Improvement Amendments of 1995, introduced by DON YOUNG and me in March of this year. The Sikes Act was enacted in 1960 to provide a mechanism for cooperative wildlife management on U.S. military installations. H.R. 1141 will make the Sikes Act more effective in several important respects.

First, existing conservation plans which deal exclusively with fish and wildlife habitat improvements will be replaced with integrated natural resource management plans which encompass all natural resource management activities. Second, natural resource management plans will have to be prepared for all military installations, except those without any significant fish, wildlife or natural resource management plans. Third, the Secretary of Defense will be required to submit an annual report to

Congress summarizing the status of implementation of the integrated natural resources management plans. Finally, the bill extends authorization of appropriations, which expired on September 30, 1993, for the next 3 fiscal years.

This legislation is noncontroversial and important to the training units of our Armed Forces. I urge my colleagues support of H.R. 1141.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of H.R. 1141, the Sikes Act Improvement Amendments of 1995. H.R. 1141 would enhance and improve natural resource management practices on military installations and lands under the control of the Secretary of Defense. This legislation has received overwhelming bipartisan support by the Committee on Resources and the Committee on National Security.

At Fort Carson, CO, the Army's premier tank training ground, the concept of wildlife management and training going hand-in-hand is put to the test. On the Pinon Canyon maneuver site at Carson, red fox holes are roped off, the division-size maneuvers are conducted around them. This is just one example of how the Army is striking the balance between environment and military training. This legislation will improve the ability of Fort Carson and all other military installations to preserve this balance.

H.R. 1141 strikes an appropriate balance between natural resource management and the defense mission conducted at all military installations. The bill is fully supported by the Department of Defense. As a member of both committees of jurisdiction, I have had an opportunity to pass judgment on H.R. 1141 on a number of occasions this year. I can assure the House that the bill is worthy of each Member's support. I am pleased to recommend this legislation and urge it adoption.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1141, as amended.

The question was taken.

Mr. STUDDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1141, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

COLORADO BASIN SALINITY CONTROL ACT AMENDMENTS

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 523) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

The Clerk read as follows:

S. 523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

The Colorado River Basin Salinity Control Act (43 U.S.C. 1571 et seq.) is amended—

(1) in section 202(a)—

(A) in the first sentence—

(i) by striking ''the following salinity control units'' and inserting ''the following salinity control units and salinity control program''; and

(ii) by striking the period and inserting a colon; and

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

''(6) A basinwide salinity control program that the Secretary, acting through the Bureau of Reclamation, shall implement. The Secretary may carry out the purposes of this paragraph directly, or may make grants, commitments for grants, or advances of funds to non-Federal entities under such terms and conditions as the Secretary may require. Such program shall consist of cost-effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources that the Secretary considers appropriate. Such program shall provide for the mitigation of incidental fish and wildlife values that are lost as a result of the measures and associated works. The Secretary shall submit a planning report concerning the program established under this paragraph to the appropriate committees of Congress. The Secretary may not expend funds for any implementation measure under the program established under this paragraph before the expiration of a 30-day period beginning on the date on which the Secretary submits such report.'';

(2) in section 205(a)—

(A) in paragraph (1) by striking ''authorized by section 202(a) (4) and (5)'' and inserting ''authorized by paragraphs (4) through (6) of section 202(a)''; and

(B) in paragraph (4)(i), by striking ''section 202(a) (4) and (5)'' each place it appears and inserting ''paragraphs (4) through (6) of section 202'';

(3) in section 208, by adding at the end the following new subsection:

''(c) In addition to the amounts authorized to be appropriated under subsection (b), there are authorized to be appropriated $75,000,000 for subsection 202(a), including constructing the works described in paragraph 202(a)(6) and carrying out the measures described in such paragraph. Notwithstanding subsection (b), the Secretary may implement the program under paragraph 202(a)(6) only to the extent and in such amounts as are provided in advance in appropriations Acts.''; and

(4) in subsection 202(b)(4) delete ''units authorized to be constructed pursuant to paragraphs (1), 92), (3), (4), and (5)'' and insert in lieu thereof ''units authorized to be constructed or the program pursuant to paragraphs (1), (2), (3), (4), (5), and (6).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, the Colorado River Compact negotiated in 1992 by all seven Basin States, divided the river into two basins, the Upper Basin and the Lower Basin, with each basin receiving the right to develop and use in perpetuity 7.5 million acre-feet annually from the Colorado River system, although not all States are currently using their full apportionment.

In addition, the 1994 Mexican Water Treaty committed 1.5 million acre-feet of water annually to users in Mexico. The quality of that water is also prescribed by the treaty. The quantity and quality of water to be delivered to Mexico are our obligation, and the cost is not to be borne by the seven Basin States.

In addition to United States-Mexican Treaty obligations, water users in the Lower Basin are concerned about the higher salinity of the Colorado River water they receive, because it reduces their ability to reclaim the water for reuse. The more saline the water is originally, the more it costs to treat it for reuse.

To address the salinity problem, the Colorado River Basin Salinity Control Act was enacted in 1974. Title 1 of the bill addressed the Mexican Treaty obligations by authorizing the Yuma Desalting Plant and certain other actions to be taken in the Lower Colorado River Basin. Title 2 of the act, which this bill, S. 532, seeks to amend, authorized the investigation and construction of salinity control projects in the Upper Basin in order to protect the quality of water delivered to the Lower Basin.

S. 523 would amend section 202(a) of the Colorado River Basin Salinity Control Act to authorize a program of salinity control in addition to the specific projects in the existing statute. The new program would enable Reclamation to accept proposals from non-Federal entities for salinity control measures, and then provide funding to the most cost-effective proposals.

Mr. Speaker, I would urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill and in place of my friend and colleague, the gentleman from Oregon [Mr. DEFAZIO], who takes the lead for our Members on this issue.

Mr. Speaker, the Colorado River is the only source of water for millions of people. Both agriculture and growing

urban areas in the West depend on the river as their only water source. The measure before us has been described well by the chairman, the gentleman from California [Mr. DOOLITTLE]. The issues arise, of course, because water is being introduced in dry areas where it activates, it is carried and picks up the salinity or salt from those dry areas, adding to the load in the river. Consequently, of course, that river water, the Colorado River Basin River and its tributaries, become a waterway with a much greater concentration of salt than otherwise would be the case. It needs to obviously be reduced.

Mr. Speaker, the intent of this legislation is to look at less intrusive ways, less high-cost ways of reducing the salinity, looking at creative solutions. There are several important issues that were discussed during the hearing held on this measure on May 11. I believe the bill and the assurances we have received from the administration adequately address those concerns. First of all, the bill specifies that new salinity control solutions must meet a test of cost effectiveness. The Bureau of Reclamation will develop the new guidelines for evaluating proposed salinity control measures. It is my understanding that these guidelines will be developed in consultation with interested parties, and that every effort will be made to ensure that innovative and cost-effective solutions to salinity control are encouraged.

Second, the bill specifically provides the Secretary may approve salinity control projects to reduce salinity from a variety of sources, including irrigation sources. It is my expectation that the Bureau of Reclamation's guidelines for implementing this law will not unreasonably preclude proposed solutions to the Basin's salinity problems. We should not continue to rely on pouring more concrete if it can be shown that other water or land management alternatives will do the job just as well.

Mr. Speaker, I believe the measure, S. 523, has the potential to directly improve the existing programs for reducing salinity in the Colorado River, and I urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to take the time to thank subcommittee Chairman JOHN DOOLITTLE and Chairman DON YOUNG for their assistance in moving this important piece of legislation in such a timely fashion.

The Colorado River Basin Salinity Control Program has been authorized by Congress and implemented by federal and state entities for the last 20 years. There is now a need to update and revise the authorizations provided for in the Colorado River Basin Salinity Control Act so that the Bureau of Reclamation can move forward in a more responsive and cost-effective manner.

The bills that Senator BOB BENNETT introduced in the Senate and I introduced in the House this year are very similar to the bills that we introduced last Congress. Although the bill passed the Senate last Congress, due to last minute politics, the full House never addressed the bill. It is important that we take this opportunity to pass this legislation and fully authorize this crucial program.

The bill before the House today would authorize additional measures to carry out the control of the Colorado River's salinity in a cost-effective manner. Such measures would lead to reductions of salinity from all sources basinwide. The bill would also provide flexibility to the program by simplifying the process for the Bureau of Reclamation to obtain congressional approval for new salinity control measures.

An appropriations ceiling level increase has been needed for some time. The level would be increased by $75 million in order to carry out salinity control measures. The Bureau of Reclamation expenditures are nearing the ceiling established by Congress over 20 years ago.

Again, Mr. Speaker, I would like to thank my good friends, Chairmen YOUNG and DOOLITTLE for their diligence. Passage of this legislation is very important to all the upper and lower basin Colorado River States and I urge my colleagues to support S. 523.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the Senate bill, S. 523.

The question was taken.

Mr. VENTO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m.

Accordingly at 4 o'clock and 12 minutes p.m. the House stood in recess until 5 p.m.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 5:01 p.m.

MOTION TO ADJOURN

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Is the motion at the desk?

Mr. FRANK of Massachusetts. It is in writing at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman's motion would not be in order as under the rules a quorum is not necessary.

Does the gentleman ask for the yeas and nays?

Mr. GOSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 139, nays 234, not voting 61, as follows:

[Roll No. 469]

YEAS—139

Ackerman
Andrews
Baesler
Baldacci
Barcia
Bentsen
Bevill
Bishop
Bonior
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Durbin
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Levin
Lewis (GA)
Lofgren
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thurman
Traficant
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—234

Allard	Funderburk	Molinari
Armey	Gallegly	Moorhead
Bachus	Ganske	Morella
Baker (LA)	Gekas	Myers
Ballenger	Gilchrest	Myrick
Barr	Gillmor	Nethercutt
Barrett (NE)	Gilman	Neumann
Barrett (WI)	Goodlatte	Ney
Bartlett	Goodling	Norwood
Bass	Goss	Nussle
Beilenson	Green	Ortiz
Bereuter	Greenwood	Oxley
Bilbray	Gunderson	Packard
Bilirakis	Gutknecht	Parker
Bliley	Hall (TX)	Paxon
Blute	Hamilton	Petri
Boehlert	Hancock	Pombo
Boehner	Hansen	Porter
Bonilla	Hastert	Portman
Bono	Hayworth	Poshard
Borski	Hefley	Quillen
Brewster	Heineman	Rahall
Brownback	Herger	Ramstad
Bryant (TN)	Hilleary	Regula
Bunning	Hobson	Riggs
Burr	Hoekstra	Roberts
Burton	Hoke	Rogers
Buyer	Holden	Rohrabacher
Callahan	Horn	Ros-Lehtinen
Calvert	Hostettler	Roth
Camp	Houghton	Royce
Canady	Hutchinson	Salmon
Castle	Hyde	Sanford
Chabot	Inglis	Saxton
Chambliss	Istook	Scarborough
Chapman	Johnson (CT)	Schaefer
Chenoweth	Johnson, Sam	Schiff
Christensen	Jones	Sensenbrenner
Chrysler	Kasich	Shadegg
Coble	Kelly	Shaw
Coburn	Kennedy (MA)	Shays
Combest	Kim	Shuster
Cooley	King	Skeen
Costello	Kingston	Smith (MI)
Cox	Kleczka	Smith (NJ)
Crane	Klug	Smith (TX)
Crapo	Knollenberg	Smith (WA)
Cubin	Kolbe	Solomon
Cunningham	LaHood	Souder
Davis	Largent	Stearns
Deal	Latham	Stockman
DeLay	LaTourette	Stump
Diaz-Balart	Laughlin	Talent
Dickey	Lazio	Tanner
Doggett	Leach	Tate
Doolittle	Lewis (CA)	Tauzin
Dornan	Lewis (KY)	Taylor (MS)
Doyle	Lightfoot	Taylor (NC)
Dreier	Lincoln	Tejeda
Duncan	Linder	Thornton
Dunn	Livingston	Tiahrt
Edwards	LoBiondo	Torkildsen
Ehlers	Longley	Upton
Ehrlich	Lucas	Vucanovich
Emerson	Luther	Walker
English	Manzullo	Walsh
Everett	Martini	Wamp
Ewing	McCollum	Watts (OK)
Fawell	McCrery	Weldon (FL)
Flanagan	McHale	Weller
Foley	McHugh	White
Forbes	McInnis	Whitfield
Fowler	McIntosh	Wicker
Fox	McKeon	Wolf
Franks (CT)	Menendez	Young (AK)
Franks (NJ)	Metcalf	Young (FL)
Frelinghuysen	Meyers	Zeliff
Frisa	Miller (FL)	Zimmer

NOT VOTING—61

Abercrombie	Ensign	Moakley
Archer	Fields (TX)	Oberstar
Baker (CA)	Foglietta	Payne (VA)
Barton	Frost	Peterson (FL)
Bateman	Furse	Pryce
Becerra	Graham	Quinn
Berman	Hastings (WA)	Radanovich
Brown (CA)	Hayes	Rangel
Bunn	Hunter	Reynolds
Clay	Jacobs	Rose
Clinger	Jefferson	Roukema
Collins (GA)	Lantos	Seastrand
Collins (MI)	Lipinski	Spence
Cremeans	Lowey	Stenholm
Dellums	McDade	Thomas
Dixon	Mfume	Thornberry
Dooley	Mica	Torres
Engel	Miller (CA)	Torricelli
Towns	Waldholtz	Wise
Tucker	Waters	
Velazquez	Weldon (PA)	

☐ 1721

Messrs. HAMILTON, BURR, EWING, TAUZIN, and HYDE changed their vote from ''yea'' to ''nay.''

Mr. GONZALEZ and Mr. VENTO changed their vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE HONORABLE VIC FAZIO, CHAIRMAN OF THE DEMOCRATIC CAUCUS

The SPEAKER pro tempore (Mr. WALKER) laid before the House the following communication from the Honorable VIC FAZIO, chairman of the Democratic Caucus:

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 27, 1995.

Hon. NEWT GINGRICH,
Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to inform you that Representative Greg Laughlin is no longer a member of the Democratic Caucus.

Sincerely,

VIC FAZIO,
Chairman.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 30, 1995.

Hon. LARRY COMBEST,
Chairman, Permanent Select Committee on Intelligence, The Capitol, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Greg Laughlin's appointment to the Permanent Select Committee on Intelligence has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH,
Speaker of the House of Representatives.

COMMUNICATION FROM THE SPEAKER

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 30, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Greg Laughlin's election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH,
Speaker of the House of Representatives.

ELECTION OF MEMBER TO THE COMMITTEE ON WAYS AND MEANS

Mr. BOEHNER. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 183) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 183

Resolved, that the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Ways and Means: Mr. Laughlin of Texas, to rank following Mr. Portman of Ohio.

Mr. DOGGETT. Mr. Speaker, pursuant to clause 3 of rule XVI, I raise the question of consideration.

The SPEAKER pro tempore. The question is: Will the House now consider House Resolution 183.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 176, not voting 38, as follows:

[Roll No. 470]

YEAS—220

Allard	Dornan	Kasich
Armey	Dreier	Kelly
Bachus	Duncan	Kim
Baker (CA)	Dunn	King
Baker (LA)	Ehlers	Kingston
Ballenger	Ehrlich	Klug
Barr	Emerson	Knollenberg
Barrett (NE)	English	Kolbe
Bartlett	Everett	LaHood
Barton	Ewing	Largent
Bass	Fawell	Latham
Bateman	Flanagan	LaTourette
Bereuter	Foley	Laughlin
Bilbray	Forbes	Lazio
Bilirakis	Fowler	Leach
Bliley	Fox	Lewis (CA)
Blute	Franks (CT)	Lewis (KY)
Boehlert	Franks (NJ)	Lightfoot
Boehner	Frelinghuysen	Linder
Bonilla	Frisa	Livingston
Bono	Funderburk	LoBiondo
Brownback	Gallegly	Longley
Bryant (TN)	Ganske	Lucas
Bunn	Gekas	Manzullo
Bunning	Gilchrest	Martini
Burr	Gillmor	McCollum
Burton	Gilman	McCrery
Buyer	Goodlatte	McHugh
Callahan	Goodling	McInnis
Calvert	Goss	McIntosh
Camp	Greenwood	McKeon
Canady	Gunderson	Metcalf
Castle	Gutknecht	Meyers
Chabot	Hall (TX)	Miller (FL)
Chambliss	Hancock	Molinari
Chenoweth	Hansen	Moorhead
Christensen	Hastert	Morella
Chrysler	Hayworth	Myers
Coble	Hefley	Myrick
Coburn	Heineman	Nethercutt
Collins (GA)	Herger	Neumann
Combest	Hilleary	Ney
Cooley	Hobson	Norwood
Cox	Hoekstra	Nussle
Crane	Hoke	Oxley
Crapo	Horn	Packard
Cremeans	Hostettler	Parker
Cubin	Houghton	Paxon
Cunningham	Hutchinson	Petri
Davis	Hyde	Pombo
Deal	Inglis	Porter
DeLay	Istook	Portman
Diaz-Balart	Johnson (CT)	Quillen
Dickey	Johnson, Sam	Ramstad
Doolittle	Jones	Regula

Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—176

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—38

Abercrombie
Archer
Becerra
Brown (CA)
Clinger
Dellums
Dixon
Dooley
Ensign
Fields (TX)
Foglietta
Frost
Graham
Hastings (WA)
Hunter
Jacobs
Jefferson
Lantos
Lipinski
McDade
Mfume
Mica
Moakley
Oberstar
Payne (VA)
Peterson (FL)
Pryce
Quinn
Radanovich
Reynolds
Rose
Roukema
Seastrand
Spence
Stenholm
Torricelli
Towns
Tucker

□ 1742

So the House agreed to consider House Resolution 183.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). Without objection, the motion to reconsider is laid on the table.

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. DELAY. Mr. Speaker, I move to reconsider the vote whereby the question of consideration was decided.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker, I move to lay on the table the motion to reconsider the vote whereby the question of consideration was decided.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. BOEHNER] to lay on the table the motion offered by the gentleman from Texas [Mr. DELAY] to reconsider the vote.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 179, not voting 33, as follows:

[Roll No. 471]

AYES—222

Allard
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—179

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—33

Abercrombie
Archer
Becerra
Brown (CA)
Clinger
Dooley
Fields (TX)
Foglietta
Frost
Graham
Hastings (WA)
Hunter
Jefferson
Lantos
Lipinski
McDade
Menendez
Mfume
Moakley
Oberstar
Payne (VA)
Peterson (FL)
Pryce
Quinn

Reynolds	Spence	Towns
Roukema	Stenholm	Tucker
Seastrand	Torricelli	Williams

□ 1759

So the motion to lay the motion to reconsider the vote on the table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO LAY THE RESOLUTION ON THE TABLE OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. WATT of North Carolina moves to lay the resolution on the table.

The SPEAKER pro tempore (Mr. WALKER). The question is on the motion offered by the gentleman from North Carolina [Mr. WATT] to lay the resolution on the table.

The question was taken; and the Speaker pro tempore announced that the noes appears to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 229, not voting 27 as follows:

[Roll No. 472]

AYES—178

Ackerman	Ford	Mink
Andrews	Furse	Mollohan
Baesler	Gejdenson	Montgomery
Baldacci	Gephardt	Moran
Barcia	Geren	Murtha
Barrett (WI)	Gibbons	Nadler
Beilenson	Gonzalez	Neal
Bentsen	Gordon	Oberstar
Berman	Green	Obey
Bevill	Gutierrez	Olver
Bishop	Hall (OH)	Ortiz
Bonior	Hamilton	Orton
Borski	Harman	Owens
Boucher	Hastings (FL)	Pallone
Browder	Hefner	Pastor
Brown (FL)	Hilliard	Payne (VA)
Brown (OH)	Hinchey	Pelosi
Bryant (TX)	Holden	Peterson (MN)
Cardin	Hoyer	Pickett
Chapman	Jackson-Lee	Pomeroy
Clay	Jacobs	Poshard
Clayton	Johnson (SD)	Rahall
Clement	Johnson, E. B.	Rangel
Clyburn	Johnston	Reed
Coleman	Kanjorski	Richardson
Collins (IL)	Kaptur	Rivers
Collins (MI)	Kennedy (MA)	Roemer
Condit	Kennedy (RI)	Rose
Conyers	Kennelly	Roybal-Allard
Costello	Kildee	Rush
Coyne	Kleczka	Sabo
Cramer	Klink	Sanders
Danner	LaFalce	Sawyer
de la Garza	Levin	Schroeder
DeFazio	Lewis (GA)	Schumer
DeLauro	Lincoln	Scott
Dellums	Lofgren	Serrano
Deutsch	Lowey	Sisisky
Dicks	Luther	Skaggs
Dingell	Maloney	Skelton
Dixon	Manton	Slaughter
Doggett	Markey	Spratt
Doyle	Martinez	Stark
Durbin	Mascara	Stokes
Edwards	Matsui	Studds
Engel	McCarthy	Stupak
Ensign	McDermott	Tanner
Eshoo	McHale	Tejeda
Evans	McKinney	Thompson
Farr	McNulty	Thornton
Fattah	Meehan	Thurman
Fazio	Meek	Torres
Fields (LA)	Miller (CA)	Traficant
Filner	Mineta	Velazquez
Flake	Minge	Vento
Visclosky	Waxman	Wyden
Volkmer	Williams	Wynn
Ward	Wilson	Yates
Waters	Wise	
Watt (NC)	Woolsey	

NOES—229

Allard	Frisa	Myers
Armey	Funderburk	Myrick
Bachus	Gallegly	Nethercutt
Baker (CA)	Ganske	Neumann
Baker (LA)	Gekas	Ney
Ballenger	Gilchrest	Norwood
Barr	Gillmor	Nussle
Barrett (NE)	Gilman	Oxley
Bartlett	Goodlatte	Packard
Barton	Goodling	Parker
Bass	Goss	Paxon
Bateman	Greenwood	Petri
Bereuter	Gunderson	Pombo
Bilbray	Gutknecht	Porter
Bilirakis	Hall (TX)	Portman
Bliley	Hancock	Quillen
Blute	Hansen	Radanovich
Boehlert	Hastert	Ramstad
Boehner	Hastings (WA)	Regula
Bonilla	Hayes	Riggs
Bono	Hayworth	Roberts
Brewster	Hefley	Rogers
Brownback	Heineman	Rohrabacher
Bryant (TN)	Herger	Ros-Lehtinen
Bunn	Hilleary	Roth
Bunning	Hobson	Royce
Burr	Hoekstra	Salmon
Burton	Hoke	Sanford
Buyer	Horn	Saxton
Callahan	Hostettler	Scarborough
Calvert	Houghton	Schaefer
Camp	Hutchinson	Schiff
Canady	Hyde	Seastrand
Castle	Inglis	Sensenbrenner
Chabot	Istook	Shadegg
Chambliss	Johnson (CT)	Shaw
Chenoweth	Johnson, Sam	Shays
Christensen	Jones	Shuster
Chrysler	Kasich	Skeen
Clinger	Kelly	Smith (MI)
Coble	Kim	Smith (NJ)
Coburn	King	Smith (TX)
Collins (GA)	Kingston	Smith (WA)
Combest	Klug	Solomon
Cooley	Knollenberg	Souder
Cox	Kolbe	Stearns
Crane	LaHood	Stockman
Crapo	Largent	Stump
Cremeans	Latham	Talent
Cubin	LaTourette	Tate
Cunningham	Laughlin	Tauzin
Davis	Lazio	Taylor (MS)
Deal	Leach	Taylor (NC)
DeLay	Lewis (CA)	Thomas
Diaz-Balart	Lewis (KY)	Thornberry
Dickey	Lightfoot	Tiahrt
Doolittle	Linder	Torkildsen
Dornan	Livingston	Upton
Dreier	LoBiondo	Vucanovich
Duncan	Longley	Waldholtz
Dunn	Lucas	Walker
Ehlers	Manzullo	Walsh
Ehrlich	Martini	Wamp
Emerson	McCollum	Watts (OK)
English	McCrery	Weldon (FL)
Everett	McDade	Weldon (PA)
Ewing	McHugh	Weller
Fawell	McInnis	White
Flanagan	McIntosh	Whitfield
Foley	McKeon	Wicker
Forbes	Metcalf	Wolf
Fowler	Meyers	Young (AK)
Fox	Mica	Young (FL)
Frank (MA)	Miller (FL)	Zeliff
Franks (CT)	Molinari	Zimmer
Franks (NJ)	Moorhead	
Frelinghuysen	Morella	

NOT VOTING—27

Abercrombie	Hunter	Pryce
Archer	Jefferson	Quinn
Becerra	Lantos	Reynolds
Brown (CA)	Lipinski	Roukema
Dooley	Menendez	Spence
Fields (TX)	Mfume	Stenholm
Foglietta	Moakley	Torricelli
Frost	Payne (NJ)	Towns
Graham	Peterson (FL)	Tucker

□ 1819

Mr. VOLKMER changed his vote from ''present'' to ''aye.''

So the motion to table was not agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. FRANK of Massachusetts. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. WALKER). Objection is heard.

Mr DELAY. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker. I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. BOEHNER] to lay on the table the motion to reconsider offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 180, not voting 24, as follows:

[Roll No. 473]

YEAS—230

Allard	Deal	Horn
Armey	DeLay	Hostettler
Bachus	Diaz-Balart	Houghton
Baker (CA)	Dickey	Hutchinson
Baker (LA)	Doolittle	Hyde
Ballenger	Dornan	Inglis
Barr	Dreier	Istook
Barrett (NE)	Duncan	Johnson (CT)
Bartlett	Dunn	Johnson, Sam
Barton	Ehlers	Jones
Bass	Ehrlich	Kasich
Bateman	Emerson	Kelly
Bereuter	English	Kim
Bilbray	Everett	King
Bilirakis	Ewing	Kingston
Bliley	Fawell	Klug
Blute	Flanagan	Knollenberg
Boehlert	Foley	Kolbe
Boehner	Forbes	LaHood
Bonilla	Fowler	Largent
Bono	Fox	Latham
Brewster	Franks (CT)	LaTourette
Brownback	Franks (NJ)	Laughlin
Bryant (TN)	Frelinghuysen	Lazio
Bunn	Frisa	Leach
Bunning	Funderburk	Lewis (CA)
Burr	Gallegly	Lewis (KY)
Burton	Ganske	Lightfoot
Buyer	Gekas	Linder
Callahan	Gilchrest	Livingston
Calvert	Gillmor	LoBiondo
Camp	Gilman	Longley
Canady	Goodlatte	Lucas
Castle	Goodling	Manzullo
Chabot	Goss	Martini
Chambliss	Greenwood	McCollum
Chenoweth	Gunderson	McCrery
Christensen	Gutknecht	McDade
Chrysler	Hall (TX)	McHugh
Clinger	Hancock	McInnis
Coble	Hansen	McIntosh
Coburn	Hastert	McKeon
Collins (GA)	Hastings (WA)	Metcalf
Combest	Hayes	Meyers
Cooley	Hayworth	Mica
Cox	Hefley	Miller (FL)
Crane	Heineman	Molinari
Crapo	Herger	Moorhead
Cremeans	Hilleary	Morella
Cubin	Hobson	Myers
Cunningham	Hoekstra	Myrick
Davis	Hoke	Nethercutt

Neumann	Saxton	Taylor (MS)
Ney	Scarborough	Taylor (NC)
Norwood	Schaefer	Thomas
Nussle	Schiff	Thornberry
Oxley	Seastrand	Tiahrt
Packard	Sensenbrenner	Torkildsen
Parker	Shadegg	Upton
Paxon	Shaw	Vucanovich
Petri	Shays	Waldholtz
Pombo	Shuster	Walker
Porter	Skeen	Walsh
Portman	Smith (MI)	Wamp
Quillen	Smith (NJ)	Watts (OK)
Radanovich	Smith (TX)	Weldon (FL)
Ramstad	Smith (WA)	Weldon (PA)
Regula	Solomon	Weller
Riggs	Souder	White
Roberts	Spence	Whitfield
Rogers	Stearns	Wicker
Rohrabacher	Stockman	Wolf
Ros-Lehtinen	Stump	Young (AK)
Roth	Talent	Young (FL)
Royce	Tanner	Zeliff
Salmon	Tate	Zimmer
Sanford	Tauzin	

NAYS—180

Ackerman	Geren	Obey
Andrews	Gibbons	Olver
Baesler	Gonzalez	Ortiz
Baldacci	Gordon	Orton
Barcia	Green	Owens
Barrett (WI)	Gutierrez	Pallone
Beilenson	Hall (OH)	Pastor
Bentsen	Hamilton	Payne (VA)
Berman	Harman	Pelosi
Bevill	Hastings (FL)	Peterson (MN)
Bishop	Hefner	Pickett
Bonior	Hilliard	Pomeroy
Borski	Hinchey	Poshard
Boucher	Holden	Rahall
Browder	Hoyer	Rangel
Brown (FL)	Jackson-Lee	Reed
Brown (OH)	Jacobs	Richardson
Bryant (TX)	Johnson (SD)	Rivers
Cardin	Johnson, E.B.	Roemer
Chapman	Johnston	Rose
Clay	Kanjorski	Roybal-Allard
Clayton	Kaptur	Rush
Clement	Kennedy (MA)	Sabo
Clyburn	Kennedy (RI)	Sanders
Coleman	Kennelly	Sawyer
Collins (IL)	Kildee	Schroeder
Collins (MI)	Kleczka	Schumer
Condit	Klink	Scott
Conyers	LaFalce	Serrano
Costello	Levin	Sisisky
Coyne	Lewis (GA)	Skaggs
Cramer	Lincoln	Skelton
Danner	Lofgren	Slaughter
de la Garza	Lowey	Spratt
DeFazio	Luther	Stark
DeLauro	Maloney	Stenholm
Dellums	Manton	Stokes
Deutsch	Markey	Studds
Dicks	Martinez	Stupak
Dingell	Mascara	Tejeda
Dixon	Matsui	Thompson
Doggett	McCarthy	Thornton
Doyle	McDermott	Thurman
Durbin	McHale	Torres
Edwards	McKinney	Traficant
Engel	McNulty	Velazquez
Ensign	Meehan	Vento
Eshoo	Meek	Visclosky
Evans	Menendez	Volkmer
Farr	Miller (CA)	Ward
Fattah	Mineta	Waters
Fazio	Minge	Watt (NC)
Fields (LA)	Mink	Waxman
Filner	Mollohan	Williams
Flake	Montgomery	Wilson
Ford	Moran	Wise
Frank (MA)	Murtha	Woolsey
Furse	Nadler	Wyden
Gejdenson	Neal	Wynn
Gephardt	Oberstar	Yates

NOT VOTING—24

Abercrombie	Graham	Peterson (FL)
Archer	Hunter	Pryce
Becerra	Jefferson	Quinn
Brown (CA)	Lantos	Reynolds
Dooley	Lipinski	Roukema
Fields (TX)	Mfume	Torricelli
Foglietta	Moakley	Towns
Frost	Payne (NJ)	Tucker

□ 1837

Mr. NEUMANN and Mr. SMITH of Texas changed their vote from ''nay'' to ''yea.''

Mr. ENSIGN changed his vote from ''present'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. BOEHNER] is recognized for 1 hour.

Mr. BOEHNER. Mr. Speaker, for the purpose of debate only, I yield 15 minutes to the gentleman from Missouri [Mr. GEPHARDT], the minority leader.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Republican Conference, I am pleased to welcome the gentleman from Texas, Mr. GREG LAUGHLIN, to our party. Mr. LAUGHLIN saw fit several weeks ago to change parties here in the House of Representatives, and we are glad to have him on our side of the aisle.

As a result, about a week and a half ago, the Republican conference did in fact vote by unanimous vote to place the gentleman from Texas [Mr. LAUGHLIN] on the Committee on Ways and Means. To my colleagues on the other side of the aisle who appear to have some chagrin over the fact we are placing Mr. LAUGHLIN on the Committee on Ways and Means, I would point out that today Republicans hold about 58 percent of the seats on the Committee on Ways and Means. It has been since 1923 that the majority party has had less than 60 percent of the votes on the Committee on Ways and Means. Historically, that percentage has been a 60 to 40 split between the majority and minority on the Committee on Ways and Means.

Even after we add Mr. LAUGHLIN to the committee, we will still be slightly less than the 60 percent that has been the historical average over the last 70 years. As a matter of fact, in 1955 when the Democrat Party took control of this House, and they happened to have 232 Members, the same amount that Republicans have today, they had a 60–40 majority on the Committee on Ways and Means.

I would further point out that in December of this year, when the Republicans took control of the House, it was the decision of the Republican leadership that there should in fact be a 60 to 40 split on the Committee on Ways and Means again. After that decision was made, the minority leader, in consultation with the Speaker and the majority leader, and, frankly, after much whining about it, we decided that to ease their pain in terms of the number of Democrat members who were going to lose their position on the Committee on Ways and Means, that we would change from the 60 to 40 split that we had decided on, in order to add just a Democrat member to their side of the aisle on the Committee on Ways and Means, dropping that percentage down to well less than 60 percent. So I would remind all Members that it has been a longstanding tradition and precedent of the House that each party respects the rights of the other in appointing its own Members to standing committees of the House.

What has gone on tonight in the politicization of this process by the minority party I think makes a sad day for this institution. While the minority party may think they are scoring political points or are somehow engaged in some highly principled moralistic action, I think the facts speak otherwise.

Perhaps the saddest part of the charade tonight is that the minority party seems to have no concern that their dilatory tactics hurt not us in the majority, but instead grind to a halt the consideration of the people's business here in the people's House.

To my colleagues on the other side of the aisle, let me be perfectly clear. We will not see this institution or this Nation's business grind to a halt because of the childish temper tantrum by some Members on the other side of the aisle. We will do what is necessary to assure an orderly consideration of the people's business here in the people's House.

Mr. Speaker, I reserve the balance of my time.

□ 1845

Mr. GEPHARDT. I yield myself such time as I may consume.

Mr. Speaker, I would like to respond to the case that the distinguished gentleman from Ohio has made on behalf of the Republican side. I would like to respond to both what is happening here procedurally and what is happening substantively.

First, the procedure: The gentleman is correct in saying that in past Congresses there has been a desire on the part of the majority party on certain key committees to have a larger ratio than the ratio represented by the members of the House. Many times in the past, we have had 60 percent, as Democrats on the Committee on Ways and Means and on the Committee on Rules. But I would point out that in all of those times, the ratio that the Democrats represented in the House was higher than the 53 percent that the Republicans now represent as part of the House.

Second, when this year started, I did go to the Speaker and I said, as a result of the change, we have got five members of the Committee on Ways and Means who are Democrats who will come off. We understood that. That was part of changing the guard. But I asked if the committee could be enlarged so that more of the then-sitting members of Ways and Means could be kept on Ways and Means. And, yes, one was allowed to stay, and four were knocked off.

But when we had that discussion, it was represented to me that the chairman of the Committee on Ways and Means, the gentleman from Texas, very much wanted the committee to stay at

the number 21 and 15 represents or 36 and that he in no way would allow the committee to get any larger than that. But yet here we come, a few weeks later, when there is the possibility of someone switching and this action is taken.

My colleagues, I think it is wrong. I think it is wrong from a procedural standpoint. It is wrong in terms of the precedents of this House. And I think it is wrong for people to be moving with this out there.

I am not impugning anyone's motives. Anyone can switch parties at any time. That is a legitimate thing to have happen. But it should be for the right reasons, not for the wrong reasons. And as long as I am leader on the Democratic side, I am going to fight for the rights of the minority on procedure and on ratios on committees, and we will continue that fight.

Let me talk about the substance. What I think is really going on here is an attempt, as was pointed out in the Washington Times on Friday, June 30, 1995, to add a Republican member of senior status to shield freshman Republicans from having to vote for deep, deep cuts in Medicare.

I quote, ''Mr. Laughlin likely will provide support for potentially unpopular reductions in Medicare benefits, should GOP leaders give three committee freshmen, all of whom won with less than 51 percent of the vote, permission to vote 'no.'''

My colleagues, what is about to happen in Medicare are the largest changes to Medicare in the history of the program. If the hints we are reading in the weekend press are right, we are talking about huge increases in the premiums for Medicare recipients. If that is what is going on here, a stacking of the committee in order to make sure those cuts go through, then this is substantively wrong. If Members on your side of the aisle believe in these kinds of changes in Medicare, everybody should vote for it. Why should we be shielding Members from voting for these kinds of cuts?

Finally, let me tell you what I really think is going on here. In reading the comments of leaders on the Republican side for some time now, not just lately, I think there is an effort here to make Medicare a voluntary program. I think there is an effort to get rid of Medicare. I think that is what is really at stake.

What I am really concerned about is that these deep, important changes in Medicare are going to try to be slipped through in 3 or 4 days in September. If we are going to have changes in this program of this kind, bring the changes out now in July. Give the American people the right to know what is happening to this program. Make them part of this debate. Let them be part of the vote of what happens to Medicare.

We should not change this program and make it voluntary without involving the American people. And I can tell you, this party will fight those changes every step of the way.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. WALKER). The gentleman will state it.

Mr. BOEHNER. Mr. Speaker, is it my understanding that the debate on this issue should be confined to the resolution that is on the floor of the House?

The SPEAKER pro tempore. The rules and precedents of the House would indicate that debate on the matter should relate to the matter before the House.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. NUSSLE].

(Mr. NUSSLE asked and was given permission to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding time to me.

I, as a member of the Committee on Ways and Means, am delighted today to welcome our newest Republican, the gentleman from Texas, Mr. GREG LAUGHLIN, to the committee and welcome him to the Republican majority in the House. I fully expect that this resolution will pass and, as a member of the committee, we are all looking forward to working with him on the important issues that we know we need to face this year.

He has been superb and hard working and we know he is going to be a very articulate member of the committee. As we participate in this debate today, I think it is important to address some of these trumped-up and now glossed-over charges, trying to deflect the debate from the resolution today to scare tactics to senior citizens instead of what we ought to be talking about, and that is the ratio on the Committee on Ways and Means, not some trumped-up political charge that the minority leader or anybody else decides that they are going to do today.

Mr. Speaker, our chairman, the gentleman from Texas [Mr. ARCHER], has been and will continue to be very fair to the Democrats, more fair than they were to us when we were in the minority. Despite the hysteria coming from some on the minority side, we do not intend to let those distortions and exaggerations stop us from managing the committee in a fair-minded and a fair-handed way that earns the respect of the American people.

First let us talk about the record, about the history of this committee, which was so glossed over in the last statement. Let me state for the record that the addition of Congressman LAUGHLIN to the committee will hold Republicans to 59 percent of the seats on the Committee on Ways and Means. Not since 1923—the Republicans were in the majority, by the way, 1923—has the majority party enjoyed less than 60 percent of the seats on the Committee on Ways and Means, regardless of the majority ratio in the House of Representatives.

Even when the Democrat majority held just 51 percent in the House, they received 60 percent of the committee seats. With Congressman LAUGHLIN on the committee, we will only be at 59. Again, we are being fairer to them than they ever were to us.

But they say we have 53 percent on the floor and 59 percent in the committee. That is unfair they say. Well, let me point out that in 1981, following the Reagan landslide, they had 56 percent on the floor and 66 in committee, a spread of 10 points. We again are fairer to them than they were to us.

Eighteen times, eighteen times in this century the spread between the floor and the committee has exceeded or been equal to six points; the most recent being 1986. Today's spread is exactly six points. Again, we are fairer to them than they were to us.

I think it also should be noted that in 1955, the last time the Democrats had 232 seats, which is what we have, the Democrats held 60 percent of the committee. Once more, we are fairer to them than they were to us.

Mr. Speaker, I think that this is going to be very simple. They have been stung by defects, and they need to move on to the business of this country.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Michigan [Mr. BONIOR], the Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let us not kid ourselves this evening. This debate is about one simple thing. And while we may talk about representation on the committee, which, in fact, I believe has been skewed, this debate is about Medicare. It is about whether or not we should cut Medicare to provide tax cuts for the wealthiest people in our society. It is about whether or not we should double Medicare premiums to give a tax break to the wealthiest corporations in America.

The Republicans have proposed massive tax breaks for the wealthy, and they came out of the Committee on Ways and Means. To pay for them, they have proposed the biggest cuts in Medicare, the biggest cuts in Medicare in the history of this Republic.

POINT OF ORDER

Mr. BOEHNER. Mr. Speaker, I rise to make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. BOEHNER. Mr. Speaker, I make a point of order that the gentleman is not speaking to the relevant issue at head. I make a point of order that the gentleman in the well, the minority whip, is not talking to the relevant issue at hand that is in the debate today. The issue is the seating of the gentleman from Texas [Mr. LAUGHLIN] on the Committee on Ways and Means. The gentleman proceeded, as others before him have, to talk about the issue of Medicare, which is not the subject of debate. As I understand the rules of the

House, the gentleman should be required to speak to the issue that is on the floor.

The SPEAKER pro tempore. The gentleman makes a point of order that engaging in debate should be on the topic before the House. The gentleman in the well is reminded that the debate topic before the House is the resolution with regard to membership on the committee and debate should be confined to that subject matter.

Mr. BONIOR. Mr. Speaker, I would say to the Members that the members who serve on that committee will determine that fate of literally 40 million Americans on Medicare. There is no way you can divide or divorce the issue of who sits on that committee and the issue of what tax breaks are given, what tax breaks are taken away, what Medicare benefits are given, what Medicare benefits are taken away, what Medicaid benefits are given, what Medicaid benefits are taken away. They are bound together.

As last Saturday's Washington Times pointed out, they want to raise the Medicaid premiums, those who serve on that committee, by 110 million a month, my Republican colleagues, that is. And to pass their plan, they are trying, Mr. Speaker, to stack the committee that will vote on it.

The SPEAKER pro tempore. The gentleman is requested by the Chair to proceed in order.

Mr. BONIOR. As this Washington Times article points out, ''Mr. Laughlin will provide support for potentially unpopular reductions in Medicare benefits, should the GOP leaders give three committee freshman, all of whom won with less than 51 percent of vote, permission to vote no.'' Which raises the question, which raises the question, what will Mr. LAUGHLIN do on this committee? Will he cover for these three freshmen? It is an interesting question. Mr. LAUGHLIN ought to tell the American people. He ought to tell the people of the district what are his intentions with respect to Medicare, if he is going to serve as a member of this committee.

POINT OF ORDER

Mr. BOEHNER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. BOEHNER. Mr. Speaker, I make a point of order that the gentleman in the well is questioning the motives of the gentleman that is in question on the resolution appointing him to the committee.

The SPEAKER pro tempore. The gentleman at this point has not named any member of the Committee on Ways and Means. The gentleman is reminded, however, that he has an obligation to the rules of the House to proceed in order.

Mr. BONIOR. The gentleman from Michigan is indeed proceeding in order. He is proceeding in order of the needs and the will of 40 million Americans who are concerned about Medicare. He is proceeding in order to take care of the needs of the people in this country who depend upon Medicaid.

The SPEAKER pro tempore. The gentleman is reminded that proceeding in order is proceeding under the rules of the House, and the Chair would request the gentleman to abide by the rules of debate in the House of Representatives.

Mr. BONIOR. Mr. Speaker, I would like to pose a question to the Speaker then. The question is this, how does the Speaker intend to separate those who serve on the committee from the jurisdiction which they have on that committee? What is the dividing line? Would the Chair give a ruling to this Member on where the dividing line is?

□ 1900

The SPEAKER pro tempore (Mr. WALKER). The resolution before the House is on the election of the gentleman from Texas [Mr. LAUGHLIN] to the committee. The subject matter before the House is not what he plans to do once he joins the committee. The gentleman will confine himself to the issue before the House.

Mr. HOYER. Mr. Speaker, will the Speaker yield to pursue that question?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] controls the time.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Michigan [Mr. BONIOR] yield for a parliamentary inquiry?

Mr. HOYER. He does not have to, I do not believe, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan controls the time. Does the gentleman from Michigan yield for a parliamentary inquiry?

Mr. BONIOR. I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I do not want to ask the gentleman to use his time for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Michigan controls the time. According to the rules of the House, the gentleman from Michigan will have to yield.

Mr. HOYER. Parliamentary inquiry, Mr. Speaker. Is it the Speaker's ruling that I cannot raise a parliamentary inquiry unless the gentleman yields to me? Is it the Speaker's ruling that somebody cannot make a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman from Maryland is correct. As long as the gentleman from Michigan controls the floor, he would have to yield to the gentleman from Maryland for a parliamentary inquiry. The gentleman from Ohio [Mr. BOEHNER] raised a point of order, after his parliamentary inquiry. The gentleman from Michigan [Mr. BONIOR] would have to yield for the purpose of a parliamentary inquiry.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think people are getting the message here. The message that the majority is raising is that we have been shut out from active participation on this committee as a result of the ratios in which the minority, which was represented, by the way, by the comments of the Speaker just a few seconds ago, which have shackled the Members of the minority from expressing their views on these key questions. We are here to say that the questions on that committee, the jurisdictional questions of Medicare and Medicaid, are too important, Mr. Speaker, for us to be shackled.

Mr. Speaker, the gentleman from Iowa [Mr. NUSSLE] came to the well a few minutes ago and gave some statistics. What he did not tell us is that in the last 10 years, the difference between the majority representation and the number of people on the Committee on Ways and Means is much, much, much different than what he alluded to. In the 100th Congress, Democrats had 59 percent of this body, and in that same Congress, we had 62 percent on the Committee on Ways and Means, a difference of about 3 percent.

In the 101st Congress the difference was 5 percent. In the 100 and 102d it was 2.35 percent, and in the 103d Congress it was 3.9 percent. In this Congress, with the addition of the gentleman from Texas [Mr. LAUGHLIN] to the committee, it will be 6.4 percent. That is not fair. That is not right.

I would say to the Speaker that he, as well as others in this party, have said on numerous occasions, numerous occasions to this body, that there should be an equal proportionate representation between the number of Members who are in this full body and those who serve on committees. Yet, here we go, with an egregious padding or stacking of the committee.

Mr. Speaker, I want to say on behalf of my colleagues that we will not stand, we will not stand, to have $40 million Americans disenfranchised on key votes with respect to their health care. We will not stand for the same type of activities with respect to tax cut for the very wealthy in this country, and on Medicaid.

Mr. Speaker, let me just conclude my suggesting that we say no to this resolution, and that the leader and the Speaker and the majority leader get together and figure out a way to give fair representation, in the spirit in which the gentleman from Pennsylvania [Mr. WALKER] advocated that representation lo the many years that he was in the minority.

Mr. GEPHARDT. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Mr. Speaker, it is absolutely fascinating to listen to the guardians of the old order, the new minority, espouse a form of institutional amnesia. I may not have been here in previous Congresses, but thanks to C–

SPAN and thanks to the history books, we can take a look and we can see what happened time and again in this Chamber. Debate was shut up. People were stifled. We had a decision that existed that was egregious.

POINT OF ORDER

Mr. BONIOR. Point of order, Mr. Speaker. The gentleman is not talking about the resolution and he is off the issue.

The SPEAKER pro tempore. The gentleman from Arizona [Mr. HAYWORTH] must confine himself to the subject matter of the resolution before the House.

Mr. HAYWORTH. Mr. Speaker, I listened with great interest, and I thank the ruling of the Chair, and I thank my friend who is the whip on the other side.

I would also point out that what is past is prologue. That is written across the forum in the National Achieves, and it is true. The fact is, and this is absolutely germane, not since 1923 has the majority party enjoyed less than 60 percent of the seats on the Committee on Ways and Means. Mr. Speaker, with the addition of the gentleman from Texas [Mr. LAUGHLIN] we are at 59 percent.

To my friends on the other side of the aisle, Mr. Speaker, it is absolutely germane to realize this fact. There is a new majority exercising the will of the American people. Get over it. Help us govern.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this may not be about Medicare, and I do not think it is about party affiliation or moving between parties. After all, Mr. Speaker, most Americans vote for a variety of candidates. Most Americans claim they are, in fact, independent. The election and the polls show, of course, that most people, when they make those choices, associates most closely with Democrats in their votes, and when you poll most independents, they say they believe they lean mostly to the Democratic Party. But this is not about affiliation. People move between parties all the time. I will bet all of Members' constituents, almost without exception, refuse to vote a straight party line.

This is not about candidates in one part or the other, one region or the other of the country, moving from one party to the other, although I must say that both the overtones and the undercurrent of the use of race in the South by the right is troublesome, and it should be beneath the party of Eisenhower and Lincoln.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise as a Member of the Committee on Ways and Means, and as a freshman, to welcome the gentleman from Texas [Mr. LAUGHLIN] to our committee and to our party, an event so seismic that it has made the minority leader an advocate of minority rights on the House floor, and made the minority leader a reader of the Washington Times, which is extraordinary.

Mr. Speaker, I realize that some of the speakers on the other side have tried to stay on message and frighten senior citizens, but what they have omitted and what I would like to say is that the gentleman from Texas [Mr. LAUGHLIN] is qualified, he is a principled advocate of taxpayers, and that is why so many here are opposed to him. He is an effective leader who has a skill that he demonstrated, prior to switching, of working across party lines, and that is something that ought to be learned on the other side.

Additionally, they have left out the fact that this ratio is fair, even if it is annoying to the advocates of higher taxes and the opponents of welfare reform. The American people will not be fooled.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I rise for the purpose of letting my friend, the gentleman from Pennsylvania and the Speaker at the present time in the House of Representatives, know of the words of his friend, the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH].

The gentleman from Georgia said on September 27, 1990, in the CONGRESSIONAL RECORD, and I quote:

> I would think that the Chair would want to accept the fact that in a free country, people often talk very widely about a wide range of issues. We think that freedom of debate and freedom of speech are not only important when burning the flag, but they are even important on the House floor. I hope that for the rest of the day the Chair, in the spirit of good humor, will tolerate a certain level of freedom of speech to reflect the nature of the House at its best.

I would hope that the Speaker would take his good friend's words at heart.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, when the Democrats give a big tax liberal a seat on the Committee on Ways and Means, they call it good government. However, when Republicans give a smaller tax, smaller government conservative a seat on the Committee on Ways and Means, the Democrats say something is wrong with that. The truth is today's debate has nothing to do at all with selling out or with Medicare or anything else. It has to do with sour grapes.

For years the Democrats' liberal leadership has used conservatives. They have promised them seats on important committees, like the Committee on Ways and Means, but when it came time to deliver, it was not done.

POINT OF ORDER

Mr. FRANK of Massachusetts. Point of order, Mr. Speaker. My point of order is that unless the Speaker has taken the words of the gentleman from Michigan to heart, that violates the subject of the Speaker's previous instructions, Mr. Speaker. It is off the point of the issue of appointing the gentleman from Texas [Mr. LAUGHLIN].

The SPEAKER pro tempore. The gentleman from New York [Mr. PAXON] is reminded he must proceed in order.

Mr. PAXON. Mr. Speaker, the truth about this whole committee's assignment brouhaha brought up by our friends across the aisle is that the liberal leadership wants conservative bodies in their caucus but does not want to deliver for them on this House floor. Now they are angry that the gentleman from Texas, GREG LAUGHLIN, the gentleman from Georgia, NATHAN DEAL, RICHARD SHELBY, Senator CAMPBELL, and about 100 State and local Democrats have switched parties. That is what this debate is about here.

POINT OF ORDER

Mr. FRANK of Massachusetts. Point of order, Mr. Speaker. This clearly violates the spirit of the Speaker's previous instructions. I would like to be clear that unless we are going to have one test of rules for this party and another set of rules for the other, that clearly violates what the gentleman stated to the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore. The Chair had reminded Members on both sides of the aisle when the question has been raised that they are to proceed in order. The Chair would continue to say to both sides of the aisle in fairness that they must proceed in order on the resolution. The subject matter under discussion is the election of the gentleman from Texas [Mr. LAUGHLIN] on the Committee on Ways and Means. That should be the subject of the discussion on the floor.

Mr. PAXON. Mr. Speaker, the election of the gentleman from Texas, GREG LAUGHLIN, to a seat on this committee is about putting people on this committee who will stand up for the right things in this community, in this country, and on this floor. I support strongly the resolution before us today.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Speaker, I thank the gentleman from Missouri for yielding time to me.

Mr. Speaker, I think what we need to do is remember and remind the folks at home who are watching, at least in Louisville, KY, it is just after dinnertime and they may have surfed and ended on C–SPAN, or they may be watching it on purpose. No matter which, what we need to remind them is the Committee on Ways and Means, who knows what these words mean, but we know it means the Medicare committee, because that is what is going to be dealt with in the next 30 days in that committee. That, according to the Washington Times, is one reason that

is suggested that the Republican majority has changed the rules in midstream.

As I understand it, never before had the majority changed the world in midstream, changed the number, added somebody, just added somebody to the committee in the middle of the Congress. No. The ratios were set at the beginning and they were kept, so we have to ask ourselves, was it done, as the Washington Times suggested, in order to save a freshman a tough vote?

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, my understanding is the resolution in front of us is whether or not the gentleman from Texas [Mr. LAUGHLIN] shall be assigned to the Committee on Ways and Means.

At the beginning the 104th Congress the gentleman from Texas [Mr. LAUGHLIN] was a Democrat. He currently is a Republican. The ratio on the Committee on Ways and Means is 21 to 15. I know for a fact that the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], argued long and hard for a ration of 21 to 14. He was denied his wishes of that committee ratio by the wisdom of leadership, because the minority leader begged him to put another Democrat on. So when we started, it was 21 to 15. They got their Democrat at the beginning. It was not what we wanted.

If we add the gentleman from Texas [Mr. LAUGHLIN] as a Republican, the ratio will be 22 to 15. That is still not 60 percent; 21 to 15 is not 60 percent; 22 to 15 is not 60 percent. I have been on the Committee on Ways and Means since 1983. It has been between 63 and 66 percent loaded in favor of the majority in that entire time, so it is not about ratio.

One of the difficulties we have in examining this business of party switchers is because in the brief 17 years that I have been in Congress I have never seen anybody from this side of the aisle decide not be a Republican and go over there. In the time that I have been here, I have seen a number of Democrats come over here.

One of the reasons we are pleased to welcome the gentleman from Texas [Mr. LAUGHLIN] is that we like his position on the issues. I do not see anything wrong at all in taking someone that you like on the issues and giving them a position of prominence in areas in which we are going to have significant votes.

The Committee on Ways and Means in this jurisdiction is, with all due respect as a member of the committee, an important committee. It deals with all the taxes. It deals with Social Security. It deals with welfare. Yes, it deals with Medicare.

What we want to do is take the issues position of the gentleman from Texas [Mr. LAUGHLIN], who was recently a Democrat, and now a Republican, and meld him with all of the other Republicans on the committee, who I might remind the Members represent a percentage of the total committee less than the Democrat-Republican ratio when they were a majority for the entire time I have been on the committee.

□ 1915

What is your problem? That you want more Republicans to reflect the ratio that used to be there? We are not doing that. That you want Democrats to quit leaving your party and become Republicans? Then change your positions. If you do not, if you keep the same leadership, advocating the same position, there are going to be more Republicans over here before the election by virtue of people continuing to switch.

Is that your problem, that you do not like switchers, or is it that you have no substantive point to make and so you are arguing items that are irrelevant?

Let's make the gentleman from Texas [Mr. LAUGHLIN] a member of the Committee on Ways and Means.

Mr. GEPHARDT. Mr. Speaker, I yield our remaining 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I want to talk for the moment about the scope of debate on the floor of the House and to defend it against the attitude of the acting Speaker. The resolution before the House is the election of the gentleman from Texas [Mr. LAUGHLIN] to the Committee on Ways and Means.

When someone is up for election, he is a candidate. The candidate's views are relevant, the candidate's intentions are relevant. The fact that the intentions of those who are putting him there may be to make it easier to enact great cuts in Medicare, they are relevant. The fact that the intentions of those who are putting him there may be to put someone there who is opposed to taxes, that is relevant. The fact that they may be doing that because they enticed him and because they are selling committee seats for switches in party, if someone wants to say that, that would be relevant. I am not saying those things, though I think they are true.

The fact that this leadership is doing these things is all relevant.

Mr. BOEHNER. Mr. Speaker, I yield myself our remaining 1 minute.

Mr. Speaker, the facts are this: The facts are that since January of this year, four Democrats, two in the House and two in the Senate, have switched parties, more than in any 2-year cycle in the history of our country. As long as they continue to switch parties, guess what? We as Republican Members, as the majority, have to find a committee to put them on. Tonight we are proud to bring to this floor a resolution putting the latest Democrat to switch parties on the Committee on Ways and Means.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. WALKER). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Chair may reduce to 5 minutes the vote on passage of the resolution, if ordered.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 179, not voting 22, as follows:

[Roll No. 474]

YEAS—233

Allard	English	Lazio
Archer	Ensign	Leach
Armey	Everett	Lewis (CA)
Bachus	Ewing	Lewis (KY)
Baker (CA)	Fawell	Lightfoot
Baker (LA)	Flanagan	Linder
Ballenger	Foley	Livingston
Barr	Fowler	LoBiondo
Barrett (NE)	Fox	Longley
Bartlett	Frank (MA)	Lucas
Barton	Franks (CT)	Manzullo
Bass	Franks (NJ)	Martini
Bateman	Frelinghuysen	McCollum
Bereuter	Frisa	McCrery
Bilbray	Funderburk	McDade
Bilirakis	Gallegly	McHugh
Bliley	Ganske	McInnis
Blute	Gekas	McIntosh
Boehlert	Gilchrest	McKeon
Boehner	Gillmor	Metcalf
Bonilla	Gilman	Meyers
Bono	Goodlatte	Mica
Brewster	Goodling	Miller (FL)
Brownback	Goss	Molinari
Bryant (TN)	Graham	Moorhead
Bunn	Greenwood	Morella
Bunning	Gunderson	Myers
Burr	Gutknecht	Myrick
Burton	Hall (TX)	Nethercutt
Buyer	Hancock	Neumann
Callahan	Hansen	Ney
Calvert	Hastert	Norwood
Camp	Hastings (WA)	Nussle
Canady	Hayes	Oxley
Castle	Hayworth	Packard
Chabot	Hefley	Parker
Chambliss	Heineman	Paxon
Chenoweth	Herger	Petri
Christensen	Hilleary	Pombo
Chrysler	Hobson	Porter
Clinger	Hoekstra	Portman
Coble	Hoke	Quillen
Coburn	Horn	Quinn
Collins (GA)	Hostettler	Radanovich
Combest	Houghton	Ramstad
Cooley	Hutchinson	Regula
Cox	Hyde	Riggs
Crane	Inglis	Roberts
Crapo	Istook	Rogers
Cremeans	Johnson (CT)	Rohrabacher
Cubin	Johnson, Sam	Ros-Lehtinen
Cunningham	Jones	Roth
Davis	Kasich	Roukema
Deal	Kelly	Royce
DeLay	Kim	Salmon
Diaz-Balart	King	Sanford
Dickey	Kingston	Saxton
Doolittle	Klug	Scarborough
Dornan	Knollenberg	Schaefer
Dreier	Kolbe	Schiff
Duncan	LaHood	Seastrand
Dunn	Largent	Sensenbrenner
Ehlers	Latham	Shadegg
Ehrlich	LaTourette	Shaw
Emerson	Laughlin	Shays

Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—179

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—22

Abercrombie
Becerra
Brown (CA)
Dooley
Fields (TX)
Foglietta
Forbes
Frost
Hunter
Jefferson
Lantos
Lipinski
Mfume
Moakley
Moran
Peterson (FL)
Pryce
Reynolds
Smith (MI)
Stark
Towns
Tucker

☐ 1937

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on the resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. BOEHNER] to lay on the table the motion to reconsider offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 15-minute vote followed by a possible 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 181, not voting 20, as follows:

[Roll No. 475]

AYES—233

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—181

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—20

Abercrombie
Becerra
Brown (CA)
Dooley
Fields (TX)
Foglietta
Frost
Hunter
Jefferson
Lantos
Livingston
Mfume
Moakley
Pryce
Reynolds
Skaggs
Smith (MI)
Stark
Towns
Tucker

☐ 1955

Mr. GEJDENSON changed his vote from ''aye'' to ''no.''

Mr. TALENT changed his vote from ''no'' to ''aye.''

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 162, not voting 24, as follows:

[Roll No. 476]

YEAS—248

Allard	Foley	Metcalf
Archer	Forbes	Meyers
Armey	Fowler	Mica
Bachus	Fox	Miller (FL)
Baesler	Franks (CT)	Molinari
Baker (CA)	Franks (NJ)	Montgomery
Baker (LA)	Frelinghuysen	Moorhead
Ballenger	Frisa	Morella
Barr	Funderburk	Murtha
Barrett (NE)	Gallegly	Myers
Bartlett	Ganske	Myrick
Barton	Gekas	Nethercutt
Bass	Geren	Neumann
Bateman	Gilchrest	Ney
Bereuter	Gilman	Norwood
Bilbray	Goodlatte	Nussle
Bilirakis	Goodling	Packard
Bliley	Goss	Parker
Blute	Graham	Paxon
Boehlert	Greenwood	Payne (VA)
Boehner	Gunderson	Peterson (MN)
Bonilla	Gutknecht	Petri
Bono	Hall (TX)	Pickett
Brewster	Hancock	Pombo
Browder	Hansen	Porter
Brownback	Hastings (WA)	Portman
Bryant (TN)	Hayes	Quillen
Bunn	Hayworth	Quinn
Bunning	Hefley	Radanovich
Burr	Heineman	Rahall
Burton	Herger	Ramstad
Buyer	Hilleary	Regula
Callahan	Hobson	Riggs
Calvert	Hoekstra	Roberts
Camp	Hoke	Rogers
Canady	Horn	Rohrabacher
Castle	Hostettler	Ros-Lehtinen
Chabot	Houghton	Rose
Chambliss	Hutchinson	Roth
Chapman	Hyde	Roukema
Chenoweth	Inglis	Royce
Christensen	Istook	Salmon
Chrysler	Johnson (CT)	Sanford
Clinger	Johnson, Sam	Saxton
Coble	Jones	Scarborough
Coburn	Kasich	Schaefer
Collins (GA)	Kelly	Schiff
Combest	Kim	Seastrand
Condit	King	Sensenbrenner
Cooley	Kingston	Shadegg
Cox	Klug	Shaw
Cramer	Knollenberg	Shays
Crane	Kolbe	Shuster
Crapo	LaHood	Sisisky
Cremeans	Largent	Skeen
Cubin	Latham	Smith (NJ)
Cunningham	LaTourette	Smith (TX)
Davis	Laughlin	Smith (WA)
Deal	Lazio	Solomon
DeLay	Leach	Souder
Diaz-Balart	Lewis (CA)	Spence
Dickey	Lewis (KY)	Stearns
Doolittle	Lightfoot	Stockman
Dornan	Linder	Stump
Dreier	Livingston	Talent
Duncan	LoBiondo	Tanner
Dunn	Longley	Tate
Ehlers	Lucas	Tauzin
Ehrlich	Manzullo	Taylor (MS)
Emerson	Martini	Taylor (NC)
English	McCollum	Thomas
Ensign	McCrery	Thornberry
Everett	McDade	Tiahrt
Ewing	McHugh	Torkildsen
Fawell	McInnis	Traficant
Fields (TX)	McIntosh	Upton
Flanagan	McKeon	Vucanovich
Waldholtz	Weldon (PA)	Wolf
Walker	Weller	Young (AK)
Walsh	White	Young (FL)
Wamp	Whitfield	Zeliff
Watts (OK)	Wicker	Zimmer
Weldon (FL)	Wilson	

NAYS—162

Ackerman	Gonzalez	Oberstar
Andrews	Gordon	Obey
Baldacci	Green	Olver
Barcia	Gutierrez	Ortiz
Barrett (WI)	Hall (OH)	Orton
Beilenson	Hamilton	Owens
Bentsen	Harman	Pallone
Berman	Hastings (FL)	Pastor
Bevill	Hefner	Payne (NJ)
Bishop	Hilliard	Pelosi
Bonior	Hinchey	Peterson (FL)
Borski	Holden	Pomeroy
Boucher	Hoyer	Poshard
Brown (FL)	Jackson-Lee	Rangel
Brown (OH)	Jacobs	Reed
Bryant (TX)	Johnson (SD)	Richardson
Cardin	Johnson, E. B.	Rivers
Clay	Johnston	Roemer
Clayton	Kanjorski	Roybal-Allard
Clement	Kaptur	Rush
Clyburn	Kennedy (MA)	Sabo
Coleman	Kennedy (RI)	Sanders
Collins (IL)	Kennelly	Sawyer
Collins (MI)	Kildee	Schroeder
Conyers	Kleczka	Schumer
Costello	Klink	Scott
Coyne	LaFalce	Serrano
Danner	Levin	Skaggs
de la Garza	Lincoln	Skelton
DeLauro	Lipinski	Slaughter
Dellums	Lofgren	Spratt
Deutsch	Lowey	Stenholm
Dicks	Luther	Stokes
Dingell	Maloney	Studds
Dixon	Manton	Stupak
Doggett	Markey	Tejeda
Doyle	Martinez	Thompson
Durbin	Mascara	Thornton
Edwards	Matsui	Thurman
Engel	McCarthy	Torres
Eshoo	McDermott	Torricelli
Evans	McHale	Velazquez
Farr	McKinney	Vento
Fattah	McNulty	Visclosky
Fazio	Meehan	Volkmer
Fields (LA)	Meek	Ward
Filner	Menendez	Waters
Flake	Miller (CA)	Watt (NC)
Ford	Mineta	Waxman
Frank (MA)	Minge	Williams
Furse	Mink	Wise
Gejdenson	Mollohan	Woolsey
Gephardt	Moran	Wyden
Gibbons	Neal	Wynn

NOT VOTING—24

Abercrombie	Hastert	Oxley
Becerra	Hunter	Pryce
Brown (CA)	Jefferson	Reynolds
DeFazio	Lantos	Smith (MI)
Dooley	Lewis (GA)	Stark
Foglietta	Mfume	Towns
Frost	Moakley	Tucker
Gillmor	Nadler	Yates

□ 2005

Mr. PAYNE of Virginia and Mr. ROSE changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR ALL COMMITTEES AND THEIR SUBCOMMITTEES TO SIT FOR REMAINDER OF WEEK DURING 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to Clause 2(I) of rule XI, Mr. ARMEY moves that all committees and subcommittees of the House be permitted to sit for the remainder of the week while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, I will not take the 1 hour.

Mr. Speaker, let me say at the outset, this is a rather routine request. The request is made necessary by our desire to keep floor consideration of spending bills as open as possible and accessible to all the Members of the body, while at the same time, of course, committee work must go on. We feel like this is a necessary accommodation, and appreciate the fact that the committees are so willing to accommodate our need to maintain a floor schedule and move our spending bills.

I should like to tell the Members of the body that after a very brief debate on this motion, we will have a vote, and it will be the last vote of the evening.

Mr. Speaker, with those comments, I yield for 5 minutes for purposes of debate only to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I do take note of the fact that the majority has decided we will do no further legislative business today of any sort, and that will allow us to leave. But I was particularly struck when the majority leader said this is a routine request. Indeed, it has become so.

It has become routine for the Republican Party to ignore the rules it so proudly proclaimed at the first day of the session, because one of the great reforms that they brought to us, one of the new ways of doing business, was the one that was to say that the House will not sit simultaneously with the committees.

You would not, if you were on the Committee on the Judiciary, have an important markup on the terrorism bill at the same time a constitutional amendment is on the floor. You would not, if you were on the Committee on Appropriations, have a full committee markup while a bill is on the floor. That was one of the great reforms the Republicans were bringing us, and as the gentleman from Texas has honestly said, it has now become——

The SPEAKER pro tempore. The gentleman will suspend until we get some order.

Mr. FRANK of Massachusetts. I thank the Speaker for his efforts, but it has been my experience that when people do not want to hear something, you cannot make them listen.

The Republicans do not want to hear the reminders of how short-lived their promises were about running the House. This is an example. They made a big deal about how they were changing its rules so we would not have that

conflict between committee business in the House, and it is now routine to change it. When that is changed, of course, they make a mockery of the rule on proxies.

We were told you cannot have proxy voting; be there in committee. But what do you do when a bill that you are seriously interested in is being debated on the floor and the committee on which you are a member is simultaneously meeting? Maybe it is a bill on which that committee has jurisdiction. How do you avoid missing one or the other?

So what we have had is, at least in the committees I have seen, a very creative contest by the chairs of the committee on how to get around the proxy rule. Let's roll the votes. Let's hold the votes. Let's reconsider. Let's have some mock votes.

In area after area, we have seen the rules disregarded. We were told we would have a strict limit on the number of subcommittees a member can be on. We are. Members are strictly limited on the Republican side to the number of subcommittees on which they wish to serve and no more. And that need bear no relationship to the basic rule.

We have been told, in the substantive areas as well, that the Republican Party will honor the right of the States. They do. They honor the right of the States to make any decision with which the Republican Party is in agreement. But where the States may misdecide, they will overrule those decisions.

We are here talking about a very fundamental issue.

Mr. ARMEY. Mr. Speaker, I am listening intently to the gentleman and having difficulty hearing.

The SPEAKER pro tempore. The gentleman is correct. The House is not in order. The House will be in order.

Mr. FRANK of Massachusetts. I appreciate the solicitude and care with which the gentleman from Texas has helped me get attention.

I would appreciate even more, however, some solicitude for the ability of the House to legislate in a sensible way. The Committee on Appropriations members will be put to the problematic task of sitting in full committee while they are in fact having bills on the floor. The Committee on the Judiciary has now called a markup on the very sensitive subject of abortion, and members of the Committee on the Judiciary will be asked to be at that full committee while there is legislation on the floor.

It is a very clear example. Politicians who have been caught being inconsistent like to misquote Ralph Waldo Emerson, they leave out a couple of adjectives, about how consistency is for the small-minded. I want to congratulate my colleagues on the other side. They must feel large-minded indeed these days, because there is scarcely a principle which they brought forward on the opening day of the session which they have not violated, as the gentleman from Texas has said, routinely.

Routinely we get the proxy cut aside. Routinely the notion of family friendly is ignored. Routinely the committees meet while the House is in session. Routinely, if you do not like what the States do, States rights become something you put back under the rug.

Mr. Speaker, this is one more example of a failure to live up to those professions of concern.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, this is more than just a process issue. The way the House has been run has denied Members their ability to adequately represent their constituency. Being a Member of Congress puts you in an area where you have many responsibilities. One is on the floor. As legislation moves through the floor that you are particularly involved in, you have a responsibility to be here on the floor. But you are also a member of several committees, and under this new process, where there is no proxy voting, where sometimes the votes are held until the end of the committee, sometimes they are not, this is not simply a change in process. It is actually again stacking the deck against Members.

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to say I appreciate the kind remarks of the distinguished gentleman from Massachusetts [Mr. FRANK] and also want to express my appreciation for the kindness of the gentleman from Connecticut as well. But I do feel compelled, which is a rare opportunity for anybody in this body, to correct the gentleman from Massachusetts.

□ 2015

The quote that the gentleman struggled for is, in fact, ''a foolish consistency is the hobgoblin of little minds, charlatans and divines,'' if I can get that corrected.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WALKER). The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 176, not voting 24, as follows:

[Roll No. 477]

AYES—234

Allard	Armey	Baker (CA)
Archer	Bachus	Baker (LA)
Ballenger	Gekas	Nethercutt
Barr	Gilchrest	Neumann
Barrett (NE)	Gilman	Ney
Bartlett	Goodlatte	Norwood
Barton	Goodling	Nussle
Bass	Goss	Packard
Bateman	Graham	Parker
Bereuter	Greenwood	Paxon
Bilbray	Gunderson	Petri
Bilirakis	Gutknecht	Pombo
Bliley	Hall (TX)	Porter
Blute	Hancock	Portman
Boehlert	Hansen	Quillen
Boehner	Hastings (WA)	Quinn
Bonilla	Hayes	Radanovich
Bono	Hayworth	Rahall
Brownback	Hefley	Ramstad
Bryant (TN)	Heineman	Regula
Bunn	Herger	Riggs
Bunning	Hilleary	Roberts
Burr	Hobson	Rogers
Burton	Hoekstra	Rohrabacher
Buyer	Hoke	Ros-Lehtinen
Callahan	Horn	Roth
Calvert	Hostettler	Roukema
Camp	Houghton	Royce
Canady	Hutchinson	Salmon
Castle	Hyde	Sanford
Chabot	Inglis	Saxton
Chambliss	Istook	Scarborough
Chenoweth	Jacobs	Schaefer
Christensen	Johnson (CT)	Schiff
Chrysler	Johnson, Sam	Seastrand
Clinger	Jones	Sensenbrenner
Coble	Kasich	Shadegg
Coburn	Kelly	Shaw
Collins (GA)	Kim	Shays
Combest	King	Shuster
Cooley	Kingston	Sisisky
Cox	Klug	Skeen
Crane	Knollenberg	Skelton
Crapo	Kolbe	Smith (NJ)
Cremeans	LaHood	Smith (TX)
Cubin	Largent	Smith (WA)
Cunningham	Latham	Solomon
Davis	LaTourette	Souder
Deal	Laughlin	Spence
DeLay	Lazio	Stearns
Diaz-Balart	Leach	Stockman
Dickey	Lewis (CA)	Stump
Doolittle	Lewis (KY)	Talent
Dornan	Lightfoot	Tate
Dreier	Linder	Tauzin
Duncan	Livingston	Taylor (NC)
Dunn	LoBiondo	Thomas
Ehlers	Longley	Thornberry
Ehrlich	Lucas	Tiahrt
Emerson	Manzullo	Torkildsen
English	Martini	Upton
Ensign	McCollum	Vucanovich
Everett	McCrery	Waldholtz
Ewing	McDade	Walker
Fawell	McHugh	Walsh
Fields (TX)	McInnis	Wamp
Flanagan	McIntosh	Watts (OK)
Foley	McKeon	Weldon (FL)
Forbes	Metcalf	Weldon (PA)
Fowler	Meyers	Weller
Fox	Mica	White
Franks (CT)	Miller (FL)	Whitfield
Franks (NJ)	Molinari	Wicker
Frelinghuysen	Montgomery	Wolf
Frisa	Moorhead	Young (AK)
Funderburk	Morella	Young (FL)
Gallegly	Myers	Zeliff
Ganske	Myrick	Zimmer

NOES—176

Ackerman	Clay	Doggett
Andrews	Clayton	Doyle
Baesler	Clement	Durbin
Baldacci	Clyburn	Edwards
Barcia	Coleman	Engel
Barrett (WI)	Collins (IL)	Eshoo
Beilenson	Collins (MI)	Evans
Bentsen	Condit	Farr
Berman	Conyers	Fattah
Bevill	Costello	Fazio
Bishop	Coyne	Fields (LA)
Bonior	Cramer	Filner
Borski	Danner	Flake
Boucher	de la Garza	Ford
Brewster	DeFazio	Frank (MA)
Browder	DeLauro	Furse
Brown (FL)	Dellums	Gejdenson
Brown (OH)	Deutsch	Gephardt
Bryant (TX)	Dicks	Geren
Cardin	Dingell	Gibbons
Chapman	Dixon	Gonzalez

Gordon	McCarthy	Rose
Green	McDermott	Roybal-Allard
Gutierrez	McHale	Rush
Hall (OH)	McKinney	Sabo
Hamilton	McNulty	Sanders
Harman	Meehan	Sawyer
Hastings (FL)	Meek	Schroeder
Hefner	Menendez	Schumer
Hilliard	Miller (CA)	Scott
Hinchey	Mineta	Serrano
Holden	Minge	Skaggs
Hoyer	Mink	Slaughter
Jackson-Lee	Mollohan	Spratt
Johnson (SD)	Moran	Stenholm
Johnson, E. B.	Murtha	Stokes
Johnston	Nadler	Stupak
Kanjorski	Neal	Tanner
Kaptur	Oberstar	Taylor (MS)
Kennedy (MA)	Obey	Tejeda
Kennedy (RI)	Olver	Thompson
Kennelly	Ortiz	Thornton
Kildee	Orton	Thurman
Kleczka	Owens	Torres
Klink	Pallone	Torricelli
LaFalce	Pastor	Traficant
Levin	Payne (NJ)	Velazquez
Lewis (GA)	Payne (VA)	Vento
Lincoln	Pelosi	Visclosky
Lipinski	Peterson (FL)	Volkmer
Lofgren	Peterson (MN)	Ward
Lowey	Pickett	Waters
Luther	Pomeroy	Watt (NC)
Maloney	Poshard	Wilson
Manton	Rangel	Wise
Markey	Reed	Woolsey
Martinez	Richardson	Wyden
Mascara	Rivers	Wynn
Matsui	Roemer	

NOT VOTING—24

Abercrombie	Hunter	Smith (MI)
Becerra	Jefferson	Stark
Brown (CA)	Lantos	Studds
Dooley	Mfume	Towns
Foglietta	Moakley	Tucker
Frost	Oxley	Waxman
Gillmor	Pryce	Williams
Hastert	Reynolds	Yates

□ 2033

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. WALKER). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is the Chair's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that further proceedings on the postponed suspension motions are further postponed until tomorrow.

COMMUNICATION FROM THE HONORABLE CHRISTOPHER H. SMITH, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable CHRISTOPHER H. SMITH, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (5) of the Rules of the House that my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Superior Court of New Jersey in Morris County.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHRISTOPHER H. SMITH,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12 and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

REPUBLICAN BELIEFS AND GOVERNMENT RUN AMOK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, a friend of mine, State Representative Garland Penhalser recently asked me why I was a Republican, and what we were doing up here, and what this think was all about. Garland is a State representative who has been doing a tremendous job in Atlanta in the State capitol down there making changes. He just wanted to hear it from me what he already knew, I guess.

What I replied is that generally what the Republican Party believes up here is believing in people versus believing in Georgia. We support private sector solutions to problems, not Government solutions to problems. We stand for less regulation. We stand for less taxes, less bureaucracy, less micromanagement out of Washington, and certainly, more personal freedom.

With that in mind, Mr. Speaker, there are so many great examples of micromanagement out of Washington and Government run amok, if you will. A book has been written recently entitled ''The Death of Common Sense,'' and many people have read the book. Recently, the mayor of Kingsland, GA, Keith Dixon, gave a copy of it to me. Just thumbing through there, there were a lot of great examples of crazy things that our Government does.

One of the examples took place in Yorktown, NC, with the Amoco Oil Co. The EPA came in there, and because there was a pollutant in the air called benzene, and benzene is an extremely dangerous pollutant, EPA ordered Amoco to install a new type of filtering system to their smokestacks. It cost Amoco $31 million. As we know, Americans all over the country paid for that in higher gas prices at the pump. Let us not fool ourselves that Amoco paid more dividends to their stockholders because of that. They did what any business would do and they passed the cost on to consumers.

The irony of it was that the smokestacks were not emitting benzene. The benzene was coming from the loading dock area. That problem could have been easily remedied by changing the loading procedure. The only problem, Mr. Speaker, was that the EPA did not have jurisdiction over the loading dock, so the benzene is still in the air, and yet Amoco oil had to pay $31 million for it.

Mr. Speaker, there are other examples of that. I see the gentleman from Pennsylvania [Mr. FOX] is here and wants to join us. I yield to my friend, the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I think the point is well made by him, and I appreciate him being a champion here for small business and for the importance of the individual. I had a situation in my district in Montgomery County, PA, where we had a gentleman who was trying to work with the Federal Government, a $25,000 contract. The problem he had was 187 pages of Federal documents to be filled out. The problem with 187 pages was not just the number of pages, but also it would require him to hire an accountant, an attorney, and an engineer. What little profit there is in a $25,000 contract, there was not really much for him.

The fact is, he told me, and he was right, the Government, the Federal Government, is not user-friendly. It does not make sense for him to try to give the best product at the best price to the Federal Government when he can sell it elsewhere without all the needless regulation and the burdensome paperwork that made it actually a disincentive to deal with our Federal Government.

Mr. KINGSTON. It is ridiculous, because I think the bureaucracy in many, many cases, and even probably in most cases, wants to do the right thing. The problem is these very laws, and we are going from manuals now that have a 4,000, 5,000, 10,000 pages to do anything, and these laws that are well-intended

and regulations have become stumbling blocks, and because of that, we do not have common sense anymore in our process.

Mr. FOX of Pennsylvania. If the gentleman will continue to yield, Mr. Speaker, I believe the 104th Congress, especially with many of the freshman Republicans, and you have joined as an honorary Member of the freshman Republicans, although you are a more senior Member, we have tried to have what we could call the new approach to Government, in which we call for Government to downsize, privatize, consolidate, and where possible, eliminate.

We do not believe, as you do not, that we need to have the Federal Government do things that are best left to the private sector. We believe that the private sector has the best chance to create jobs. If we can have an environment with less regulation and less taxation, we can have businesses provide for our local people the kinds of jobs that are lasting, meaningful, and important jobs that mean a lot to folks back home.

I think we are on the right track to reduce needless regulations that do not really improve the quality of life, and to make sure we do what we can to sunset Federal agencies that are not doing their job, like we did in Pennsylvania, and eliminate the wasteful bureaucratic system that exists here in Washington as a culture.

GOVERNMENT RUN AMOK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I yield to the gentleman from Georgia [Mr. KINGSTON] to further this colloquy we were discussing about regulations.

Mr. KINGSTON. Mr. Speaker, let me give another example of government just not using quite common sense. I have in my hand a letter from Lee Heyer. Lee Heyer is a student at Georgia Southern University. He is actually the student body president. He sent to me a letter he got from the U.S. Post Office declaring June 12 to June 17 National Dog Bite Prevention Week. It tells people how to prevent their dog from biting a letter carrier. Again, it is well-intended, but, he said, he called the office.

First of all, this mail that was delivered at taxpayer expense went to his apartment complex where they do not allow dogs, so everybody in the apartment complex got notified how to tie their dog up, which they are not allowed to have.

The second part, he called the actual office in his area and found out there were zero dog bites in that particular area in the previous year. Again, Mr. Speaker, the private sector would not do that. They would think it through twice.

I see the gentleman from Florida [Mr. WELDON] has joined us. I do not control the time.

Mr. FOX. Mr. Speaker, I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I appreciate the gentleman's efforts here today to do something, to speak out about doing something for the terrible problem of excessive regulation, and the impact that has a job creation. This is a very important issue in my district, Mr. Speaker, where the defense cutbacks have put a lot of people out of work, but there are a lot of people trying to set up new businesses and trying to be independent, and the Government regulations that are required in setting up a new business, and just hiring a new person, is actually stifling business creation all across our country, including in my district.

□ 2045

We as Republicans, I believe, need to continue the effort to try to not only downsize Government but make the Government as the gentleman said, more user-friendly and more open to job creation.

One thing I do want to add to this discussion, which I think is very important, is the need to deal with our terrible problem of excessive litigation.

I know a business in my district approached me, and this particular business, they had been in the printing press business for a time way back in the early part of the century, but they are now out of that business. There was a printing press that had been in use, safely in use, for 70 years, that an employee at a company had recently been injured on, and that company was, now that they have been out of the printing press business for something like 25, 30 years, they are now being sued for a product that has been in safe use for something like 70 years.

I just think that is wrong, it is unreasonable. We need our tort reform legislation to get through the Senate and we probably need more provisions to be passed in the future.

Mr. FOX of Pennsylvania. Mr. Speaker, I think the support that the gentleman from Pennsylvania [Mr. WELDON] has given as well as the gentleman from Georgia [Mr. KINGSTON] for our products liability reform legislation will go a long way in helping businesses. As the gentleman from Georgia [Mr. KINGSTON] just talked about, we certainly need to have less regulation.

Another area I would like to have us consider, not only the regulatory reform and legal reform but what about making sure we provide those investment tax credits, the research and development tax credits, which will encourage businesses to expand, produce and hire and not have those jobs go overseas but keep those jobs here in America for companies and employees who really want to make sure that we grow. That I think along with reform dealing with the ability to obtain credit, I think we can keep our businesses viable here in the country and move along.

Mr. KINGSTON. I was meeting this last weekend with the Georgia Hospitality and Travel Association. One of the battles they just fought with regulatory reform is that on the back of your hotel door, they have escape plans. I was in the insurance business and I am one of these nerds, I guess, who always reads those things. But 99 percent of the people who stay in hotels, particularly at Days Inn on a ground level, don't read how to escape from the room. They can kind of figure it out on their own. But new regulation, you have to print that bilingual.

In south Georgia, where you don't get that many people speaking Spanish, they wanted to put it in Spanish language, as well as English language. You cannot even tell if the door is wooden or painted already because you have all these different instructions on what to do in a hotel room.

The Hospitality Association was able to kind of break that, postpone the regulation, I would say, just break the thinking pattern there. In Los Angeles County, they have to put the voting ballot in 7 different languages.

The gentleman from Wisconsin [Mr. ROTH] has a bill entitled ''English First'' which addresses this. I believe he is on the floor.

MAKING ENGLISH OFFICIAL AMERICAN LANGUAGE

The SPEAKER pro tempore (Mr. SHAW). Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, I was interested in the dialog that just took place here.

We Americans are very fortunate because we represent the most diverse country in the world. We are a people from every corner of the globe, every religious, every ethnic, every linguistic background right here in America. Yet we are one Nation and one people. Why? Because for over 200 years, the history of our country, when people came here, they adopted English as the official language. While we were from every corner of the globe, and every background, we are all Americans because we have this common glue, this commonality.

Today in America we are splitting our country up. We are no longer the melting pot, but we are becoming, as the anti-English establishment would have us, as a salad bowl. I don't believe America is a salad bowl. I don't believe in hyphenated Americans. I believe we are all Americans. That is why this issue of the English language is so important.

Teddy White, who has written ''The Making of a President'' any number of times from 1960 on, before he passed away, he wrote this book, ''America in Search of Itself.'' He talks about as we come to the new century, to the new

millennium, that his greatest concern is for America breaking up into groups.

Arthur Schlesinger has also written a beautiful little book I would like to recommend, ''The Disuniting of America,'' where he talks about the cultural changes and, for example, what bilingual education is doing to American citizens and what is happening in America today. It is very well done, and I recommend that to our citizens.

Recently, I think, closer to home, right here in the House of Representatives, our Speaker has written a book, and for the people who read the Speaker's latest work, the Speaker understands this problem very well because in chapter 15 of the book, he talks about America breaking up into groups, and English as the American language.

The Speaker points out that there are nearly 200 different languages spoken here in America. He makes the observation that nearly all business, politics, education, and commerce is conducted in English.

We want Americans to have an understanding of other languages, but that is a different issue. I have 3 children. All of them have taken foreign languages or are taking a foreign language today. The point is, is that we have to keep our commonality and our common glue, so that if people want to speak one language at home or promote their culture, keep their culture, I think that is great and laudable and we want to continue that. But we have a melting pot here in America, so we do not break up into groups.

Look what is happening in Canada, where you have the heart being taken out of that country. Here in America, we have our country breaking up into groups and we cannot allow that to continue.

Mr. WELDON of Florida. If the gentleman will yield, I would just like to share with the gentleman that my mother grew up in an Italian home and she learned to speak Italian along with her 3 sisters and her brother and they were all proud to go out on the streets and learn English. My mother went on not only to get a good command of English but to get through the public school systems of the city of New York and get a college degree and go on to become a teacher. She was a strong advocate for English as a common language in the United States, because she saw firsthand the importance of knowing the language and the need to know the language to be able to get ahead. She taught me the importance of what you are talking about. That is why I am a sponsor of the bill of the gentleman from Wisconsin [Mr. ROTH], and I am proud to be a sponsor of that legislation.

Mr. ROTH. I thank the gentleman and I appreciate the testimonial, because what the gentleman is saying, I think, is what many, many Americans can say, that when our immigrants came, they adopted English as their language so we became a melting pot.

What is happening today, thanks to the misconceived policies back in the 1960's, we have whole sectors of our society now being brought up in school in bilingual education. Most of the time the kids do not have an education in either language.

Mr. KINGSTON. If the gentleman will yield, I am on the Committee on Appropriations. We have spent a tremendous amount of time reducing spending. Along the way I saw a statistic that we spend $242 million, I think, on one program for bilingual education.

Does the gentleman know how much we spend totally?

Mr. ROTH. On State, national and local, according to USA Today in a recent article they did, it is something like $12 billion we spend on bilingual education. There is nothing that harms youngsters or holds them back, makes them second-class citizens as much as bilingual education.

We have got to have people melt into our society. That is why this bill is so important.

SALUTING NASA ON RECENT SHUTTLE MISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to speak out and to salute the people at Kennedy Space Center as well as the officials in NASA and those at the other centers as well as our astronauts in particular and additionally our cosmonauts on the tremendously successful recent *Mir* rendezvous mission.

I went down, Mr. Speaker, to see the shuttle take off for that particular flight. Unfortunately we got canceled because of rain the few days I was down there and I had to return back here because the House went back in session.

But then we had a flawless liftoff and the mission, I can only say, was a tremendous success. Not only did the commander of the mission, Hoot Gibson, do a fabulous job, but so did the entire crew. It was a historic mission. It was the 100th space flight for the United States, and it was the first rendezvous mission involving our space shuttle, clearly demonstrating the technology that is needed for our space shuttle not only to continue to go up and link up with the *Mir* space station but in a few years to be able to go up and link up with our future space station.

I think it is a tremendous testimonial to the efforts of all the workers there at Kennedy Space Center as well as at Johnson Space Center and the other NASA centers that this mission went off flawlessly.

I was delighted to be able to be there to see the shuttle land and to meet with some of the Russian officials. I could not help but think how our nations, the United States and the former Soviet Union, what is now Russia, enemies for so many years, for so many years engaged in an escalation of hostilities, how we can now in this arena join together and to show that through cooperation and trust that we can achieve great things.

I, by no means, Mr. Speaker, mean to imply that I feel that we should let down our defenses. I am personally an advocate for a very strong national defense. I think what is going on now with the Soviet Union today, or the Russian people today, is something new, we need to take 1 year at a time and see how it goes. But I think this was a tremendous testimonial to the success of a cooperative effort.

I also think it was inspiring to all our young people. Today our young people are looking for role models. So many of their role models in society let them down. When they look at the success of this mission and the astronauts in this mission, it is something they can look up to.

As the Speaker knows, we have to compete in the international marketplace and we need to have the best in science and technology if we are going to be able to be competitive. I think through our space program, that is a key way in which we can continue to maintain our strong posture, leading the world in research and in science.

This space station holds out the prospect for some tremendous breakthroughs in areas of medicine that I happen to be very familiar with as a former physician. I spent many years treating many women with osteoporosis and additionally treating many senior citizens who had problems with fainting or syncopal episodes.

With the medical research that we are going to be doing on the space station made possible with our shuttle, we should be able to unlock some of the secrets that led to this disease and how to achieve some meaningful cures to some of these problems.

To be there at the landing of this shuttle was just very inspiring. I had seen many shuttles take off before from my parking lot at work in Melbourne, FL, but I had never actually been there at Kennedy Space Center to see one of them land.

It comes in over the coast of Tampa at about 200,000 feet. By the time it arrives over at the east coast at Kennedy Space Center, it is at 50,000 feet. Within 4 minutes, it is landing on the ground. It drops and drops and drops and drops, and then when it is just a few hundred feet off the ground, the pilot noses the shuttle up, the landing gear comes down, and it comes in for a landing just like an airliner.

As it landed, Mr. Golden was there, the administrator of NASA, turned to me and he said, ''No other country in the world can do that.''

He was right. No other country in the world can send a spacecraft up with a crew and bring that spacecraft back and have it land on an airstrip safely.

Mr. Speaker, I salute the astronauts and cosmonauts on this mission, and I

salute all the workers at the space centers that were involved in this project.

□ 2100

A TRULY TRAGIC DAY IN AMERICAN HISTORY

The SPEAKER pro tempore (Mr. SHAW). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, tomorrow may be a truly tragic day in American history, because a person who avoided serving his country three times during the bloodiest subaction of the whole cold war, the conflict that raged on for a decade in Indochina, a person who avoided the draft when he graduated from Georgetown, speaking about Mr. Clinton, who avoided service in his first year as a graduate student at Oxford, when all graduate deferments were taken away and then who, after he actually had a call-up notice, a report date to join the U.S. Army as a buck private soldier and an induction date of 29, excuse me, 28 July 1969, used political pressure, the liberal Republican Governor's office in Arkansas, Winthrop Rockefeller, with the draft board, the head of the draft board, and two or three members of the draft board, personal meetings, 2 hours each, to beg them to allow him to join after the fact the ROTC at the University of Arkansas; then he had a U.S. Senator, Senator Fulbright of Arkansas, phone in to the head of the ROTC.

And then I learned at a dinner with the distinguished American, Distinguished Service Cross holder of the second medal down from the Medal of Honor, who had commanded ROTC units, whole sections of the country, commanded ROTC for many colleges, Col. Eugene Holmes, a Bataan death march survivor, he told me when I had dinner with him and his wife, Irene, down in Fayetteville, AR, last February, that Clinton was the only student in more than a decade, as a commander and professor of military science, the only student who ever showed up at his house. He said he did not let him in, but for 2 hours in the front yard, backyard, back and fourth 23-year-old Bill Clinton begged Colonel Holmes to let him into the ROTC as a 2-year postgraduate student if he entered law school to go back on a special 2-year crash course with the undergraduates at the University of Arkansas and get in the ROTC so he could avoid the draft, and Colonel Holmes told me, against his better judgment, with more political pressure than he had ever thought possible, Senators, Governors, draft board members, Buick dealerships, all putting the pressure on him, he signed up a man who graduated from college over 1 year and 2 months before into the special program and, of course, Clinton never spent a day in the ROTC at Arkansas.

But now here he is, the Commander in Chief, and if all the stories are true, tomorrow at noon he is going to normalize relations, give diplomatic recognition honors and recognition to the war criminals, the Communist leaders, in Hanoi who killed better men than he, probably three high school students from the Hot Springs area of Arkansas went into the service to meet those three draft calls in June 1968, the spring of 1969, and then that summer of 1969 when someone had to fill the Clinton slot, late July 1969, and then Clinton went off to Moscow a few weeks later.

Colonel Holmes had not even known this. He went through Oslo, Stockholm, Helsinki, Leningrad, took the train overnight to Moscow and was put up, when he claimed he had no money, at the best hotel in town on January 1, 1970, because there was so-called peace banquet for Hanoi in the National Hotel on the night of January 2, 1970.

A former Member of the other body who had a rather distinguished career for 12 years, he was in his last year, had chosen not to run again, who did, I think, a very dishonorable thing. Senator Eugene McCarthy was a guest of honor at the peace banquet. He was one of the 23-year-old student organizers from England who had conducted teach-ins at the London School of Economics, where he called Ho Chi Minh the George Washington of his country and the United States the interventionist imperialist power, the evil force in Vietnam, suppressing a revolution, and had, of course, led demonstrations at Grosvenor Square on November 15 and a warm-up on October 15, 1969.

By the way, Mr. Speaker, that November 15 demonstrates that Clinton was the leader of, in London, was termed the fall offensive by the Communists in Hanoi. There were sympathetic demonstrations in Paris, in Stockholm, London, New York, of course, here in Washington, DC, people trashing the streets, Miami, I believe, I know for sure San Francisco, Chicago, and Los Angeles, all coordinated by people working to give comfort to the communists in Hanoi who prevailed after 10 long years of struggle against a superpower, the United States, and the superpower on the other side, the Soviet Union, had more staying power, and the oppressive forces of communism won.

Two years after we had pulled out of our military effort, we left so precipitously in such a disgraceful way that our embassy had open file drawers with the files of all the people who had worked with us up and down that beautiful little country of South Vietnam, and the Vietnamese years later wrote, General Giap, wrote in his book, that they just came in picked up papers off the floor, from the file cabinets, put them on clipboards, went out and executed 68,000 people. General Giap, who was hugging Senator HARKIN on July 4, General Giap is a war criminal. General Giap was on the politburo.

General Giap signed off on the execution of 68,000 people. In some cases, their only crime was to be a secretary, a man or a woman typing on an American typewriter at one of our multiple military bases up and down from the DMZ to the Mekong Delta. Unbelievable. Sixty-eight thousand people killed, but even that horrendous figure, 10,000 more than our men and 8 women whose names are on the Vietnam Memorial, that figure is dwarfed by the 700,000 to 800,000 people who drowned on the South China Sea trying to escape from communism.

My oldest daughter worked in the camps at Snap Nikam, Nam Aret, Aryana Pretit, and the people that survived the high seas, the South China Sea, the sharks, dehydration, drownings, they would carve little plaques. I have two of them in my den at home.

It says, ''liberty or death on the high seas.'' Sounds like Patrick Henry, somebody they never heard of. Another one said, ''Some of us are here in the camps. The rest are with God.''

Then what about the 1 million, 2 million, or as one of my interns, Vuth, told me the other night, tears running down his face, ''Maybe 3 million of my people died, Congressman. And is Mr. Clinton going to normalize relations with the war criminals who did this?'' He was speaking of the killing fields of Cambodia.

What a horror that took place. Very few speeches, if any, in this well or on the Senate floor by those who are taking the lead now with normalization with the war criminals in Hanoi; I did NBC's ''Meet the Press'' yesterday, and a friend of mine who is on the other side of this issue, and to try and put this balance, I read the stories of his horrendous torture in this book, ''POW,'' the definitive book that came out in 1976, the month that I won my first election to Congress, November of 1976. This book came out, and the torture stories in here, the war crimes in here just stagger your imagination. It is medieval. It is Nazi Germany at Auschwitz. It is poor Bosnia a few years ago with the ethnic cleansing. It is just horrible.

And I read the story of how this now U.S. Senator was tortured, how he would not accept parole, how when his father was moved from being the commander of the Navy in NATO in Europe to being commander in chief of all of our Pacific forces, and the head, the combat commander, of the bombing operation, how they kept offering this young Navy attack pilot early release to go home to get his terrible wounds taken care of, and it gave me renewed respect for him.

But I am still boggled at his appearance on ''Meet the Press'' where, if I had had the time, I could have refuted every single solitary thing he said.

The Vietnamese have not given a full accounting of our missing-in-action. Last year the byword with those who are sympathetic to the Communist war

criminals in Hanoi, the byword was that they were giving us unprecedented cooperation. That simply was not so.

Last year and early this year the word was superb cooperation. My friend from the other body said it was substantial. It is not. He said that on ''Meet the Press'' yesterday.

And the Washington Post a week ago today ran an editorial so that a congressional delegation of all liberals without a single Republican Member or staffer on this minority trip, at taxpayer expense with one of the luxurious airplanes out of the 89th Squadron at Andrews; it has become a disgrace, Air Force officers carrying the bags of people who avoided service and the cost when there are commercial flights available to go to even Hanoi, and we will have legislation on that this year, I can promise the taxpayers that, this delegation in Hanoi, one of the Senators holds up last Monday's Washington Post with a kind of a coordinated editorial, and it said, how is this for reaching for words, ''prodigious diligence, prodigious diligence, in moving toward an accounting of our missing-in-action.''

What an absolute distortion of the truth.

Now, I have before me a letter that our Speaker, Mr. GINGRICH, is presenting to the Commander in Chief as we speak, Mr. Speaker. They are having dinner tonight, NEWT GINGRICH and William Jefferson Blythe Clinton, and NEWT is going to tell him it is going to be a rough road in this Congress, in this House, and in the U.S. Senate, to try and find the money under our foreign affairs bills to fund any normalization or set up an embassy in Hanoi.

I think this House is going to overwhelmingly vote to kill any money under the appropriations bills process. We all know the language, Mr. Speaker, ''No money under this bill shall be expended to do such and such.'' A negative amendment is always ruled in order, and I think the President is in for a big surprise. Mr. Clinton is in for a surprise, because the statistics that I gave on ''Meet the Press'' that my friend from the Senate said he did not buy are absolutely correct.

I said, first of all, the families who have suffered long over these years, they have suffered under an anti-Geneva Convention war crime where the communist victors in Hanoi have psychologically tortured the family members, the children who have grown from little toddlers and babies up into their late 20's, 30's, and some in their 40's, the teenagers, the parents who are now aging into their 70's and some into their 80's, many of them passing on to go to Heaven, the widows, some who have married and have never forgotten that first young hero of their early life, others who have never ever found a replacement for their heroic young knight of the sky or that handsome young special operations sergeant special forces, young enlisted man, young grunt, young marine up and down Vietnam fighting for freedom, fighting to contain communism, they have never found a match for that young hero of their early life. All of these people have been manipulated, because the communists in Hanoi have slowly, like an ugly time capsule, released boxes of our heroes' remains.

Now, I can remember in 1979 having before our International Relations Committee a mortician from Vietnam who passed multiple polygraph lie detector tests; I recommended he even take truth serum. He was willing to do that. I do not know if he did. He was of Chinese heritage because Vietnam, after the war, in a vicious human rights crusade of violence, threw out all of the Vietnamese of Chinese heritage, and that is why he, as a top doctor, a mortician, was thrown out of the country, but he had prepared for storage in a big warehouse near Hanoi over 400 sets of American remains.

This has been admitted to me by the highest people in the Reagan administration and by President Reagan himself, who believed this, that they had 400 boxes of our heroes' remains. President Bush believed this. I discussed it at length with him. I have discussed it with three directors of the CIA. They all believed it. Defense Intelligence, back to the late Eugene Tye, my good friend from Loyola University, he also believed it. I have never met anybody in the entire intelligence community, and I am on my seventh year in the Intelligence Select Committee, I have never met anybody who did not believe this mortician's story.

□ 2155

And at the central investigative laboratory at Hickam Air Force Base in Hawaii, which I have visited about eight times over the years, they said, Yes, we have gotten back selectively over the last 10 years, about 160 remains that we can tell were warehoused, even if they were dug up out of the ground a year or two after a crash, they were still processed.

Some of these were people who obviously died in captivity. The light color of the bones and their condition and the chemical substances on the bones, we know they were prepared for storage. And 160 from over 400 brings us roughly a number of over 260.

I said at a press conference on the grassy triangle in front of this Capitol that it is an act of treachery to normalize relations without demanding the 260 remaining boxes of remains. I predicted that they will be thrown into the Red River and flushed out into the Tonkin Gulf, or worse, thrown in a pit all of these heroes' bones, knights of the sky, these young aviators, these special forces officers and sergeants. Their bones will be thrown in a mass grave, covered with lime, lye, and they will be forgotten, except to God, in that mass atrocity grave.

If are there any Americans still alive, particularly in Laos, which I have visited four times. I have been to Vietnam 10 times and Cambodia three times. I have worked this issue for 30 years and 1 month since my best friend, David Herdlicher, was shot down, May 18, 1965.

And I still wear his bracelet and this No. 1 Hmoung bracelet, H-m-o-u-n-g, the French word was Montagnard, mountain people. Since I put that on in Kontum in the central highlands in September 1968, it has never been off my wrist since. I alternate POW bracelets. No, this is not David Herdlicher's; this is a young sergeant from Hope, AR. I wear that symbolically sometimes, James Holt, missing in South Vietnam, September, excuse me, February 7, 1968, the beginning of the Tet offensive.

The first week of the Tet offensive, that week, we lost 1,111 Americans killed in action. That was the month that Robert Strange McNamara quit on leap year day, so he would only have to remember it every 4 years; resigned 29, February 1968.

It rained all over this big ceremony on the lawn in front of the river entrance to the Pentagon. They canceled the fly-by. How fitting that God saved four Air Force pilots the ignominy of flying by, probably all of them Vietnam vets, in tribute to a man who had betrayed the fighting men on the field.

Well, here is McNamara's book, Mr. Speaker. That is how I spent part of my district work period; working my way through this tragic book of evil revelations on how McNamara never even believed in the cause in 1962 or 1963, when there were less than 50 Americans killed in action. Not 58,000; less than 50. He did not believe in what we were doing there.

And McNamara tells in this book what he did after that fly-by was canceled and it rained all over this retirement ceremony. Where LBJ rewarded him with 13 years as head of the World Bank, where he made $250,000 a year without ever paying a nickel of taxes on it. That is what a lot of U.N. jobs, and the job at World Bank, pays.

McNamara in his book says the next day, on March 1, he left for a month of skiing at Aspen. We had hundreds of people in prison in Hanoi. Twelve of them had been beaten to death inside their prison cells. One man, Maj. Earl Cobeal, beaten senseless and incoherent. Never got his sanity back and died alone in some cell without any other American there to hold him and nurture him as he died. We have gotten back his remains. While he was being tortured by three Cubans imported by the good graces of Castro to teach the Vietnamese how to torture with more severity the way Castro was cutting up people and letting them rot, stark naked, in black cells without a shred of light for up to 25 years.

He was showing the South Vietnamese that they had forgotten in the Orient what the ''death of a thousand knives'' was like, I guess. And McNamara was skiing.

Imagine how many young men and women we had in hospitals from one

end of Vietnam to another, after the horror of that Tet offensive named after a religious holiday that they decided to attack on, imagine how many triple amputees, quadruple amputees. I visited one quadruple amputee at a hospital in September of that year and I talked to some of the nurses that said these are the cases that would just tear your heart out. How many people had given their arms and legs during that Tet offensive?

I remember going in the big refrigerated morgue at Bien Hoa in that year, 1968. And I said to this young corporal, first asking him how he could work in a place like this, and he said, ''Mr. Reporter, I spent six months in the bush shooting at Charlie and getting shot at. And when they offered me a chance at the midpoint to work in this morgue, I took it because I know I am going home. And I cry a lot in here looking at all these men, many younger than I, who are on the way back to the United States in green body bags.''

And I said, ''What is in that huge bag over there?'' He said, ''That, sir, that bag is all the arms and legs cut off our men in the hospitals around here and we treat it with respect. We are going to take it out in a helicopter and bury their arms and legs at sea soon.''

I will never forget that story. Tears were running down my face in this cool, refrigerated little corner of Bien Hoa Air Base in an extremely hot summer day in 1986. Thinking about this particular corner of the world's struggle against communism. Again, to quote Kennedy, a ''twilight struggle'' It was not so much twilight in Korea and Vietnam.

And I would like to read a line, Mr. Speaker, from McNamara's book. It used an expression that I used on this House floor on the day after the State of the Union speech. And I said I would revisit this again and again and that if I ever got a ruling from the Chair again that aid and comfort to the enemy was not a legitimate historical expression for debate on this floor, that I would appeal the ruling of the Chair. And if my party voted against me and did not sustain me, I would resign from Congress on the spot.

It is not tonight. That day is coming earlier in the day. And I will find the right moment. I will know it. I will smell it when it comes. And I will do it in the well with plenty of Democrats and I will give Mr. FAZIO and Mr. VOLKMER, and a lot of my other colleagues, a big chance to take down my words again.

But those words, ''aid and comfort to the enemy,'' have popped up twice just in the last couple of weeks. Mr. Clinton used the words against people who want to vote out the assault weapon ban. He said that is giving aid and comfort to the criminals in the street, the enemy in the streets, to vote against the assault ban. So Mr. Clinton has aid and comfort to the enemy in his head. He knows what that expression means.

Here is what McNamara writes on page 105 of his book. Fitting number of the page, since we lost more F–105s than any other airplane in the Vietnam conflict.

By the way, to set the scene, let me take out my little U.S. Constitution and read where this line comes from. Article III, section 3 of the U.S. Constitution, and why treason is not applicable without a declaration of war to using this term.

Treason against the United States shall consist only in levying war against them. Remember, until the Civil War, we always referred to ourselves as individual States. The Civil War brought us together into one unit as a country.

In levying war against the individual States, or in adhering to their enemies, and our Founders and Framers of the Constitution capitalized Enemies. Giving them Aid, capital A, and Comfort, capital C. Giving them Aid and Comfort.

No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act or on confession in open court.

Now, that is where that term, aid and comfort to the enemy, comes from. That is where Clinton, although he did not realize it, got it when he referred to people who strictly interpret the second amendment as giving aid and comfort to the enemies in the streets, the criminals.

Here is Mr. McNamara in this profoundly evil, self-aggrandizing, nonatoning book; over 58,700 dead Americans, 8 of them women. McNamara says, ''Upon my return to Washington, DC, on December 21st,'' and he is talking now about 1963, just a month after, one day less than a month after Kennedy's horrible assassination. He talks about secret missions up to the North.

And this is courageous South Vietnamese who were captured, tortured to death, because it was poorly organized and planned. It was endorsed by what we call the 303 Committee under Ambassador Lodge, an interagency group charged with reviewing such top secret plans, following recommendations from Secretary of State; from McCone, head of the CIA; from George McBundy, National Security Advisor; and me, Robert McNamara, the President approved a 4-month trial program beginning on February 3, 1964, so it hadn't started yet. Its goal was to convince the North Vietnamese that it was in their self-interest to desist from aggression in South Vietnam.

Looking back, it was an absurdly ambitious objective. For such a trifling effort, it accomplished virtually nothing.

McNamara probably went skiing or mountain climbing that winter and here were young Vietnamese that we trained, sent north, bailed out of our secret, unmarked airplanes into North Vietnam, most of them compromised and captured and viciously tortured to death, and we wrote them off like they were just expendable pawns at the beginning of this conflict.

But here he is, before these men have bailed out to their certain death, none of them ever came back as prisoners, these Vietnamese. ''Upon my return to Washington, DC on December 21st, 1963, I was less than candid when I reported to the press. Perhaps a senior government official,'' McNamara goes on, ''could hardly have been more straightforward in the midst of a war.''

Here he is calling it, in 1963, a month after Kennedy is dead, a war. A full-blown war. And his heart is not in it, but it took him 5 more hears to resign. Incredible. Four and a half.

I could not fail to recognize the effect discouraging remarks might have on those we strove to support the South Vietnamese. He does not give them the time of the day all through this book, our allies. Some corrupt; most very brave dying for their country. As well as those we sought to overcome. The Viet Cong and the North Vietnamese.

Now, get this Mr. Speaker. Bob McNamara: ''It is a profound, enduring and universal ethical and moral dilemma: How, in times of war and crisis, can senior government officials be completely frank to their own people without giving aid and comfort to the enemy?''

So, Robert McNamara, in December of 1963, one month and 21 days after the tragic assassination of President Ziem and his brother, after they were sprayed with machine guns in the back of an American-supplied armored personal carrier, an M–13. A tragic, a beheading of a Nation under Communist assault from the north, he considers it a full war and talks about giving aid and comfort to the enemy.

Well, if he did not want to give aid and comfort to the enemy, what about the demonstrators that he put up on the floor of his house, friends of his son, Craig, who never wore the uniform of his country. And he tries to weasel around that in here. This is McNamara who said, ''We must not draft our college kids, because they are tomorrow.''

Well, what about the college graduates from West Point, Annapolis, Air Force Academy, Texas A&M, North Georgia, Citadel, VMI? Or all of the ROTC units like mine at Loyola U. all around the country? What about those college graduates? What about the young farm kids who were going back to the family farm, but first were subject to a draft?

What about the 100,000 young black men who had been denied a good education in all of the poor schools and ghetto areas around this country, where we lowered the school standard and the tests you had to pass to bring them in? What were they? Cannon fodder?

☐ 2130

What about all the Hispanic-American families, particularly in California, which had such a family tradition for generations of joining the Marine

Corps? You know, all of our services used to reflect our religious background in our country. But the Marine Corps is about 33 percent Catholic, compared with a 24-percent population, because West Coast Hispanic families, generally Catholic, like the Marine Corps. What about all of them? Were they just cannon fodder? What about the honor graduates from West Point, the Naval Academy, and the Air Force Academy, who got a Rhodes Scholarship and went to what the skipper of the *Kitty Hawk* told me was the worst hate-America environment he had ever been in his life for 2 years, and he overlapped Clinton by a year at Oxford, except he went to class and graduated, while Clinton was ditching class, never went the second year at all, and did not graduate, 1 of only 6 in his class of 32 who did not graduate. What about all those people?

Like the recent commander, that just made three stars, of the 1st Cavalry Division down at Fort Hood who graduated before Clinton got there, he was back in June of 1968 at Leavenworth, and then went to Vietnam and won two silver stars. Were they the best and the brightest, all of the aforementioned?

What about all the Americans that went they got drafted said well, Uncle Sam wants me, it is an undeclared war, but my dad, my uncle, my older brother fought in Korea, and that was not a war, but a police action, according to President Truman, that was undeclared. But here is McNamara calling it a war. Aid and comfort to the enemy in time of war.

Well, I have before me a letter, Mr. Speaker, from some of the greatest Americans that this country has ever had serve in uniform, our POW's in Hanoi. This is a group of leaders, the ones that were tortured the most, the ones that were tortured far more than others who have gone a different direction from them.

This comes from the American Defense Institute, which is founded by Eugene Red McDaniel, acknowledged by all the POW's, I reread some of his periods of torture in here, and it is absolutely incredible that he survived, the tearing apart of his body, the infections, hardly a square inch of his body was not ripped. Red McDaniel founded this American Defense Institute, and here is a press release they put out with the names of 60 U.S. POW heroes on it.

''Former U.S. POWs oppose normalization with Vietnam, Alexandria, Virginia. In a letter sent to President Clinton today, the 10th of July, 60 former U.S. POWs, including Congressman SAM JOHNSON, Republican, Texas,'' SAM had hoped to be with me today, but he had a former engagement tonight. ''Lieutenant General John Peter Flynn, U.S. Air Force, retired.'' He was the highest ranking POW at the time he was shot down, senior U.S. colonel in the Air Force, and he rose to the highest ranks of any of the return POW's. Brig. Gen. Robinson Risner, one of my squadron commanders at George Air Force Base, shot down eight MiG's in Korea. When they got their hands on Robbie Risner, believe me, the torture he suffered was the torture of the damned. In his book, ''The Darkness of The Night,'' I do not think that is the exact title, but it is close, his story of torture is, again, just medieval, and Capt. Red McDaniel. Red was the communications officer for the escape of Larry Atterbury and John Dromisi. Dromisi was beaten for 38 days. He could not move for 3 months, had to be fed by hand. And Larry Atterbury, 6 foot 3, his size gave them away in their overnight escape, when the sun came up and they were trapped on the bank of the Red River. He was stripped naked, four Vietnamese soldiers stood on the arms and legs, all of this with the approval of the politboru that we are going to recognize tomorrow at a White House Rose Garden cemetery, and they beat him until there was no flesh on his body, from his hair to the soles of his feet. He died after 8 days of constant scourging with long fan belt whips. They actually were fan belts.

These officers, and 57 others from the Vietnam War, expressed their opposition to establishing diplomatic relations with Vietnam. ''Until you as commander-in-chief, Mr. Clinton, tell us Honoi is being fully forthcoming in accounting for our missing comrades.'' The letter was sent by Captain McDaniel, President of the American Defense Institute on behalf of the former U.S. POW's from Vietnam, concerned with recent reports that a White House announcement of the move is imminent. They invited my colleague, SONNY MONTGOMERY, two star reserve general, combatant from World War II and the 12th Armored Division. He just told me that he would not go to such a ceremony, an honorable man, SONNY MONTGOMERY.

''While we appreciate Vietnam's support for U.S. crash site recovery,'' no big deal, in letting us spend millions of dollars going out to crash sites that are 30 years old, ''And archival research efforts,'' pathetic, pathetic, entry level archival searches, the former POW stated, ''We know firsthand Vietnam's ability to withhold critical information while giving the appearance of cooperation.''

Elsewhere in the letter the former POW's contend that Hanoi could do so much more to resolve many of the unresolved POW–MIA cases. I refer anybody watching on C–SPAN, Mr. Speaker, to the aforementioned 260-plus boxes of heroes' bones warehoused somewhere in the suburbs of Hanoi.

''Some of our fellow servicemen went missing during the same incidents which we survived.'' Two-seat F–4 Phantoms side-by-side, A–6 Intruders. ''Some were captured and never heard from again. Some were known to have been held in captivity for several years and their ultimate fate has still not been satisfactorily resolved. Still others were known to have died in captivity,'' 97 of them, Mr. Speaker, and we still have yet to get an accounting on, what did Senator KERREY say on ''Meet the Press'' yesterday? He corrected me from 97 down to 89 I believe. A fine point. ''Yet their remains have not been repatriated to the United States.''

The former POW's expressed their concerns that many of the ''reports from U.S. and Russian intelligence sources maintain several hundred unidentified American POWs were held separately from us during the war in both Laos and Vietnam and were not released by Hanoi during Operation Homecoming in 1973.'' Several hundred. I have never held out hope for more than 40, Mr. Speaker. But what do I know compared to these POW's? And called on Clinton to ''Send a clear message to Hanoi that America expects full cooperation and disclosure on American POWs and MIAs before agreeing to establish diplomatic and special trading privileges with Vietnam.''

Since February 2, 1994, Mr. Speaker, when we relaxed all the trade sanctions, we have gotten back exactly eight remains of Americans, and it cost us thousands of dollars to identify them, because the remains were mixed in with animal bones and several hundred Asian sets of remains. Just no care at all, sending us boxes of this, as though they were cooperating, when they have got this warehouse. Unbelievable. Eight.

We averaged 21 a month under Reagan's 8 years, 24 remains a month under George Bush's 4 years, and now we are down to 8 since February 2 a year ago under Clinton? And that is called prodigious diligence by the Post? Substantial by Senators KERREY and MCCAIN? And what did I say was the word last year, unprecedented, superb this year? Horrible.

That was the press release. Here is the letter.

It says, in closing, the press release brought out the biggest parts of the letter, and I will insert the whole letter into the RECORD, an open letter to President Clinton.

The last paragraphs say, ''America deserves straightforward answers if Vietnam really wants normalized diplomatic and economic relations. If Vietnam truly has nothing to hide on the POW–MIA issue, then why have they not released their wartime politburo and prison records on American POWs and MIAs? Why have they not fully disclosed other military records on the POWs and MIAs?''

We have had senators go over there, I am sorry to say, Mr. Speaker, and not ask these direct questions. The politburo records are a key, as are the prison records. Now, they kept accurate records like the gestapo in World War II. And yet we have Members, elected to the U.S. Congress, that make excuses for them. ''Oh, with the humidity over there, the records have all, you

know, mildewed and they have been lost and they have been shuffled around.''

We did not believe that when we brought German war criminals to trial and to execution. They were obsessive about keeping records. I have just seen declassified top secret records from 1968, the same year that McNamara is in the Caribbean vacationing and skiing at Aspen while these men are being tortured to death in Hanoi and beaten. That very year I saw a reference that we picked up through NSA listening, where they referred to our prisoners as ''golden rubies.'' I remember having a priest who was captured, a Vietnamese Catholic priest, tell me after he had escaped from the Ho Chi Minh Trail, being taken north, one of a handful that were lucky enough to escape, he said they kept referring to prisoners as ''pearls,'' as a string of pearls. That they watched our men when they would come down in a parachute, try to shoot it out and kill two or three villagers, and then take the man captive and not even beat him, just shoo the villagers off. There would be two or three dead people there.

Ted Guy told me the other day how he killed two farmers coming at him with machetes and he was captured. He went through several beatings later and 4 years of solitary. But the soldiers were under orders, these pilots are worth their weight in gold. The survivors from the dozens that died in the slimy camps in the south, ''march them north'' they said in 1967 and 1968, because the POW's have taken on an absolutely supreme monetary value.

That is why they still talk about Nixon's disgraceful offer of $3.25 billion to get them to sign on the dotted line after the Paris peace accords and the 18 days of December B–52 raids, only to write off every prisoner in Laos. Remember, Mr. Speaker, 499 Americans missing in Laos, and not a single one ever came home.

The last two paragraphs of the POW letter is, ''We would only be compounding a national tragedy if we normalized relations with Hanoi before you as commander-in-chief can tell us Hanoi is being fully forthcoming in accounting for our missing comrades.''

Compounding a national tragedy. If there are a million Americans, or more than that, watching tonight, Mr. Speaker, I want them to hear those words ringing in their heads tomorrow around noon eastern time, if we reward the war criminals and the war criminal JOP in Hanoi with the final insult, betraying 1.5 million Vietnamese casualties, half a million or more, 700,000 United States wounded, and those 58,747, roughly, names on the Vietnam Wall.

''Perhaps more than any other group of Americans, we desire to put the war behind us, but it must be done in an honorable way.'' And that sentence is underlined. It must be done in an honorable way.

''We, therefore, ask you to send a clear message to Hanoi that America expects full cooperation and disclosure on American prisoners and missing in action before agreeing to establish diplomatic and special trading relations with Vietnam.''

Sincerely, John Peter Flynn, Lieutenant General, Air Force, retired. Robbie Risner, I repeat, my squadron commander at my last base of assignment, Brigadier General. Our own courageous Gary Cooper here from Dallas, SAM JOHNSON, Member of Congress. Eugene Red McDaniel, John A. Alpers, Baugh, Speed, Baldock, Beeler, Boyer, Black, Brown, Carey, Burns, DiBernado, Lieutenant Colonel, Marine Corps, horribly tortured. Franke, Goodermote, Jensen. James Hickerson, Navy, married my good friend Carol Hansen, who lost her handsome young Marine Steve Hansen.

□ 2145

I took their little son, now Jim Hickerson's stepson, Todd, up in the Goodyear blimp to use it as an excuse to talk about the POW's on my television show in 1970. That is 25 years ago. Todd is now 30, flying F–18's in the U.S. Navy. Graduate from Annapolis. James Young. Charlie Plumb, who gives inspirational speeches all over this country, Captain Plumb, U.S. Navy. Larry Friese, Julius Jayroe, Bruce Seeber, Konrad Trautman, most of them in this book. Larry Barbay. I will give the reporters all these names, Mr. Speaker. Ron Bliss, Arthur Burer, James O. Hivner, Gordon Larson, Swede Larson, who told the press at a press conference at an air base in South Vietnam, why do you fly, colonel, they said? He said, I fly to stop the supply of arms and materiel, bayonets coming down the Ho Chi Minh Trail so that these young drafted 18- and 19-year-olds will not face this brutal Communist attempt at conquest of Vietnam. I fly to stop those materiel supplies from killing our young men down in South Vietnam. He was shot down that afternoon. Swede Larson, name carved in a wall, snuck out of the camps, turned up a prisoner years later. His family never gave up hope praying for Swede. Robert Lewis, master sergeant, U.S. Army, another heroic POW; Jim Lamar, colonel. At one time the four colonels were isolated from everybody else. He was one of the first of the four Air Force colonels, Armand Myers, Terry Uyeyama, colonel, U.S. Air Force. I think he is from Hawaii. Richard Vogol. Ted Guy who testified before my committee last week, horrible beatings, 4 years in solitary confinement, just like Congressman JOHNSON. Paul Galanti hit the cover of Life Magazine, sign behind him, clean and neat, all that orchestrated stuff. Laird Guttersen, another Air Force colonel, one of the heroes, I worked closely with his wife, as I did with SAM JOHNSON's wife. Larry Stark, civilian, captured during the Tet offensive, captured while McNamara was skiing in Aspen. So was Michael Benge, walked up the Ho Chi Minh Trail all the way up to Hanoi. Marion Marshall, Richard Mullen, another great Irishman suffered severe torture. Phil Smith, William Stark, Captain Stark, another great Navy guy. David Allwine, Bob Barrett, Jack Bomar, another one of the Air Force colonels, Larry Chesley. SAM JOHNSON just pointed out to me tonight, Larry Chesley was his backseater in his F–4. Chelsey was the first one to get a book out after they came back, 7 years in Hanoi. Being a very junior officer, he was not tortured like SAM, badly, slapped around but nothing severe. And the Mormon church, I remember, helped him publish his book quickly. Came out in the summer of 1973, 2 years before Saigon fell. That was the first of 19 books like this that I have read cover to cover.

I am just now rereading SAM JOHNSON's fabulous motivational and inspiring book. Robert Stirm, C.D. Rice, Bernard Talley, Paul Montague. Leo Thorsness, my friend, Medal of Honor winner. I walked precincts for him up in South Dakota when he had George McGovern on the ropes and then came the Watergate collapse, Nixon's resignation, less than 90 days before the election. And Leo got 47 percent; 4 years later he runs for the House, goes to bed a winner and wakes up, loses by less than 100 votes. I remember coming to our big conference over there. What a great Congressman he would be. Went on to become a State senator in Washington. Tremendous daughter that I worked with, tremendous wife, Gay Lee.

Robert Lerseth, Ray Vodhen. Ray Vodhen, one of our first men captured, F–8 crusader pilot, 8 years in captivity almost. Richard Tangeman. John Pitchford, another colonel, I worked with his wife, another Shirley, I believe, just like Shirley Johnson, SAM's wife. Steven Long, Brian Woods, Dale Osborne.

Steven Long, what a story. I met Steven Long the day he came back and first hit the United States. Then I saw him a couple years ago, to refresh my memory. He was shot down on the Ho Chi Minh Trail. Captured by Pathet Lao and then immediately turned over to the North Vietnamese.

They took him inside a cave in Laos that he said was so massively cavernous that they had three floors in the cave made with bamboo, solid bamboo flooring. And every now and then a person would come by with one of these little Dutchboy hats on that the Pathet Lao wore. And he would say, North Vietnamese? And they would say no, no, Pathet Lao, Pathet Lao. But there was very few of them. He said the cave was filled with North Vietnamese.

Troops moving south. He was moved within 24 hours on his way to the Hanoi prison system. The tragedy about—let us see what rank he retired as. The tragedy with—colonel, U.S. Air Force, so he had a full career.

The tragedy is that Nixon, through Kissinger and Ambassador Larry Eagleburger and current Assistant Secretary for East Asian and Pacific Affairs, Winston Lord, whom I met with one of my sons in Beijing in 1988, as I was getting ready, at my expense, Mr. Speaker, to ride the Trans-Siberian Railroad, these three in Paris, in ascending importance, Winston Lord, Larry Eagleburger, and Kissinger made a tragic mistake. They demanded that Laos, which had a seat in the United Nations then, as did Cambodia, Vietnam did not, they demanded that Laos return all their prisoners.

And they told me to my face, in one of my four visits to Laos, that we have tens of tens of American prisoners, Scot Petroski said that in front of Carol Hanson, now Carol Hickerson, and three of the other wives who have never remarried. They could not find the second hero. He told the five of us, I have tens and tens, and tens of prisoners, over 100 prisoners, and we will return them when you negotiate directly with the Pathet Lao Communists here in Luang Prubong or down in Vien Chong in the Mekong. And, of course, Kissinger said, you will return all prisoners through Hanoi. That is what we negotiated with the people who have the hegemony over the whole area, the ones that Clinton wants to normalize with tomorrow.

The tragedy is that Kissinger kept bombing Laos after January 27, 1973. We bombed for 4 days. then all February. That was not a leap year, 28 days. then all March, all April, all 31 days of May, all June, all 31 days of July and almost up to the end of August. For 8 months we kept bombing Laos and telling them, but return your American prisoners through Hanoi. And Laos told us to go to hell. And do you know what, there is a certain logic to Laos saying, you stop bombing us and we will give your prisoners back. Kissinger won the Nobel Prize, Le Duc Tho refused it because he said, I am not through fighting yet, and he did not. Two years later, without ever receiving the $100,000 or so from the Nobel Prize, up to $300,000 now, he just kept fighting.

To Kissinger's credit, the money he took, because he did take that prize, he gave that money to the families who had missing in action heroes so that their children could use Kissinger's award money for college scholarships. An honorable thing that not many people know about. I want Kissinger to come before my chairmanship and my military personnel committee. I will not have to subpoena him. I want him and Larry Eagleburger and Winston Lord to explain to me how they wrote off Steven Long, colonel of the U.S. Air Force, retired, as a Laotian-held prisoner.

I remember standing in Brentwood, CA, not 100 yards from where Nicole Simpson and Ron Goldman were murdered, at a news rack in front of the Westward Ho market. I am standing there looking at a headline that says, all prisoners were returned from Laos. Nixon wins, it said, all Laotian-held prisoners returned. Not Dave Hrdlicka, not Eugene DeBruin, not Charlie Skelton who was shot down on his 33d birthday, father of five, his oldest son now a Franciscan priest, already ordained 20 years or so.

I said not the four, the people from the plane shot down along the trail of late 1972. This is not what they are talking about. They are talking about people held inside the Hanoi prison system who were captured, like Long, on the Ho Chi Minh Trail, pulled into those caves and sent off to the Hanoi system, to Dogpatch, to the Plantation, to New Guy Village or to the dreaded hellhole of Wallow. They were held there, all 10 of them.

There was one exception, Ernie Brace, a CIA Air American crewman, captured, the rest of his crew was killed. He was taken to Dien Bien Phu, which is right on the border between Laos, just inside North Vietnam. He was held there for 3 weeks. Then taken to Hanoi. And the first person who tapped him up on the wall was young JOHN MCCAIN, now a U.S. Senator.

So except for 3 weeks with Ernie Brace, all of the 10 were held in the Hanoi prison system. Bottom line: Not a single American hero returned from Laos. And before somebody nitpicks, yes, there was Dieter Dengler, who had been an Eastern Airlines pilot up to its collapse and probably retired, maybe still flying. Dieter Dengler escaped with the young Air Force lieutenant, Dean something, watched Dean totally, cleanly beheaded right in front of him by a farmer with a machete and got up and ran until his body was slashed from all the vines and staggered into a small encampment in south Laos, an absolute wreck. That was an escape case.

And then the pilot of one of these 89th Squadron perk flights out of Andrews that took a Lester Wolff CODEL into Moscow. I am sitting with him in the Ukrainia Hotel. He tells me how he was shot down in an old V–10 in Laos. His backseater, I can still remember the call sign Shoebox. They were being beaten in a small hootch by Pathet Lao Communists who could not speak English. They were screaming back at him, taking the Lord's name in vain, why are you yelling at us, what are you beating us for? We can—cannot speak English. And they take the master sergeant Shoebox outside. And all of a sudden they hear helicopters fly over. And he says, he hears Shoebox, a bloodcurdling scream. And they untie him from this bamboo pole inside the hootch. He still had a pole through his arms. And they drag him outside, and he sees Shoebox stabbed in the lower abdomen and cut all the way up to his throat, his intestines coming out. He said his legs went to jelly under him. He collapsed on the ground.

They picked him up and dragged him along, his legs dragging in the ground. Then all of a sudden the helicopter makes another low pass and they run off into the jungle and leave him there. He gets his footing back, stands up and runs into the jungle. The bamboo pole through his arms is hitting the trees and he thinks he is going to break his neck with a whiplash until finally the bamboo pole collapses and he puts it in front of him like wings and runs through the woods and comes into a clearing in the woods.

As he is telling me this in this filthy hotel in Moscow, built in the late 1940's, Gothic looking, ugly looking, one of the seven sisters, tears are running down his face, telling me how the helicopter comes down low over him and then climbs up over the tree line and he breaks down crying like a baby.

He says, all of a sudden four people pounce on him and he begins to fight. And he says it reminds me now in retrospect like one of these cartoons in the comics in the newspaper where you just see a ball of activity with arms and legs and fur coming out of it. And he said, all of a sudden he is punching these guys in the face. All of a sudden he is aware of a downdraft and they lift him up in the air and throw him on a helicopter and climb in after him, and they were friendly Laotian forces, an insert team that helped rescue this Air Force colonel, name forgotten to me, flying our 707 into Moscow.

He said the copilot, like in the movie, turns around and says, do you want a beer? And he said they took him back.

Never have seen this story reported anywhere, checked it out, found out it was true. That is one of the air escape cases from Laos. But he was never recorded a prisoner. There was one man shot down after January 1973 that Senator Cranston intervened on his behalf. We got him back sometime in 1974 or early 1975.

I know all the exception cases, so do not anybody write me who is watching on C–SPAN that I do not know what I am talking about. I am a bloody expert on this issue for 30 years. That is why I have every right to say, it is a treachery to normalize relations with the war criminals in Hanoi, to tell dictatorships all over the world that you do not ever have to have an election. There is no election planned in Vietnam and they have told us there never will be. Castro, for over three decades, has never had an election and never will have until God takes him out. He will have his cells filled with political prisoners.

☐ 2200

China, what are they doing to American Harry Wu? They will not even let us meet with him, violating every diplomatic code. North Korea, in concert with Iran, trying to send them New Dawn missiles, the capability to strike not just Israel but to strike into Europe, into NATO countries, cover all of Turkey with missiles. It is unbelievable that we should rationalize we are playing China off against Vietnam. We tried to play Iraq against Iran.

Mr. Speaker, I will close with this. Ask the 148 families of Americans who lost our men in the Gulf war, or the 99 British and French and allied people who lost men. Ask them if they think it was good to play the Iraq card against Iran. It is going to be a disgraceful day in our history tomorrow.

Mr. Speaker, I include for the RECORD a press release from the American Defense Institute and a copy of a letter to President Clinton:

THE AMERICAN DEFENSE INSTITUTE,
Alexandria, VA, July 10, 1995.

FORMER UNITED STATES POW'S OPPOSE NORMALIZATION WITH VIETNAM

ALEXANDRIA, VA.—In a letter sent to President Clinton today, 60 former U.S. POWs—including Congressman Sam Johnson, (R–TX); LtGen John Peter Flynn, USAF (Ret); BG Robinson Risner, USAF (Ret); and Captain Red McDaniel, USN(Ret)—from the Vietnam War expressed their opposition to establishing diplomatic relations with Vietnam ''until you, as Commander in Chief, tell us Hanoi is being fully forthcoming in accounting for our missing comrades.'' The letter was sent by Captain McDaniel, President of the American Defense Institute, on behalf of former U.S. POWs from Vietnam concerned with recent reports that a White House announcement of the move is imminent.

''While we appreciate Vietnam's support for U.S. crash site recovery and archival research efforts,'' the former POWs stated, ''we know first-hand Vietnam's ability to withhold critical information while giving the appearance of cooperation.''

Elsewhere in the letter, the former POWs contend that Hanoi ''could do much more'' to resolve many of the unresolved POW/MIA cases.

''Some of our fellow servicemen became missing during the same incidents which we survived. . . Some were captured and never heard from again. . . Still others were known to have died in captivity, yet their remains have not been repatriated to the United States.''

The former POWs expressed their concern that many of the ''reports from U.S. and Russian intelligence sources that maintain several hundred unidentified American POWs were held separately from us during the war, in both Laos and Vietnam, and were not released by Hanoi during Operation Homecoming in 1973. . . have yet to be fully investigated'' and called on the President to ''send a clear message to Hanoi that America expects full cooperation and disclosure on American POWs and MIAs before agreeing to establish diplomatic and special trading privileges with Vietnam.''

Attached is a copy of the letter and the list of the former POWs.

JULY 10, 1995.

AN OPEN LETTER TO PRESIDENT CLINTON FROM FORMER U.S. POW'S

Hon. WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES, THE WHITE HOUSE, WASHINGTON, DC.

DEAR MR. PRESIDENT: As former U.S. Prisoners of war during the Vietnam Conflict, we are writing to request not to establish normal diplomatic relations with Vietnam until you can certify that there has been full disclosure and cooperation by Hanoi on the POW/MIA issue. While we appreciate Vietnam's support for U.S. crash site recovery and archival research efforts, we know first-hand Vietnam's ability to withhold critical information while giving the appearance of cooperation. We were all subjected to such propaganda activity during the war, and we would be the least surprised if Hanoi was continuing to use similar tactics in its dealings with the United States.

Of particular concern to us are the several hundred POW/MIA cases involving our fellow servicemen who were captured or lost in enemy-controlled areas during the war, yet they still have not been accounted for by Vietnam. We understand that much of the fragmentary information provided by Vietnamese officials to date indicates they could do more to resolve these cases.

Some of our fellow servicemen became missing during the same incidents which we survived. They have not been accounted for. Some were captured and never heard from again. They have not been accounted for. Some were known to have been held in captivity for several years and their ultimate fate has still not been satisfactorily resolved. They have not been accounted for. Still others were known to have died in captivity, yet their remains have not been repatriated to the United States. They have not been accounted for.

Finally, we remain deeply concerned with reports from U.S. and Russian intelligence sources that maintain several hundred unidentified American POWs were held separately from us during war, in both Laos and Vietnam, and were not released by Hanoi during Operation Homecoming in 1973. Many of these reports have yet to be fully investigated.

American deserves straightforward answers if Vietnam really wants normalized diplomatic and economic relations. If Vietnam truly has nothing to hide on the POW/MIA issue, then why have they not released their wartime politburo and prison records on American POWs and MIAs? Why have they not fully disclosed other military records on POWs and MIAs?

We would only be compounding a national tragedy if we normalized relations with Hanoi before you, as Commander in Chief, can tell us Hanoi is being fully forthcoming in accounting for our missing comrades.

Perhaps more than any other group of Americans, we want to put the war behind us. But it must be done in an honorable way. We, therefore, ask you send a clear message to Hanoi that America expects full cooperation and disclosure on American POWs and MIAs before agreeing to establish diplomatic and special trading privileges with Vietnam.

Sincerely,

John Peter Flynn, Lt Gen, USAF(ret); Robinson Risner, Brig Gen, USAF(ret); Sam Johnson, Member of Congress; Eugene ''Red'' McDaniel, CAPT, USN(ret); John A. Alpers, Lt Col, USAF(ret); William J. Baugh, Col, USAF(ret); Adkins, C. Speed, MAJ, USA(ret); F.C. Baldock, CDR, USN(ret); Carroll Beeler, CAPT, USN(ret); Terry L. Boyer, Lt Col, USAF(ret); Cole Black, CAPT USN(ret); Paul G. Brown, LtCol, USMC(ret); David J. Carey, CAPT, USN(ret); John D. Burns, CAPT, USN(ret); James V. DiBernado, LtCol, USMC(ret); F.A.W. Franke, CAPT, USN(ret); Wayne Goodermote, CAPT, USN(ret); Jay R. Jensen, Lt Col, USAF(ret); James M. Hickerson, CAPT, USN(ret); James F. Young, Col, USAF(ret); J. Charles Plumb, CAPT USN(ret); Larry Friese, CDR, USN(ret); Julius Jayroe, Col, USAF(ret); Bruce Seeber, Col, USAF(ret); Konrad Trautman, Col, USAF(ret); Lawrence Barbay, Lt Col, USAF(ret); Ron Bliss, Capt, USAF(ret); Arthur Burer, Col, USAF(ret); James O. Hivner, Col, USAF(ret); Gordon A. Larson, Col, USAF(ret); Robert Lewis, MSgt, USA(ret); James L. Lamar, Col, USAF(ret); Armand J. Myers, Col, USAF(ret); Terry Uyeyama, Col, USAF(ret); Richard D. Vogel, Col, USAF(ret); Ted Guy, Col, USAF(ret); Paul E. Galanti, CDR, USN(ret); Laird Guttersen, Col, USAF(ret); Lawrence J. Stark, Civ; Michael D. Benge, Civ; Marion A. Marshall, Lt Col, USAF(ret); Richard D. Mullen, CAPT, USN(ret); Philip E. Smith, Lt Col, USAF(ret); William Stark, CAPT, USN(ret); David F. Allwine, MSgt, USA(ret); Bob Barrett, Col, USAF(ret); Jack W. Bomar, Col, USAF(ret); Larry J. Chesley, Lt Col, USAF(ret); C.D. Rice, CDR, USN(ret); Robert L. Stirm, Col, USAF(ret); Bernard Talley, Col, USAF(ret); Paul Montague, Civ; Leo Thorsness, Col, USAF(ret); Robert Lerseth, CAPT, USN(ret); Ray A. Vodhen, CAPT, USN(ret); Richard G. Tangeman, CAPT, USN(ret); John Pitchford, Col, USAF(ret); Steven Long, Col, USAF(ret); Brian Woods, CAPT, USN(ret); Dale Osborne, CAPT, USN(ret).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRAHAM (at the request of Mr. ARMEY), for today until 7:30 p.m., on account of illness.

Mr. MFUME (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. ROTH, for 5 minutes, today.

(The following Members (at the request of Mr. LUTHER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. SHAYS.

Mr. BILBRAY.

Mr. MARTINI in two instances.

Mr. GILMAN in three instances.

Mr. LATHAM.

(The following Members (at the request of Mr. LUTHER) and to include extraneous matter:)

Mr. STUPAK.

Mr. FRANK of Massachusetts.

Mr. FARR.

Mr. TOWNS in three instances.
Mr. TORRES.
Mr. MILLER of California.
Mr. JACOBS.
Mr. HINCHEY in two instances.
Mr. NEAL.
Mr. MENENDEZ.
Mr. YATES.
Mr. UNDERWOOD.
(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)
Mr. WAXMAN.
Mr. DORNAN.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 11, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1151. A letter from the Assistant Secretary (Legislative Affairs and Public Liaison), Department of the Treasury, transmitting a copy of a Presidential memorandum: Certification regarding use of the exchange stabilization fund and Federal Reserve in relation to the economic crisis in Mexico, pursuant to Public Law 104–6, section 406(a) (109 Stat. 91); to the Committee on Banking and Financial Services.

1152. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the fourth quarter of calendar year 1994, pursuant to 42 U.S.C. 5848; to the Committee on Commerce.

1153. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Bahrain (Transmittal No. 27–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1154. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Thailand (Transmittal No. DTC–40–95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1155. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to New Zealand (Transmittal No. DTC–36–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1156. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–29: Determination to authorize the furnishing of emergency military assistance to the United Nations in support of the Rapid Reaction Force in Bosnia under section 506(a)(1) of the Foreign Assistance Act, pursuant to 22 U.S.C. 2318(a)(1); to the Committee on International Relations.

1157. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in May 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

1158. A letter from the Deputy and Acting CEO, Resolution Trust Corporation, transmitting the corporation's annual management report for the year ended December 31, 1994, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

1159. A letter from the The Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1994, pursuant to 2 U.S.C. 139; to the Committee on House Oversight.

1160. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the proceedings of the Judicial Conference of the United States, held in Washington DC, on March 14, 1995, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

1161. A letter from the Secretary of Commerce, transmitting the third report on the impact of increased aeronautical and nautical chart prices, pursuant to 44 U.S.C. 1307(a)(2)(A); to the Committee on Transportation and Infrastructure.

1162. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Bulgaria, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104–92); to the Committee on Ways and Means and ordered to be printed.

1163. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to designate defense acquisition pilot programs in accordance with National Defense Authorization Act for fiscal year 1991, and for other purposes; jointly, to the Committees on National Security, Government Reform and Oversight, and Small Business.

1164. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation entitled, ''Medicare and Medicaid Payment Integrity Act of 1995''; jointly, to the Committees on Ways and Means, Commerce, and the Budget.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 1826. A bill to repeal the authorization of transitional appropriations for the U.S. Postal Service, and for other purposes (Rept. 104–174). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EMERSON:
H.R. 1997. A bill to provide flexibility to States in the administration of the Food Stamp Program, consolidation of the commodity distribution programs, and for other purposes; to the Committee on Agriculture.

By Mr. BARR:
H.R. 1998. A bill to provide for State credit union representation on the National Credit Union Administration Board, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. NORWOOD:
H.R. 1999. A bill to establish the Augusta Canal National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mr. SANDERS (for himself, Mr. MCHALE, Mr. HINCHEY, Mr. DELLUMS, and Mr. FALEOMAVAEGA):
H.R. 2000. A bill to amend the Agricultural Act of 1949 to provide for the establishment of a multiple-tier price support program for milk to assist milk producers to receive an adequate income from their dairy operations and to support long-term conservation practices by milk producers, while assuring sufficient low-cost dairy products for nutrition assistance programs; to the Committee on Agriculture.

By Mr. BOEHNER:
H. Res. 183. Resolution electing Representative GREG LAUGHLIN of Texas to the Committee on Ways and Means; considered and agreed to.

By Mrs. MALONEY (for herself, Mr. MILLER of California, Ms. PELOSI, Mr. DELLUMS, Ms. MCKINNEY, Ms. VELAZQUEZ, Mr. FATTAH, Ms. LOFGREN, Mr. FALEOMAVAEGA, and Mr. REYNOLDS):
H. Res. 184. Resolution amending the Rules of the House of Representatives to require that committee reports accompanying reported bills and joint resolutions contain a detailed analysis of the impact of the bill or joint resolution on children; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

126. The SPEAKER: Presented a memorial of the General Assembly of the State of Nevada, relative to custody requirements for prisoners that exceed constitutional requirements; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SCOTT introduced a bill (H.R. 2001) for the relief of Norton R. Girault; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. MANZULLO, Mrs. MEEK of Florida, Mr. PORTER, Mr. GILCHREST, Mr. MASCARA, Mr. HAYWORTH, and Mr. DE LA GARZA.
H.R. 218: Mr. ANDREWS.
H.R. 248: Mr. WATTS of Oklahoma, Mr. BEILENSON, Mr. FRAZER, Mr. ENGLISH of Pennsylvania, and Mr. BOUCHER.
H.R. 263: Mr. SERRANO and Mr. MANTON.
H.R. 371: Mr. COLEMAN.
H.R. 491: Mr. DUNCAN.
H.R. 661: Mr. MINGE.
H.R. 677: Mr. TORKILDSEN, Mr. MATSUI, and Mr. STUDDS.
H.R. 709: Mr. ENGEL and Ms. DELAURO.
H.R. 733: Mr. GUTIERREZ, Ms. PELOSI, Mr. SHADEGG, and Mr. JOHNSTON of Florida.
H.R. 734: Mr. GUTIERREZ and Mr. SHADEGG.
H.R. 736: Mr. STOCKMAN, Mr. DOOLITTLE, and Mr. WICKER.
H.R. 739: Mrs. SEASTRAND, Mr. CHAMBLISS, and Mr. BONO.
H.R. 789: Mrs. VUCANOVICH and Mr. ZIMMER.
H.R. 833: Mr. WILLIAMS.
H.R. 835: Mr. REYNOLDS.

H.R. 863: Ms. RIVERS, Mr. BROWN of California, Mr. DELLUMS, Ms. FURSE, and Mr. POSHARD.

H.R. 868: Mr. BURTON of Indiana, Mr. SHAYS, and Mrs. MEYERS of Kansas.

H.R. 882: Mr. LUTHER, Ms. LOFGREN, Mr. DEFAZIO, Mr. ENGEL, Mr. RANGEL, and Mrs. KELLY.

H.R. 940: Mr. MINETA.

H.R. 941: Mr. DELLUMS, Mr. TRAFICANT, Mr. ABERCROMBIE, Mr. EVANS, Mr. FRAZER, Mr. MEEHAN, Mr. NADLER, Ms. NORTON, Mrs. MALONEY, Mr. PAYNE of New Jersey, and Mr. ENGEL.

H.R. 1006: Mr. ENGEL.

H.R. 1021: Mr. MCHALE.

H.R. 1066: Mr. ENGEL.

H.R. 1083: Mr. KINGSTON and Mr. BAKER of Louisiana.

H.R. 1143: Mr. BERMAN, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, Mr. TOWNS, Mr. LIVINGSTON, Mr. FROST, Mr. STUPAK, Mr. LAHOOD, Mr. PAXON, Mr. MCHUGH, Mr. HEINEMAN, Mr. INGLIS of South Carolina, Mr. KING, Ms. LOFGREN, Ms. RIVERS, Mr. SANFORD, Mr. ENGEL, and Mr. CRAMER.

H.R. 1144: Ms. RIVERS, Ms. LOFGREN, Mr. KING, Mr. INGLIS of South Carolina, Mr. HEINEMAN, Mr. MCHUGH, Mr. PAXON, Mr. LAHOOD, Mr. STUPAK, Mr. FROST, Mr. LIVINGSTON, Mr. TOWNS, Mr. ENGLISH of Pennsylvania, Mr. CUNNINGHAM, Mr. BERMAN, Mr. SANFORD, Mr. ENGEL, and Mr. CRAMER.

H.R. 1145: Mr. SANFORD, Mr. ENGEL, Mr. CRAMER, Mr. DOYLE and Mr. LATOURETTE.

H.R. 1154: Mr. SMITH of New Jersey, Mr. MANZULLO, and Mr. MARTINI.

H.R. 1169: Mr. SERRANO and Mr. ENGEL.

H.R. 1204: Mr. MCDERMOTT.

H.R. 1314: Mr. GORDON.

H.R. 1356: Mr. OWENS, Mr. POSHARD, and Mr. BROWN of California.

H.R. 1376: Mr. SOLOMON, Ms. LOFGREN, Mr. TORRES, Mr. THOMPSON, Mr. BARCIA of Michigan, Mr. CLINGER, Mr. ACKERMAN, Mr. MINETA, and Mr. HEINEMAN.

H.R. 1377: Mr. ZIMMER.

H.R. 1381: Ms. MCKINNEY and Mr. HILLIARD.

H.R. 1444: Mr. FALEOMAVAEGA, Mr. FARR, Ms. NORTON, Mrs. MALONEY, and Ms. LOFGREN.

H.R. 1533: Mr. DORNAN and Mr. LOBIONDO.

H.R. 1559: Mr. LAFALCE, Ms. SLAUGHTER, Mr. REYNOLDS, Mr. CAMP and Mr. DOYLE.

H.R. 1560: Mr. RUSH.

H.R. 1568: Mr. ENGEL.

H.R. 1594: Ms. PRYCE and Mr. ALLARD.

H.R. 1610: Mr. HORN and Mr. GREENWOOD.

H.R. 1675: Mr. DICKEY.

H.R. 1716: Mr. EMERSON.

H.R. 1735: Mr. RANGEL, Mr. FROST, Mr. EVANS, Mr. FRAZER, Ms. MCKINNEY, Mr. ENGEL, and Mr. BORSKI.

H.R. 1744: Mr. ROTH.

H.R. 1758: Mr. SERRANO and Mr. COLEMAN.

H.R. 1765: Mr. STUMP, Mrs. ROUKEMA, Mr. SKEEN, Mr. PACKARD, Mrs. CHENOWETH, and Mrs. SEASTRAND.

H.R. 1863: Mr. HILLIARD, Mr. VENTO, Mr. GENE GREEN of Texas, Mr. SKAGGS, and Mr. FATTAH.

H.R. 1872: Mr. BALDACCI and Mrs. SCHROEDER.

H.R. 1885: Mr. EWING and Mr. BASS.

H.R. 1891: Mr. BEILENSON.

H.R. 1915: Mrs. SEASTRAND, Mr. PETE GEREN of Texas, Mr. WILSON, and Mr. STOCKMAN.

H.R. 1930: Mr. DEUTSCH, Ms. ROS-LEHTINEN, Mrs. LOWEY, and Ms. MOLINARI.

H.R. 1947: Mr. ENGLISH of Pennsylvania and Mr. BAKER of Louisiana.

H.R. 1984: Mr. HANCOCK.

H. Con. Res. 50: Mr. DAVIS, Ms. HARMAN, Mr. TORRICELLI, and Mr. WOLF.

H. Con. Res. 54: Ms. HARMAN.

H. Con. Res. 76: Mr. TORRES, Ms. ESHOO, Ms. LOFGREN, and Ms. NORTON.

H. Res. 122: Mr. ENGEL.

H. Res. 142: Mr. REYNOLDS, Mr. SAWYER, Mr. CLAY, Mrs. MINK of Hawaii, Mr. HASTINGS of Florida, Mr. THOMPSON, Mr. ROMERO-BARCELO, Mr. RANGEL, Mrs. SCHROEDER, Mr. CONYERS, Mr. WATT of North Carolina, Mr. ENGEL, and Mr. BOUCHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1905

OFFERED BY: MR. MARKEY

AMENDMENT NO. 34: Page 29, after line 25, insert the following new section:

SEC. 505. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Energy Supply, Research and Development Activities'', and increasing the amount made available for ''Nuclear Waste Disposal Fund'' and ''Nuclear Regulatory Commission—Salaries and Expenses'' (consisting of an increase of $200,000,000 and $11,000,000, respectively), by $211,000,000.

H.R. 1905

OFFERED BY: MR. SANDERS

AMENDMENT NO. 35: Page 16, line 1, after the dollar amount, insert the following: ''(less $20,000,000)''.

H.R. 1905

OFFERED BY: MR. SANDERS

AMENDMENT NO. 36: Page 16, line 1, after the dollar amount, insert the following: ''(less $53,923,000)''.

H.R. 1905

OFFERED BY: MR. SANDERS

AMENDMENT NO. 37: Page 16, line 1, after the dollar amount, insert the following: ''(less $255,698,000)''.

H.R. 1905

OFFERED BY: MR. SANDERS

AMENDMENT NO. 38: Page 18, strike lines 8 through 20.

H.R. 1976

OFFERED BY: MR. BREWSTER

AMENDMENT NO. 1: At the end of the bill, add the following new title:

TITLE VIII—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND; DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 801. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Deficit Reduction Trust Fund'' (in this title referred to as the ''Fund'').

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—The Secretary of the Treasury shall transfer to the Fund an amount equal to the allocations under section 602(b)(1) of the Congressional Budget Act of 1974 to the subcommittee of the Committee on Appropriations with jurisdiction over this Act minus the aggregate level of new budget authority and outlays resulting from the enactment of this Act, as calculated by the Director of the Office of Management and Budget.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

(e) DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the adjusted discretionary spending limits (new budget authority and outlays) as set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by the aggregate amount of estimated reductions in new budget authority and outlays transferred to the Fund under subsection (c) for such fiscal year, as calculated by the Director.

H.R. 1976

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2: Page 69, strike lines 17 and 18 and insert a period.

H.R. 1976

OFFERED BY: MR. SANDERS

AMENDMENT NO. 3: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act may be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

H.R. 1976

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act may be used to pay the salaries of personnel who carry out the annual programs established under the Agricultural Act of 1949 for wheat, feed grains, upland cotton, extra long staple cotton, rice, and other commodities when the total amount of payments under one or more of such programs exceed $50,000 per producer.

H.R. 1977

OFFERED BY: MR. BREWSTER

AMENDMENT NO. 3: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND, DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 401. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Deficit Reduction Trust Fund'' (in this title referred to as the ''Fund'').

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—The Secretary of the Treasury shall transfer to the Fund an amount equal to the allocations under section 602(b)(1) of the Congressional Budget Act of 1974 to the subcommittee of the Committee on Appropriations with jurisdiction over this Act minus the aggregate level of new budget authority and outlays resulting from the enactment of this Act, as calculated by the Director of the Office of Management and Budget.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury

shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

(e) DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the adjusted discretionary spending limits (new budget authority and outlays) as set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by the aggregate amount of estimated reductions in new budget authority and outlays transferred to the Fund under subsection (c) for such fiscal year, as calculated by the Director.

H.R. 1977

OFFERED BY: MR. CREMEANS

AMENDMENT NO. 4: Page 94, after line 24, add the following:

Sec. 318. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring land in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

H.R. 1977

OFFERED BY: MR. FOX

AMENDMENT NO. 5: Page 56, line 3, strike ''$552,871,000'' and insert ''$602,871,000''.

Page 56, line 10, strike ''$133,946,000'' and insert ''$183,946,000''.

Page 56, line 17, strike ''$107,466,000'' and insert ''$157,446,000''.

Page 58, line 12, strike ''$79,766,000'' and insert ''$29,766,000''.

H.R. 1977

OFFERED BY: MR. SANDERS

AMENDMENT NO. 6: Page 94, after line 24, insert the following:

Sec. 318. None of the funds appropriated or otherwise made available by this Act may be used to issue a domestic livestock grazing permit for the grazing season which commences on March 1, 1996, with respect to National Forest lands in the 16 contiguous Western States (except National Grasslands) administered by the Forest Service or to public domain lands administered by the Bureau of Land Management when it is made known to the Federal official having authority to obligate or expend such funds that annual domestic livestock grazing fee required pursuant to such permit is for less than fair market value.

H.R. 1977

OFFERED BY: MR. SANDERS

AMENDMENT NO. 7: Page 94, after line 24, insert the following:

SEC. 318. None of the funds appropriated or otherwise made available by this Act may be used to enter into or renew a contract to provide public accommodations, facilities, or services within the National Park System when it is made known to the Federal official having authority to obligate or expend such funds that such contract was entered into or renewed on a basis other than competitive bidding without preferences and that such contract does not include measures needed to ensure the protection and preservation of park resources.

H.R. 1977

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: Page 94, after line 24, insert the following new section:

SEC. 318. None of the funds made available in this Act may be used to sell any part of the United States share of petroleum produced from the naval petroleum reserves when it is made known to the Federal disbursing official concerned that any such sale is at a price below the prevailing local market price of comparable petroleum.

H.R. 1977

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 9: Page 34, line 24, strike ''$65,705,000'' and insert ''$61,125,000''.

Page 35, line 11, insert after ''272);'' the following: ''(2) $4,580,000 shall be available for impact aid for Guam under Public Law 99–239 (relating to the Compact of Free Association);''.

Page 35, line 11, strike ''(2)'' and insert ''(3)''.

H.R. 1977

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 10: Page 34, line 24, insert after ''$65,705,000'' the following: ''(less $4,580,000 for technical assistance)''.

Page 35, line 11, insert after ''272);'' the following: ''(2) $4,580,000 shall be available for impact aid for Guam under Public Law 99–239 (relating to the Compact of Free Association);''.

Page 35, line 11, strike ''(2)'' and insert ''(3)''.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, MONDAY, JULY 10, 1995 *No. 110*

Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, infinite, eternal, and unchangeable, full of love and compassion, abundant in grace and truth, we praise You for being the faithful initiator and inspiration of prayer. We need not search for You, because You have found us; we need not ask for Your presence, because You already are impinging on our minds and hearts; we need not convince You of our concerns, because You know what we need even before we ask. What we do need are humble and receptive minds. Awe and wonder grip us as we realize that You want our attention and want to use us to accomplish Your plans for our Nation. We openly confess the inadequacy of our limited understanding. Infuse us with Your wisdom.

The week ahead is filled with crucial and controversial issues to be debated and decided. Reveal Your will for what is best for our Nation. We yield our minds to think, and then communicate, Your thoughts. Invade our attitudes with Your patience so that we will be able to work effectively with those who differ with us. Help us to listen to others as attentively as we want them to listen to us. In the midst of controversy keep us unified in the bond of our greater commitment to be servant-leaders of our Nation.

And as we press on with our work that You have given us to do, we commit to You the care of our loved ones and friends who need Your physical healing and Your spiritual strength. In Your holy name, Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. Thank you, Mr. President.

We have morning business until 1 o'clock, with Senators permitted to speak for up to 10 minutes each. At 1 o'clock, we resume consideration of S. 343, the regulatory reform bill. Under a previous order, Senator ABRAHAM will be recognized to offer an amendment on small business. At 3 o'clock, the Abraham amendment will be set aside so that Senator NUNN may offer an amendment with Senator COVERDELL regarding regulatory flexibility.

At 5:15, we begin two back-to-back votes—a vote on or in relation to the Abraham amendment, to be immediately followed by a vote on or in relation to the Nunn-Coverdell amendment. So there will be at least two rollcall votes today, and there could be further rollcall votes into the evening.

Let me indicate to my colleagues, this is Monday morning. This is a very important piece of legislation. It is controversial in some quarters. We hope to end up with a strong bipartisan bill. But I will alert my colleagues, we will have long days all this week, including Friday. So I do not want people expecting that on Friday there will be no votes or maybe be one vote at 11 o'clock in the morning. That can change if we complete action on this bill, but I doubt that will happen.

In addition, we were not able to complete action on the rescissions package before we left a week ago Friday. That bill will come up when there is an agreement without amendment to go to final passage.

I understand there may be some discussion of that later on today. It is a bill that saves about $9.2 billion. It was blocked by two of my colleagues before the recess. I hope that their concerns may be satisfied by the administration. I hope the administration can deal with our Democratic colleagues with reference to that bill.

It has many important items in the bill, including disaster relief for Oklahoma City, earthquake relief for California, and a number of other—in fact, there are some 30 States for which this bill includes some disaster money. So it is an important bill. It is one we should pass.

It also saves $9.2 billion overall. It is very important that we pass that bill at the earliest possible time. I commend the White House for at least notifying the agencies not to spend any money that is not authorized in that rescissions bill. So that is a step in the right direction.

Now, if they can convince a couple of our colleagues to let us pass the bill, we could do that at any time today or tomorrow if an agreement is reached.

But I again indicate it is going to be a full week. We are already eating into the August recess. We have some ''must'' legislation we hope to complete between now and sometime in August. We will have a final schedule to all of our colleagues by the end of the week.

Mr. President, was leaders' time reserved?

The PRESIDING OFFICER (Mr. KYL). Yes, leaders' time was reserved.

DISTORTIONS OF REGULATORY REFORM BILL

Mr. DOLE. Mr. President, now that we have begun consideration of regulatory reform, the defenders of the status quo have settled on the weapon of last resort: fear. Thus, we have reporters and pundits pronouncing in strident tones ''the rollback of 25 years of environmental protection,'' the likelihood

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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of increased outbreaks of E. coli food poisoning, and the horror of placing a pricetag on human life.

The sky is falling is undoubtedly next.

The only problem with all these arguments is that they are absolutely false, not just false in some small way, but false in every way. Apparently, the Chicken Littles who have engaged in these scare tactics did not even bother to read the legislation.

Had they done so, they would realize that most of the bill merely codifies Executive orders issued by every President since the Ford administration. Had they done so, they would realize this is a bipartisan piece of legislation that balances commonsense reform with the need to protect health, safety, and the environment. So here are a few facts—although I am not certain from some of the reports I read, the Ralph Naders, and the Bob Herberts of the New York Times, and others, even care about facts—but just in case somebody might care about facts, let me state some facts, and I quote directly from the legislation conveniently ignored by these liberal distortions:

Our regulatory reform legislation protects existing environmental health and safety laws.

Our legislation makes explicit that regulatory reform measures supplement and [do] not supersede—supplement and do not supersede. We are not going to supersede any law, we are going to supplement existing environmental health and safety requirements. Congress chooses the goals, and all we ask is that among several options achieving those goals that the one imposing the least possible burden be selected.

We do not see a problem, if you are going to have all these options, and one will accomplish the job with the least burden on the American taxpayer, the American consumer, the American businessman, generally small business men and women, why should we not choose that option?

However, a cost-benefit analysis of proposed regulations is not required before issuing rules that address an ''emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.'' If nonquantifiable benefits to ''health, safety, or the environment'' call for a more costly regulatory alternative, the agency is free to make that choice as well. And rules subject to a proposed congressional 60-day review period may be implemented without delay if ''necessary because of an imminent threat to health or safety or other emergency.'' So it seems to me we have made it rather clear.

Some rollback.

Our regulatory reform legislation protects food safety.

Perhaps the most cowardly argument has been the one that suggests that our legislation would, in the words of one overly distraught commentator, mount ''an all-out assault on food safety regulations'' and block implementation of the Agriculture Department's proposed meat inspection regulations.

Does any reasonable person really believe that any politician, Democrat or Republican, is trying to gut food safety laws? Of course not. But for those who have made a career on scare tactics, this argument will apparently do. If they make it, surely somebody in the media will repeat it and repeat it and repeat it. That has been done for the past several days.

All of the protections in the bill noted above apply here, too, especially the one exempting a regulation from any delay if there is ''an emergency or health or safety threat.'' But there are several additional ironies. First, the Agriculture Department already conducted a cost-benefit analysis of the meat inspection rule, and it passed. Second, in the entire bill the only time health inspections are mentioned, it is to exempt them from risk assessment requirements under this bill.

Our regulatory reform legislation does not place a price tag on human life.

The argument that regulatory reform would place a price tag on human life usually carries with it the notion that some lives will be worth more than others. This is a cynical argument and is completely at odds with what the bill would actually accomplish.

First, not only does the bill avoid putting a price tag on life, it explicitly recognizes that some values are not capable of quantification. Thus, both costs and benefits are defined in the legislation to include nonquantifiable costs and benefits.

The legislation also provides that in performing a cost-benefit analysis, there is no requirement to do so ''primarily on a mathematical or numerical basis.'' And, second, agencies may choose higher cost regulations where warranted by ''nonquantifiable benefits to health, safety or the environment.''

Nothing could be more clear to this Senator, and we hope we have made it clear in the bill, which is sponsored by Republicans and Democrats.

Mr. President, I have quoted from the bill wherever possible. It is interesting that opponents of the bill never do. They probably have never seen the bill and do not know the numbers, and they do not intend to read it. They have bought into this nonsense that some Members of Congress are for dirty meat, that we want dirty meat—that is what I have read—that we want people to die of food poisoning.

I know they do not like to read these things because it is inconvenient, and they do not want the facts in many cases. But I challenge the opponents to stop distorting the truth and start seeking it. They can read the bill. To help them, I have prepared a summary of provisions that address the protections for health, safety, and the environment that I will include with this statement in the RECORD.

Then opponents can start telling us why they are really upset by regulatory reform. I suspect it has less to do with threats to the environment and more to do with the threat to Federal power in Washington, DC.

We have a lot of bureaucrats that might lose their jobs if we can ease some of the burdens on consumers, farmers, ranchers, small businessmen and women, the people who have to pay for all the regulations, and, in some cases, the costs exceed the benefits. In some cases, there are no benefits at all. The most costly regulations are usually the ones that impose a Government-knows-best requirement, and there is an entire culture devoted to telling the American people that the Government knows best; Washington, DC, knows best.

Our legislation is a direct threat to a smug assertion. By golly, we ordinary Americans hope you agencies do not take it personally, but we would really like you to show us why a rule imposing hundreds of millions of dollars makes sense and was the only way to do it.

So we think we are on to something here. It should not be a partisan issue, and it is not a partisan issue. A lot of my good colleagues on the other side of the issue are supporting this, and we hope to have more before the week is out.

The opponents are right in one respect: This is one of the most important pieces of legislation this Congress will address. Americans pay more in regulatory costs than they do to Uncle Sam through income taxes. Overregulation costs the American family an estimated $6,000 a year. I believe we can ensure regulations that both promote important goals like food safety and also minimize costs wherever possible, and I believe it is our obligation to do so. In that respect, I am an optimist. I have never succumbed to the chirpings of the Chicken Littles and do not intend to start now.

Mr. President, I ask unanimous consent that a section-by-section analysis of this legislation, particularly as it relates to protection of human health, safety, and environment, be printed in the RECORD.

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

S. 343: Responsible Regulatory Reform That Protects Health, Safety and the Environment

S. 343 DOES NOT OVERRIDE EXISTING HEALTH, SAFETY AND ENVIRONMENTAL LAWS

Sec. 624(a)—Cost-benefit requirements ''supplement and [do] not supersede'' health, safety and environmental requirements in existing laws.

Sec. 628(d)—Requirements regarding ''environmental management activities'' also ''supplement and [do] not supersede'' requirements of existing laws.

S. 343 PROTECTS HUMAN HEALTH, SAFETY AND THE ENVIRONMENT

Sec. 622(f) and Sec. 632(c)(1)(A)—Cost-benefit analyses and risk assessments are not required if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

Sec. 624(b)(3)(B)—An agency may select a higher cost regulation when ''nonquantifiable benefits to health, safety or the environment'' make that choice ''appropriate and in the public interest.''

Sec. 624(b)(4)—Where a risk assessment has been done, the agency must choose regulations that ''significantly reduce the human health, safety and environmental risks.''

Sec. 628(b)(2)—Requirements for environmental management activities do not apply where they would ''result in an actual or immediate risk to human health or welfare.''

Sec. 629(b)(1)—Where a petition for alternative compliance is sought, the petition may only be granted where an alternative achieves ''at least an equivalent level of protection of health, safety, and the environment.''

Sec. 632(c)—Risk assessment requirements do not apply to a ''human health, safety, or environmental inspection.''

S. 343 DOES NOT DELAY HEALTH, SAFETY AND ENVIRONMENTAL RULES

Sec. 622(f) and Sec. 632(c)—Cost-benefit and risk assessment requirements are not to delay implementation of a rule if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

Sec. 533(d)—Procedural requirements under the Administrative Procedures Act may be waived if ''contrary to the public interest.''

Sec. 628(b)(2)—Requirements for major environmental management activities are not to delay environmental cleanups where they ''result in an actual and immediate risk to human health or welfare.''

Sec. 801(c)—Congressional 60-day review period before rule becomes final may be waived where ''necessary because of an imminent threat to health or safety or other emergency.''

S. 343 DOES NOT PLACE A ''PRICE TAG ON HUMAN LIFE''

Sec. 621(2)—''Costs'' and ''benefits'' are defined explicitly to include ''nonquantifiable,'' not just quantifiable, costs and benefits.

Sec. 622(e)(1)(E)—Cost-benefit analyses are not required to be performed ''primarily on a mathematical or numerical basis.''

Sec. 624(b)(3)(B)—An agency may choose a higher cost regulation when ''nonquantifiable benefits to health, safety or the environment'' dictate that result.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

SUPPORTING REGULATORY REFORM

Mr. THOMAS. Mr. President, I rise in strong support of S. 343, the Comprehensive Regulatory Reform Act, which will be before us today and, I suspect, for the remainder of the week.

I think that this is one of the most exciting opportunities that we have had this year. This is one of the opportunities for this Congress and this Senate, this Government, to take a look at some of the things that have been going on for 30 years, 40 years, without much examination, which have simply grown and have continued to become more expensive and larger, without a real examination of whether or not what is being done is the most effective way to do it, or whether or not it could be done in a less costly way. I think it is an exciting opportunity.

I have just returned, as have most of our associates, from a week in my home State of Wyoming. We did a series of town meetings and met with the rangeland users and met with the sugar beet growers and the chamber of commerce and the Rotary. As has been the case for some time, the issue most often mentioned is overregulation and the cost of overregulation. So I am excited about the opportunity to do something about that.

I suspect that we will run into the same kinds of discussions that we have when we talk about doing something about welfare reform—that somehow those of us who want some change in what we have been doing are less compassionate than those who want the status quo; that somehow those of us who want to take a look at and change the way regulation is imposed are less caring about the environment and about clean water and clean air than those who support the status quo. That is simply not true.

I suspect that we will hear from the opposition on this bill that somehow this bill will remove all of the regulatory requirements that exist. Not so. We will hear that somehow the regulations that are in place to protect us for various kinds of water and air problems will be eliminated or superseded. That is simply not so.

Many people can imagine what the last election was about. But I think we have talked about it a great deal. There were at least three things that I think were most important to the people of Wyoming. One was that the Federal Government is too big, that it costs too much, and that we are overregulating. I think those are genuine responses that people feel very strongly about.

So, Mr. President, here is our opportunity to do something about that. Clearly, the regulatory system is broken. What is being proposed does not do away with regulations. It simply says there is a better way to do it.

As our leader just indicated, overregulation is a hidden tax that is passed on to consumers. It is not absorbed by businesses. It is not a business issue, even though much of it affects business. The costs are passed on to you and to me. Furthermore, the regulations are not confined to business. It goes much beyond that, into small towns, cities, the universities, and other areas.

Unfortunately, regulations have been applied generally. In our Wyoming Legislature, I am proud that we have a situation where the statute is passed by the legislature, the agency that is affected drafts and creates the regulation, and it comes back to the legislature for some overview to see, No. 1, if it is within the spirit of the statute; No. 2, to see if it is indeed cost beneficial, that what it is set to accomplish is worth the cost of accomplishment.

We do not even have here an analysis of what the cost will be. The cost of regulation, as the leader indicated, is more than personal tax revenues. Some estimate it between $650 billion and $800 billion. Now, this bill will not eliminate all of that cost, of course, because there is a need for regulation, and there is a cost with regulation. The point is that we are looking for a way to apply that regulation in as efficient and effective a manner as can be and do something that has not been done for a long time, and that in the application of the regulation, to use some common sense in terms of what it costs with respect to what the benefits are, and to take a look at risk-benefits ratios to see if what will be accomplished is worth the cost and the effort of the application.

Furthermore, it gives us an opportunity to go back to some regulations that have existed and look at them. Let me give an example. In Buffalo, WY, there are 3,500 people. The EPA said we need to enforce the Safe Drinking Water Act. Fine. They are willing to do that. They are willing to put in a filtering system that costs $3 million for a town of 3,500 and made a good-faith effort to comply.

One year later, EPA responded and said they would send a compliance schedule. Buffalo never received the schedule.

Then when Buffalo proceeded as they had set forth in their schedule, EPA claimed that Buffalo never let them know what was going on.

After that was worked out, EPA accepted, in writing, the town of Buffalo's plan. The following year, EPA again claimed the city did not let them know what was going on and referred the case to the Department of Justice for prosecution.

When asked what happened, EPA said, ''We changed our mind.'' The bottom line, the city of Buffalo wanted to comply with the Federal mandate, but the Federal overregulation and bureaucracy prevented that.

The University of Wyoming. We had several contacts from the University of Wyoming asking for a list of issues they were most concerned about. Do you know what was at the top of the list? Overregulation. Not grants, not money—overregulation. This is the university. This is not a business. This is the university, where a good amount of their resources were there to educate young people.

We have the same problem in health regulations, in the disposal of health care waste, which goes far beyond the clean air. It will cause some of the small hospitals in Wyoming to be closed.

Overregulation is particularly difficult for the rural areas of the West, where in our case more than half of the State belongs to the Federal Government. The things we do in our way of life, in our economy, our job creation, is always regulated more than most anywhere else in the country. We are very, very, concerned.

Let me give one example. There are leases, of course, for livestock grazing on Bureau of Land Management lands and on lands of the Forest Service. The leases are renewed regularly. This year, it was decided there had to be a NEPA study—that is supposed to be confined to areas of national concern—for every renewal of a grazing lease. The irrigators have to spend $100,000 this year to do a NEPA review on their conservation land. The cost of this is paid by you and by me.

Regulatory reform needs to have principles. This bill has them. It has cost-benefit analysis. I think that is a proper and reasonable thing. You and I do that. We make decisions for ourself and our family. We have a cost-benefit analysis, even though it may be informal. A risk assessment—it could be that the last few percentage points are too expensive to be reasonable and common sense. We need a look-back provision so we can go back and take a look at the regulations that now exist. There needs to be a sunset provision so that burdensome laws and burdensome regulations can be dropped or renewed. There needs to be a judicial review. S. 343 incorporates these principles.

I think we have a great opportunity to make better use of the resources that we have, Mr. President, to provide greater protection for human health and safety in the environment at a lower cost and to hold regulators accountable for their decisions. What is wrong with that? I think that is a good idea, to hold the Congress accountable for the kinds of regulations, to limit the size of Government, so that we can create jobs that help consumers improve competitiveness overseas.

We should take advantage of this opportunity. This week will be the time to do it, to be realistic, to apply common sense, to reduce the cost and the burden of regulation. I am delighted that we will have a chance this year, this week, Mr. President, to do that.

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

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

Mr. DORGAN. I ask unanimous consent to proceed for 15 minutes as if in morning business.

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

FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, last week the Congress was not in session, but the Federal Reserve Board met downtown in their marble building and took a baby step in rectifying the mistake it made on seven occasions last year when they increased interest rates in order to slow down the American economy.

Last year, the Federal Reserve Board said it was combating inflation in our economy, so it desired to slow down the economy some and prevent a new wave of inflation. Now it appears the Federal Reserve Board has apparently won a fight without a foe. There was no wave of inflation across the horizon.

Last week's announcement to decrease interest rates by one-quarter of 1 percent made the stock market ecstatic. In fact, the Federal Reserve Board acted to ratchet down inflation marginally and the stock market reached record highs.

In fact, if we look at the combination of economic news in the last week or two, it is quite interesting. The Federal Reserve Board says it has won a fight with a foe that did not exist. The stock market reached record highs. And corporate profits are at record levels.

The question would be, if all of those pieces of economic news are so good for the American economy, if this is such wonderful economic news, then why are the Americans so displeased? Why are the American people not dancing in the streets about this economic news? Record profits should mean that businesses are doing well creating jobs, expanding, hiring. Record stock market levels should mean that the experts think the American economy is robust and growing.

The simple answer is the people in this country are not satisfied because this economic news masks an important fact. The American people are not satisfied with this economic news for the same reason that the Federal Reserve Board's actions last year were a mistake. The fact is, and the reason is, we are now living in a global economy.

That means that stellar economic numbers may not translate into economic opportunities here in our country. Surrounding all of the bright economic news that was trumpeted last week, there was one small but critically important fact: American wages are going down.

Yes, corporate profits are at record levels. Yes, the stock market is ringing the bell. Stock market indexes have never been higher in their history. But the fact is, American wage earners, American workers, are doing worse. Investors do better; American workers lose ground. Corporations do better, American wage earners do worse. Wealth holders succeed; working families fail.

There is no economic news that this administration, this Congress, the Federal Reserve Board, the captains of industry, or the investment moguls on Wall Street can give the American people that will make them feel better about this economy as long as their real wages are declining. Unless and until we stop a 20-year decline in American wages, the American people will not be satisfied.

I always find it interesting that the press trumpets every month the report of how much we consumed. We measure economic health by consumption. But, of course, that is not economic health. It is what you produce that relates to whether you are healthy or not, not what you consume. But we trumpet, every month, all kinds of indices about economic performance and we see nothing—except maybe 2 column inches in the paper once every 6 months—about American wages. Yet every month, the indices show American wages are declining.

Frankly, we have a circumstance today where corporate giants, led by U.S. corporations and followed by their international competitors, are constructing an economic model for the world that worries American workers. They have decided they want to produce where it is cheap and sell back into established marketplaces. That means corporations increasingly produce in Malaysia, Indonesia, Bangladesh, Singapore, Honduras, China—around the world—where they can hire cheap labor, often kids. They can pay dirt-cheap wages, they can dump their pollution in the air and in the water, make their product, and send it back to Pittsburgh for sale.

That strategy of playing the American worker off against 1 or 2 billion others in the world who are willing to work for pennies an hour is a strategy that might well lead to record corporate profits, but it also leads to declining U.S. wages. And that is the economic problem this country has to fix.

The bottom line of economic progress in this country must be, ''Are we increasing the standard of living for the American worker?'' And the answer today, amidst all of the glory of the wonderful economic news trumpeted every day in recent weeks, is no. The standard living for the average American worker is not advancing. It has been declining.

Our economic strategy for the 50 years following the Second World War was, for the first 25 years, a foreign policy disguised as economic strategy to try to help everybody else. We did that and it was fine. We could afford to do it because we were the biggest and the best and the strongest and the most. And even as we did that we progressed and so did the American worker. But for the last 20 to 25 years it has been different.

Our trade policy is still largely a foreign policy. It does not work to support the interests of our country. And what we see as a result of it is that other countries are growing and advancing and our country, measured by standard

of living—the standard of living experienced by American workers—is not advancing.

The American people are tired of that. They want a change in economic circumstances. And we, one day soon, must have a real, interesting, and thoughtful discussion about these economic policies. Now, more than ever, this country needs a full-scale policy debate about economic strategy and what kind of strategy, including trade strategy and other strategies, results in advancing America's economic interests—not just America's corporate interests, not just America's investors' interests, but the interests of all Americans.

That is a debate we have not had. We did not have it during NAFTA. We did not have it during GATT. You could not have it, in fact. The major newspapers of this country—the Washington Post, the New York Times, the Los Angeles Times, the Wall Street Journal—would not even give you open access to an opportunity to discuss these things. It is interesting, with NAFTA, we counted the column inches on the editorial and op-ed pages ''pro'' and ''anti.'' It was 6 to 1 pro-NAFTA, pro-GATT—6 to 1.

These are areas where you ought to expect there to be freedom of speech and open debate. But it is not so. And the economic interests that propel that sort of imbalance in our major newspapers in our country, when we have these kinds of discussions, is the same economic interest that prevents the discussions even from getting any momentum in a Chamber like this. One day soon, I hope, that is going to change. And the sooner the better, if we are interested in providing some satisfaction for American workers whose only interest, it seems to me, is to work hard, have opportunity, and progress with an increased standard of living.

REGULATIONS

Mr. DORGAN. Mr. President, let me turn to the question of regulations. We, on the floor of the Senate, are going to be discussing regulatory reform. It has been of great interest to me to see what has happened on the issue of regulations. It has become a cottage industry, and certainly a political industry, to decide that government is evil, and government regulations are inherently evil, and what we need to do is wage war against government safeguards and standards.

Let me be the first to say that there are some people who propose and write regulations that make no sense at all and that make life difficult for people. That happens sometimes. I realize that. What we ought to do is combat bad regulation and get rid of it. Bad government regulations that do not make any sense and are impossible to comply with—we ought to get rid of them. I understand and accept that.

But I am not one who believes we ought to bring to the floor of the Senate initiatives that say, ''Let's step back from the substantial regulations that made life better in this country for dozens of years.''

We have had fights in many different venues to try to decide: When should we put an end to polluting America's air? How long should we allow America's kids to breathe dirty air because the captains of industry want to make more profit? When should we decide you cannot dump chemicals into our rivers and streams? When should we decide we want environmental safeguards so the Earth we live on is a better place to live?

We made many of those decisions already. We made fundamental decisions about worker safety. We made decisions about the environment. We made decisions about auto safety. Many of those decisions were the right decisions and good decisions. If we bring to the floor of the Senate, under the guise of regulatory reform, proposals that we decide we ought to retreat on the question of whether we want clean air in this country, then we are not thinking very much.

I do not know whether many Members of the U.S. Senate or many of the American people fully understand how far we have come. Do you know, in the past 20 years, we now use twice as much energy in this country as we did 20 years ago and we have less air pollution? We have cleaner air in America today than we did 20 years ago, yet we use twice as much energy.

Why do we have cleaner air? Is it because someone sitting in a corporate board room said, ''You know, what I really need to do, as a matter of social conscience, is to stop polluting; what I need to do is build some scrubbers in the stacks so there are fewer pollutants coming out of the stacks and that way I will help children and help people and clean up the air''? Do you think that is why we cleaned up America's air? The job is not done, but do you think that is why America's air is cleaner now than 20 years ago, because the captains of industry in their paneled boardrooms decided to give up profits in exchange for cleaner air?

Not on your life. Not a chance. The reason the air in this country is cleaner than it was 20 years ago is bodies like this made decisions. We said, ''Part of the cost of producing anything in this country is also the cost of not polluting. You are going to have to stop polluting. Is it going to cost you money to stop polluting? Yes, it is. And we are sorry about that. But you spend the money and pass it along in the cost of the product, because the fact is we insist that America's air be cleaner. We are tired of degrading America's air, and having men, women, and children breathe dirty air that causes health problems and fouls the Earth we are living on.''

What about water? Do you know now there are fewer lakes and streams with acid rain; that we have fewer acid rain problems, we have cleaner streams, cleaner lakes in America now than 20 years ago?

Why is that happening? Is it because somebody decided that they would no longer dump their pollutants into the stream? No. It is because the people in this country through their government said we want to stop fouling the streams. We had the Cuyahoga River catch on fire. The Cuyahoga River in Cleveland actually started burning one day. Why did that happen? Because the manufacturers and others in this country were dumping everything into these streams and thought it was fine. It was not fine. We decided as a matter of regulation that it was not fine.

There are some people who say, ''Well, that is inconvenient for corporations. It costs too much to comply with all of these. Let us back away on some of these restrictions.''

I want you to know that we are going back a ways. I have told this story before. I am going to tell it again because it is central to this debate. All government regulations are not bad. Some of them are essential to this country's health.

Upton Sinclair wrote the book in the early 1900's in which he investigated the conditions of the meatpacking houses in Chicago. What he discovered in the meatpacking plants of Chicago was a rat problem. And how did they solve the rat problem in a meatpacking plant in Chicago? They put out slices of bread laced with arsenic so the rats could eat the arsenic and die. Then the bread and the arsenic and the rats would all be thrown down the same hole as the meat, and you get your mystery meat at the grocery store. The American people started to understand what was going on in those meatpacking plants, and said, ''Wait a second. That is not what we want for ourselves and our kids. It is not healthy.''

The result, of course, was the Federal Government decided to pass legislation saying, We are going to regulate. What would you rather see stamped on the side of a carcass of beef—''U.S. inspected?'' Does that give you more confidence? It does for me. It means that carcass of beef had to pass some inspection by somebody who looked at it not with an economic interest, but who looked at it, and said, ''Yes. This passes inspection, and it is safe to eat.''

Or do you want the meatpacking plants—the captains of industry in the meatpacking business who in the year 1900 would have been running a plant in which they were trying to poison rats in the same plant and mixing it with their meat? Well, I know who I would choose. I would choose to have a food system in this country that is inspected so the American consumer understands that we are eating safe food.

Let me talk about one other regulation that I am sure is inconvenient. In fact, I was involved with some of these

when I was in the House of Representatives. People may recall that it was not too long ago when you went to a grocery store and picked up a can of peas or a package of spaghetti or an ice cream bar from the shelves or the cooler and looked at the side. What did you see? You saw that this is an ice cream bar, this is a can of peas, and this is a box of spaghetti. That is the only information you got about that food—nothing more; nothing about sodium; nothing about fat; nothing more. Because they did not feel like telling you.

So we decided that it would be in the consumers' best interest if they had some notion what was in this product. You go shopping at the grocery store and watch. People clog the aisles these days picking up one of these cans. They turn to the back. They want to find out what is in it. How much fat is in this one? How much saturated fat is in that product?

You give people information and they will use it. It is good information. It improves their health. It makes them better consumers. Is that a bad regulation that we require people to tell the American people what is in food? No. I think it is a good regulation. But I will guarantee you this. Those who are required to do it fought every step of the way. The last thing they wanted to do was to have to comply with another regulation. I think these regulations make sense.

We are talking about regulations for safety, health, and the environment. Not all of them, not every one of them, but the bulk of the directions of what we were doing with regulation makes a lot of sense.

I do not want the debate this week here in the Senate to be a debate that is thoughtless. I would like it to be a debate that is thoughtful. Let us find out which regulations are troublesome, not which regulations are inconvenient or costly. I do not want to say to this industry or to that industry, ''Yes. It is costly for you to comply with the clean air requirements. So that is fine. We will understand. We will give you a little break.'' I am sorry. I do not intend to give them a break. I do not intend that they have dirty air so they can have more profits.

I would like us to do this in a reasonable way. As I said when I started, there are some regulations that make no sense. I have seem some of them. I have participated in trying to get agencies to change some of them. I would be the first to admit that there are plenty of people working in the Federal Government who know all about theories and know all about the details but do not have the foggiest notion about what the compliance burdens are. These things need to make some rational sense. They need to be dealing with a goal that makes sense. They need to be constructed in a way so that compliance is enhanced. But I hope that the debate we have this week will really center on the questions about government regulation. What are we doing this for? In most cases, we are doing this for the public good.

So, Mr. President, I think this is going to be a fascinating and interesting debate. We have some people in this Chamber who would like the wholesale repeal of a whole lot of important environmental and safety regulations. I do not happen to support that. Some would. Others who say every regulation is terrific. I do not support that either. I think what we ought to do is try to figure out what works and what does not, to get rid of what does not, and keep what works and keep what is good for this country.

I hope that is the kind of discussion we will have as the week goes on on the issue of regulatory reform.

Mr. President, at this point I would like to yield the remainder of my 15 minutes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. 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. 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.

BILLIONAIRES' TAX LOOPHOLE

Mr. KENNEDY. Mr. President, one of the worst examples of Republican misplaced priorities is the current blatant attempt to keep the tax loophole open for billionaires who renounce their American citizenship in order to avoid paying taxes on the massive wealth they have accumulated in America.

Under current law, these unpatriotic billionaires get a juicy tax break for turning their back on Uncle Sam. Does anyone in America seriously think they deserve it?

When Democrats initially tried to close the loophole last April, our proposal was rejected—supposedly because a few so-called technical questions needed to be addressed.

It turns out that the only serious technical issue was how to keep the loophole open, or at least save as much of it as possible.

The Joint Committee on Taxation completed its long-awaited study on the loophole on June 1 and it turned out to be a blatant attempt to save the loophole, rather than close it.

The Ways and Means Committee found the ways and means to keep the loophole open. They have even given the bill an appropriate number—H.R. 1812.

What a perfect number for a tax loophole bill—1812. That is about the year their thinking on tax reform stopped. Democrats will try to bring their 1812 bill into the 20th century when it gets to the Senate—and close that loophole tight on those unpatriotic billionaires.

I just wish our Republican friends would put as much time and effort into closing tax loopholes and reducing corporate welfare as they put into keeping loopholes open.

We would save tens of billions of dollars, and balance the budget far more fairly, instead of balancing it on the backs of Medicare and education and low-income working families.

Tomorrow, the Senate Finance Committee will be holding a hearing on the billionaires' tax loophole. It is vitally important that the Senate stand firm in its desire to close this flagrant loophole once and for all.

On April 6, 96 of us went on record in favor of closing it. If we really want to close this loophole, we cannot accept the Ways and Means Committee bill. That bill is more loophole than law.

It does not prevent massive income tax avoidance by patient expatriates, and it does nothing to prevent avoidance of estate taxes and gift taxes.

First, the House bill allows expatriates to pay no U.S. tax on their gains if they wait 10 years before they sell their assets.

This part of the loophole already exists in current law, as has been repeatedly pointed out.

There is no reason to leave it open. Expatriates should be taxed when they expatriate—at the time they thumb their nose at Uncle Sam.

Second, under the House bill, gains from foreign assets built up during U.S. citizenship would not be subject to U.S. tax after expatriation takes place. All U.S. citizens pay taxes on worldwide income, so why should not expatriates?

Any serious proposal to address this issue must tax the gains on the expatriate's worldwide assets, and this tax must be imposed at the time of expatriation.

In addition, under the House bill, expatriates will continue to use tax planning gimmicks to avoid taxes on gains from domestic assets by shifting income from this country to foreign countries. As long as the Tax Code exempts foreign assets from the tax, wealthy expatriates will find new ways to shift assets and avoid taxes.

Third, the House bill cannot be effectively enforced. Expatriates can leave the U.S. tax jurisdiction without paying the tax or posting any security. They merely fill out a form at the time of expatriation, and the IRS will be left in the cold.

Fourth, the House bill does nothing to prevent expatriates from avoiding gift and estate taxes. With good legal advice, an expatriate can transfer all assets to a foreign corporation and then give it all away without any gift tax liability.

Finally, in a particularly obnoxious maneuver, the Ways and Means Committee bill unsuccessfully attempted to gerrymander the effective date of its watered-down reform in a transparent attempt to permit a few more undeserving billionaires to slither through the full loophole before the mild committee changes take effect.

Under this proposal, wealthy tax evaders would have qualified for the

loophole by simply having begun, not completed, the process of renouncing their citizenship by the February 6 effective date.

The Ways and Means Committee knows how to set a strict effective date when it wants to. On the very bill where the controversy over the billionaires' loophole first erupted, the committee set a strict effective date to prevent Viacom, Inc., from obtaining a $640 million break on the sale of its cable TV properties.

The committee required a binding contract to be reached by the effective date. Viacom could not meet that requirement, even though it had taken many steps over many months before the effective date to negotiate the contract.

Viacom lost the tax break because it had not taken the final step—and the same strict requirement of final action should be applied to billionaires who are in the process of renouncing their citizenship.

If they had not completed the final step by February 6, they should not be able to use the loophole.

Fortunately, the Democrats prevailed on the effective date, because of the spotlight placed on the issue. But that still did not stop them from finding an additional loophole for some of those seeking exemption.

To help these expatriates, the Republicans on the committee carved a new loophole for expatriates who become a citizen of a country in which the individual's spouse or parents were born.

In sum, at a time when Republicans in Congress are cutting Medicare, education, and other essential programs in order to pay for lavish tax cuts for the rich, they are also maneuvering to salvage this unjustified loophole for the least deserving of the superwealthy—billionaires who renounce America, after all America has done for them.

I say, this loophole should be closed now, and it should be closed tight—no ifs, ands, or buts. I intend to do all I can to see that it is.

Let us close the loophole, not just pretend it is being closed as the Ways and Means Committee bill does.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, the skyrocketing Federal debt, which long ago soared into the stratosphere, is in a category like the weather—everybody talks about it but scarcely anybody had undertaken the responsibility of trying to do anything about it. That is, not until immediately following the elections last November.

When the new 104th Congress convened in January, the U.S. House of Representatives quickly approved a balanced budget amendment to the U.S. Constitution. In the Senate all but one of the 54 Republicans supported the balanced budget amendment; only 13 Democrats supported it. Since a two-thirds vote is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote. There will be another vote later this year or next year.

Mr. President, as of the close of business Friday, July 7, the Federal debt—down to the penny—stood at exactly $4,929,459,412,839.22 or $18,712.31 for every man, woman, and child on a per capita basis.

SOUTH CAROLINA WATERMELONS: A RED, JUICY SMILE

Mr. HOLLINGS. Mr. President, I rise today to draw attention to a little green and red sticker on my lapel. It says, ''I love watermelon.'' And Mr. President, I sure do.

Thanks to the hard work of South Carolina watermelon farmers like Jim Williams of Lodge in Colleton County, Senators and their aides tomorrow will be able to taste the sweet, juicy, red meat of the melon that we call smile fruit. All day Tuesday, my staff will deliver more than 500 watermelons to offices throughout the Senate.

This year, farmers in South Carolina planted more than 11,000 acres of watermelons. We produce all kinds of watermelons—Jubilees, Sangrias, Allsweets, Star Brites, Crimson Sweets, red seedless, yellow seedless, and a variety of other hybrids marketed in the Eastern United States.

Through the end of this month, farmers in Allendale, Bamberg, Barnwell, Colleton, Hampton, and other southern South Carolina counties will harvest hundreds of thousands of watermelons. In the Pee Dee areas around Chesterfield, Darlington, and Florence Counties, the harvest will continue until about August 20.

Mr. President, the bottom line is that all of these farmers will be laboring in the heat and humidity to bring Americans what we call Mother Nature's perfect candy. Our remarkable watermelons are sweet, succulent, and, most importantly, nutritious and fatfree. However, while many of us savor the taste of juicy pink watermelons at the beach, at barbecues, and at family reunions, we often forget the work and labor that goes into producing such a delicious fruit. In fact, if you ask many children these days where watermelons come from, they will answer ''the grocery store.'' The truth is, Mr. President, that our farmers are among the most often forgotten workers in our country. Without their dedication and commitment, our Nation would not enjoy such a wonderful selection of fresh fruit, vegetables, and other foods.

South Carolina farmers lead the way in the production of watermelons. For example, my State was a leader in the development of black plastic and irrigation to expand the watermelon growing season. By covering the earth in the spring with black plastic, farmers are able to speed up the melons' growth by raising soil temperatures. In addition, the plastic allows farmers to shut out much of the visible light, which inhibits weed growth. In addition, I am pleased to note that the scientists at the USDA vegetable laboratory in my hometown of Charleston continue to strive to find more efficient and effective ways to produce one of our State's most popular fruits.

Therefore, as my fellow Members and their staffs feast on watermelons tomorrow, I hope they all will remember the folks in South Carolina who made this endeavor possible: Jim Williams of Williams Farms in Lodge; Les Tindal, our State agriculture commissioner; Wilton Cook of the Clemson University Extension Service in Charleston; Minta Wade of the South Carolina Department of Agriculture; and members of the South Carolina Watermelon Association and South Carolina Watermelon Board in Columbia. They all have worked extremely hard to ensure that Senators can get a taste of South Carolina.

I trust that all Senators and their staffers will savor tomorrow one of the finest examples of the excellent produce we grow in our State. I also hope to see many folks wearing their ''I love watermelon'' stickers in celebration of the fruit that makes everyone smile—South Carolina watermelons.

MILO WINTER

Mr. PRESSLER. Mr. President, today I am pleased to pay tribute to an outstanding educator, Mr. Milo Winter, of Rapid City, SD. Throughout his career, he made tremendous contributions to our State in music education.

For the past 26 years, Milo served as band director at Stevens High School. The community of Rapid City knows him for his commitment to education and his drive for excellence. However, his reputation extends far beyond the borders of our State. He is known across the United States for his work at band festivals and clinics.

To see Milo's positive effect on his students and the community, one needs only look at the achievements of the Rapid City Stevens Band. In 1975, the band was selected by the United States Bicentennial Commission to represent the United States at a music festival held in the former Czechoslovakia. This was the first performance by an American high school band behind the Iron Curtain. In 1981 and 1984, the band received first place honors at the Cherry Blossom Band Festival here in Washington, DC. The band's appearance in the 1987 Tournament of Roses Parade in Pasadena, CA, marked the first time a band from South Dakota performed in this world-famous parade. Perhaps the greatest honor the band has earned is the Sudler Flag of Honor. This award, presented in 1987, is one of the most prestigious awards a band can receive. To receive this award, bands must be nominated for their outstanding performance of march music and be approved by a national committee.

Milo's leadership made these achievements possible. He consistently set high expectations for students, then saw them through with his own blend of encouragement and discipline. He demanded much of his students, but gave generously of his talent and effort in return.

This drive for excellence has been with Milo throughout his life. After receiving his degree from Augustana and his masters from the University of South Dakota, Milo continued his pursuit of music by serving in the U.S. Army Band for 2 years.

Upon leaving the Army, Milo taught music at Beresford High School. After 2 years as the band director at Rapid City Central High, he accepted the position as band director at the newly created Rapid City Stevens High where he continued teaching for the rest of his career.

Milo instilled a love of music in many students, but countless students came away from his classroom with much more. The lessons they learned about setting goals, teamwork, attention to detail, and perseverance will stay with students throughout their lives. Many of these students will count Mr. Winter among those leaders who forever shaped their careers and characters. Mr. President, students in South Dakota have been blessed with a tremendous teacher and role model. On behalf of the people of South Dakota, I thank Milo and wish him the best in his retirement.

Mr. BYRD. Mr. President, I will probably require longer time than the remaining minutes before 1 o'clock. I ask unanimous consent that I may use such time as I may consume.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

C. ABBOTT SAFFOLD

Mr. BYRD. Mr. President, Walt Whitman said that man is a great thing upon the Earth and through eternity but that every jot of the greatness of man is enfolded out of woman. Shakespeare, in King Lear, tells us that ''Women will all turn monsters.''

In the book of Genesis, however, we are told that God, seeing the incompleteness of man standing alone, wanted to find a helper for him. And so God created this helper—Eve—whose name means ''Life,'' and God created Eve from the rib of Adam himself. The symbolism of the rib is that it was taken from the place nearest to Adam's heart, thus indicating the close relationship of man and woman. The real essence of the story is that man and woman were made for each other, that woman is bone of his bone and flesh of his flesh. In the Genesis account, Eve is elevated to Ethereal beauty and lofty dignity. Milton, in his ''Paradise Lost,'' has called her Queen of the Universe and fairest of the fair.

Throughout all the ages of mankind's existence on this Earth, some of the most vivid personalities have been those of women—such as Sarah, Rebekah, Rachel, Hannah, and Mary, the Mother of Jesus—even with such women as Jezebel and Potiphar's wife. Many of the women depicted in the scriptures exerted great influence over their husbands, over kings, and over nations. Many of the women remain nameless and some appear in groups under such headings as daughters, wives, mothers, widows. We are told of Lot's wife, the woman who looked back, and 15 words in the Old Testament tell her story—one brief, dramatic record that placed her among the well known women of the world. The 15 words are, ''But his wife looked back from behind him, and she became a pillar of salt.''

Then there is Jochebed, the mother of Moses—Hebrew lawgiver, statesman, and leader—and her name rises up today, some 35 centuries later, as one of the immortal mothers of Israel.

Miriam is the first woman in the Bible whose interest was national and whose mission was patriotic. She was the brilliant, courageous sister of Moses, and when she led the women of Israel in that oldest of all national anthems, ''Sing unto the Lord,'' four centuries of bondage in Egypt had been lifted. It was a turning point in Israel's religious development, and a woman led in its recognition. Miriam is the first woman singer on record. The wonder of it is that she sang unto the Lord, using her great gift for the elevation of her people, who, with her, exalted over their escape from their enemies.

The first women to declare their rights on the death of their father were the five daughters of Zelophehad: Mahlah, Noah, Hoglah, Milcah, and Tirzah. Their father, a Manassite, had died in the wilderness, and the daughters explained that he was not in the company of Korah, who had rebelled against Moses. Because their father had not died, therefore, for any cause that doomed their family or their inheritance, they declared that they were clearly entitled to what he had left. This happened at a critical time with Israel. A new census had been made, preparatory to an entrance into the Promised Land. The new land would be distributed according to the census taken before Israel departed from Egypt for the Promised Land. The daughters of Zelophehad had been numbered among all those in the tribes who either were 20 years of age or would be 20 by the time the land actually was distributed, but they knew that under existing customs, they would have no property rights, even in the new land. What did they do? They marched before Moses and stated their case publicly. In order to be fair in the settling of the daughters' case, Moses went before God, a God of justice and right, and the great lawgiver came back and declared: ''The daughters of Zelophehad speak right; thou shalt surely give them a possession of an inheritance among their father's brethren; and thou shalt cause the inheritance of their father to pass unto them.'' Moses wrote a new law which stated: ''If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter.''

The daughters of Zelophehad had filed one of the earliest reported lawsuits on record. In the American Bar Association Journal of February, 1924, there was an article in which this decision of the daughters of Zelophehad is quoted. It is described as an ''early declaratory judgement in which the property rights of women marrying outside of their tribe are clearly set forth.'' The decision handed down in this time of Moses was a great victory for these five daughters. At last a woman had rights, because these five women had declared theirs and had had the courage to fight their case through with the authorities.

The only woman in the Bible who was placed at the height of political power by the common consent of the people was Deborah. Though she lived in the time of the ''Judges,'' some thirteen centuries before Christ, there are few women in history who have ever attained the public dignity and supreme authority of Deborah. She was like Joan of Arc, who 27 centuries later, rode in front of the French and led them to victory over the English.

One of the most lovable women in the Bible is Ruth, and her abiding love embraces the person one might least expect it to—her mother-in-law, Naomi. Ruth was not only an ideal daughter-in-law, but she was also an ideal wife and mother. Her story, which finally culminates in her marriage to Boaz, a man of influence, is one of the most beautiful romances in the Bible.

Then there was the woman of Endor, to whom King Saul went in desperation, and she foretold his death. The King James version of the Bible, which is the only version of the Bible that I will read, calls her ''A woman that hath a familiar spirit.'' Some modern writers have dubbed her the ''Witch of Endor.'' Lord Byron has called her the ''Phantom Seer.'' Kipling gives one of the most vivid portrayals of all in these lines:

> Oh, the road to Endor is the oldest road
> And the craziest road of all.
> Straight it runs to the witch's abode
> As it did in the day of Saul,
> And nothing has changed of the sorrow in store
> For such as go down the road to Endor.

The first reigning Queen on record who pitted her wits and wealth against those of a king was the Queen of Sheba. She came to Jerusalem from her kingdom in Southwestern Arabia to investigate all that she had heard about Solomon, Israel's wisest and wealthiest king. She worked out a trade zone demarcation and alliance with Solomon, and Solomon's commercial expansion followed after her visit. She was one of many rulers from far and wide who sought to learn about Solomon's wisdom. Others sent Ambassadors, but she

was the only one to go herself, traveling a 1,200-mile journey by camel caravan. She was a courageous, resourceful woman. The Queen of Sheba lives on now, nearly 30 centuries since her visit, as a woman whose spirit of adventure and whose resourcefulness, courage, and curiosity have not been surpassed by any queen in history. She certainly had a sense of good public and international relations which is unparalleled among many of the national leaders of today.

Esther is the central figure in what is one of the most controversial books in the Old Testament, because not once does the name of God appear in that book. But its significance and importance to Jewish history stems from the fact that it has become a patriotic symbol to a persecuted people of the ultimate triumph of truth and justice. And the courage of Esther becomes the dominating factor in the salvation of her people. Though the author of the book of Esther is not known, historians confirm the fact that he showed an amazingly accurate knowledge of Persian policies and customs, and critics place his work among the masterpieces of literature. Like many great characters in history, Esther makes her first appearance as one of the humblest of figures, an orphan Jewess. But 4 years later, she rises to the position of a queen of amazing power—a power which she manages to use wisely. The ancient writer's estimate of Esther's importance to the story becomes apparent, for in this short Bible book, Esther's name appears 55 times. The name of no other woman in the Bible is recorded so often.

The setting is placed in the sumptuous palace of the Persian Empire during the time of Artaxerxes II, who reigned 404–358 B.C. I shall not relate this fascinating story here today, but Esther had a strong belief in prayer, and she went before the king to intercede on behalf of her people. As she made ready to appear before the king, one of the most courageous assertions made by a woman in the Bible is credited to Esther. She said: ''So I will go in unto the king, which is not according to the law; and if I perish, I perish.'' Here is a woman who had not only high courage but also sincere faith and devotion to the cause of her people. She had received a message from her cousin Mordecai, placing upon her this great responsibility. He said: ''Who knoweth whether thou art come to the kingdom for such a time as this?''

Mr. President, challenging words these were for a young, inexperienced queen, and they have come down to us through the centuries, and may be considered applicable to us in the face of the challenges of our own time.

It was Mary Magdalene who was the first to see Christ's empty tomb, and she was the first to report to the disciples the miracle of the resurrection, the greatest event the Christian world has ever known. Certain of Christ's disciples followed Mary Magdalene to the sepulcher. John went in first and gazed in silent wonder at the open grave, and then Peter came and saw that the grave was empty and that the linen cerements were lying neatly folded in the empty sepulcher. Mary Magdalene, possessing a woman's sensitivity and able to believe even what eyes cannot behold, returned to the tomb and looked inside, where she saw two angels in white sitting there, the one at the head and the other at the feet, where the body of Jesus had lain. Strange it was that the first word spoken inside the empty tomb should be ''Woman.'' And then there followed the angel's question: ''Why weepest thou?'' Mary Magdalene answered, ''Because they have taken away my Lord, and I know not where they have laid him''. Then she turned, and Jesus stood before her. Not until he spoke her name, ''Mary,'' did she recognize that he was Jesus. Her lonely watch by the grave in the early morning had been an evidence of her faith. Because of her faith, she became the first witness to the resurrection of our Lord and Savior, Jesus Christ.

Lydia was a business woman, a ''seller of purple,'' and probably one of the most successful and influential women of Philippi, but more than that, she was a seeker after truth, and thus she became Europe's first convert to Christianity. Her house became the first meeting place of Christians in Europe. Lydia will ever stand among the immortal women of the Bible, for she picked up that first torch from Paul at Philippi and carried it steadfastly. She was one of many to spread the Gospel of Jesus Christ through Europe and then farther and farther Westward, and it became brighter as the centuries unfolded.

One of the most influential women in the New Testament Church was Priscilla, a Jewess who had come out of Italy with her husband Aquila, who lived first at Corinth and later at Ephesus. They had left Rome at the time when Claudius, in his cruel and unjust edict, had expelled all Jews. It is recorded that she and her husband were tent makers. The Apostle Paul stayed with them at Corinth. She became a great leader in the church at Corinth and at Ephesus and later at Rome. In the latter two places, she had a church in her home. Christians honor her today because she served God ''acceptably with reverence and godly fear'', and because she was not ''forgetful to entertain strangers; for thereby some have entertained angels unawares.'' Priscilla, let us not forget, had entertained a stranger, Paul, and from him had learned to strive to be ''perfect in every good work . . . working in you that which is wellpleasing in his sight, through Christ Jesus.''

Mr. President, I shall close my brief comments on the women of the Bible, by referring to the time when Christ sat at the house of Simon the leper, and there came a woman having an alabaster box of ointment of spikenard. She broke the box and poured the precious ointment on the head of our Lord. Some of those persons who observed this were very indignant and asked the question, ''Why was this waste of the ointment made? For it might have been sold for more than three hundred pence, and have been given to the poor.'' And so they murmured against the woman, but Jesus said, ''Let her alone. Why trouble ye her? Ye shall have the poor with you always, and whensoever ye will, ye may do them good; but me, ye have not always.'' Jesus said, ''She hath done what she could; she is come aforehand to anoint my body to the burying''. Jesus went on to say that weresoever his gospel would be preached throughout the whole world, this act of kindness which the woman had done, ''shall be spoken of for a memorial of her.'' And so it is, that I am here today, twenty centuries later, speaking on the Senate floor about this nameless woman who gave of her treasured possession to honor Him who was about to die. And, as Jesus foretold, this display of reverence and adoration by this nameless woman, shall be told and retold through all of the centuries to come.

Mr. President, one could speak volumes about the women of the Bible or the great Roman matrons or the women of ancient history or the women of the middle ages, and women of our own times. There is much to be said, for example, through words of praise concerning the women who have been associated with our own institution, the United States Senate—Members, as well as workers who have labored faithfully, day after day, year after year, in the service of the Senate. And it is such women, many of whom will always remain nameless, who, through the years, and throughout all the parts of the globe, have been the real pillars of civilization.

I rise today to pay tribute to just such a worthy person—a true professional, a staffer of such talent, energy, and engaging personality that she is known throughout the Senate community simply by her first name—Abby. Abby Saffold has been a school teacher, a case worker, a legislative correspondent, a legislative secretary, chief clerk of a Senate subcommittee, a legislative assistant, a Floor Staff Manager, Secretary for the Majority (a post to which I appointed her in 1987), and now Secretary for the Minority. She is the first female to ever hold the post of Secretary for the Majority.

In short, Abby has done it all, and done it all very, very well. Few staffers, indeed, few members, possess her grasp and understanding of the workings and the purpose of the institution of the United States Senate. Her knowledge of legislative strategy, her managerial ability, and her negotiating prowess are all well known and greatly appreciated by everyone who has ever had the pleasure of working with Abby.

She is really unexcelled when it comes to an intuitive sense of this Senate and its machinations. Abby is the literal personification of the wonderful ability to maintain great grace under extraordinary pressure—the true mark of the professional.

Few individuals understand the great personal sacrifice routinely made by the legislative floor staff here in the Senate, on both sides of the aisle. Unpredictable schedules, long hours, intense pressures, time away from loved ones at important moments, broken engagements with friends and family—all are experienced to some degree by senior Senate staffers, but no one group experiences these demanding and trying disruptions with more frequency than the Senate floor staff.

These positions, in particular, demand extreme dedication, steady nerves, alert and facile minds, hearty constitutions, patience, and a deep and abiding love for, and dedication to, this institution and the important work it must perform. Never was there a better example of that dedication than C. Abbott Saffold. She is in every way a marvel, with the ability to perform difficult and demanding duties, always with a pleasant demeanor and unequaled coolness under fire.

I would be less than honest if I did not admit that Abby's decision to leave us causes me considerable sadness, because she is so much a part of the Senate family. In many ways, I cannot imagine the Senate without her. I know that for many months after her departure, I shall search in vain for her familiar cropped head and her friendly grin in the Chamber, only to have to remind myself once again that she has gone.

I offer her my heartfelt congratulations on an outstanding Senate career, and on her service to her country. Certainly I wish her blue skies and happy days as she begins her well-earned retirement time. But, I cannot deny that I regret her leaving. I shall miss her friendship and her always sage advice. As Paul said of two women Euodias and Syntyche—both eminent in the church at Philippi—''They labored with me in the gospel,'' so I say to Abby: ''You labored with me in service to the Nation.'' For me, there will never be another Abby.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE REGULATORY REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 343, which the clerk will report.

The bill clerk read as follows:

A bill (S. 343) to reform the regulatory process, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment relative to small business.

Mr. ABRAHAM. Mr. President, I will shortly offer the Abraham amendment.

In essence, our amendment would ensure that Federal agencies periodically assess the utility of regulations that disproportionately impact small business.

I think it is critically important any regulatory reform bill take into account concerns of America's small businessmen and women.

At this time, I yield to the distinguished chairman of the Judiciary Committee as much time as he desires for comment.

Mr. HATCH. Mr. President, I thank my colleague, and would like to thank the distinguished ranking member of the Appropriations Committee, Senator BYRD, for his excellent remarks covering the women of the Bible as well as I have heard him cover on the Senate floor, and his tribute to Abby Saffold, who, of course, all Members have a great deal of respect for.

Mr. President, I intend to start each day in this debate—I may not fully comply—with the top 10 list of silly regulatory requirements.

I would pick a few at random today. Let me start with No. 10: Delaying a Head Start facility by 4 years because of the dimensions of the rooms; No. 9, forcing a man to choose between his religion and his job because rules do not allow workers to wear a mask over a beard—stupid rules, I might add, silly regulatory requirements; No. 8, throwing a family out of their own home because of painted over lead paint, even though the family is healthy; No. 7, fining a gas station owner $10,000 for not displaying a sign stating that he accepts motor oil for recycling; No. 6, reprimanding a Government employee who bought a new lawn mower with his own money but failed to go through the proper procedures; No. 5, citing a farmer for converting a wetland when he fills his own manmade earthen stock tank and made a new one, elsewhere on his property—on his own property, I might add. No. 4, failing to approve a potentially lifesaving drug, thus forcing a terminal cancer patient to go across the border to Mexico to have it administered; No. 3, prohibiting an elderly woman from planting a bed of roses on her own land; No. 2, fining a man $4,000 for not letting a grizzly bear kill him.

These are my top 10 list of silly regulatory requirements. No. 1: Requiring Braille instructions on drive-through ATM machines. We can see a lot of reason for that in our society today.

These are just a few of the reasons why we are here today. I intend to bring some more to the attention of Members as we continue to go on here. We all know the regulatory process is out of control. Regulators have an incentive to regulate.

Some regulations are not only counterproductive, they are just plain stupid, as some I have just mentioned. The status quo is not acceptable to the American people, especially if they get to know what is really going on in our society. And they all suspect the costs of regulation are mounting. Paperwork costs the private sector and State and local governments a small fortune. Compliance costs cost even a bigger fortune.

Regulation restricts freedom. What you can use your own land for, what medical treatment you can have or provide for your family, what your company is required to do, et cetera, et cetera.

It is especially onerous on small businesses. Regulatory reform is absolutely necessary to get the Federal Government off our backs. For economic flexibility and growth as well as to reform personal freedoms, we need to change the way in which the Federal Government regulates.

Regulatory reform is an essential part of making Government smaller. Regulatory reform will mean less Federal spending, lower Federal taxes, fewer Federal regulations, smarter regulations, and accountability on the part of those in the bureaucracy.

This bill is about common sense. I think most Americans would agree that our Federal Government is out of control and that the overregulatory system is eating us alive, especially in terms of the burdens it places on all Americans.

This bill simply requires that Government agencies issue rules and regulations that help, rather than hurt, people. It will require that the Federal bureaucracy live by the same rules that Americans have to live by in their own lives—you and I and everybody else. These rules are that the benefits of what you are telling people to do have to justify the cost.

The notion of common sense and accountability and rulemaking may be a radical idea inside the Washington beltway, but I believe that our fellow Americans are smothered in bureaucratic red tape in all aspects of their lives and they are pretty darned tired of the status quo.

This bill will not mean an end to safety and health regulations, as some of its critics would have you believe. All it will mean is that the people in Washington who devise such rules will have to ensure that the interpretations of those rules, or the rules themselves make sense. They will have to quit being the protectors of the status quo.

MYTHS AND FEARS: UNFOUNDED ATTACKS ON S. 343

In his first inaugural address, Franklin Delano Roosevelt inspired a nation beleaguered by the Great Depression with these calming words: ''We have nothing to fear but fear itself.'' Now

certain Democrats, representing the left of that great party and claiming to be the political heirs of Roosevelt, have turned 180 degrees. Instead of pacifying hysteria they are engaging in the worst form of fear mongering.

They content that regulatory reform will either overturn 25 years of environmental law or roll-back environmental, health, or safety protection. They also claim that passage of this bill will clog the courts, allow judges to second-guess scientific findings, delay needed rulemaking, and require the creation of a new bureaucracy of thousands.

Nothing could be further from the truth. Indeed, the root of the hysteria of the left is not a concern over the protection of health, safety, or the environment, but a concern over the loss of power. The liberal agenda has usurped power to the Federal agencies, which have become the left's biggest constituency. Real regulatory reform, such as S. 343, you see, will whittle away at the excesses of the modern centralized administrative state. It will force the bureaucracy to rationalize and make more cost-effective its rules and regulations. It will shift power back from Washington to the grass roots of the people. It will transform bureaucracy into democracy.

This bill is a commonsense measure. It simply requires Federal bureaucrats to ask how much a rule will cost and what the American people will get in return. Passage of this bill, in fact, will foster the protection of health, safety, and the environment by assuring that the American taxpayer will get more bang for the buck. It does so by mandating that the costs of regulation must justify the benefits obtained and that the rule must adopt the least costly alternative available to the agency. This will assure more efficient regulations, ultimately saving taxpayers hundreds of millions of dollars. Actually, billions of dollars.

Let me address certain myths arising from the fear campaign of the opponents of S. 343:

Myth No. 1: The bill will overturn or rollback environmental protection or health and safety laws. That is pure poppycock. Section 625 of the bill, the decisional criteria section, makes clear that the cost-benefit and risk assessment requirements supplement existing statutory standards. Thus, there is no supermandate that overturns statutory standards, such as the recently passed House regulatory reform bill. Instead, S. 343 works much the way the National Environmental Policy Act does. Where NEPA requires agencies to consider environmental impacts, S. 343 requires agencies to consider cost of the regulation. Neither statutory scheme overturns existing health, safety, or environmental standards.

So, forget about myth No. 1. It is phony. It is a lie.

Myth No. 2. They say cost-benefit analysis is unworkable because we cannot quantify benefits. In fact, one of these far-left liberal outrageous groups compared a cost-benefit analysis with what happened under Hitler's regime.

It is hard to believe that we would have that in this day and age, from groups that claim to be representing the public.

Let us just forget that myth, because opponents of S. 343, although they claim that the cost-benefit analysis requirement in the bill requires that costs and benefits be quantified, their argument is that benefits, such as clean air or good health, are too subjective to be quantified. As a result, benefits will be understated and rules consequently will not adequately protect health, safety, or the environment. That is their argument.

There is only one problem with this argument: S. 343 explicitly states that agencies must consider qualitative—as well as quantitative—factors in weighing costs and benefits, Section 624 even goes so far as to allow agencies to select a rulemaking option that is not the least costly if a nonqualitative consideration is important enough to justify the agency option.

Myth No. 3: The requirements for cost-benefit analysis and risk assessments will harm health, safety, and the environment by delaying implementation of needed regulations. This is simply not true. S. 343 contains emergency exemptions from cost-benefit analysis and risk assessments in situations where regulations need to be enacted to prevent immediate harm to health, safety, and the environment. Furthermore, agency actions that enforce health, safety, and environmental standards, such as those concerning drinking water and sewerage plants, simply are not covered by the Act.

In any event, the cost-benefit analysis and risk assessment requirements are hardly novel. Under orders on regulations that go back to the administration of President Ford, most agencies must already perform cost-benefit analyses for numerous rulemakings and many agencies, such as EPA, already conduct risk assessments as a routine matter. What this bill will do is to assure that cost-benefit analyses are done for all rulemakings and that risk assessments are based on good science.

Myth No. 4: The agency review and petition process will open up all existing rules for review and this will grind all agency activities to a halt. The agency review and petition process will have no effect on reasonable regulations. Only those regulations imposing unreasonable costs without significant benefits and rules based on bad science are likely to be modified or repealed. I might ask what is wrong with that?

Moreover, not all rules must be reviewed. Only major rules, which have an expected effect of $50 million on the economy need be reviewed. And the agencies have 11 years to review these rules. This is more than ample time to review rulemakings. As to the petition process, to be successful in having a petition to review a rule not on a review schedule granted, the petitioner must demonstrate a reasonable likelihood that the existing rule does not meet the decisional criteria section. In other words, that the rule would not be cost-effective if the rule was promulgated under the standards set forth in the bill. This is an expensive proposition, for the petitioner must do a cost-benefit analysis to demonstrate this point.

Ultimately, with regard to the petition process, it simply boils down to whether one thinks that the status quo is acceptable or not. Understandably, defenders of the status quo are horrified at the prospect that perhaps something ought to be done about rules already in existence whose costs to the American people are greater than the benefits that result. I disagree, of course, with that attitude.

Myth No. 5: The judicial review provision will create scores of new cause of actions clogging the courts and would allow judges to second guess agency scientific conclusions. Section 625 of the bill makes clear that judicial review of a rule is to based on the rulemaking file as a whole. Noncompliance with any single procedures is not grounds to overturn the rule unless the failure to follow a procedure amounts to prejudicial error—which means the failure would effect the outcomes of the rule. Thus, section 625 would not allow for courts to nit-pick rules. Moreover, section 625 requires courts to employ the traditional arbitrary and capricious standard, a standard which requires courts to show deference to agency factual and technical determinations. This prevents courts from second, guessing agency scientific findings and conclusions.

I would also note that it is ironic that those who oppose the judicial review provision of S. 343 on the grounds that it will clog the courts are the same people who oppose meaningful legal reform.

Why? Because they want these lawsuits to continue everywhere else. They just do not want the American people and individual citizens and small businesses to be able to sue to protect their rights against an all-intrusive Federal Government which is over-regulating them to death.

Myth No. 6: Implementation of the bill would require a new bureaucracy of thousands. First of all, many agencies, such as EPA, already perform cost-benefit analyses and risk assessments. This is because of the existing executive order that requires such analyses for rules effecting the economy at $100 million. According to an EPA source, ''[o]ne big misconception about these bills is that risk assessments and cost-benefit analysis requires a lot more work than has routinely been done at EPA.'' Second, the requirement for peer review panels to assure good science and plausible estimates for risk assessments, will not significantly hinder the promulgation of rules. Peer review only applies to risk assessments

that form the basis for major rules—having the effect on the economy of $50 million annually—or major environmental management activities—costing $10 million.

I just wanted to get rid of some of these myths about this bill. I am sick and tired of articles written, like the one in the New York Times, that have no basis in fact. As a matter of fact, I think this is one of the most hysterical displays by the far left that I have seen. And it is even worse than the ''People For The American Way'' full-page ad against Judge Robert Bork that had some, as I recall, close to 100 absolute fallacious assertions in it that they never once answered after I pointed them out.

Mr. JOHNSTON. Will the Senator yield?

Mr. HATCH. I will be happy to yield.

Mr. JOHNSTON. One of the myths put out about the so-called Dole-Johnston amendment is that it contains a supermandate. That is, that the present requirements of law—for example, on the Clean Air Act, when it sets standards, for example, of maximum achievable control technology or the other specific requirements of law—that somehow those are overruled by this bill.

Would the Senator agree with me that the language is very clear in saying that does not happen under this bill? To quote the language, it ''supplements and does not supersede the requirements of the present law.'' And, in fact, other language in the bill specifically points out that there will be instances where, because of the requirements of present law, you cannot meet the tests of the risk justifying the cost? The benefits justifying the cost? And, in other words, the requirements of present law, under the instant Dole-Johnston amendment, would still be in effect and would not be overruled by this bill? Would the Senator agree with me?

Mr. HATCH. I agree 100 percent with the distinguished Senator from Louisiana, who has coauthored the bill along with Senator DOLE and others here. Section 625 of this bill, the decisional criteria section, makes clear that the cost-benefit assessment requirements supplement existing statutory standards.

Mr. GLENN. Will the Senator yield——

Mr. HATCH. Thus, there is absolutely no supermandate.

Mr. GLENN. For a parliamentary inquiry? I wanted to straighten out the time. It was my understanding the time, starting at 2 o'clock, was to be divided equally among proponents and opponents of the bill. The Senator from Michigan—it was my understanding the time so far, the time of the Senator from Utah, had come out of the time of the Senator from Michigan? Is that correct?

Mr. HATCH. That is correct. I have used too much of this time, so I yield back my time.

Mr. GLENN. I know they were preparing a unanimous-consent request to that effect. We do not have that yet. But it was my understanding that those were the rules we were operating under. I just wanted to make sure everyone agreed to that.

Mr. HATCH. Mr. President, I ask unanimous consent a factsheet I have with me be printed in the RECORD at this point, as well.

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

S. 343: RESPONSIBLE REGULATORY REFORM THAT PROTECTS HEALTH, SAFETY AND THE ENVIRONMENT

S. 343 DOES NOT OVERRIDE EXISTING HEALTH, SAFETY AND ENVIRONMENTAL LAWS

Sec. 624(a)—Cost-benefit requirements ''supplement and [do] not supersede'' health, safety and environmental requirements in existing laws.

Sec. 628(d)—Requirements regarding ''environmental management activities'' also ''supplement and [do] not supersede'' requirements of existing laws.

S. 343 PROTECTS HUMAN HEALTH, SAFETY AND THE ENVIRONMENT

Sec. 622(f) and Sec. 632(c)(1)(A)—Cost-benefit analyses and risk assessments are not required if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

Sec. 624(b)(3)(B)—An agency may select a higher cost regulation when ''nonquantifiable benefits to health, safety or the environment'' make that choice ''appropriate and in the public interest.''

Sec. 624(b)(4)—Where a risk assessment has been done, the agency must choose regulations that ''significantly reduce the human health, safety and environmental risks.''

Sec. 628(b)(2)—Requirements for environmental management activities do not apply where they would ''result in an actual or immediate risk to human health or welfare.''

Sec. 629(b)(1)—Where a petition for alternative compliance is sought, the petition may only be granted where an alternative achieves ''at least an equivalent level of protection of health, safety, and the environment.''

Sec. 632(c)—Risk assessment requirements do not apply to a ''human health, safety, or environmental inspection.''

S. 343 DOES NOT DELAY HEALTH, SAFETY AND ENVIRONMENTAL RULES

Sec. 622(f) and Sec. 632(c)—Cost-benefit and risk assessment requirements are not to delay implementation of a rule if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

Sec. 533(d)—Procedural requirements under the Administrative Procedures Act may be waived if ''contrary to the public interest.''

Sec. 628(b)(2)—Requirements for major environmental management activities are not to delay environmental cleanups where they ''result in an actual and immediate risk to human health or welfare.''

Sec. 801(c)—Congressional 60-day review period before rule becomes final may be waived where ''necessary because of an imminent threat to health or safety or other emergency.''

S. 343 DOES NOT PLACE A ''PRICE TAG ON HUMAN LIFE''

Sec. 621(2)—''Costs'' and ''benefits'' are defined explicitly to include ''nonquantifiable,'' not just quantifiable, costs and benefits.

Sec. 622(e)(1)(E)—Cost-benefit analyses are not required to be performed ''primarily on a mathematical or numerical basis.''

Sec. 624(b)(3)(B)—An agency may choose a higher cost regulation when ''nonquantifiable benefits to health, safety or the environment'' dictate that result.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, it was my understanding that when the Senator from West Virginia concluded and we began discussion on the regulatory reform bill, that there would be 2 hours of time equally divided between myself and Senator GLENN; and that the time for Senator HATCH's statement—I did yield to him—was to come out of my time.

I agree with that. I would like to know how much of my hour remains at this point.

The PRESIDING OFFICER. The time is 30 minutes remaining.

Mr. ABRAHAM. Mr. President, I do not think that is correct. I believe Senator HATCH spoke for 30 minutes.

Mr. HATCH. Mr. President, I ask unanimous consent that the time yielded to both sides on this matter will have begun at 1:15.

Mr. GLENN. Mr. President, reserving the right to object, would this then mean that the time certain that was established for a vote later this afternoon at 5:15 would have to be set back in accordance with that?

The PRESIDING OFFICER. Not necessarily.

Mr. GLENN. Then, Mr. President, something has to give here because we were supposed to have a certain time set aside for Senator NUNN, which I believe was 2 hours—2 hours for Senator ABRAHAM and 2 hours for Senator NUNN; is that correct?

The PRESIDING OFFICER. Originally, that would have been 2 hours on the first amendment and 2 hours and 15 minutes on the second.

Mr. GLENN. What would be the timing on the vote this afternoon if we agreed to the proposal made by the Senator from Utah?

Mr. ABRAHAM. Mr. President, I object to the proposal of the Senator from Utah in that the Senator from West Virginia did not conclude his remarks until 1:25 p.m. We were to start at 1:25. I would have no objection in calculating based on that.

The PRESIDING OFFICER. The Chair will announce that the bill was laid down at 1:20 and that the next amendment would be laid down at 3 o'clock pursuant to the previous order.

Mr. HATCH. Parliamentary inquiry: As I understand, there was supposed to be 2 hours of debate. That should not begin until 1:20. That means that there should be 2 hours from 1:20.

The PRESIDING OFFICER. The previous agreement was that the amendment by the Senator from Michigan could be laid down at 1 o'clock with no other time agreement, and that the other aspect of the agreement was that the amendment could be laid down by

the Senator from Georgia at 3 o'clock with votes beginning at 5:15.

Mr. HATCH. Then I suggest, and I ask unanimous consent, that the 2-hour time limit on this first amendment begin at 1:20 and that the 2-hour-and-15-minute time limit begin on the second amendment at 3:20.

I withdraw my unanimous-consent request.

Mr. GLENN. Mr. President, I suggest we proceed. We are wasting a lot of time on this. Let us just proceed. If we need extra time at the end, which I doubt that we will, then we can take appropriate action at that time. Otherwise, let us proceed and hope we can hit the 3 o'clock deadline anyway, if that is all right with the Senator from Michigan.

Mr. ABRAHAM. Very well.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment.

AMENDMENT NO. 1490 TO AMENDMENT NO. 1487

(Purpose: To ensure that rules impacting small businesses are periodically reviewed by the agencies that promulgated them)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. DOLE, Mr. KYL, and Mr. GRAMS, proposes an amendment numbered 1490.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(a) on page 27 line 13, strike ''subsection'' and insert ''subsections''; and

(b) on page 27 line 13, after ''(c)'', insert ''and (e)''; and

(c) on page 30, before line 10, insert the following:

''(e) REVIEW OF RULES AFFECTING SMALL BUSINESSES.—(1) Notwithstanding subsection (a)(1), any rule designated for review by the Chief Counsel for Advocacy of the Small Business Administration with the concurrence of the Administrator of the Office of Information and Regulatory Affairs, or designated for review solely by the Administrator of the Office of Information and Regulatory Affairs, shall be included on the next-published subsection (b)(1) schedule for the agency that promulgated it.

''(2) In selecting rules to designate for review, the Chief Counsel for Advocacy of the Small Business Administration and the Administrator of the Office of Information and Regulatory Affairs shall, in consultation with small businesses and representatives thereof, consider the extent to which a rule subject to sections 603 and 604 of the Regulatory Flexibility Act, or any other rule meets the criteria set forth in paragraph (a)(2).

''(3) If the Administrator of the Office of Information and Regulatory Affairs chooses not to concur with the decision of the Chief Counsel for Advocacy of the Small Business Administration to designate a rule for review, the Administrator shall publish in the Federal Register the reasons therefor.''

Redesignate subsequent subsections accordingly.

Mr. ABRAHAM. Mr. President, the amendment I have proposed with the majority leader and other Senators would ensure that the concerns of America's small businesses are not overlooked or ignored during the regulatory review process that S. 343 would establish.

We need some type of meaningful regulatory review process because, quite simply, the utility of a regulation may change as circumstances change. The fact that a regulation withstood cost-benefit analysis at the time of its promulgation provides no assurance that it remains cost-effective 5 or 10 years later. A review process with teeth, however, would ensure that regulations remain on the books only so long as they remain cost-effective.

Section 623 of the regulatory reform bill appears at first glance to address the need to review periodically the cost-effectiveness of existing regulations. Agencies would be required to publish a schedule of regulations to be reviewed. Regulations on the schedule would be measured against the cost-benefit criteria in section 624 of the bill. And, although the agency might have more than 14 years to conduct its review of a regulation, the regulation would terminate if the agency failed to complete its review of it within the time allowed.

As currently drafted, however, section 623 contains a significant loophole. Whether a regulation is subject to review under section 623 depends, at least in the first instance, on whether the agency chooses to place the rule on its review schedule. This amounts to the fox guarding the henhouse.

Under the bill's current language, the only way to add a regulation to the list of rules chosen by the agency is to present the agency with a petition that meets the extremely demanding standard set forth in the bill. It likely would cost hundreds of thousands of dollars to hire the lawyers and technical experts needed to prepare such a petition. Small businesses by their very nature do not have such large resources at their disposal. Thus, under the current language of section 623, agencies potentially could overlook or even ignore the needs of small businesses.

Mr. President, small businesses are too important to our economy to let that happen. Small businesses are the engines of job creation in our Nation. From 1988 to 1990, small businesses with fewer than 20 employees created 4.1 million net new jobs, while large businesses with more than 500 employees lost over 500,000 net jobs during the same period. It comes as no surprise, then, that 57 percent of American workers are employed by a small business. Thus, when we overlook the needs of small businesses, we put American jobs in jeopardy.

And when it comes to reducing the burden of regulations, the needs of small businesses are particularly acute. The hidden tax of regulatory burdens is highly regressive in nature: According to the U.S. Small Business Administration, small businesses' share of regulatory burdens is three times that of larger firms.

There are a number of commonsense reasons for this fact. First, unlike big businesses, small businesses cannot spread the costs of regulation over a large quantity of product sold to the public. Since the regulatory costs borne by small businesses are thus concentrated on a relatively small quantity of product, those costs have a disproportionate impact on the cost of goods and services sold by small businesses. Put simply, the advantages of economies of scale apply to regulatory costs just as they do to other costs of doing business.

A second reason why regulations hit small businesses especially hard is that small businesses simply cannot afford to hire the lawyers, consultants, and accountants needed to comply with the paperwork requirements that inevitably attend regulatory mandates.

When it comes to small businesses, the agencies' avalanche of paperwork falls not on an accounting or human resources department but, rather, on a hard-working entrepreneur who often lacks the time or expertise necessary to cross all the T's in the manner the agency has commanded.

The magnitude of this burden truly cannot be overstated. The Small Business Administration estimates that small business owners spend almost 1 billion hours per year filling out Government forms. An example illustrates the point. Recently, a small construction company inquired about bidding on a modest remodeling project at a post office in South Dakota. In response to that inquiry, the owner of the company received no less than 100 pages of bidding instructions. Needless to say, Mr. President, a 100-page book of bidding instructions might as well state on its cover that ''small businesses need not apply.''

In short, Mr. President, given the importance of small businesses to our economy and their disproportionate share of the cost of regulations, we need to ensure that S. 343 contains a regulatory review process that is responsive to the concerns of small businesses.

Our amendment would meet that need by empowering the chief counsel for advocacy of the Small Business Administration, also known as the ''small business advocate,'' to protect the interests of small businesses during the regulatory process.

Under our amendment, the advocate would be permitted to add regulations that hurt small businesses to the list of regulations that the agencies themselves have chosen to review, in accordance with the office at the White House known as OIRA.

The advocate would do so pursuant to a simple process. First, the advocate would consult with small businesses concerning the burdens that regulations impose on them. Next, the advocate would consider criteria such as the extent to which a regulation imposes onerous burdens on small businesses or directly or indirectly causes them not to hire additional employees.

On the basis of such input and criteria, the advocate would designate regulations for review. If the administrator of OIRA then concurred in the advocate's designation of a rule for such inclusion, at that point the rule would be added to the list of regulations the agencies have chosen to review. Additionally, if OIRA itself chose to designate a rule for review, that rule could be added to the agency's list.

Our amendment thus would be a small business counterpart to the petition process available to larger firms. Just as through the petition process high-priced lawyers and consultants would ensure that regulations impacting big businesses are not overlooked as regulations are reviewed, so, too, would this process ensure that regulations, the heavy costs of which are borne by small businesses, are not ignored in the regulatory review process.

This task falls squarely within the advocate's mission. Created by a 1976 act of Congress, the advocate's mission is to ''counsel, assist and protect small business,'' thereby ''enhancing small business competitiveness in the American economy.''

Pursuant to this mission, the advocate ''measure[s] the direct costs and other effects of Government regulation on small businesses and make[s] legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of small businesses.'' The advocate also administers the Regulatory Flexibility Act, which has afforded it additional experience in assessing the impact of regulations on small businesses.

In fact, by allowing the advocate to designate rules for review, our amendment merely builds on the foundation laid by the Regulatory Flexibility Act. Under that act, the advocate reviews agency analyses of the likely impact of proposed and final rules on small businesses. Thus, under our amendment, the advocate's role in reviewing regulations will be very similar to its role in promulgating regulations.

In summary, Mr. President, small businesses need an advocate in the regulatory review process. For too long, small businesses have been left at the mercy of Federal agencies. Our amendment will ensure that small businesses' concerns are considered in a manner that reflects their contribution to our economy.

That is why the National Federation of Independent Businesses has scored our amendment as a key vote in its rating system.

In the end, Mr. President, our amendment will lead to more efficient regulations for small businesses and more jobs for American workers.

Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, I wonder if the Senator from Michigan will yield a few minutes to me on his amendment.

Mr. ABRAHAM. Mr. President, I yield to the Senator from New Mexico such time as he shall need.

Mr. DOMENICI. Do we have enough time for me to ask him——

The PRESIDING OFFICER. The Chair should note that time is not controlled at this point.

Mr. GLENN. Mr. President, you say time is not controlled?

The PRESIDING OFFICER. Time is not controlled at this point.

Mr. DOMENICI. On this amendment.

Mr. GLENN. Mr. President, parliamentary inquiry. The discussion we had a little while ago resulted in no agreement. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, will you advise me when I have used 10 minutes, please.

Mr. President, the Federal regulatory process, from everything we can determine from our constituents and in various and sundry meetings across this land and in our States, is simply out of control. Federal regulations affect in a very real way every man, woman, and child in America.

The cost of Federal regulations, however, has been estimated to be as high as a half trillion dollars a year, $500 billion. Even the most conservative estimates of the cost of Federal regulations show that the cost of regulations has a profound impact on American citizens.

A recent Washington Post article reported that regulations ultimately cost the average American household about $2,000 a year. I believe one of the main reasons these regulations cost Americans so much is that often they are not generated in an efficient and commonsense manner. That does not mean we do not need regulations, but we need efficient and commonsense regulations.

The sheer volume of regulations proposed and finalized by Federal agencies every year is staggering. For example, the registry, that is, the Federal Register, in 1994 alone runs a total of 68,107 pages. They take up an entire storeroom of space in my office as we attempt to follow them.

Mr. President, how can anyone, no matter how earnest or diligent, comply with all of these? In my State, small business makes up about 85 to 90 percent of the employers. From my standpoint, I have suspected that they felt unrepresented and put upon, and about 2 years ago I established a small business advocacy group. We held field hearings on an informal and voluntary basis, and almost all the small business owners that I talked to and spoke with, the people who create almost all the jobs in our State, told me just how smothering this explosion has become.

I would like to read a letter from one of my constituents in this regard, a small businessman in northwestern New Mexico, Mr. Greg Anesi. He is the president of a small business in our State called Independent Mobility Systems which makes equipment for the handicapped. His business employs quite a few handicapped people. And Mr. Anesi wrote to me to tell me exactly how crushing simply preparing the paperwork required by regulations has become to his small business. The letter states:

> When we consider hiring additional employees, we are limited by the fact that the more people we employ, the greater the regulatory costs and the burdens.

Further, this crushing regulatory inefficiency can and does have a very damaging impact on the environment and on human safety because it diverts limited financial resources from the most pressing of environmental problems. The book called ''Mandate for Change'' reports that in 1987, ''a major EPA study found that Federal Government spending on environmental problems was almost inversely correlated to the ranking of the relative risks by scientists within the agency.''

One way to solve the problem is to use best available science when making regulatory decisions about the environment and human safety. I have been a champion of that, and last year in fact I attached the amendment to the Safe Drinking Water Act. That amendment would ensure that the best available peer-review science was used when promulgating safe drinking water standards.

Nor is the use of good science in environmental decisionmaking a partisan issue. In this same book, which I hold up, ''Mandate for Change'', which President Clinton endorsed as a book which tries to move us toward a better future, on page 216 there is a specific call to ''expand scientific research on, and use of, risk assessment as part of a national effort to set environmental priorities.'' I am happy to see that S. 343 has incorporated environmentally conscious, good science concepts in its assessment provisions.

Another way to solve problems of inefficient Federal regulations is to make sure that agencies consider the costs and the benefits of the regulations they promote. I understand that will be a matter of very significant debate on the floor, what standard with reference to costs and how will costs and benefits relate one to the other.

Again, I do not believe cost analysis is a partisan issue. Every President since Richard Nixon, including President Clinton, has required cost-benefit analyses before rules are promulgated. Unfortunately, Federal agencies are not performing these analyses as well as they should. The fact that both S.

343 and Senator GLENN's regulatory reform bill contain cost-benefit sections show that both Democrats and Republicans agree on this point. Perhaps there is some disagreement as to how one would apply the costs and the concept of benefits in determining whether or not the costs were justified is still in order, and we will debate that.

Mr. President, the Abraham amendment to S. 343 allows for agencies to put an existing regulation on a list of meaningful cost-benefit reviews. The problem with the bill's current language is that there are only two ways for a regulation to be put on this list. First, it is up to the agency to choose to put an existing regulation on the list for review, while allowing the agency to do this sort of thing rather than forcing them to is exactly the problem we are trying to address with these bills. Second, an interested party can petition to get an existing rule on the list but only if that party can show that the rule is a major rule.

Showing that a rule costs the national economy $50 to $100 million can cost the interested party thousands of dollars. That is one of the problems. Small business does not have thousands of dollars to prove that the national economy will be influenced $50 to $100 million. When the interested party is a small business, that cost is simply out of reach no matter how ridiculous the existing regulation might be.

Mr. President, that is why I support the Abraham amendment. This amendment will empower the chief counsel for advocacy at the U.S. Small Business Administration, in concurrence with the administrator of the Office of Information and Regulatory Affairs, to add regulations to the agency's list which have significant impact on small business. This amendment, therefore, would allow the small businessman, the little guy, the small business owner, a real opportunity to make sure that Federal agencies actually perform the cost-benefit analysis that everyone says should be done but that everyone agrees are too often ignored in practice.

So, Mr. President, I compliment the Senator who has had to modify his amendment, as I understand it, to include OIRA, the administrator of the Office of Information and Regulatory Affairs, and some might think under certain circumstances that might not be the best. But I think over time, when you combine the small business advocacy office and the administrator of the Office of Information and Regulatory Affairs in the executive branch, over a period of time I think this amendment has a chance for small business to get some of their concerns on the list—that is, on the list to be reviewed—rather than it being as difficult as the base bill, S. 343, would provide.

I hope the amendment is adopted, and I thank the Senator for offering the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I want to make some remarks on the bill itself and then some remarks specifically on the amendment by the distinguished Senator from Michigan.

I firmly believe that this is one of the most important bills that we will take up this year. That probably comes as a surprise to a lot of people who think regulatory reform is pretty dry, arcane, and is about like watching mud dry, as far as interest goes. It is what we termed in the past a MEGO item, ''my eyes glaze over'' when you bring it up. That is about the interest that it will generate with a lot of people, because it is not debating B–2 bombers or the M1A2 tanks, or something like that. It deals with the nitty-gritty of rules and regulations, how they get published, why they are necessary, and so on.

Lest anyone think we have a lot of bureaucrats just sitting over on the other side of town dreaming up rules and regulations to put out on their own volition, that is not the way these things happen.

We pass laws in the Senate and in the House of Representatives and we send them over to the President. The President signs them. Then they go to the agencies to have the rules and regulations written that implement them, that let them be put into effect, that make them practical so they can go out and affect everyone, literally, in this country—businesses, organizations, individuals, families, children, elderly. Everyone is affected by many of these rules and regulations.

If we did a better job in the Congress, I think perhaps we would find less necessity for rules and regulations over in the agencies and the Departments. If we want to see the major problem area, we ought to look in the mirror, because what we do is too often see how fast we can get legislation out of here. We do slapdash work on it here, send it over and then we are somehow surprised that the agencies and the people doing the regulation writing do not do a better job, and then we are all concerned about why they did not do a better job when we did not do a good enough job in directing them in what they are supposed to do.

Having said that, some 80 percent of the regulations written are required to be written by specifics of legislation passed in the Congress. So we bear heart and soul a lot of the blame on this thing. But the importance of rules and regulations cannot be denied. It is what makes them applicable across the country.

Let me say this. I do not think there is a single Senator that I know of who thinks we should just go along with the status quo. The administration started a review of this whole area 1½ years ago, and they already cut out a lot of rules and regulations. They are in the process of doing more of that right now. So the Senate is interested, the House of Representatives is interested, the administration is interested, and it is that important. We are united on the need to make some changes. So this is not a partisan thing across the aisle on the need. The question is how we go about this.

Let me go back a few years to 1977. The Governmental Affairs Committee, of which I am a member—I was not chairman at that time. Later on I was chairman of the committee for 8 years. Senator ROTH chairs the committee now. But back in 1977, we had what was really a landmark study. It was a landmark study on regulatory reform. It resulted in OMB and OIRA changes, the establishment of processes there. It was an open process. So we had an interest through the years on these matters.

In this year, we had four hearings on the bill in committee. It was bipartisan in support in that committee. We deliberated, we considered everything everyone wanted to consider, and we had a 15–0 vote when that came out of committee. There was agreement on it, and it was a bill of balance.

I think we focused on many of the very central issues, and I will get to those in just a moment. But the bill that we have as S. 291 that has not been introduced here—of course, we are dealing with S. 343, the bill proposed by the majority leader—but that bill we passed out of committee, the Roth bill—and the bill which we would have as an alternative, S. 343, now is basically S. 291 that came out of committee, with just three changes. Those three changes are: A major rule would be defined as one having a $100 million impact per year. No. 2, if an agency fails to review the rules within 10 years, there would be no sunset. In other words, an administrator in an agency could not deliberately let it run beyond the time period and automatically have laws and rules sunset without congressional action. And No. 3, the difference between this and S. 291, as originally voted out of committee, is there is a simplified risk assessment process to comport with the National Academy of Sciences guidelines on risk assessment.

Those are the only three differences. This is a bill that was voted out of committee 15–0. We find ourselves in a position where we have several differences between what was provided in the bill out of committee and what the majority leader has proposed with S. 343. No. 1, the decision criteria, the test whether an agency can promulgate a regulation.

S. 343 proposes a least-cost basis. The bill voted out of committee proposed a cost-effective basis. There is a big difference between least cost and cost effective.

Another area of difference is that of judicial review. Under judicial review there are some major differences as to what would be judicially reviewable; in other words, what you can file suit in court on.

Another difference is the $100 million threshold. S. 343 has a $50 million threshold, which drastically increases the number of bills that would have to be considered.

Another difference is the petition process.

Another is the sunsetting, as I mentioned a moment ago.

Another is how we do risk assessment.

The effectiveness of regulatory flexibility is another.

If the agencies have done their job or have not done their job.

The lack of sunshine, openness, a requirement for openness in our legislation.

Of course, there is the area of specific interest fixes, and whether we, as proposed in S. 343, knock out Delaney or toxic release emissions requirements, inventory requirements that every community should have knowledge of.

These are some of the differences in the legislation between what we voted out of committee and the legislation the majority leader brought to the floor.

Let me talk about the cost-benefit analysis as a tool and not a statutory override. Now, there is substantial difference of opinion on this. Regulatory reform, we feel, should build on our health and safety accomplishments, while applying better science and economic analysis. Regulatory reform on its own and without any other consideration should not override existing environmental safety and health laws.

There seems to be a difference here. But in discussions about S. 343, there has been a refusal to include language that in the event of a conflict between a law—the Clean Air Act, for example—and the new standards in this bill that the law would govern. That is a major difference. I know we say we are in agreement on that. But the language that would spell that out very specifically has been difficult to come by up to now.

There are other statutory overrides in this bill, like the sunset of current regulations if an agency did not act to rewrite or renew them. There would be 10 years to review a petition process, and if it was not reviewed, the bill, according to S. 343, would sunset, would go out of existence.

There is also what could be considered a rewrite of Superfund and the Reg Flex Act. What they have in S. 343 is if the cleanup is worth more than $10 million, or will cost more than $10 million, there needs to be a new analysis of even work in process. I know there is a lot of work going on. But it is my understanding that that is still the intent of the bill.

Under the cost-effective regulations, regulatory reform should result in regulations which are cost effective. S. 343 requires agencies to choose the cheapest alternative, not necessarily the one which provides the most bang for the buck. Here is an example: If a $2 increase in the cost of a bill would result in the saving of 200 lives, to make a ridiculous example, the least cost would not permit that extra $2 expenditure.

Another area of interest: No special interest fixes. Congress should enact reforms of the regulatory process, not fixes for special interest. S. 343, as brought to the floor, rewrites the toxic release inventory which gives people the right to know what toxic substances have been released in their communities. It repeals the Delaney clause against additives in cosmetics with a substitute. It delays and increases costs of ongoing Superfund cleanups and prohibits EPA from conducting risk assessments to issue permits to even such things as cement kilns and others allowing them to burn hazardous waste.

So those are some of the areas. We have others. Better decisionmaking, not a regulatory gridlock is what we are after also. Regulatory reform should streamline rulemaking. It should not just be a lawyer's dream opening up a multitude of new avenues for special interests to tie up the process.

The bill, as brought to the floor, allows courts to review risk-assessment and cost-benefit procedures and to reopen peer review conclusions. It creates numerous petition processes for interested parties. These petitions are judicially reviewable and must be granted or denied by an agency within a time certain and these petitions will eat up agency resources and allow the petitioners, not the agencies, to set agency priorities.

Now, a very major difference also is the reasonable threshold. The new requirements should be applied wisely where the cost of conducting the analysis are justified by the benefits. But S. 343 sweeps into the new process an unwarranted number of regulations because it would, I believe, flunk its own cost-benefit test, because it provides for a threshold of $50 million, where the bill we brought out of the Governmental Affairs Committee, that Senator ROTH brought out, has a $100 million threshold, which means even then somewhere 400 to 600 reviews are going to have to be conducted per year. And cutting that $100 million standard in half, with no evidence that the extra taxpayer dollars needed to comply would be spent effectively.

In other words, how many can we really do effectively? That is the question. I think if we went to the $50 million threshold, we would probably find the agencies being swamped. We are going to spend a lot of dollars making no progress, as far as the accomplishment of regulatory reform.

Last, but certainly not least, is sunshine. Regulatory reform should be open and understandable to the public and regulated industries. It should be sunshine in the regulatory review process.

S. 343 as brought to the floor has no sunshine provisions to protect public participation and prevent secrecy in regulatory review. I can say this, going back a few years, when we had the Council on Competitiveness and a few things like that, we certainly need the sunshine provision. I think most people here would probably agree with that.

Mr. President, the rules and regulations that we are talking about involve every child in this country, every family, the milk you drink, the meat you eat, transportation, safety, water, air, all of these are things that will be affected by this legislation. That is the reason that I say it will be one of the most important bills that we bring up this year.

I do not want confrontation on these things. I think the press has continued to play it mainly as confrontation. I do not like that, particularly because we are talking about working out cooperative methods and working out compromise on this so we can get a good bill for the whole country. We all stand here united on the need for regulatory reform. So I think it is important that we try and work as many of these things out as possible.

Now, with specific regard to the proposal made by the Senator from Michigan, I know his original proposal was one that I was prepared to oppose. But he has modified that proposal. I think after we have checked with some of the people involved on our side or wanted to be involved on our side, we may be able to accept the amendment over here. The amendment, as originally proposed, while well-intentioned, I think, would have added to special interest lobbying, would have delayed Government decision and frustrated effective regulatory reform. The amendment would have allowed a single official, and not even the Administrator of SBA but the chief counsel for advocacy, to determine any rule, any reg, to be put on the list for agencies. Agencies would have been forced to put these rules on just with one person's say-so. And that could have been any existing rule he or she might have chosen. I did not favor that approach to it because I think we had adequate protection in the bill in S. 343 and S. 291 both to cover that. We had adequate procedures that would have covered that without giving one person, in effect, what would be a czar's authority over all rules and regulations which already have to be reviewed for small business under the Regulatory Flexibility Act, which is required for agencies to evaluate the impact of proposed rules on small businesses and to consider less burdensome, more flexible alternatives for those businesses.

Both the Glenn-Chafee bill and S. 343, the one before the Senate, also strengthen the Regulatory Flexibility Act by providing judicial review of agency regflex decisions.

I think that is the right thing to do. I think both bills cover that. Trying to tighten up regflex is one thing, but creating a whole new set of powers for the Small Business Administration would be quite another thing.

I know the Senator has modified his proposal to say that now, instead of the chief counsel for advocacy at SBA being able to determine on his or her own that these things must be considered by the particular agency or department involved, he has said now that first they have to recommend these up to the Office of Information and Regulatory Affairs in the Office of Management and Budget, which is the office OIRA, that normally passes on these things.

It is our understanding that would be an adequate stopgap, an adequate monitor, a governor, if you will, or a sieve, to sort out what might be frivolous or might not be frivolous.

It is my understanding that the OMB, then, in the amendment as now proposed, would be able to stop that procedure if they wanted.

I ask my distinguished colleague from Michigan if that is his intent now, that once the SBA counsel has submitted this to OIRA, we could turn it down and that would be the end of it.

Mr. ABRAHAM. The Senator from Ohio is correct, I think. Our understanding is, with some changes which we made prior to introducing the amendment here today, it was to provide sort of a fail-safe to ensure that the concerns that the Senator from Ohio has expressed about the possibility of having the advocate of the Small Business Administration move into areas that were of negligible importance, that might be extraordinarily burdensome to the agencies, to provide a type of a fail-safe by requiring concurrence—in other words, approval—also, by the Administrator of OIRA.

Mr. GLENN. I was curious as to why the Administrator of the Small Business Administration was not the authority that would pass on these things to OIRA, or make the decision, rather than taking a subordinate officer and, in effect, elevating that officer for a greater authority than the Administrator has in being able to send things off for review at a different place.

Mr. ABRAHAM. I will say we felt, of the various responsibilities at the Small Business Administration, the advocate's office is, in effect, a somewhat independent figure whose principal responsibility under current law would seem to be very consistent with the responsibility of trying to protect small businesses with regard to promulgation of new regulations.

We thought that was the logical place to impose this responsibility. Also, the mechanism seemed to exist to do some of the study that is entailed in putting forth these recommendations.

We thought that this semi-independent status of the advocate, combined with the authorities already given it, were ones that justified and supported the notion of allowing that.

Mr. GLENN. I thank my colleague.

As I said earlier, at the appropriate time, after I have had a chance to check with a number of people on our side interested in the legislation, we may be able to accept. I, personally, think it is OK now as far as putting OIRA on as sort of a governor or place in which these can be judged before they would be sent to a department or agency. I would personally be prepared to accept it.

We would like to check with a few more people. I yield the floor.

Mr. JOHNSTON. Mr. President, I rise in support of the Abraham amendment. I congratulate the Senator for, first, his concern about small business, which is a concern of all Members on regulations; second, for having an appropriate screening mechanism to prevent the agency overload.

Agency overload, Mr. President, is one of the principal problems with this bill. We are all in favor, at least everyone that I have heard, says they are in favor of cost-benefit analysis, says they are in favor of risk assessment. The question is, do we give the agencies more work than they can do and overload their capacity to do it?

In its original form, the Abraham amendment might well have been subject to that criticism in that any rule on a look-back which the advocate designated would go into the workload of the agency.

However, in the form that the Senator from Michigan has proposed, there is an appropriate screen because the head of OIRA would have to concur with that judgment, which would ensure, I believe, that those rules which have a major effect on small business would be included in the workload, as they should be, but that we could prevent the agency overload.

Mr. President, I think this is an excellent amendment which will presently protect small business on the look-back.

If I may speak for a few moments on the pending bill and on the Glenn substitute, which the Senator has spoken about, there are a number of differences, Mr. President, and I believe that the pending bill, the so-called Dole-Johnston amendment, is a much better bill in terms of accomplishing the control over a runaway agency.

Mr. President, the Senator from Ohio [Mr. GLENN] states that under the Dole-Johnston bill, there would be a judicial review of the procedures in the risk assessment management; and under the Glenn substitute, there would not be that review of procedures.

Mr. President, exactly the opposite is true under the language proposed. Under the language of the Glenn substitute, it states specifically that any regulatory analysis for such actions shall constitute part of the record and shall, to the extent relevant, be considered by a court in determining the legality of the agency action.

The risk assessment protocol is included as part of the record and shall be considered by the court—shall be considered by the court—in determining the legality of the agency action.

Now, what does legality mean, Mr. President? Legality can only mean, in my judgment, the legality as measured by section 706 of the Administrative Procedure Act. If it does not refer to section 706, there is not, within the Glenn amendment, a separate rule for testing and determining legality.

Now, what does section 706 say? Section 706(D) refers to the procedures, and that any rule which the reviewing court shall hold unlawful and set-aside agency actions which are ''without observance of procedure required by law.'' ''* * * without observance of procedure required by law.''

There is nothing, Mr. President, in the Glenn substitute, to say that section 706(D) does not apply. That is the only thing that legality can mean.

Now, when we get into a further discussion of what the Dole substitute shows, we will have a blowup of the language and make this clear.

Mr. President, exactly the opposite is true. That is, Senator GLENN says that his amendment would prevent the review. We say it not only permits it, but requires it. And that, under the Dole-Johnston pending amendment, it prevents any such review by saying that, ''failure to comply with the subchapter may be considered by the court solely for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion.''

Mr. President, another serious deficiency of the substitute is that there is no enforceable petition process on the Glenn substitute, no enforceable petition process—no enforceable look-back process.

Oh, there are words in there about you can adopt it—you have the petition process as provided for under the present law. But what does that amount to? I mean, if all you get is the petition process under the present law, you get nothing. That is what this bill is all about. What happens when you have an oppressive regulation, of which there are many, which did not follow a risk assessment protocol, which did not involve scientists or ignored the scientists, which is exorbitantly expensive, and which you want to take a look at?

Effectively, there is almost nothing you can do about it, because there are no standards by which you can seek that petition and get it reviewed. And, under the Glenn substitute, they simply take the present law and say: Whatever you do under the present law, we are not going to disturb. There is no look-back process that is enforceable. None at all. What it says is that you shall look back at these, all these regulations, within 10 years, or you may request to extend that up to 15 years. But what happens if you do not do it? It says you shall institute a rulemaking under section 553. What does that mean? It means you submit a notice of proposed rulemaking, which can

go on forever, and which in turn is not enforceable. That is the problem today. What happens when you can not get an agency to act? You have no recourse at all.

Some of these agency actions are absolutely ridiculous. Two years ago I first proposed a risk assessment. And the reason I did was we found in some of the rules which come before the Energy Committee, which I chaired at that time, that these costs were out of control. We could not figure out why it was, for example, that the cost of analyzing the Yucca Mountain waste site—the costs of characterizing that site—had gone up a hundredfold—a hundredfold—from $60 million to $6.3 billion. And we said, Why could this be? How can the cost of just determining, in this case a site for storage of nuclear waste, whether that site is suitable—not the building of the site, just determining whether that site is suitable—how could those costs have gone up from $60 million to $6.3 billion?

One of the things we found that they had done was adopted a rule where they had ignored their own scientists, absolutely ignored what the scientists had told them. They did not know what it was going to cost. The rule had no basis in health or safety. It was going to cost $2.1 billion to comply with and there was nothing anyone could do about it.

The Glenn substitute takes that same attitude, which is to say: Do not worry about it. You are fully protected under the present rules. We are not going to give you a right to go to court. We are not going to give you a right to enforce a petition process. We are not going to give you a right to have an enforceable look-back process. We are going to leave it as under present law, and under present law all you have to do is file your notice of proposed rulemaking and that is all you have to do. You cannot enforce and require the agency to proceed with that rulemaking.

So we will have a lot to discuss about this question of the two bills. There are improvements which need to be made, to be sure, in the Dole-Johnston substitute. One of those, which I hope to propose and have agreed to, and I have some confidence that we will be able to do so, is to take the CERCLA provisions—that is the Superfund, or environmental management procedures—out of this bill. I think they ought to be considered separately. Almost everybody agrees that you need to use risk assessment principles in determining cleanup when you have Superfund sites, but that it would better be done in a separate bill, reported out of the Environment and Public Works Committee in the Senate. And I believe there is a desire on the part of that committee to proceed with that. I think we ought to take those provisions out.

I also hope at the appropriate time we can increase the threshold amount from $50 to $100 million. Again, that relates to this question of overload. Because, just as Senator ABRAHAM has so wisely provided a screen to have a check on the amount of overload coming from consideration of small business matters, we need a screen to lift that bar a little higher, from $50 to $100 million. There is going to be a lot of work to be done under risk assessment and under cost-benefit analysis. There is a lot of work to be done. We do not want to overload the agencies.

So, Mr. President, I quite agree with Senator GLENN when he says that this is a very, very important bill. I am delighted there is, I believe on the part of all parties—myself and Senator DOLE, Senator GLENN, Senator HATCH, Senator ROTH, those who have been the leaders in this area—a desire to try to find a way to provide for an appropriate risk assessment and appropriate cost-benefit analysis.

I believe, with that desire of all parties, that we can work our will and get a good bill. But make no mistake about it, risk assessment, putting science as opposed to politics or emotion or prejudice or superstition—putting science back into the decision process and having a process that works, and that is required to be followed, a logical process—that tells the American taxpayer we are going to fully protect your health and safety but we are not going to foolishly spend money on things that do not relate to health and safety.

One final point about the Dole-Johnston amendment. My friend from Ohio, Senator GLENN, says that under our amendment you must take the least-cost alternative. Mr. President, that is simply not true. The bill very specifically states that where uncertainties of science or uncertainties in the data require a higher cost alternative, that you may do so. Or, where there are—actually, to give the language here, the language says, ''if scientific, technical or economic uncertainties or nonquantifiable benefits to health, safety, or the environment identified by the agency in the rulemaking record make a more costly alternative that achieves the objectives of the statute appropriate and in the public interest and the agency head provides an explanation''—that may be adopted.

So, Mr. President, what we say is you get the least cost alternative that achieves the objectives of the statute unless the science is uncertain, or the data are uncertain, in which event you can get a more costly alternative. Or you may make a more costly alternative if nonquantifiable benefits to health, safety, or the environment make that in the public interest. What does that mean? That means, if it would save more lives to do something else. How can you quantify the value of life? You cannot. But you can go to a higher cost alternative if those nonquantifiable benefits to health, safety, or the environment make another alternative more advisable.

But we say that, if you are going to go to this higher cost alternative because of these nonquantifiable benefits, or if there are uncertainties of science, then you must identify what those uncertainties are, or you must identify what those nonquantifiable benefits are, and then provide the least cost alternative that takes into consideration the nonquantifiable benefits.

So what we are saying is you may go higher, but you have to say why you went higher, and you cannot do it just because you want to or because it is politically attractive to do so or because some constituent group wants you to do it. You have to identify what it is that is uncertain or what it is that is nonquantifiable.

So, Mr. President, in closing, I will just say that the Abraham amendment, I think, is a good one now that both protects small business on the lookback procedures but provides the appropriate screen. Therefore, I support that amendment.

Mr. GLENN. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. Yes.

Mr. GLENN. I ask my friend from Louisiana. On this least cost versus cost effective, he talked about uncertainties. What if there are no uncertainties, if the science is good, everybody is agreed on that, and if all matters are quantifiable, lives may not be monetizable in dollar value but they are quantifiable on lives to be saved? I believe the way S. 343 is written now, even if only a $2 or a $20 expenditure would save 100 lives, you still have to go with the least cost unless there is some uncertainty about the scientific data.

Is that correct?

Mr. JOHNSTON. Mr. President, that is not correct. I think it is an excellent question. I think the problem with the interpretation of the Senator from Ohio is that he is putting a very tortured and incorrect definition of the term ''nonquantifiable benefits to health, safety and the environment.'' The value of the human life is by its nature nonquantifiable. I mean, you may say there are 10 lives. You can quantify it in that narrow sense. But that is not the sense in which this is meant. We are talking about values and benefits which are nonquantifiable. The value of breathing clean air is by its very nature nonquantifiable. How can you say when you go out on a beautiful, clear day where the temperature is just right, you feel good, how can you say that is worth $764 a week? You cannot. It is by its nature nonquantifiable. The health, safety, or the environment are by their nature nonquantifiable and, therefore, we have provided that.

But all we are saying is, if you as administrator are saying that you can save 10 additional lives, that you have to identify that as your reason for going to the more costly alternative, and if that was the reason, then you must take the least cost alternative that takes care of your 10 lives, that saves your 10 lives.

I hope I have made that clear to my friend from Ohio because it is a very key point.

Mr. GLENN. It is a key point. I think it is indicative of the kind of debate we are going to get into here on some of these specifics, the meaning of words and so on. It has to be something that will hold up in court, that is understood by the courts. And that is a real major problem on this whole bill. We spent days and many hours going through some of these word differences. This is one example of it that is going to be debated further as we get into this bill. I know basically we are on the Abraham amendment now.

Parliamentary inquiry. Does that run out at 3 o'clock?

The PRESIDING OFFICER. At 3 o'clock the Senator from Georgia will offer an amendment.

Mr. NUNN. Mr. President, will the Senator from Louisiana yield for 10 seconds?

Mr. JOHNSTON. Yes.

PRIVILEGE OF THE FLOOR

Mr. NUNN. Mr. President, I ask unanimous consent that Bill Montalto, of the House Committee on Small Business, be permitted floor privileges for the purpose of working on my amendment when it comes up.

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

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. First, Mr. President, I want to say how strongly I agree with my distinguished colleague, the senior Senator from Ohio, when he speaks about the need for a bipartisan approach to obtain regulatory reform. I want to say that I hope we can continue to work together as we did in the Governmental Affairs Committee to move forward legislation that accomplishes the goals that I think we all seek on both sides of the political aisle.

Mr. President, I want to congratulate Senator ABRAHAM for his contribution in offering this amendment. I strongly agree with him that there is no area of activity more adversely affected by some of the regulatory reform actions of the past than small business. I think we all agree that small business in many ways is the most important part of our economy as it is the primary area that results in growth in our economy and, most importantly, is the area where the majority of jobs are being created.

So, again, I want to congratulate the junior Senator from Michigan for his contribution in proposing this most important amendment.

This amendment would strengthen the lookback provisions of section 623. It would provide a mechanism for adding rules adversely impacting small businesses to the agency schedules for reviewing rules.

As the amendment was originally drafted, it would have allowed the Chief Counsel for Advocacy at the Small Business Administration to have sole discretion to add small business rules to the agency review schedules. To respond to concerns about political accountability and the need for standards in selecting rules for review, Senator ABRAHAM has revised his amendment. I believe this revision is a balanced solution to a very important problem.

One of my concerns was that, in providing this discretion solely to the Chief Counsel for Advocacy at the Small Business Administration, the original amendment was a delegation of an extraordinarily broad power. Since the Chief Counsel for Advocacy at the Small Business Administration is, as the Senator from Michigan pointed out, semi-independent in the same sense that inspectors generals are independent, it gave tremendous authority for this individual to take whatever action he or she thought was appropriate in requiring rules to be reviewed.

As revised, the Abraham amendment would ensure more political accountability regarding which small business rules are added to agency review schedules. Small business rules could be selected jointly by the Chief Counsel of Advocacy for the Small Business Administration and the Administrator of the Office of Information and Regulatory Affairs. Alternatively, the Administrator of OIRA alone could choose small business rules for review. This would ensure that the Administrator of OIRA, a politically accountable official who also understands the burdens on the agencies, will be involved in the process.

In addition, the revised amendment makes clear that the standards applicable to other rules selected for review apply to the small business rules. For example, the Administrator of OIRA and the chief counsel must consider, in selecting a small business rule for review, whether review of the rule will substantially decrease costs, increase benefits, or provide flexibility.

Mr. President, I believe that Government must be more sensitive to the cumulative regulatory burden on small business. As I said earlier, small business is, indeed, the backbone of America, a crucial provider of jobs, a wellspring of entrepreneurial innovation and a central part of the American dream.

And again I congratulate Senator ABRAHAM for his hard work to help America's millions of small businessowners, their employees, and their families. I urge my colleagues to support this amendment.

Mr. President, I yield back the floor.

Mr. ABRAHAM. Mr. President, I will be very brief. I would like to first thank the Senator from Delaware for his help, and providing this amendment has made it, I think, a stronger amendment, and I appreciate his judgment and guidance on these matters.

Mr. President, I would also say that the Abraham-Dole amendment has been strongly supported by all the Nation's major small business organizations, including the NFIB, the National Association for the Self-Employed, the Small Business Legislative Exchange Council, and the chamber of commerce, among others. I ask unanimous consent that those letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SUPPORT THE ABRAHAM-DOLE SMALL BUSINESS PROTECTION AMENDMENT TO S. 343

Government regulations constitute an enormous burden for small businesses. Therefore, periodic review and sunsetting of regulations which can become out-of-date, obsolete or excessively time-consuming and costly is a major priority for small business in the regulatory reform debate. Seventy-seven percent of NFIB members support reviewing and sunsetting regulations.

The intent of Section 623 of the Regulatory Reform bill is to make certain that regulations are sunsetted as they become obsolete. Regulations listed on review schedules published by the agencies would be measured against the cost-benefit criteria in section 624 of the bill.

Unfortunately, regulations would not be subject to review and eventually sunsetted unless the agency responsible for the regulation chooses to place it on the review schedule? That's almost like putting the wolf in charge of guarding the sheep.

If an agency doesn't put a regulation, which is particularly burdensome to small business, on the list for review the only recourse is to petition to have the regulation added to the review schedule. Petitioning will cost small business owners money—lawyers, consultants, researchers and others will have to be hired to prepare the petition in order to meet the high demands set forth in section 623.

The solution is the Abraham-Dole amendment. This amendment would empower the Chief Counsel for Advocacy at the U.S. Small Business Administration to add regulations to the agencies' review schedules which have significant impact on small businesses. The Advocate would seek input from small business men and women on regulations that need to be reviewed, would evaluate the suggestions from entrepreneurs and direct agencies to take proper action for reviewing those regulations. This amendment gives the only person in the Administration who is exclusively responsible with representing the special needs of small business the ability to ensure that regulations affecting them are not overlooked or ignored by agencies during the regulatory review process.

A vote is expected on the Abraham-Dole amendment after 5 p.m., Monday, July 10. This amendment has the strongest possible support from the National Federation of Independent Business. For more information contact NFIB at (202) 484–6342.

NATIONAL ASSOCIATION FOR THE SELF-EMPLOYED,
Washington, DC, July 7, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the 320,000 members of the National Association for the Self-Employed, I am writing to support your amendment to S. 343, the Comprehensive Regulatory Reform Act of 1995.

Currently, S. 343 calls for sunsetting regulatins as they become obsolete. The various regulatory agencies would judge the regulations against the cost-benefit criteria outlined in S. 343, seciton 624. The agencies would then place the outdated regulations on a review schedule.

The Abraham/Dole amendment would grant authority to the Chief Counsel for Advocacy of the Small Business Administration to add regulations to the review list, thus ensuring that all regulations affecting small business can be reviewed in a timely manner.

We commend your efforts to give the Chief Counsel for Advocacy this important authority. The Abraham/Dole amendment would greatly benefit the small-business community.

Sincerely,

BENNIE L. THAYER,
President.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, July 6, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the Small Business Legislative Council (SBLC), I would like to offer our support for your amendment to the pending regulatory reform bill to ensure regulations that have an impact on small business are given a thorough review for ''cost-effectiveness'' after they have been ''on the books'' for awhile. We commend you for the initiative as it addresses just the kind of disadvantage at which small business always finds itself in the regulatory process.

As we understand it, the pending bill requires agencies to review regulations for cost-effectiveness if the agency puts them on a review schedule, or a private party petitions to have them on the schedule. As you have correctly recognized, the odds are that small businesses will not have the wherewithal to either identify such regulations or petition for their reconsideration. Giving the Chief Counsel for Advocacy for Small Business the right to select the rules for review seems to us to be a sensible, cost-effective alternative to assure small business access to the process.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of nearly one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

Sincerely,

JOHN S. SATAGAJ,
President.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America;
Alliance for Affordable Health Care;
Alliance of Independent Store Owners and Professionals;
American Animal Hospital Association;
American Association of Equine Practitioners;
American Association of Nurserymen;
American Bus Association;
American Consulting Engineers Council;
American Council of Independent Laboratories;
American Gear Manufacturers Association;
American Machine Tool Distributors Association;
American Road & Transportation Builders Association;
American Society of Interior Designers;
American Society of Travel Agents, Inc.;
American Subcontractors Association;
American Textile Machinery Association;
American Trucking Associations, Inc.;
American Warehouse Association;
AMT—The Association for Manufacturing Technology;
Architectural Precast Association;
Associated Builders & Contractors;
Associated Equipment Distributors;
Associated Landscape Contractors of America;
Association of Small Business Development Centers;
Automotive Service Association;
Automotive Recyclers Association;
Automotive Warehouse Distributors Association;
Bowling Proprietors Association of America;
Building Service Contractors Association International;
Christian Booksellers Association;
Cincinnati Sign Supplies/Lamb and Co.;
Council of Fleet Specialists;
Council of Growing Companies;
Direct Selling Association;
Electronics Representatives Association;
Florists' Transworld Delivery Association;
Health Industry Representatives Association;
Helicopter Association International;
Independent Bankers Association of America;
Independent Medical Distributors Association;
International Association of Refrigerated Warehouses;
International Communications Industries Association;
International Formalwear Association;
International Television Association;
Machinery Dealers National Association;
Manufacturers Agents National Association;
Manufacturers Representatives of America, Inc.;
Mechanical Contractors Association of America, Inc.;
National Association for the Self-Employed;
National Association of Catalog Showroom Merchandisers;
National Association of Home Builders;
National Association of Investment Companies;
National Association of Plumbing-Heating-Cooling Contractors;
National Association of Private Enterprise;
National Association of Realtors;
National Association Retail Druggists;
National Association of RV Parks and Campgrounds;
National Association of Small Business Investment Companies;
National Association of the Remodeling Industry;
National Chimney Sweep Guild;
National Electrical Contractors Association;
National Electrical Manufacturers Representatives Association;
National Food Brokers Association;
National Independent Flag Dealers Association;
National Knitwear & Sportswear Association;
National Lumber & Building Material Dealers Association;
National Moving and Storage Association;
National Ornamental & Miscellaneous Metals Association;
National Paperbox Association;
National Shoe Retailers Association;
National Society of Public Accountants;
National Tire Dealers & Retreaders Association;
National Tooling and Machining Association;
National Tour Association;
National Wood Flooring Association;
NATSO, Inc.;
Opticians Association of America;
Organization for the Protection and Advancement of Small Telephone Companies;
Petroleum Marketers Association of America;
Power Transmission Representatives Association;
Printing Industries of America, Inc.;
Professional Lawn Care Association of America;
Promotional Products Association International;
Retail Bakers of America;
Small Business Council of America, Inc.;
Small Business Exporters Association;
SMC/Pennsylvania Small business;
Society of American Florists;
Turfgrass Producers International.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, July 10, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the 215,000 business members of the U.S. Chamber of Commerce, 96 percent of whom have fewer than 100 employees, I urge your strong and active support for two amendments to be offered to S. 343, the ''Comprehensive Regulatory Reform Act of 1995.'' The Nunn/Coverdell amendment ensures that small businesses benefit from the broader protections of S. 343, and the Abraham/Dole amendment guarantees a voice for small businesses in the regulatory look-back process. To achieve meaningful reform for that segment of our society hit hardest by regulatory burdens—small businesses—these amendments are critical.

The Nunn/Coverdell amendment recognizes that there may be many instances where a regulatory burden on small businesses could be severe even though the $50 million threshold for a complete regulatory review has not been triggered. By deeming any rule that trips an analysis under the Regulatory Flexibility Act of 1980 a ''major rule,'' small entities will receive the protection they need and deserve from the extreme rigors they often experience from even the best-intentioned regulations.

To address the problems associated with the mountain of existing regulations and their impact on small entities, the Abraham/Dole amendment will boost the power of small businesses to benefit more effectively from the sunset provisions of Section 623 of S. 343. Small companies often need all of their people-power and resources simply to keep afloat. They do not always have the ability to petition federal agencies for review of particularly onerous existing regulations. By vesting within the Small Business Administration responsibility for ensuring that regulations that are particularly problematic for small businesses are not excluded from the regulatory sunset review process, small businesses can be assured that their proportional needs are always considered.

The Chamber hears regularly from its small business members that federal regulations are doing them in. Support for these two amendments will validate that their cries have been heard and acted upon. I strongly urge your support for both the Nunn/Coverdell amendment and the Abraham/Dole amendment.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ROOFING
CONTRACTORS ASSOCIATION,
Washington, DC, July 7, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: The National Roofing Contractors Association (NRCA) strongly supports the ''periodic review and sunsetting of regulations'' amendment that you and Majority Leader Dole will offer to Section 623 of the Comprehensive Regulatory Reform Act of 1995, S. 343.

As we understand it, the intent of Section 623 is to ensure that regulations are sunsetted as they become obsolete. However, a regulation would not be subject to review and sunsetting unless the agency that administers the regulation schedules it for review. This would allow agencies a disproportionate amount of discretionary power to pick and choose regulations for sunsetting.

The Abraham-Dole amendment would curb the potential for agency bias by enabling the SBA's Chief Counsel for Advocacy to add regulations which have a significant impact on small business to an agency's review schedule. This would be done with input from the small business community.

Earlier this year, NRCA testified in support of the Regulatory Sunset and Review Act of 1995, H.R. 994. A copy of our written statement, which discusses specific regulations, is enclosed. Please note that attached to the statement is the Wall Street Journal article, ''So You Want To Get Your Roof Fixed . . .''

NRCA is an association of roofing, roof deck and waterproofing contractors. Founded in 1886, it is one of the oldest associations in the construction industry and has over 3,500 members represented in all 50 states. NRCA contractors are small, privately held companies, and our average member employs 35 people with annual sales of $3 million.

Sincerely,

CRAIG S. BRIGHTUP,
Director of Government Relations.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I rise in strong support of the Dole-Abraham amendment and compliment my colleague from Michigan for his work in preparing this amendment. Obviously, it is going to be very popular. It is going to make a necessary improvement in the bill, which in its current form is a very good bill. But because small business is such an important part of our Nation's economy and because regulations can have a particularly pernicious effect on small businesses, because small businesses are not as well equipped as large companies are to hire the lawyers and the consultants and the other people necessary to deal with the red tape of Federal regulations, I think it is especially important that small businesses not be unduly negatively impacted by regulation, and therefore this amendment will certainly assist in this regard.

Small businesses are really the engine that drives our economy. In fact, from 1988 to 1990, small businesses with fewer than 20 employees created over 4 million new jobs in this country, and that was at the same time, Mr. President, that companies with more than 500 employees lost over 500,000 net jobs during that same period.

As I said, small businesses bear a disproportionate share of the burden of regulation. According to the Small Business Administration, small businesses' share of the burden of regulations is three times that of larger businesses.

Under the current language of section 623, a regulation would not be subject to review unless the agency chooses to place it on the review schedule or an interested party successfully petitions to have it added to the review schedule.

Since small businesses, as I noted, frequently do not have the same kind of resources to hire the lawyers and the consultants necessary to prepare a petition that would meet the demanding standards set forth in section 623, the bill's current language would allow agencies to refuse to review regulations that have a significant impact on small business. And that is where this amendment comes in. It is very important that agencies include in their review schedules any regulation designated for review by the chief counsel for advocacy of the Small Business Administration and OIRA. And that is the important point of this amendment.

In selecting regulations to designate for review, the advocate could seek input from small businesses and would consider criteria such as the extent to which the regulation imposes onerous burdens on small businesses or directly or indirectly causes them not to hire additional employees.

The amendment thus would create a small business counterpart to the petition process which is available to larger firms, with the advocate representing the interests of small businesses, just as the high-priced lawyers and consultants will represent, presumably, the interests of those larger businesses in that petition process.

And, of course, it has been noted why the advocate of the Small Business Administration is ideally suited to this task, because, according to the statute, and I am quoting now, its mission is to ''enhance small business competitiveness in the American economy.'' And the advocate ''measure[s] the direct costs and other effects of Government regulation on small businesses and make[s] legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of small business.''

As a matter of fact, the advocate also administers the Regulatory Flexibility Act which has afforded it additional experience in assessing the impact of regulations on small business.

So this amendment, Mr. President, would actually merely build on a foundation laid by the Regulatory Flexibility Act. Under that act, the advocate reviews agency analyses of the likely impact of the proposed and final rules on small businesses. So under the Abraham-Dole amendment the advocate's role in reviewing regulations would be very similar to its role in promulgating regulations.

Let me conclude with a couple points about concerns with this general approach, although, as I said, I think particularly with the amendment to the amendment that Senator ROTH spoke about a moment ago this should be a very popular amendment.

There was some question that it might be appropriate for there to be a limit on the number of regulations that the advocate could designate for review, but we think that under this process clearly agencies that choose to review regulations that hurt small business likely will not have many regulations added to their review schedule by the advocate. Those, of course, that ignore the concerns of small business could expect to have their review schedule expanded by the advocate, but that is part of the incentive which we are building into this amendment.

And second, there was a concern that really we ought to only be considering major rules; otherwise, we could clog the courts and clog the agency with an unnecessary workload.

It is true, of course, that the cost-benefit and risk-assessment requirements generally apply only to the promulgation of major rules, but many of the rules that hurt small business the most would not meet the cost threshold for major rules, and this is particularly true if the major rule threshold were to be raised from its current $50 million limit.

For example, the NFIB estimates that OSHA's widely criticized fall-safety rule would impose costs of $40 million annually, $10 million short of the $50 million major rule threshold. This rule would require employees, by the way, to wear an expensive harness with a lifeline attached to the roof any time that a worker works 6 feet or higher above the ground.

The negative impact of this rule on small businesses was the subject of an op-ed in the June 13, 1995, issue of USA Today. It is a good illustration of how even with a rule like this, which achieved a great deal of attention and would impose a significant cost on small contractors, it nonetheless would fail to meet that threshold requirement, and that is one of reasons why the kind of review called for in the Abraham-Dole amendment is not only appropriate but is really quite necessary.

So, Mr. President, I am sure that most of our colleagues will be in strong support of the Abraham-Dole amendment, and I certainly urge its adoption and would also indicate my strong support for the underlying bill.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I also would like to rise today as a cosponsor of the small business protection amendment to the Regulatory Reform Act.

The PRESIDING OFFICER. The Senator should be advised that under a

previous order, we are to turn to the amendment of the Senator from Georgia at 3 o'clock.

Mr. GRAMS. I ask unanimous consent to address the Senate for about 7 minutes.

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

Mr. GRAMS. Mr. President, again, I want to say I rise as a strong cosponsor of the small business protection amendment to the Regulatory Reform Act, and as a strong proponent of holding Government accountable to the taxpayers, I believe this amendment would make a good bill even better.

I also compliment the Senator from Michigan for all the work he has done in this area.

The negotiations that many of us have undertaken on the Regulatory Reform Act have been long and often painful, especially as we witnessed the watering down of rational provisions. The sunset provision has been one of those casualties.

But the small business protection amendment would strengthen the provision in the bill which cancels or sunsets regulations as they become obsolete.

Excessive Federal regulations and redtape impose an enormous burden on this Nation. Regulations act as hidden taxes which push up prices on goods and services for American households, dampen business investment and, ultimately, kill jobs.

What concerns me most, however, is that a large portion of Federal regulations do not have strong scientific merit to back up their enforcement. I am also concerned that we are currently prohibited from even conducting cost-benefit analyses on some of the extensive regulatory measures in this country. How can this Congress make well-informed decisions if we cannot even consider these types of options?

More than 2 years ago, as a new Member of Congress, the first sunset amendment I offered was to H.R. 820, and that was the National Competitiveness Act. I mention this because my goal was not to hinder our ability to compete in the international marketplace. On the contrary, with overregulation strangling our competitiveness abroad, my goal was simply to provide a framework for ensuring oversight and accountability and to get agencies to start setting standards to justify the funding that they now receive.

After this first sunset amendment, I offered several more to various House appropriations bills, and almost a dozen were passed into law with wide bipartisan support.

Let me remind you, Mr. President, that the concept of sunsetting regulations is not new. In fact, President Clinton's Chief of Staff, Leon Panetta, offered sunset legislation when he served in the U.S. House of Representatives.

So now we have the opportunity with a single piece of legislation to sunset regulations that have outlived their usefulness.

As the 1995 Regulatory Reform Act is currently written, regulations would be listed on review schedules published by the agencies. However, a regulation would not be subject to review unless the agency chooses to place it on the review schedule. If the agency does not place a particular regulation on the review schedule, an individual or a small business may petition that agency to do so. But this is not as easy as it sounds. The individual or small business must meet unreasonably high standards—standards so stringent that the average person would have to hire expensive lawyers and consultants just to figure out how to meet that criteria.

What the small business protection amendment would do is to require agencies to include on their review schedules any regulation designated for review by the chief counsel for advocacy of the Small Business Administration in concurrence with the OMB's Office of Information and Regulatory Affairs. This represents an important step toward alleviating the burden of outdated regulations and also ensuring the future health of our economy.

Big businesses already have a loud voice in the regulatory process because they have access to resources often out of the reach of small businesses. But small businesses create millions of new jobs every year, and this amendment would allow their voices to be heard as well.

Mr. President, I am sure that there is not a single Member of this body who has not been contacted by a constituent from their home State because of some absurd and outmoded regulation. And yet some of my colleagues will argue that strengthening the sunset measure in the Regulatory Reform Act would place an undue burden on the regulatory agencies, who would have to spend a lot more time reviewing and a lot less time regulating. I argue that is what regulators ought to do—that is, review and then retire regulations that are no longer needed and then to fix those that are not working.

The fact is that strengthening the sunset provision of the Regulatory Reform Act will have absolutely no impact on regulations which serve a useful and realistic purpose. It will not make our air dirty or our water unclean. It will not pollute our environment or jeopardize our health or our safety.

What this amendment will do is to enhance the accountability and oversight that regulators have to the taxpayers of this country—the people who must foot the bill for every rule and requirement imposed by the myriad of regulatory agencies.

Establishing a fair procedure by which regulations can be reviewed periodically to ensure and to maintain their effectiveness is just plain common sense. That is why I am proud to be a cosponsor of the Abraham-Dole small business protection amendment, and that is also why I urge my colleagues to give it their support today as well.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to speak briefly with respect to the Abraham-Dole amendment.

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

Mr. ABRAHAM. Mr. President, I would like to conclude my remarks. There does not appear to be anyone else at this point who wants to speak to the amendment.

I want to thank my colleague, the Senator from Minnesota, for his support on these matters pertaining to sunsetting regulations, as he already indicated, before this Congress took office, and I am sure he will continue his support in the process of putting together this amendment. His broad support for sunsetting regulations has been an important ingredient in our efforts to bring this particular amendment to the floor. I want to thank him for his remarks today.

As I said earlier, Mr. President, when I offered the amendment, I think that the bill we have before us has a system in place which will provide big businesses with a vehicle, a mechanism by which they can bring regulations up for review, because they will be in a position financially to afford the kind of technical cost-benefit studies and other types of inquiry necessary to present a petition that can be successful as it is considered.

Unfortunately, small businesses do not always enjoy that opportunity. It is also the case that regulations which cost $30 or $40 million that do not quite make it to the level which we consider major rules in this legislation, at the $30 or $40 million pricetag are very costly rules, very major rules from the standpoint of a small mom-and-pop business that is out there in America trying to survive.

So I think this amendment, as I said at the outset, strikes the proper balance between the need to place some constraints on how many regulations come up for review, on the one hand, and the legitimate needs of small businesses on the other to have their day in court.

My parents owned a small business for quite a long time. I know what they encountered as small business people, truly a mom-and-pop operation, in attempting to just sort out the demands that we in Washington placed on their business. Others come to my office all the time with similar expressions of concern. I believe this amendment gives the small business community a mechanism by which regulations that are costly to small businesses can be brought up for review, even if they are not initially placed on the list of rules to be reviewed by agencies, and be brought up for review without necessitating on the part of small businesses

who often will not be able to afford the expensive process that the petition system provides.

I think it will be an effective addition to this bill and I hope an effective way by which small businesses across this country continue to have their voice heard as they deal with Federal regulation in the future.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I know we have run over our time for this particular amendment, but I believe there is a small meeting still going on. I ask my distinguished colleague from Michigan if he had considered having the reporting authority for small business concerns be the Administrator of the Small Business Administration?

It is a little unusual to go down somewhere in the organizational chart of any agency or department and give a particular person the authority, no matter what their title or what their normal responsibilities are, to bypass all other rules, regulations, and administrative procedures for that particular department, to bypass the administrator of their department, even though the administrator might not agree with what he is going to propose, and bypass within the depths of an agency the administrator and go directly to OIRA.

Would it not make more sense if we really did this through the administrator as the first step on this process? Otherwise, you could come up with a situation where you have an administrator who really does not agree, and maybe for some very good reasons, as to the actions that will be taken by the counsel for advocacy. I ask, was that considered? If that was turned down, what were the reasons for not going that route of having the administrator represent his agency?

Mr. ABRAHAM. The concern the Senator from Ohio expressed was one that we took into account in the process of putting together the amendment originally. What we tried to balance was the responsibilities of the different officials in the Small Business Administration.

The reason that we felt this particular office was the appropriate place to vest this authority was because of two things. No. 1, the responsibilities of this office are expressly those of advocating the concerns of small businesses. With all due respect to the head of any agency, as far as their set of responsibilities goes, whether it is the head of the SBA or any of the other agencies of our Government, they have other considerations they must take into account, whether it is political considerations or considerations that have to do with budget needs or managerial duties. But this office was set up, as we interpreted it, in an exclusive sense to try to really be the advocate of the small business community of America. It is the one place in Government where that power has been authorized by Congress.

We felt, as a consequence, that there would be fewer countervailing types of considerations brought before the advocate than at the other offices of SBA. We thought, as a consequence, the advocate could perform their jobs freed of, and somewhat liberated of, some of the other countervailing responsibilities that an administrator or other agents of the SBA might have. That is how we reached this judgment.

I think it certainly would be my expectation that the advocate would consult with and discuss with the agency and with the SBA Administrator decisions regarding regulations put on the rule. We thought this office was the place where the least argument could be made, where political pressures, special interest group pressures, and so on, were not justifying actions, and that in fact this had a certain amount of independence and a specific amount of authority, as well as what I said earlier, some of the tools it will take to make these decisions, because it is part of the current responsibility of the office to examine regulations for reasons of promulgation. So it makes sense that this might be the place.

Mr. GLENN. I say to my colleague that I would certainly hope that in every case—as he said, the normal procedure would be that there would be consultation with the administrator.

Would it be acceptable to the Senator from Michigan to make it consultation and approval of the administrator before this matter was brought to OIRA?

Mr. ABRAHAM. At this point, I would not be in a position to make that change, I say to the Senator from Ohio. Because my mind is not fully closed on this, there are a number of people who participated in putting together this amendment initially, and I need to consult as to their feelings on this departure. I know a number of them earlier expressed the view that once we added the OIRA Administrator to the process in determining which regulations would be placed on the various agencies' lists, that we had satisfied any residual concerns which might exist as to having a person with a direct appointment and responsibility in the loop. I would need to go back and determine, I think, from some of the other people who are part of this, their receptive feeling to any change of that type.

Mr. GLENN. I would think we would get much more broad support if it had that arrangement in it. If this is such an unusual procedure, to say we go down within an agency and say we give that person responsibility for taking the basic function of that agency and making a review necessary by OIRA, or whatever else it might be—in this case OIRA—without the approval of the agency head—now, there are only two other places in Government that I am aware of where we do that. One is with the inspectors general, and we provide them considerable leeway. In fact, we require the inspectors general not only to report to their agency heads, we require them to give us those same individual reports because we feel if the IG's are so important in the work they do, that we give them specific authority to report outside the chain of command to the appropriate committees of Congress, in addition to reporting to their agency head—not to bypass completely, but in addition to reporting to the agency head.

The other place we do that is in the Chief Financial Officers Act, where the chief financial officers are required, by law, to report not only to their agency head but also to the appropriate committees of Congress.

Now, those are the only cases I know of where we authorize people, or require people, that if they want to take action, they are authorized to go outside the purview and outside the views of, and maybe the wishes of, their agency head, and do something that the agency head might not agree with.

So I think there is that problem. I would feel more comfortable, I guess, if we had the agency head required to be consulted. And if the report was still to go on to OIRA and the agency head objected, that reasons why the decision was made to go to OIRA over the objection of the agency head were made part of that report to OIRA, I do not know whether that was considered or not. But it seems that that would be a more normal procedure for what we want to do.

Mr. ABRAHAM. I do not want to express the suggestion that we have spent a huge amount of time considering the specific role of the head of SBA. But let me go back to the point as to why the chief counsel for advocacy was initially identified. That is, because in the reg flex language that is currently on the statutes, it states specifically in 602(b) that ''each regulatory flexibility agenda shall be transmitted to the chief counsel for advocacy of the Small Business Administration for comment, if any.''

In other words, because that was the way the statutes currently kind of vested authority for reg flex, we thought it was a sensible way to deal with it and was built more or less on that language. I think that was more the guiding notion that we used than any other particular consideration.

Mr. GLENN. Well, I say to my friend from Michigan that this is an enormously important position in that—I believe I state this correctly—all the rules and regulations being promulgated throughout Government are required to be submitted to SBA and be reviewed by SBA under reg flex, the Regulatory Flexibility Act. So everything that is going to occur in Government in the regulatory field is submitted to SBA specifically now, whether it is intended to cover big corporations, small or private businesses, individuals, or whatever. They, in effect, get a crack at them to make their comment.

This office of advocacy is the organization within SBA that looks at those. And so the recommendations that would be made to OIRA are potentially enormous in scope. All the rules and regulations promulgated by Government would have to go through that chain and could be kicked up to OIRA for whatever consideration they wanted to make. To take that out from under them—at least the oversight or the coordinated action of the administrator of SBA—is a mighty big step to make, and a mighty big important responsibility to give to that one person, whoever he or she might be in that office of advocacy.

So I think it would be better if it went in the other direction. We are still checking with some of the people interested in this on our side. We are way over on our time.

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

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

Mr. ABRAHAM. I ask unanimous consent that Senator NICKLES be added as an original cosponsor of the Abraham amendment No. 1490.

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

Mr. ABRAHAM. Mr. President, I ask unanimous consent that Senator HATCH, the Senator from Utah, be added as an original cosponsor.

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

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

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

Mr. HATCH. Mr. President, I strongly support the Abraham-Dole amendment, which would require agencies to include in their schedule to review existing rules, pursuant to section 623 of S. 343, any existing regulation that substantially affects small business as selected by the chief counsel for advocacy of the Small Business Administration.

Under section 623 as currently drafted, a regulation would not be subject to review unless an agency chooses to place an existing rule on the review schedule or an interested party is successful in having a petition to place a rule on the schedule for review.

Unfortunately, the petition process is costly and thus particularly burdensome to small businesses. Most small businesses do not have the resources to hire the attorneys, consultants, economists, or environmental experts, that may be necessary to prepare a petition that meets the exacting standards in section 624 necessary for granting a petition to review rules that are burdensome to small business.

This amendment will allow the chief counsel for advocacy of the SBA with the concurrence of head of OIRA to select rules to be put on the agency review schedule as a substitute for the petition process available to larger businesses with greater capital assets. It assures that the one official in the Administration exclusively responsible with representing the needs of small business will have authority to ensure that regulations burdensome to small business will be reviewed. In essence, the advocate will act as an ombudsman for small business.

The advocate, however, does not have unrestrained discretion to place existing rules on section 623's mandated review schedule. The advocate must seek the input from small business as to what burdensome rules to review and the amendment establishes criteria, such as whether the existing rule causes small business not to hire additional employees, to guide the advocate in selecting rules for review. I do not believe that the review schedule system will be overwhelmed by the addition of rules that burden small business. Under the Abraham-Dole amendment the advocate will cooperate with the responsible agency and OMB to assure the efficacy of the agency review process.

I urge my colleagues to support this amendment.

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. NUNN. 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. 1491 TO AMENDMENT NO. 1487

(Purpose: To provide small businesses improved regulatory relief by requiring that a proposed regulation determined to be subject to chapter 6 of title 5, United States Code (commonly referred to as the Regulatory Flexibility Act) will be deemed to be a major rule for the purposes of being subject to agency cost-benefit analysis and periodic review; requiring factual support of an agency determination that a proposed regulation is not subject to such chapter; providing for prompt judicial review of an agency certification regarding the nonapplicability of such chapter; and clarifying other provisions of the bill relating to such chapter)

Mr. NUNN. Mr. President, I apologize to my colleagues for my voice. Obviously, I am losing it, but I will do the best I can this afternoon.

Mr. President, I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. COVERDELL, proposes an amendment numbered 1491 to amendment No. 1487.

Mr. NUNN Mr. President, I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 14, line 10, strike out ''or''.

On page 14, line 16, add ''or'' after the semicolon.

On page 14, insert between lines 16 and 17 the following new subparagraph:

''(C) any rule or set of closely related rules, not determined to be a major rule pursuant to subparagraph (A) or (B), that the agency proposing the rule determines will have a significant economic impact on a substantial number of small businesses, pursuant to subchapter I;

On page 39, line 22, strike out ''and''.

On page 39, line 24, strike out the period and insert in lieu thereof a semicolon and ''and''.

On page 39, add after line 24 the following new subparagraph:

''(C) an agency certification that a rule will not have a significant economic impact on a substantial number of small entities pursuant to section 605(b).

On page 40, line 5, insert ''and section 611'' after ''subsection''.

On page 68, strike out all beginning with line 9 through line 11 and insert in lieu thereof the following:

''(A) include in the final regulatory flexibility analysis a determination, with the accompanying factual findings supporting such determination, of why the criteria in paragraph (2) were not satisfied; and

On page 72, insert between lines 14 and 15 the following new subsection:

(e) AMENDMENTS TO THE REGULATORY FLEXIBILITY ACT.—

(1) IMPROVING AGENCY CERTIFICATIONS REGARDING NONAPPLICABILITY OF THE REGULATORY FLEXIBILITY ACT.—Section 605(b), of title 5, United States Code, is amended to read as follows:

''(b) Sections 603 and 604 of this title shall not apply to any rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification, along with a succinct statement providing the factual reasons for such certification, in the Federal Register along with the general notice of proposed rulemaking for the rule. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.''.

(2) TECHNICAL AND CLARIFYING AMENDMENTS.—Section 612 of title 5, United States Code, is amended—

(A) in subsection (a) by striking ''the Committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''; and

(B) in subsection (b) by striking ''his views with respect to the effect of the rule on small entities'' and inserting ''views on the rule and its effects on small entities''.

On page 72, line 15, strike out ''(e)'' and insert in lieu thereof ''(f)''.

Mr. NUNN. Mr. President, this amendment assures that the Nation's

small business community will derive full benefit from the fundamental changes to the regulatory process proposed in S. 343.

The amendment accomplishes this goal by establishing a direct statutory link between the existing requirement to the Regulatory Flexibility Act of 1980 [RFA] and the requirements of S. 343.

Under the Regulatory Flexibility Act, whenever a Federal agency proposes a rule that is expected to have a significant impact on a substantial number of small entities, the agency is required to conduct a regulatory flexibility analysis, with opportunities for public participation, to minimize the expected burden.

The Nunn-Coverdell amendment would, No. 1, require that a proposed rule, determined to be subject to the RFA, be considered to be a major rule for the purpose of cost-benefit analysis and periodic review. But we exclude the comprehensive risk assessment required under S. 343.

No. 2, the amendment would require agencies to provide factual support for any determination that a proposed regulation would not have a significant impact on a substantial number of small businesses and is exempt from the Regulatory Flexibility Act.

No. 3, the amendment provides for prompt judicial review of an agency certification that the Regulatory Flexibility Act does not apply to a proposed rule.

This is a bipartisan amendment.

This amendment enjoys strong support within the small business community.

I ask unanimous consent that copies of letters from some of those who are supporting this amendment in the small business community be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC.

SUPPORT THE BIPARTISAN NUNN-COVERDELL AMENDMENT TO S. 343

S. 343, the Dole/Johnston substitute, currently defines ''major rules'' as regulations that have more than a $50 million dollar impact. Those major rules are then subject to cost benefit analysis, risk assessment and periodic review.

Unfortunately, some regulations that have a significant impact on small businesses and other small entities may not meet the $50 million threshold. A regulatory cost that may be almost insignificant to a Fortune 500 company could have a devastating effect on a particular segment of the small business community. Or, the agency's estimate that the impact is less than $50 million may be significantly undervalued.

A good example of an expensive regulation that falls under the threshold is OSHA's so-called ''fall protection'' rule requiring roofers to wear harnesses with lifelines that are tied to the roof any time they are at least six feet above the ground. Not only will the total cost to small roofing companies be much more than $50 million, many believe the rule may create a greater danger for workers who will have to worry about tripping over each other's safety riggings.

The Nunn-Coverdell amendment, which is scheduled to be voted on after 5 p.m. on Monday, July 10, solves this problem by requiring all regulations that are currently subject to the Regulatory Flexibility Act (Reg-Flex) of 1980 to be subject to cost-benefit analysis and periodic review—but not risk assessment.

Which regulations currently fall under Reg-Flex? Reg-Flex requires the regulatory burden be minimized on those regulations which have a ''significant impact on a substantial number of small entities.'' Last year, 127 regulations contained a Reg-Flex analysis. Small entities, which often bear a disproportionate share of the regulatory burden, include small businesses, small local governments (like towns and townships) and small non-profit organizations.

The Nunn-Coverdell amendment also allows prompt judicial review of an agency's non-compliance with the Reg-Flex Act. If an agency incorrectly states that a regulation does not have a significant impact on small business—and it does—a judge will have the authority to put the regulation on hold until the Federal agency re-evaluates the regulation and reduces the burden on small business as much as possible.

Agencies would also be required to provide factual support to back up their decisions to ignore Reg-Flex.

The bipartisan Nunn-Coverdell amendment is a major priority for small business and has NFIB's strong support. Regulatory flexibility was recently voted the third most important issue at the White House Conference on Small Business. Please call NFIB at (202) 484–6342 for additional information.

UNITED STATES OF AMERICA
CHAMBER OF COMMERCE,
Washington, DC, July 10, 1995.

DEAR SENATOR: On behalf of the 215,000 business members of the U.S. Chamber of Commerce, 96 percent of whom have fewer than 100 employees, I urge your strong and active support for two amendments to be offered to S. 343, the ''Comprehensive Regulatory Reform Act of 1995.'' The Nunn/Coverdell amendment ensures that small businesses benefit from the broader protections of S. 343, and the Abraham/Dole amendment guarantees a voice for small businesses in the regulatory look-back process. To achieve meaningful reform for that segment of our society hit hardest by regulatory burdens—small businesses—these amendments are critical.

The Nunn/Coverdell amendment recognizes that there may be many instances where a regulatory burden on small businesses could be severe even though the $50 million threshold for a complete regulatory review has not been triggered. By deeming any rule that trips an analysis under the Regulatory Flexibility Act of 1980 a ''major rule,'' small entities will receive the protection they need and deserve from the extreme rigors they often experience from even the best-intentioned regulations.

To address the problems associated with the mountain of existing regulations and their impact on small entities, the Abraham/Dole amendment will boost the power of small businesses to benefit more effectively from the sunset provisions of Section 623 of S. 343. Small companies often need all of their people-power and resources simply to keep afloat. They do not always have the ability to petition federal agencies for review of particularly onerous existing regulations. By vesting within the Small Business Administration responsibility for ensuring that regulations that are particularly problematic for small businesses are not excluded from the regulatory sunset review process, small businesses can be assured that their proportional needs are always considered.

The Chamber hears regularly from its small business members that federal regulations are doing them in. Support for these two amendments will validate that their cries have been heard and acted upon. I strongly urge your support for both the Nunn/Coverdell amendment and the Abraham/Dole amendment.

Sincerely,

R. BRUCE JOSTEN.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, July 10, 1995.

Hon. SAM NUNN,
Hon. PAUL COVERDELL,
U.S. Senate,
Washington, DC.

DEAR SENATORS: On behalf of the Small Business Legislative Council (SBLC), I wish to offer our support for your amendment to ensure that proposed regulations, with the potential to have a significant impact on small businesses, are subject to a comprehensive cost benefit analysis. It makes sense to us to have as much data available as possible to assess the full impact proposed regulations will have on small business.

As you know, the delegates to the recent White House Conference on Small Business included several references to the regulatory process among their top recommendations. Clearly, the cumulative burdens of the current regulatory regime weighed heavily on their minds. We need to make certain that we do not add to that regulatory burden unnecessarily.

Along with the language in the Dole/Johnston version of S. 343 which allows for judicial review of agencies' compliance with the Regulatory Flexibility Act, your amendment will ensure we have a meaningful way to truly assess the impact of regulations upon small business and to ensure we do something to mitigate the impact.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of nearly one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

Sincerely,

JOHN S. SATAGAJ.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Equine Practitioners.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Interior Designers.
American Society of Travel Agents, Inc.
American Subcontractors Association.

American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehouse Association.
AMT-The Association of Manufacturing Technology.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Automotive Warehouse Distributors Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Christian Booksellers Association.
Cincinnati Sign Supplies/Lamb and Co.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Chimney Sweep Guide.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear & Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Wood Flooring Association.
NATSO, Inc.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Professional Lawn Care Association of America.
Promotional Products Association International.
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.
Turfgrass Producers International.

NATIONAL ROOFING CONTRACTORS ASSOCIATION,
Washington, DC, July 7, 1995.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The National Roofing Contractors Association (NRCA) supports the amendment that you will offer with Senator Coverdell to remove the $50 million ''major rules'' floor for small business in the Comprehensive Regulatory Reform Act of 1995 (S. 343), in order to apply cost-benefit and periodic review to all regulations impacting small business.

Federal agencies are poor at accurately estimating the cost of their regulations. OSHA estimated $40 million annually for its new Fall Protection Standard (Subpart M) and said that it would not have a significant impact on small business. NRCA estimates its impact to be at least $250 million annually, and it has already wreaked havoc on the industry.

Another example is OSHA's 1994 standard for asbestos containing roofing material (ACRM). OSHA estimated the annual costs to the roofing industry to be approximately $1 million annually, while NRCA estimated approximately $1.3 billion! OSHA's cost figures only took into consideration Built-up Roofing (BUR) removal, and it had failed to cover the vast majority of roof removal and repair jobs. NRCA estimated that removals of asbestos-containing BUR constituted less than 12 percent of all roof removal jobs.

Your amendment would end the tendency for agencies to underestimate costs by making all regulations now subject to the Regulatory Flexibility Act of 1980 (Reg Flex), subject to S. 343's cost-benefit analysis and periodic review requirements. And we appreciate your language giving judges the authority to immediately stay regulations if necessary.

NRCA is an association of roofing, roof deck, and waterproofing contractors. Founded in 1886, it is one of the oldest associations in the construction industry and has over 3,500 members represented in all 50 states. NRCA contractors are small, privately held companies, and our average member employs 35 people with annual sales of $3 million.

Sincerely,

CRAIG S. BRIGHTUP,
Director of Government Relations.

NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS,
Washington, DC, July 7, 1995.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The National Association of Towns and Townships (NATaT) strongly supports the Nunn-Coverdell amendment to S. 343 that would require all regulations currently subject to the Regulatory Flexibility Act of 1980 (RFA) to be subject to cost-benefit analysis and periodic review.

NATaT represents approximately 13,000 of the nation's 39,000 general purpose units of local governments. Most of our member local governments are small and rural and have fewer than 10,000 residents. Many of these small communities have very limited resources available to provide those services required of them such as fire and police protection, road maintenance, relief for the poor and economic development. Consequently, many regulations that have less than a $50 million threshold have a very significant impact on small towns and townships.

A good example is the commercial drivers license (CDL) requirement for public sector employees required by the Motor Vehicle Safety Act of 1986. While that law may not have seemed to have a significant impact, it had a significant impact on small townships that had to pay for the training and testing of drivers to obtain a CDL, especially those townships which use part-time drivers for snow removal or for emergency response to floods or tornados. Recently, drug and alcohol testing requirements were mandated for those who hold CDL's, adding to the cumulative impact.

Your amendment will also allow prompt judicial review of an agency's non-compliance with the RFA if an agency states incorrectly that a regulation will not have a significant impact on small entities. This has been a continual problem Agencies have often claimed no significant economic impact on small entities in their regulatory flexibility analysis while giving no justification for their reasoning, though we have believed quite the opposite.

Mr. NUNN. Mr. President, such a display of strong support for the Regulatory Flexibility Act has a very long history within the small business community, going back to the late 1970's. The Regulatory Flexibility Act of 1980 has been looked upon as the small business community's first line of defense with regard to the burdens of Federal regulations. Recognizing that the effective functioning of government certainly requires regulations, the Regulatory Flexibility Act was designed to compel agencies to analyze their proposed regulations, with opportunities for public participation, so that the final regulation imposes the least burden on small businesses.

Mr. President, given my focus today on the needs of the small business community, my remarks may suggest to my colleagues that the Regulatory Flexibility Act offers protections only to small business. In fact, the act's protections are available to a fairly broad range of small entities in addition to small businesses, including small units of local government, educational institutions, and other not-for-profit organizations. My friend from Ohio, Mr. GLENN, was especially vigilant regarding the application of the Regulatory Flexibility Act to small units of local government during his tenure as chairman of the Committee on Governmental Affairs.

Enactment of the legislation that became the Regulatory Flexibility Act was a key recommendation of the 1980

White House Conference on Small Business. Last month, small business persons from across the Nation came together for the 1995 White House Conference on Small Business.

It comes as no surprise that issues relating to regulatory relief were key topics of discussion among the delegates at the 1995 conference. They made clear their strong concerns regarding the current Federal regulatory process, from the way agencies design new regulations to how the agencies implement the regulations under their charge.

Many of the key features of S.343, and other legislative proposals to provide greater discipline to the regulatory process, were endorsed in the recommendations voted upon by the White House Conference delegates. In particular, the White House Conference's recommendations on regulatory reform called for assessing more proposed regulations against rigorous cost-benefit standards. Similarly, the broader use of risk assessment, based on sound scientific principles and compared to real world risks, were included within a number of recommendations voted the top 60 recommendations from the 1995 conference. Other conference recommendations called for the periodic review of existing regulations to establish their continuing need and to determine if they could be modified, based upon experience, to make them less burdensome.

Finally, Mr. President, the delegates to the 1995 White House Conference on Small Business adopted recommendations to strengthen the Regulatory Flexibility Act in many of the ways being done by the provisions of S. 343, and by the Nunn-Coverdell amendment. Action today to strengthen the Regulatory Flexibility Act may well be the most prompt congressional response to a recommendation from any White House Conference on Small Business.

Mr. President, in addition to establishing a statutory link between the Regulatory Flexibility Act and the requirements for cost-benefit analysis under S. 343, my amendment takes other steps to enhance the effectiveness of the regulatory flexibility process. First, an agency certification that a proposed regulation would not have a significant impact on a substantial number of small businesses would have to be backed up by facts. This is not the case today. Small business advocates complain about their being deprived of the act's protections by such unwarranted certifications of nonapplicability.

Along the same lines, the Nunn-Coverdell amendment makes possible a judicial challenge of such unwarranted certifications early in the regulatory process. Abuse is prevented by requiring that the judicial challenge be brought within 60 days of the certification and in the Court of Appeals for the District of Columbia Circuit. Supporters of our amendment within the small business community believe that this provision and the enhanced judicial enforcement of the act already contained in the bill will make the agencies take more seriously their responsibilities under the Regulatory Flexibility Act.

I know that during the debate on this provision concern will be expressed that the amendment will substantially overburden the regulatory staff within the various departments and agencies. They may cite figures drawn from the semiannual regulatory agenda which suggest that 500 or even 1,000 additional rules may be subject to cost-benefit analysis under the Nunn-Coverdell amendment. I believe these figures are inflated and inaccurate for the reasons that will, no doubt, be subsequently discussed.

In contrast, I am confident that the actual number is substantially smaller, certainly less than 200. By the time you count those proposed regulations within a $50 million or $100 million threshold, a number will be double counted: The number of proposed regulations covered is probably somewhere around 150. Even that number may be inflated by proposed rules that are exempt under S. 343's definition of rule.

My estimate, Mr. President—and I recognize that it is an estimate that is based upon 14 years of experience under the Regulatory Flexibility Act by the career staff of the Office of the Chief Counsel for Advocacy at the Small Business Administration, the office charged with monitoring agency compliance with the Regulatory Flexibility Act. It takes into consideration regulations for which regulatory flexibility analyses were done. It also takes into consideration those situations in which the Office of Advocacy believed the Act applied and the agency certified to the contrary.

While I agree that we cannot give the agencies an impossible set of tasks in reviewing proposed and existing regulations, we must not loose sight of the regulated public. I believe that they have a right to demand that proposed regulations be thoroughly analyzed, and that they meet rigorous standards of cost-benefit analysis, risk assessment when appropriate, and regulatory flexibility for small entities, Similarly, the regulated public has a right to expect that existing regulations be reviewed for their continuing utility, and when possible, modified to reduce their burden.

Mr. President, I urge my colleagues to support the amendment.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. JOHNSTON. Mr. President, I will not subject the Senator to a long series of questions because I sympathize with the condition of his voice.

Mr. President, we have had conversations, both Senators from Georgia and myself and my staff, Senator ROTH, and others, concerning the problem of agency overload. It seems to me that all sides in this endeavor want to arrive at the same place, and that is the maximum protection for small business but a workable system for the agencies so that the agencies will not be overloaded.

We had proposed to the Senator from Georgia an alternative, which is, in effect, to have the same kind of fix that Senator ABRAHAM had in his amendment, which is to give OIRA, in effect, a veto over these procedures.

Mr. President, I ask unanimous consent that the amendment that the Senators from Georgia and I have discussed be printed in the RECORD at this point.

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

On page 14, line 10, strike out ''or''.

On page 14, line 16, add ''or'' after the semicolon.

On page 14, insert between lines 16 and 17 the following new subparagraph:

''(C) any rule or set of closely related rules, not determined or designated to be a major rule pursuant to subparagraph (A) or (B), that is designated as a major rule pursuant to section 622(b)(2) (and a designation or failure to designate under this subparagraph shall not be subject to judicial review).''

On page 20, insert between lines 12 and 13 the following new paragraph:

''(2) If the agency has determined that the rule is not a major rule within the meaning of section 621(5)(A) and has not designated the rule as a major rule within the meaning of section 621(5)(B), the Chief Counsel for Advocacy at the Small Business Administration may publish in the Federal Register a determination, and accompanying factual findings supporting such determination, drawn from the initial regulatory flexibility analysis, that the proposed rule should be designated as a major rule because of its substantial economic impact on a significant number of small entities. Such determination shall be published not later than 15 days after the publication of the notice of proposed rulemaking. The Director or designee of the President shall designate such rule as a major rule under paragraph (1) unless the Director or designee of the President publishes in the Federal Register, prior to the deadline in paragraph (1), a finding regarding the recommendation of the Chief Counsel for Advocacy that contains a succinct statement of the basis for not making such a designation.''

On page 20, line 13, strike out ''(2)'' and insert in lieu thereof ''(3)''.

On page 39, line 22, strike out ''and''.

On page 39, line 24, strike out the period and insert in lieu thereof a semicolon and ''and''.

On page 39, add after line 24 the following new subparagraph:

''(C) an agency certification that a rule will not have a significant economic impact on a substantial number of small entities pursuant to section 605(b)''.

On page 69, line 5, insert after ''entity'', '', upon publication of the final rule,''.

On page 69, line 7, strike ''A court'' and insert in lieu thereof ''Notwithstanding section 625(e)(3), a court''.

Mr. JOHNSTON. Mr. President, I will not propose that amendment today, but I simply ask the Senator, in fact both Senators from Georgia, if they will continue to work with us with a view to dealing with this problem of agency overload, hoping to find some alternative—if not the one that I have sent to the desk for printing, then some other alternative, so that we may deal with that question of overload.

Mr. NUNN. Mr. President, I say to my friend from Louisiana that the answer is yes. I will certainly continue to discuss any modification of this amendment that makes sense from the small business perspective, and also from the point of view of regulatory overload. This is a difficult area. None of us knows precisely what the numbers of regulations that are going to be affected here. So we are dealing with an unknown. But I do think that when we are in doubt, we ought to tilt toward not having a regulatory burden overwhelming the small business community. That would be my perspective. But I will be glad to continue to try to work with him in this regard because I know he has the same goal. We will continue to discuss it even as we debate it here on the floor.

Mr. JOHNSTON. Mr. President, I thank the Senator from Georgia for his answer.

Mr. NUNN. Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I withhold.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first I want to thank my colleague from Georgia, Senator NUNN, for his dedication to this effort on behalf of small business. And we are all particularly sympathetic to the malady with which he returned from the recess. We wish him well soon.

I also want to answer the question of the Senator from Louisiana. As we continue through the process with Senator DOLE and his bill, we would obviously keep on the table discussions to try to facilitate his concern. We did not have enough time to talk a little earlier. But while we remain concerned about agency overload, I think the Senator from Louisiana would join with myself and the Senator from Georgia and others in sympathy for the overload that small business America has been suffering for too long, way too long.

Just to cite some of the figures, sometimes I think we forget what we are talking about when we talk about small business. There are over 5 million employers in the United States. Sixty percent of them are small businesses that have four—four—employees or less.

If you run a family business, or any endeavor, you understand what a limited resource that is standing against the aura of the Federal Government. I remember years ago walking into our family business. My mother had come down to help us. We had four—myself, my father, my mother and one other at that time. I looked across the table. She was just staring across the room. This is many regulations ago. I asked her what the problem was. She had some government form in front of her, and she was literally scared to death. She was afraid that she was going to make a mistake that would somehow do harm to our family and our company. Even at that time it was threatening. And since that time—probably some 15 years ago—it has been regulation after regulation after regulation by the hundreds, by the thousands. People that had four employees or less had an enormous problem trying to respond to what all these regulations ask of small business.

Here is an even more startling figure. Of the 5 million companies, 94 percent have 50 employees or less. That means only 6 percent of the companies in the United States fall into this category where they have the kinds of resources—even as expensive as they are—to defend themselves.

Half the small businesses are started with less than $20,000. More than half the 800,000 to 900,000 businesses that are formed each year will go out of business within 5 years. One of the reasons is they cannot keep up with what their Federal Government is demanding of them.

From 1988 to 1990 small businesses with fewer than 20 employees accounted for 4.1 million net jobs. Large firms—that is the 6 percent—lost half a million jobs.

The point I am making here is that these small businesses need a lot of nurturing and help and assistance from a friendly partner and not a lot of burden and bludgeoning from a bully partner. As we have restructured corporate America, it is the small business that has given us the most to be optimistic about. They are creative, they take risk, and they are hiring people. They are virtually the only sector right now that is hiring people.

The point I am making is that we need to underscore how much attention we as a Congress need to give to facilitating small business. We have a lot of financial problems in our country that we have to resolve in the very near term. That is what all the balanced budget fights are about. But one of the four key components to fixing our financial discipline today is to expand the economy. We have such a large economy that a modest expansion gives us enormous relief, and the one place that we have the best chance of expanding our economy is small business. It literally makes no sense for us to not only be not attentive to relieving them from regulatory burden and threat and cost, but we should be very focused on the reverse; that is, creating every incentive that we can think possible to aid and abet small business.

Mr. President, the Congress has recognized this for a long time. And in 1980, as Senator NUNN has acknowledged, the Regulatory Flexibility Act was enacted. The idea was we were already worried about what was happening to small business. We were already treating small business like it was General Motors. So the Congress passed legislation that made the Government begin to become more flexible to analyze the proportionate impact of regulations on small business. The problem was that it did not require a cost analysis and there was no judicial review. So it had been ignored far too much.

So while the Congress came forward and said we are going to do this, we are going to really try to improve the situation for small business, it was a hollow promise. It has not achieved what it set out to do.

So the Nunn-Coverdell amendment takes the Regulatory Flexibility Act—which we have already passed; we have already acknowledged the purpose—and it said it will have to have meaning. It already requires extensive review and analysis. So we are simply saying that it will have to add a cost analysis and that there is a regulatory review so that it is enforceable, so that what the Congress meant to do in 1980 will in fact happen in 1995, 15 years later. That says something else about our Government.

The Senator from Louisiana has raised a legitimate problem. We are concerned about the administrative functions of Government. But if I have to choose between where the balance of the burden should rest, should it rest on the U.S. Government, the EPA, OSHA, the Labor Department, and their millions and their thousands of employees, or should it rest on the little company in Georgia that has three employees? And if I have to pick between those two, I am going with the little company in Georgia. Given the scope of the resources both have, the problem is a lot more fixable from a burden standpoint on the part of the Government than it is on that little firm and thousands of, millions of, others like it across the country.

This is a good amendment. This will help small business. If we help small business, Mr. President, they are going to help America because they are going to hire people looking for a job by the millions. And they are going to expand our economy.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I wonder if I might have a few minutes on another topic. Is the time divided?

The PRESIDING OFFICER. Time is not divided.

Mr. DOLE. If I may be permitted to speak out of order on two other matters.

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

FAILED APPROACH IN BOSNIA

Mr. DOLE. Mr. President, as the Serbian advance on Srebrenica continues, the administration, the U.N. bureaucracy, and some of our allies are busy defending their failed approach in Bosnia. They argue that the Bosnians are better off if the U.N. forces stay in

Bosnia, that lifting sanctions on Serbia is the key to peace, that the Serb air defenses do not pose a threat to NATO air crews—the news from Bosnia notwithstanding.

In his response to a letter from Speaker GINGRICH and me, the President stated that he believed that the United States must support the U.N. protection forces' continued presence in Bosnia. He said that UNPROFOR had played and was playing a ''critical role'' in diminishing the conflict and was assisting the U.N. high commission on refugees in providing aid to the Bosnian population.

In order to believe that the United States and European approach in Bosnia is working, one simply has to play a game I call ''let's pretend.'' The rules are simple. It goes like this:

Pretend that the U.N. forces are delivering humanitarian aid to those in need;

Pretend that the U.N. forces control Sarajevo airport;

Pretend that the U.N. forces are protecting safe havens such as Sarajevo and Srebrenica and that no Bosnians are dying from artillery assaults and shelling;

Pretend that there is a credible threat of serious NATO air strikes;

Pretend that the no-fly zone is being enforced;

Pretend that Serbian President Milosevic is not supporting Bosnian Serb forces;

Pretend that Bosnian Serb air defenses are not deployed against NATO aircraft and are not integrated into Serbia's air defense system.

Pretend that the rapid reaction force will react forcefully and rapidly under the same U.N. rules of engagement which have made UNPROFOR impotent;

Pretend that U.N. forces can stay in Bosnia forever and that we will never have to contemplate U.N. withdrawal.

Mr. President, if you can pretend all of the above, you can easily accept the administration's defense. On the other hand, if you react to reality and do not engage in multilateral make-believe, then you will not be persuaded by the administration's case. Without taking the time to review the last year or two or three in Bosnia, let us just look at the reports from the last week or so:

In Srebrenica, a so-called U.N. designated safe area, Serb forces overran U.N. observation posts and Serb tanks are within a mile of the town center—in fact, we have just had a report that they are even closer than that;

In Sarajevo, the hospital was shelled and more children were slaughtered;

Information surfaced that Bosnian Serb air defenses are tied into Belgrade's air defense system;

The no-fly zone was violated and NATO did not respond;

U.N. envoy Akashi assured the Bosnian Serbs that the United Nations would continue business as usual in the wake of the downing of U.S. pilot O'Grady and the taking of U.N. hostages.

Mr. President, these are only a few examples of the reality in Bosnia. It is this reality that should drive U.S. policy. It is this reality that has moved the Bosnian Government to reassess the U.N. presence in Bosnia. It is this reality that should prompt us to do the same.

The fact is that despite the presence of over 25,000 U.N. peacekeepers and despite the impending arrival of the rapid reaction force, the Bosnians are still being slaughtered, safe areas are under siege, and the United Nations continues to accommodate Serb demands and veto even limited military action designed to protect United States air crews. The fact is that the United Nations has become one of the means of securing Serb gains made through brutal aggression and genocide.

As Jim Hoagland aptly pointed out yesterday in the Washington Post, and I quote,

> The war has now reached a point where the U.N.'s value free equation of Serbs who are willing to kill with Bosnians who are willing to die cannot be sustained and cannot be allowed to spread deeper into the Clinton administration which too docilely accepted Akashi's veto on retaliation. Americans will no long support humanitarianism based on self-serving bureaucratic cynicism and fear.

Not my quote but a quote in the Washington Post from Jim Hoagland, who, I must say, has had a shift in his thinking recently.

The time for make-believe is over. The United Nations mission in Bosnia is a failure. The Bosnians deserve and are entitled to defend themselves. The United Nations must begin to withdraw and the arms embargo must be lifted. Therefore, I intend to take up a modified version of the Dole-Lieberman arms embargo bill following disposition of the regulatory reform bill.

Mr. President, I think every day it is worse and worse, if it can become worse, in Bosnia, particularly for the Bosnians. It seems to me it is high time to act.

I ask unanimous consent that the entire column in the Washington Post by Jim Hoagland be printed in the RECORD.

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

[From the Washington Post, July 9, 1995]

BOSNIA: THE U.N.'S MORAL ROT

(By Jim Hoagland)

The Serb missilemen who shot down Capt. Scott O'Grady's F–16 over Bosnia committed attempted murder and got away with it. After a month, there has been no American retaliation for an act of treachery that once would have brought the heavens down on its perpetrators.

Understand why the American government swallowed this humiliation (without even a serious denunciation of the Serb politicians in Belgrade who oversaw the shoot-down), and you understand why the international effort in Bosnia has failed so miserably—and why it should now be terminated.

A line has been crossed in Bosnia, a line that separates humanitarian impulse from moral rot; a line that divides ineffectiveness from dishonor. The United Nations is now on the wrong side of that line, protecting the Serbs (and the status quo) from retaliation for having downed O'Grady and for killing, wounding, imprisoning and harassing British, French, Spanish, Danish and other soldiers operating in Bosnia under the U.N. peacekeeping flag.

This can only undermine U.S. and European support for keeping those troops there and continuing an arms embargo against Bosnia. It is now embarrassingly evident that in Bosnia and elsewhere U.N. ''humanitarian'' operations are guided by bureaucratic dedication to career and organization. There is no room for justice, or for outrage over the Serbs' long record of atrocity and betrayal, in the mandate of Yasushi Akashi.

These are the two straws that break the United Nations' back in Bosnia:

(1) Akashi, the Japanese diplomat who is Secretary General Boutros Boutros-Ghali's representative in Bosnia, actively blocked French and British efforts to form outside the U.N. command a rapid reaction force to strike back at the Serbs after hundreds of peacekeepers were taken hostage by the Serbs and then released in June.

The rapid reaction force will be under Akashi's control and will observe the same peacekeeping rules imposed on the 22,500-man international army already there, Akashi promised the Serbs in a secret letter disclosed to reporters by the Bosnian government.

The new troops, like the old troops, will not be permitted to make distinctions between Serb aggressors, who have ''ethnically cleansed'' Muslim territories and the forces of the U.N.-recognized Bosnian government trying to regain its lost lands. If Akashi has his way, the United Nations will go on equating Serbs who blockade food shipments with Bosnians who starve because those shipments do not get through.

(2) Following O'Grady's escape, Akashi, with the backing of France and Russia, vetoed any new bombing raids on the Serbs. The U.S. Air Force was denied the chastising effect of retaliation and the preemptive protection of taking out Serb anti-aircraft missile batteries that are linked to computer networks controlled from Belgrade.

The chilling hostage-taking changes nothing, except to make the United Nations command even more timid. The murder attempt on O'Grady changes nothing except to end effective enforcement of the no-fly zone over Bosnia. Score in this exchange: Serbs everything, U.N. nothing.

That is galling, but it is now probably too late to fix. ''You have to respond immediately,'' Sen. John McCain (R-Ariz.), a fighter pilot in Vietnam and prisoner of war for 5½ years, told me. ''I don't think you can retaliate a month or two later and expect to have any effect.''

But McCain also made this telling point: ''We made a mistake in not publicizing the fact that this shoot-down could not have happened without the Belgrade computers the missile batteries are hooked up to. Instead the administration is constantly sending an envoy'' to negotiate with Serb President Slobodan Miloseyic—suspected by some in U.S. intelligence of having given the order both for the downing of the F–16 and the grabbing of the U.N. soldiers.

This is how moral rot spreads. The United Nations once served as useful political cover for the major powers, who wanted to limit their own involvement in the wars of ex-Yugoslavia. The administration was right to try to minimize the dangers of rupture within NATO over a unilateral U.S. lifting of the arms embargo against Bosnia.

But the war has now reached a point where the U.N.'s value-free equation of Serbs who are willing to kill with Bosnians who are

willing to die cannot be sustained and cannot be allowed to spread deeper into the Clinton administration, which too docilely accepted Akashi's veto on retaliation.

Americans will not long support humanitarianism based on self-serving bureaucratic cynicism and fear. For better or worse, American participation in the arms embargo will soon come to an end and NATO member troops will come out. The war is going to get bloodier. And the bureaucrats of the United Nations, who now pursue policies that profoundly offend a common sense of justice and decency, will not be blameless for this happening.

RELATIONS WITH VIETNAM

Mr. DOLE. Mr. President, news reports indicate that President Clinton is on the verge of making a decision about normalizing relations with Vietnam. I understand an announcement may come as soon as tomorrow. Secretary of State Warren Christopher has recommended normalization. Many Vietnam veterans support normalization—including a bipartisan group of veterans in the Senate, led by the senior Senator from Arizona, JOHN MCCAIN. Many oppose normalization as well. Just as the Vietnam war divided Americans in the 1960's and 1970's, the issue of how to finalize peace with Vietnam divides Americans today.

At the outset, let me observe that there are men and women of good will on both sides of this issue. No one should question the motives of advocates or opponents of normalization. We share similar goals: Obtaining the fullest possible accounting for American prisoners of war and missing in action; continuing the healing process in the aftermath of our most divisive war; fostering respect for human rights and political liberty in Vietnam.

I can recall in, I think, 1969 attending the first family gathering of POW's and MIA's. Only about 100 people showed up. I think I may have been the only Senator there. And I promised that group that within 3 months we would have a meeting at Constitution Hall, which seats 2,000 people, and we would fill it up. And we did. And I remember wearing the John McCain bracelet for a couple of years back in those days when JOHN MCCAIN was still a POW.

So I have had a long and I think consistent interest in the fate of POW's and MIA's starting way back when nobody knew the difference, when bracelets were not ordinary, nobody knew what a POW/MIA was for certain. And so it is something that I have had an interest in for a long, long time.

The debate over normalization is about our differences with the Government of Vietnam, not with the Vietnamese people. The people of Vietnam have suffered decades of war and brutal dictatorship. We hope for a better future for the people of Vietnam—a future of democracy and freedom, not repression and despair.

The debate over normalization is not a debate over the ends of American policy; it is a debate over the means. The most fundamental question is whether normalizing relations with Vietnam will further the goals we share. In my view, now is not the time to normalize relations with Vietnam. The historical record shows that Vietnam cooperates on POW/MIA issues only when pressured by the United States; in the absence of sustained pressure, there is little progress on POW/MIA concerns, or on any other issue.

The facts are clear. Vietnam is still a one party Marxist dictatorship. Preserving their rule is the No. 1 priority of Vietnam's Communist Government. Many credible sources suggest Vietnam is not providing all the information it can on POW/MIA issues. In some cases, increased access has only confirmed how much more Vietnam could be doing. This is not simply my view, it is a view shared by two Asia experts—Steve Solarz, former chairman of the House Subcommittee on Asia and Pacific Affairs, and Richard Childress, National Security Council Vietnam expert from 1981 to 1989. Earlier this year, they wrote:

> Vietnam could easily account for hundreds of Americans by a combination of unilateral repatriation of remains, opening its archives, and full cooperation on U.S. servicemen missing in Laos.

Again, not my quote but a quote by the two gentlemen mentioned. They conclude that,

> Whatever the reasons or combination of reasons, Vietnam, in the current environment, has made a conscious decision to keep the POW/MIA issue alive by not resolving it.

This is a view shared by the National League of POW/MIA families which has worked tirelessly to resolve the issue for many years. It is also a view shared by major veterans groups, including the American Legion, the largest veterans group. The media have reported that the Veterans of Foreign Wars, the second largest group is supportive of normalization. Let me quote from VFW's official position adopted at its 1994 convention:

> At some point in time but only after significant results have been achieved through Vietnam/U.S. cooperative efforts, we should . . . move towards normalizing diplomatic relations.

A more recent VFW statement makes clear that normalization is not opposed by the VFW if it leads to a fuller accounting of POW/MIA cases.

If President Clinton intends to normalize diplomatic relations with Vietnam, he should do so only after he can clearly state that Vietnam has done everything it reasonably can to provide the fullest possible accounting. That is the central issue. The United States has diplomatic relations with many countries which violate human rights, and repress their own people. But the United States should not establish relations with a country which withholds information about the fate of American servicemen. As President-elect Clinton said on Veterans Day, 1992, ''I have sent a clear message that there will be no normalization of relations with any nation that is at all suspected of withholding any information'' on POW/MIA cases. Let me repeat: ''suspected of withholding any information.'' Let me repeat, ''suspected of withholding any information'' on POW/MIA cases. I hope the standard proposed by President-elect Clinton is the same standard used by President Clinton.

No doubt about it, the Vietnamese Government wants normalization very badly. Normalization is the strongest bargaining chip America has. As such, it should only be granted when we are convinced Vietnam has done all it can do. Vietnam has taken many steps—sites are being excavated, and some remains have been returned. But there are also signs that Vietnam may be willfully withholding information. Unless the President is absolutely convinced Vietnam has done all it can to resolve the POW/MIA issue—and is willing to say so publicly and unequivocally—it would be a strategic, diplomatic and moral mistake to grant Vietnam the stamp of approval from the United States.

I ask unanimous consent that the article from which I quoted earlier be printed in the RECORD.

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

[From the San Diego Union-Tribune, Mar. 19, 1995]

PRISONER ISSUE CONTINUES TO TAINT RELATIONS

(By Richard T. Childress and Stephen J. Solarz)

Although the U.S. trade embargo with Vietnam has been lifted and consular-level liaison offices have been opened, relations between the United States and Vietnam are far from normal. The major remaining bilateral obstacle, the POW/MIA issue, is still cited by the Clinton administration as the primary impediment to normalization.

Multiple intelligence studies from the war through today conclude that Vietnam could easily account for hundreds of Americans by a combination of unilateral repatriation of remains, opening of its archives and full cooperation on U.S. servicemen missing in Laos, 80 percent in Lao areas controlled by the Vietnamese during the war.

While joint Vietnamese-American efforts to excavate aircraft crash sites and otherwise ''clean up the battlefield'' will continue to provide some accountability, it will not be enough. What is needed is a decision by Vietnam's ruling politburo to resolve the core POW/MIA cases, including those Americans last known alive in the custody or immediate vicinity of Vietnamese forces. That decision has not been made.

Reasons offered for this have included a divided politburo, a desire to exploit the POW/MIA issue for future financial or political advantage, a continuing residue of hostility or hatred toward Americans in Hanoi's ministries of interior and defense, and a fear of embarrassment. Some also speculate that Vietnam's leadership fears the United States will ''walk away'' once the issue is resolved.

Whatever the reason or combination of reasons, Vietnam, in the current environment, has made a conscious decision to keep the POW/MIA issue alive by not resolving it.

This fundamental aspect of Vietnamese emphasis on the POW/MIA issue has been central from the Paris negotiations in 1968–

73 and through every administration since that time. Knowing it to be the most sensitive issue to Americans of all the other bilateral humanitarian concerns, Hanoi has consistently used it as the lodestar for leverage over American policy. Similarly, the compelling nature of the issue to Americans has caused it to be central in our dealings with Vietnam over the years.

This centrality to American policy-makers has, however, engendered different approaches. These have varied from concerted efforts to define the issue away and defuse it, to confronting the issue directly in order to resolve it. Even policy-makers who viewed the POW/MIA issue as a hindrance to healing or normalization demonstrated its centrality by expending much political capital in a failed attempt to prove the contrary.

Confronting the issue directly in negotiations has been the only demonstrable path to progress. It is, ironically, the path desired by the Vietnamese for reasons already outlined. When Reagan administration officials reopened the POW/MIA dialogue with Vietnam in 1981, the politburo was delighted. Referring to the 1978–81 freeze in U.S.-Vietnam talks, Hanoi's negotiators remarked that they ''didn't know we still cared.'' That was also a challenge.

While the Clinton administration has rejected linking human rights directly to questions to normalization, that, too, is a potential obstacle. Strong feelings for linkage exist in some human-rights organizations, the American-Vietnamese community, the labor movement and in Congress. Linkage may not be desired as a matter of executive branch policy, but initiatives are possible in the new Congress along with other domestic pressures.

In the mid-1980s, legislation was proposed to use Vietnam's blocked assets to pay private claims, and significant lobby pressure was put on the Reagan administration and Congress to liquidate the assets. This initiative was opposed by the administration and rejected by the Congress. The objection then was that it would interrupt humanitarian cooperation, that official claims of the United States government would become secondary, and that such transactions should be negotiated in the context of normalization discussions. Sufficient funds existed to cover the private claims, and the United States, as the custodian of the funds, was positioned to settle them from a position of strength and leverage.

Vietnam's near-term and long-term economic goals are central to its leadership. High on the leadership's bilateral list is most-favored-nation (MFN) status and eligibility for the so-called generalized system of preferences (GSP), an additional trade concession.

But Vietnam's primitive economy and rudimentary trade mechanisms hamper its accession to the General Agreement on Tariffs and Trade and, accordingly, limit American flexibility on commercial issues. In addition, various legal and regulatory obstacles stand in the way. Some of the relevant provisions can be waived through executive action; under certain conditions legislation may be required.

In any event, since it is Vietnam, the Clinton administration should be reluctant to take any significant steps without close consultation with Congress.

Despite a significant loss of American leverage after the trade embargo was lifted, one could argue that the United States is again positioned for progress. This plateau allows the Clinton administration some breathing room to hold firm; to insist on meaningful, unilateral action by Vietnam to meet the four POW/MIA criteria set forth by President Clinton and to advance a Washington-Hanoi dialogue on human rights in Vietnam.

In the interim, it is in both countries' interests that Vietnam proceed with internal economic reforms. This would assist Vietnam in further integrating into Asia generally and the Association of Southeast Asian Nations (ASEAN) specifically. This long-term objective was shared in some respects throughout each American administration since the end of the Vietnam conflict.

Such integration would also provide greater exposure of the Vietnamese leadership to international economic and political norms, perhaps reduce some Vietnamese paranoia and help convince the Vietnamese that the POW/MIA issue is a ''wasting asset'' for them that needs to be resolved. Integration would also mesh with Vietnam's desire for greater international acceptance. Finally, it would serve to lessen Vietnam's perceived isolation as a potentially threatened neighbor of an increasingly assertive China.

However, American policy-makers also need to view this from an internal Vietnamese perspective that would expect such integration and acceptance to relieve pressure for political reforms and improved human rights. Vietnam has boldly endorsed universal declarations on human rights and attempted to join the cultural argument between Asia and the West, as if its political system were even comparable to those advancing the argument in Asia.

For the foreseeable future, Vietnam will have three major objectives: continued political control under the Communist Party, economic development that does not threaten such control, and a sense of security in its relationship with China.

While political change is inevitable over time, it will be due to internal factors, and American leverage will be at the margins. Economic reforms have spawned divisions in Vietnam's communist party and government, as well as regional tensions between the North and the South. Recriminations are already evident between reformers and hardliners, and a significant American role in the Vietnamese economic future will be limited.

After listening to wishful speculation about a ''new tiger'' in Asia, spawned by young consultants, service industries and lobby organizations with a vested interest in lifting the embargo, American businesses are again looking at political and economic realities they tended to ignore for the past four years.

Press accounts of Vietnam's economic potential before and after the lifting of the trade embargo are strikingly different.

Overblown stories of ''the last frontier,'' ''the emerging tiger in Asia,'' and the loss of business to foreigners were common themes before. Now, the media is beginning to report about corruption, unenforceability of legal codes, currency problems, bureaucratic hurdles, arbitrary decision-making by government officials, the paucity of infrastructure and the reality that Vietnam, with few exceptions, is almost a decade away from real profitability on an American business scale.

Profits for American companies operating in Vietnam are not likely for several more years. A lot of money is being spent and very little is being made.

Most experienced observers of Asia's geopolitics recognize, as well, that Vietnam is not of real strategic relevance to the United States in the 1990s. Nonetheless, armchair strategists, military planners, and some in Congress continue to argue otherwise, and worry aloud accordingly.

Still, Vietnam is certainly looking for strategic solace. Its historic fear of China is underscored today by Chinese claims on island groups in the South China Sea, plus China's burgeoning economic and political clout. Although elements of Vietnam's current agenda are variously shared by ASEAN, American military power and political commitments are not designed to ameliorate arguments between China and Vietnam. The United States facilitated the end of the proxy war between China and Vietnam in Cambodia not by taking sides but by opposing both unworthy claimants in an international and regional context.

The reality of the economic and strategic conditions now and in the foreseeable future does not make Vietnam central to American policy. The Vietnamese desire for real normalization with the United States is recognized, but the gap is wide and will remain so despite the wishful, almost romantic thinking of some.

Vietnam and the United States do have a unique relationship forged through shared recent history. Both sides can regret missed opportunities. And while the history of bilateral negotiations is tortured, the significance of historic antagonisms can only be muted by a credible effort to resolve the POW/MIA issue, the only path to real healing and normalization.

In sum, fully normalized relations between the United States and Vietnam are not on the immediate horizon. Vietnam will remain, in an economic and strategic sense, of little importance to the United States. Relations could conceivably move forward in the absence of a real economic or strategic rationale with significant progress on POW/MIA accounting through unilateral Vietnamese action. The longer Vietnam delays in this regard, the more likely normalization could be linked to human rights concerns, as well. If this occurs, it would be supported by those who, heretofore, believed Vietnam would be able to forge a politburo consensus and finally end the uncertainty of America's POW/MIA families.

Normalized relations are quite logical in an ideal world. Full normalization with Vietnam is desirable, but as a practical matter is not possible or prudent as long as it can be credibly maintained that Vietnam can do more to account for missing Americans.

If the Clinton administration proceeds with the elements of normalization as an objective, rather than an instrument to resolve bilateral issues, domestic and congressional opposition is likely to increase. That, in turn, would further reduce executive branch flexibility, and create a renewed round of recriminations as well as a new gauntlet for future negotiators.

Mr. KENNEDY. Mr. President, I came over to address another issue. I listened to the majority leader's statement with regard to actions that may be taken by the President in the foreseeable future.

I want to commend what I thought was an excellent presentation by my friend and colleague, Senator KERRY, as well as Senator MCCAIN, on this issue on Sunday, as well as Senator SMITH from New Hampshire who was talking about this issue, I thought, in a very constructive, positive, bipartisan way.

I think for those who are looking to try to deal with an issue of this complexity, of this importance, Members would be wise to take a few minutes and review their presentations. I thought there were particularly convincing arguments to be made in favor of moving the process forward at this time, and I thought the statements

that were made by, as I mentioned, my colleagues Senator KERRY and Senator MCCAIN that support that change were very compelling. I thought the observations of Senator SMITH, which took a different view but, nonetheless, were related to the subject matter, were constructive as well.

The country will be addressing this issue in the next several days or weeks. I think our Members would be wise to review their comments because they are individuals who have spent a great deal of time on this issue and, obviously, have given it a great deal of thought. The fact that they come from different vantage points in terms of many other different issues, both in domestic and foreign policy, and still are as persuasive on this matter, I think really reflects some very, very constructive and positive thinking.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1491

Mr. GLENN. Mr. President, the pending legislation before us is an amendment by the Senator from Georgia, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. I particularly dislike having to oppose my good friend from Georgia, Senator NUNN. We worked together in the Governmental Affairs Committee on our bipartisan regulatory reform bill. We both supported the bill. I certainly have the very highest regard for him. He has always been a tireless champion of the interests of small business men and women in our country, and I certainly applaud him for that effort.

But I believe that while this amendment is very well-intentioned, I think there are two serious problems. I do not believe the amendment should be accepted. First, it revises the Regulatory Flexibility Act in a number of ways that I think do not fit with workable regulatory reform.

First, the amendment would require cost-benefit analysis of all reg flex rules. That is, rules that have a significant economic impact on a substantial number of small entities. This would be small businesses, local governments, and the like. Including these rules in the cost-benefit analysis process would increase the number of rules that have to go through that analysis by over 500 rules. That is not a figure grabbed out of thin air; that is the administration's estimate. It is based on actual Federal Register entries over the last year.

Now, OMB has estimated that if this passed this way, there could possibly be as many as 600 to 800 rules and regulations that would fall under this provision. That would raise the number of investigations and rulemaking procedures to something like three times our present number.

Now, agencies are going to be hard pressed with the budget cuts they are facing now just to do the analysis required if we just pass the Glenn-Chafee bill with its $100 million threshold. S. 343, which is before us now, would lower the threshold to an unreasonable $50 million. This amendment that we are considering now by the Senators from Georgia would have the potential of adding somewhere between 500 to the current rate, or up to as many as 800 more rules to that list. That just overloads the circuits.

To make the point even further, one estimate before our committee by one of the people testifying earlier this year was that each full-blown rule investigation costs somewhere around $700,000. If you take the 500 to 800 potential on this, that means we would be spending on investigations somewhere between $350 million for the 500 investigations, up to a potential of $560 million for the 800 investigations.

Let us say that is a pessimistic view of how much it costs, that $700,000. Even if you cut it in half, it means it is somewhere around $175 million up to, say, $270 or $280 million to do this increased number of investigations. So I say that agencies are going to be very hard pressed with these budget cuts to make it.

The second major problem with the amendment is the way it expands reg flex judicial review. The Glenn-Chafee bill is basically the bill brought out of committee earlier and is designated as S. 1001. As opposed to S. 1001, this amendment would allow judicial review of final rule reg flex analysis. As opposed to that, this amendment permits judicial review of proposed rule reg flex decisions.

Now, this expands enormously the number of judicial challenges that can be made, and it further overturns a principle that has been long held that court review should wait until an agency makes its final rulemaking decision and then challenge the whole process, whatever it is, and not permit judicial review challenges all along the way, which means that the persistent challenger can keep something bogged down in court for years and years. It can literally bog down the whole process, this number of new rulemaking procedures that would have to be reviewed.

So allowing judicial review of preliminary decisions about whether a rule is even subject to reg flex, which this would do, will bog down agencies and use more tax dollars unnecessarily and be a full employment bill for lawyers, basically. I do not think that should be the objective of this legislation.

Mr. President, further, I must admit that I do not understand exactly how this whole thing would work. It would increase the complexity, as I see it, and it would create more judicial review, to be added to our expense in a substantial way.

Let me say that the Regulatory Flexibility Act was passed by Congress as a way to ensure that agencies would evaluate the impact of proposed regulations on small businesses and other small entities such as local governments. The act was also intended to ensure that agencies consider less burdensome and more flexible alternatives for these small entities.

I have supported the reg flex act from its inception when passed here a number of years ago. But the legislation before us and the amendment we are considering now would fundamentally change the Regulatory Flexibility Act by making its considerations the controlling factor, the controlling decisional criteria, for the very promulgation of a rule. I do not think that is the way we ought to be going. We should ensure that the Federal Government is more sensitive to the needs of small business. I certainly agree with that. That is why the Glenn-Chafee bill, S. 1001, provides for judicial review of final reg flex decisions, and the whole process can be challenged at that one time. It does not permit judicial challenge at each step along the way, which means multiple judicial review, and additional ways of stalling what may be very good legislation.

Now, both bills also do provide—whether it is S. 343 or S. 1001, they both provide for congressional veto. In other words, a rule or regulation being put out by an agency can be challenged and brought back to the Congress and lay here under one bill for 60 days or 45 days for challenge here on the floor. That applies to small business provisions or any other provision.

So it seems to me that we have provided adequate protection, quite apart from the amendment as proposed by the Senators from Georgia.

I yield the floor.

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

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

Mr. ROTH. Mr. President, I want to take a moment to talk about the small business amendment to S. 343 offered by Senator NUNN and Senator COVERDELL.

This amendment would, of course, modify the definition of ''major rule'' to include rules that have a significant impact on small business and small governments as provided in the Regulatory Flexibility Act.

This would have the effect of requiring all reg-flex rules to be subject to cost benefit analysis and the decisional criteria, as well as to be subject to the petition process for reviewing rules.

Mr. President, as I have said before, I am deeply concerned about the impact

of the regulatory burden on small business. Indeed, that is exactly why I support the amendment offered by Senator ABRAHAM earlier today.

The Nunn amendment in its present form does raise some serious problems. I had hoped we could use an approach for this amendment similar to the Abraham amendment. So far, we have not been able to reach that agreement.

While I believe strongly in the need for regulatory reform, it must be reform that is workable. I fear that, as drafted, this amendment could place too heavy a burden on the agencies, which are already pressed by the many other provisions of S. 343.

This amendment does not distinguish clearly between costly rules which deserve detailed analysis, and smaller rules which should not be subject to time-consuming and expensive analysis.

I hope that we can work together to address the concerns about the workability of this amendment, concerns shared by many of my colleagues. I would welcome the opportunity to use some of the good ideas in the Abraham amendment, such as giving OIRA greater responsibility in selecting rules for analysis, or to pursue other suggestions offered by my colleagues.

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

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

Mr. COVERDELL. Mr. President, there has been an assertion that this would unleash a flood of regulatory burden on the agencies. I want to make the point again that quite the reverse would be the case. There has been a regulatory flood on the small businesses of America.

As I said in my opening statement, if I want to pick where I want that burden to be, it ought to be on the Government side, and not on the backs of all these small companies with 4 or less employees, or 50 or less employees, which is almost all the companies in America except for 6 percent.

Last year, 116 rules were swept up by the net of the Regulatory Flexibility Act, the act that is already in place.

Now, this idea that we would have 800, I think, is an unfounded assertion. If this had been in effect last year, it would have swept up 116, just as it did last year. Because there is a judicial review, there could be changes that would add some. I think it is most difficult to assert that we will have 500 or 1,000 new rules that would require action under this amendment.

Assuming, again, that there is more burden, it ought to be on the back of the Government and not on the back of the small business. We should be trying to protect the small businesses, not the regulators. That is where our concern is properly fixed—helping small businesses to generate new companies, new jobs, and expand.

Now, I would just like to take a moment, Mr. President, and review what is already required under the act which Congress has already passed, the Regulatory Flexibility Act of 1980. We have had any number of statements here asserting that we all support that.

Whenever an agency is required to publish a notice of proposed rulemaking for any proposed rule, the agency shall prepare and make available for public comment an initial regulatory flexibility analysis.

What does that include? Each initial regulatory flexibility analysis required under this act shall contain a description of the reasons why action by the agencies is being considered; a succinct statement of the objectives of and legal basis for the proposed rules; a description of, and where feasible, an estimate, of the number of small entities to which the proposed rule will apply; a description of the projected recording, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; an identification to the extent practicable of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of political statutes and which minimize any significant economic impact of the proposed rule on small entities.

It goes on. Mr. President, that is what the Regulatory Flexibility Act required in 1980. I do not know how to do this without having a cost estimate. All we are saying in the amendment is that it should include a financial impact on small business—a financial impact on small business. And that there is an enforcement proceeding to ensure that is done—the judicial review.

I would be hard pressed, Mr. President, having fulfilled the act that already has been in effect for 14 years, I do not know how to do this as a former businessman and not understand economic consequences.

In other words, the argument I am making, Mr. President, is that the work is virtually done under the existing law. We are simply saying, Mr. President, that the Government is going to have to do and certify what we all intended all of small business to think we were doing when we passed this act.

Several points, Mr. President. First, I think the assertion of the increased burden is without sufficient evidence. The evidence we have would suggest a modest increase.

Second, Mr. President, the act that is already required of the agencies requires virtually all that is necessary already. If we spent the money to do all this work, why not have the fundamental question before the country and the American people: What is the cost going to be?

The average small businessman today is spending $5,500 per employee; the average American family is spending $6,000 a year because of the surge of regulation. We ought to know what the impact of these regulations would be.

Last, Mr. President, the point I would like to make is that we ought to be in the business of being more concerned about the small business person who has such limited resources and their ability to deal with one regulation after another after another than with worrying about what the regulatory overload will be on the people who are making all these regulatory reviews.

Mr. President, maybe a side effect would be that the agency will be more careful in determining whether or not it needs to propose a new regulation. That is another way we could affect what the ultimate cost is of the review of the regulation. They might start thinking, for a change, do we need it? And my guess is that this amendment, in fact the overall underpinnings of the bill itself, will suggest that the Government needs to be a little more thoughtful about imposing yet another requirement, another burden, and another form on that little company of two or three people, all over America, who have so little ability to respond or know, even, what the new regs require.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we all want and hope and believe in a significant and a meaningful regulatory reform. No one wants rules that do not make sense or are not cost effective. No one wants, or should want, regulatory requirements that exceed real needs. We want Government to be smart, efficient, reasonable and practical.

There are plenty of regulatory horror stories, some of which are accurate, some of which are not. There is more than enough evidence, though, for us to be convinced of the fact that the regulatory process needs fixing. It has needed fixing for some period of time.

We have been in the process of reforming it for years. Back in the late 1970's, when the Governmental Affairs Committee conducted a lengthy set of hearings and issued a multivolume report on the regulatory process, the findings in those hearings led directly to the Senate passage, in 1981, of Senate bill 1080, the number was at that time, by a unanimous vote, 94 to nothing.

S. 1080 looked similar in many ways to the legislation which we are considering this week. It had many of the same elements, including cost-benefit analysis of major rules, a procedure for reviewing existing rules, legislative review, and Presidential oversight.

S. 1080 did not make it into law because the coalition supporting it did not hold together once the bill got to the House. It was tough reform, and if it had been in place for the last 15 years we would not be here today with the legislation before us. We would undoubtedly have had a lot fewer horror stories and a lot more thoughtful regulation over the past decade and a half.

So we are here to try again, and I am all for it. We spent several months in the Governmental Affairs Committee earlier this year considering a bill introduced by Senators ROTH and GLENN which, with a few amendments, we reported to the full Senate for its consideration. Many of us think it is a solid bill. It was passed by a unanimous, bipartisan vote of 15 to nothing. It has cost-benefit analysis, risk assessment, legislative review, and a procedure for the review of existing rules. It is tough but balanced. It is a bill that makes sense.

The bill is tough, the Governmental Affairs bill, which is basically now the Glenn-Chafee bill. It is tough because it would require by law that every major rule be subject to a cost-benefit analysis. It would require that each agency assess whether the benefits of the rule that it is proposing or promulgating justify the costs of implementing it. It requires that agencies select the most cost effective rules among the various alternatives.

These two elements are key controls to rational rulemaking. The Governmental Affairs approach, now embodied in Glenn-Chafee, is tough because, by statute, it resolves once and for all the role of the President in overseeing the regulatory process. The bill gives the President the authority to oversee the cost-benefit analysis and the risk assessment requirements, and recognizes the unique contribution that a President, above all of the agencies, can make to rational rulemaking. It also gives Congress the right and the practical capability to stop a rule before it takes effect.

The Glenn-Chafee approach is tough because it allows for judicial review of an agency's determination as to whether or not a rule meets the $100 million economic impact test and because a rule can be remanded to an agency for the failure of the agency to do the cost-benefit analysis or risk assessment. It is tough because it requires existing major rules to be subject to repeal should the agency fail to review them in 10 years, according to the schedule and the requirements of the legislation.

The bill was reported out of Governmental Affairs, as I mentioned, by a unanimous bipartisan vote. It is a balanced bill, and this is the balanced half of it. It is balanced because it recognizes that many benefits are not quantifiable and that decisions about benefits and costs are, by necessity, not an exact science but require, often, the exercise of judgment. It is a balanced alternative because it would require that, to the extent the President exercises his oversight authority over the rulemaking process, that authority must be conducted in the public eye and with public accountability.

It is a very important part of the Glenn-Chafee bill that we have some sunshine on the rulemaking process right up to and including the office of the President and the OMB. It took us years to get to that point. President Bush promulgated an Executive order—President Clinton has promulgated a similar Executive order—that called for sunshine when rules are kicked upstairs to the White House for their consideration before final promulgation. This bill, this alternative which is called Glenn-Chafee, in a very significant step incorporates, or would incorporate into law, the basic elements of the Executive orders of Presidents Bush and Clinton.

The Glenn-Chafee bill is balanced because it does not subject all rules to congressional review, just the major rules. It is balanced because it uses information as a tool for assessing agency performance and makes that information available to everyone to judge and to challenge. It is practical because it does not overwhelm the rulemaking process by requiring cost-benefit analysis and risk assessment for less than major rules. It is balanced because, while requiring an analysis and certification by the agency as to whether the benefits of the rule justify the costs, it does not override the underlying statutory scheme upon which a rule is based.

I believe the amendment before us, to address the specific amendment on the floor, goes too far. It would provide for the interlocutory judicial review at an early stage in a proceeding in a way which could swamp both the regulatory process and the courts. What we are trying to do is reform this system and not swamp it and not make it worse. We all, again—hopefully all of us—want to reform this system, the cost-benefit analysis, with the kind of risk assessment which is essentially in both bills.

But what we must avoid doing is swamping either the regulatory system so that it becomes totally unworkable, or delaying it through interlocutory court proceedings, which will, in effect, make the regulatory system unworkable.

I do not think any of us want that. We want a system which is commonsensical and does not impose costs and burdens on this society where the benefits are inadequate. But surely there is a role for rules. There is a role for the rollback of rules, for the review of existing rules, and we have to make sure, both in terms of new rules and review of existing rules, that we have a process which can function in a practical way.

The amendment before us would add this interlocutory appeal from an agency determination that a rule will not have a significant impact on a small entity and, therefore, it does not require regulatory flexibility analysis.

One of the problems with having that interlocutory appeal is that it then opens up the court process to two appeals on the same rule. You have a rule up front to a court for an interlocutory appeal if an agency does not do a regulatory flexibility analysis. That then can go to the court of appeals. That then can be appealed to the court of appeals. That then can be appealed to the Supreme Court just on the question of whether or not the agency erred in failing to do a regulatory flexibility analysis. But that does not end it because there is still an appeal at the end on the subject of regulatory flexibility analysis. This time, however, on the question of whether or not, assuming the regulatory flexibility analysis was done, it was done correctly.

So the amendment before us has really two problems. One is that it will significantly increase the load on courts and the delays in the regulatory process. It does it unnecessarily because in the bill itself there is judicial review of a decision by an agency not to conduct a regulatory flexibility analysis. But it is done at the correct time, which is at the end of the process, and it is done at a time when both aspects of regulatory flexibility can be decided by a court at the same time: One, if there was a failure on the part of the agency to conduct the regulatory flexibility analysis, was that failure error; and, second, if there was a regulatory flexibility analysis, whether or not the analysis was correctly done. That is the more practical way to do it. That is the way to avoid both swamping courts in judicial review prematurely, and that is the way if we can avoid having two judicial reviews in effect of regulatory flexibility analysis relative to the same rule.

The amendment also is going to create a problem in that it is going to probably double the number of rules. We can debate how many more rules there are going to be subject to this elaborate cost-benefit analysis requirement if we adopt this amendment. But the best estimate that we can make is that it would at least double the number of rules that will be subject to that cost-benefit analysis. It is costly. It is something which delays the process. It is obviously necessary when it comes to major recalls. I think all of us agree on that. Both bills contain that. The question is whether or not, given the downsizing of Government, we can effectively then load onto agencies these kinds of burdens to increase so dramatically the requirement relative to cost-benefit analysis.

So for both those reasons, I hope that we would either defeat or modify the amendment before us because to put it in the middle of the rulemaking, to put this interlocutory review in the middle of the rulemaking process, will use the court systems unnecessarily. It will use them prematurely. And it will end up overloading both systems. That

would be harmful for people who are participants in the regulatory process, whether they are favoring a regulation or opposing it.

Again, I emphasize, this can work both ways. There are many businesses that want to review existing rules. We want the reviews to go in a practical and a smooth way, too. There are many businesses which need new rules. For instance, the bottled water business has been waiting for a rule for years to try to put some restrictions on the representations of the type of water that is being sold as bottled water, as spring water, for instance. It is the business which is waiting for the rule. It is the business which is trying to stop the false representations relative to bottled water.

So this is not always the kind of outside groups versus business. This is frequently business that needs rules to be changed or added or amended. We have to make sure that this rulemaking process works in a practical and a functional way.

So, for that reason, I hope that the pending amendment will be defeated or modified.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator from Michigan referred to the interlocutory appeal, and, in fact, the Nunn-Coverdell amendment has been criticized because it allows two appeals, both an interlocutory appeal to be taken within 60 days of the notice of the proposed rulemaking and a later appeal.

Mr. President, I have just been discussing with the Senator from Georgia a modification of that amendment to make sure that the final appeal relates only to those classes of appeals which would not otherwise be subject to appeal under section 706 of the Administrative Procedure Act or under section 625 of this act, which are, in effect, final agency actions, so that both the appeal and the remedy, the final appeal under this bill, would be a very limited and narrow one. But I will describe that amendment when it comes up.

Mr. LEVIN. I wonder if the Senator will yield just on that point for a question.

Mr. JOHNSTON. Yes.

Mr. LEVIN. Is the amendment going to be modified so as to prevent an appeal on how a regulatory flexibility analysis has been conducted if there were an interlocutory appeal on the question of whether a regulatory flexibility analysis should be done? Will the modified amendment be precluding an appeal on how that regulatory flexibility analysis has been conducted at the end of the rulemaking process? Because that would be taking away from small business something that it now has, for instance, with small units of government. I do not know if that is the intent. I think it should be clear. But the double appeal point that I was making, I think, is slightly different from the double appeal point which has been made previously, which is that the interlocutory appeal that is provided here goes to the question of whether or not there should be a regulatory flexibility analysis, and that presumably there still would be an appeal at end of the process on the question of how that analysis had been conducted, assuming one is ordered. So that is still a double appeal.

Mr. JOHNSTON. The question is an appropriate one. The first appeal in the interlocutory appeal process would be on the question of major rules, whether it meets the $50 million threshold, whether it is a matter that involves the environment, health, and safety, or whether it has a significant impact on a substantial number of small businesses and, therefore, requires the regulatory flexibility. That appeal would be taken within 60 days and putting the notice in the Federal Register. The idea here is that you foreclose further appeals after that 60 days. Now there is in addition to that in the present Nunn-Coverdell amendment a more limited petition for review which allows you to get into the quality of the regulatory flexibility analysis.

What we are saying is if it is subject to an appeal under section 706 of the Administrative Procedure Act, or under section 625 of this act, then the quality of that regulatory flexibility analysis insofar as it relates to the question of whether the final agency action was arbitrary, capricious or an abuse of discretion, they would have in that appeal the right to test the regulatory flexibility analysis at that point.

For those which were not subject to that, they would have the ability to appeal in any court in the Nation that has jurisdiction and to ask for what would be an order to go back and do the reg-flex analysis.

Mr. LEVIN. Is that at the end of the process? Is there an appeal open at the end of the process to order a reg-flex analysis if there were no interlocutory appeal that had been asked?

Mr. JOHNSTON. Yes.

Mr. LEVIN. So you have a choice as to whether to take an interlocutory appeal on that issue or to make that part of the final appeal; is that correct?

Mr. JOHNSTON. You have a choice. If you wait until the final appeal, it would be a more limited choice because the only remedy provided there is for the court, in effect, to order the reg-flex analysis, and if that then would call for a modification in the rule, then the rule would then be modified, but there would be, for example, no stay of the rule because of the inadequacies of the reg-flex.

Mr. LEVIN. It was my question—I am unclear—is it the intent of the modified amendment that there could be either an interlocutory appeal on the question of whether or not a reg-flex analysis has to be made or that issue could be raised for the first time at the end of the rulemaking process, either one would be allowed?

Mr. JOHNSTON. No; the question of whether this is a rule which has a substantial, significant effect on a substantial number of small businesses, which is the trigger for the reg-flex, it is the intent here—and this language has not been drawn—it is the intent here that that test be only once.

Mr. LEVIN. And that it must be made on interlocutory appeal?

Mr. JOHNSTON. That is correct. That is the intent. It is a little difficult to give precise answers since the actual language has not been drawn. That is the intent. But as to the quality of that, you can test that only later after the reg-flex attempt.

Mr. LEVIN. I thank my friend from Louisiana for his answers, and I then would withhold any further comment until after we see the language on it. I wonder if the Senator will yield for one additional question.

Mr. JOHNSTON. Surely.

Mr. LEVIN. Is the intent that the rulemaking process be stayed during the interlocutory appeal on reg-flex?

Mr. JOHNSTON. No, not at all. That is the whole idea.

Mr. LEVIN. Is that clear in the language of the amendment?

Mr. JOHNSTON. We believe so, but if it needs to be further clarified, it can be. The idea here is that you want to have this determination made early enough in the process so that you can remedy the defects in the rule while the rule is still going on and not have to wait until it is all over with, because some of these rules take 2 or 3 years. And if you do not find out until, say, your final appeal is 6 or 9 months after the final rule, then you have to stay the rule and go back and do it all over again.

Mr. LEVIN. Of course, that is what judicial review is all about. There is presumably an incentive to do the process right. That is why there is judicial review at the end. And you do not wipe out judicial review at the end in any event. You still allow judicial review in many ways, so it is not as though you are doing a whole bunch of things up front and thereby precluding the review at the end.

Mr. JOHNSTON. No, but you would preclude a review, for example, on whether this is a major rule, whether it has $50 million, if that is the trigger, or $100 million, which I hope we can get an amendment in to make it $100 million. That question would be reviewed, would be finally reviewed on the interlocutory basis.

Does the Senator understand what I am saying?

Mr. LEVIN. Is it the intent of the sponsors of this bill, and the Senator indicates the sponsors of this amendment, to preclude judicial review at the end of anything which can be raised by interlocutory appeal at the beginning?

Mr. JOHNSTON. Will the Senator reask the question.

Mr. LEVIN. Is it the intention of the sponsor of the bill pending here, of the Dole-Johnston bill, and is it the Senator's understanding that it is the intention of the makers of this amendment, that the interlocutory appeal which is provided is the exclusive remedy to raise the issues that can be raised by interlocutory appeal and that if anyone fails to raise an issue, which could be raised by interlocutory appeal, by interlocutory appeal, it cannot then be raised at the end of the rulemaking process?

Mr. JOHNSTON. That is correct. And I hope our language will properly reflect that.

Mr. President, let me be a little more clear if not only for the purpose of this small business amendment, the reg-flex amendment, but also for the purpose of the whole bill. The reason for having the interlocutory appeal is that the question can be put at rest early in the process.

If, for example, an agency determines that the rule is likely to have an impact of less than $50 million a year, then it would not be a major rule, would not require the cost-benefit analysis, or the risk assessment. They would make that determination early on, file that in the record, and any party, any interested party, would then have 60 days from the time of that determination to make this interlocutory appeal on the question of whether it was a major rule because of the amount of dollars, whether it was a rule that affects health, safety, the environment, which in turn requires the risk assessment, or in this case whether it has a significant effect upon a substantial number of small businesses.

The idea is that if that appeal is not made within 60 days, that you are foreclosed from raising that later on in the process.

Keep in mind that if an appeal is made within the 60 days on the basis that they failed to make it into a major rule, that the agency itself could make a determination, could in effect moot the appeal by going back and doing the cost-benefit analysis and the risk assessment.

What we find under the present law in areas like NEPA, National Environmental Policy Act, agencies tend to err on the side of conservative in doing an environmental impact statement, which is much more involved than the environmental impact assessment. They will do the statement rather than the assessment many times because they do not want all their work to be thrown out X years later at the end of the process.

The result is that it frequently requires tremendous amounts of additional expense in doing that which the law would not otherwise require. And the reason for the interlocutory appeal is to be able to get that question determined up front and early so that the results of the whole system will not be thrown out.

The concern with the Nunn amendment, even as amended, when amended, is that it is likely to cause an agency overload or much more than the agencies are able to do.

The amount of personnel that the agencies have, the amount of moneys that the agencies have in order to perform these risk assessments is, of course, limited. Now, how many additional rules would this require the agencies to do? We do not know. OMB tells us that it could be hundreds of additional rules that would be caught under this definition. It could have the effect of doubling, tripling, or even a fivefold increase in the amount of work that they have to do.

I hope, Mr. President, that if this amendment is adopted and becomes part of this law that that is not the result. However, I think that it is going to require continued analysis as this matter moves along. It is not my purpose, frankly, to vote for this amendment, although we are not making, or at least I am not making, a major challenge to this amendment, given the assurances of the Senators from Georgia that we will be able to continue to work on it to avoid the question of agency overload.

However, until we have dealt with a more assuring way with this question of agency overload, I will not be able to vote for this amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I believe this amendment to S. 343 is of paramount importance. S. 343, as written now, will unquestionably benefit small businesses by requiring Federal bureaucrats to only promulgate regulations that are cost-effective and based on good science. But adoption of the Nunn-Coverdell amendment will guarantee that small businesses, which represent the vast majority of employers and employees in this Nation, thus encompassing most Americans, will further benefit from regulatory reform by assuring that all regulations that are currently subject to the Regulatory Flexibility Act of 1980, termed the ''reg flex act,'' will also be subject to S. 343's cost-benefit analysis provision and periodic congressional review.

Small businesses create most of the jobs in America. This is demonstrated by the fact that from 1980 to 1990, small businesses with fewer than 20 employees created 4.1 million net new jobs. Compare that with big business. Large businesses with more than 500 employees lost over 500,000 net jobs over the same time period.

According to the Small Business Administration, small business bears a disproportionate share of regulatory burdens. In fact, SBA, the Small Business Administration, estimates that the burden of regulations on small business is three times greater than that for large businesses. It is clear that to assure small businesses will continue to act as America's locomotive for job creation, Congress has to lift the regulatory burden from small family businesses.

The Nunn-Coverdell amendment will accomplish this through several mechanisms. First, the definition of ''major rule.'' S. 343 is amended to include rules that have a significant economic impact on a substantial number of small businesses, virtually the same definition that triggers the reg flex act. The determination of a rule as a major rule subjects the rule to S. 343's cost-benefit analysis. This will assure that rules affecting small businesses will be cost-effective and less burdensome.

This designation of rules having a substantial impact on small businesses as a major rule subject to cost-benefit analysis is necessary to close a loophole in this bill. The $50 million threshold amount for a major rule may be too high for many small businesses. For instance, a regulatory impact of less than that amount may have a devastating effect on a small business or a sector of the economy that may not yet represent a significant burden on a Fortune 500 company. The Nunn-Coverdell amendment would resolve this problem by requiring that all rules that have a significant impact on small businesses be classified as a major rule under S. 343.

A legitimate question is just how many regulations does this amendment encompass? How many new major rules will be subject to cost-benefit analysis under S. 343? In other words, what is the impact of this amendment to Federal agencies' resources and personnel? And the answer is, not that much. The reg flex act requires that regulatory burdens be reduced for those regulations that have a ''significant impact on a substantial number of small entities.''

Small entities include small businesses as well as both small governments and charities, entities that shoulder a disproportionate share of the cost of regulation. Last year under the reg flex act just 127 regulations qualified for that act's special treatment. The Nunn-Coverdell amendment, as I understand it, would encompass only that part of the 127 regulations that affect small business and even 127 is not a great or burdensome amount.

The other mechanisms of this amendment that assure protection of small businesses involve modifications of the reg flex act. The most important establishes a requirement for agencies to conduct a cost-benefit analysis before rules are promulgated under the reg flex act. Furthermore, the determination by an agency that a rule will not have a significant impact on small businesses is made judicially reviewable. I believe that these changes will buttress our economy by reducing the burdens imposed on our small businesses by regulations.

So I urge my colleagues to support the Nunn-Coverdell amendment. I think it is a good amendment. I think

it helps the bill. I think it closes a loophole. I think it protects small businesses. I think that it makes the regulatory forces in this country be more responsible and, above all, it amounts to common sense. To me, that is what this bill is all about—common sense. I think it would be well for us to support this amendment.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Michigan.

Mr. LEVIN. Mr. President, the Senator from Louisiana and I previously had a colloquy, and I very much welcome the language that he is going to be preparing to clarify a critical point, but it seems to me that the more that point is clarified, the less of a favor we are doing for small business in this amendment. Let me explain why.

In talking with the Senator from Louisiana, and just talking with the senior Senator from Georgia, it is quite clear that the intent of this amendment is that an issue which can be raised on an interlocutory appeal must be raised at that time or else it is precluded from being raised at the end of the rulemaking process.

The problem with that is that an awful lot is learned about the impacts of rules during the comment period. That is one of the reasons for the comment period. To preclude a small business from taking advantage of what is learned during the comment period so it can argue on an appeal at the end of the rulemaking process that this rule has a significant impact on small business or on small units of local government, it seems to me, is doing a disfavor, a disservice to these smaller units.

So while that clarification I think is important in terms of congressional intent and it is important in order to avoid two appeals on the same subject, the better road to go here is to have the appeal at the end of the process, as it is in the way the bill is written now, where you can use the comment period to gain evidence as to why a regulatory flexibility analysis is essential. To preclude a small unit, be it business or small unit of government, from taking advantage of that comment period to make a case as to why a regulatory flexibility analysis is necessary, it seems to me, is not the way we should be going in terms of trying to help both small businesses and small units of government.

So while I think the clarification is important, again, so we all understand what the intent is and while it is important in order to avoid two appeals on the same subject, the conclusion that is reached has the appeal at the wrong point. The appeal should be there. It is new. It is important to small business that there be an appeal on this issue and the small units of government. But the right place for that appeal to come is at the end of this process where they can then use the record which has been gained during the comment period to make the argument that there should have been a regulatory flexibility analysis and that failure to do so was an error which requires the rule to be remanded and to be done right.

I yield the floor.

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. NUNN. 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. 1491, AS MODIFIED

Mr. NUNN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment, as modified, is as follows:

On page 14, line 10, strike out ''or''.

On page 14, line 16, add ''or'' after the semicolon.

On page 14, insert between lines 16 and 17 the following new subparagraph:

''(C) any rule or set of closely related rules, not determined to be a major rule pursuant to subparagraph (A) or (B), that the agency proposing the rule determines will have a significant economic impact on a substantial number of small businesses, pursuant to subchapter I shall be deemed to be a major rule for the purposes of subchapter II;

On page 39, line 22, strike out ''and''.

On page 39, line 24, strike out the period and insert in lieu thereof a semicolon and ''and''.

On page 39, add after line 24 the following new subparagraph:

''(C) an agency certification that a rule will not have a significant economic impact on a substantial number of small entities pursuant to section 605(b).

On page 40, line 5, insert ''and section 611'' after ''subsection''.

On page 68, strike out all beginning with line 9 through line 11 and insert in lieu thereof the following:

''(A) include in the final regulatory flexibility analysis a determination, with the accompanying factual findings supporting such determination, of why the criteria in paragraph (2) were not satisfied; and

On page 72, insert between lines 14 and 15 the following new subsection:

(e) AMENDMENTS TO THE REGULATORY FLEXIBILITY ACT.—

(1) TECHNICAL AND CLARIFYING AMENDMENTS.—Section 612 of title 5, United States Code, is amended—

(A) in subsection (a) by striking ''the Committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''; and

(B) in subsection (b) by striking ''his views with respect to the effect of the rule on small entities'' and inserting ''views on the rule and its effects on small entities''.

On page 72, line 15, strike out ''(e)'' and insert in lieu thereof ''(f)''.

Mr. LEVIN. Mr. President, I wonder if I could ask the sponsors of the amendment the following question, since we have not had a chance to look at the modification.

Mr. GLENN. Mr. President, I know this has been the subject of debate on the floor—not publicly but among different Members. I wonder if we can have a brief explanation. We only have a few minutes before the vote.

Mr. LEVIN. Mr. President, it is my intention to ask the senior Senator from Georgia this question. Is it the intent of the modification to make it clear that there is only one appeal that is permitted on the issues which can be raised by interlocutory appeal and that one appeal is the interlocutory appeal? Is that, as previously stated by the Senator from Louisiana, the purpose and effect of the modification sent to the desk?

Mr. NUNN. If I could say to my friend, there are two parts of this modification. One is to make it clear that risk assessment is not required under this amendment, only cost-benefit analysis. We talked about that earlier this afternoon. There was an omission from the draft.

The modification relates to judicial review. You made the point that small businesses might need two bites at the apple. The way the amendment reads, there would be two bites at the apple. We intend to change that at a later point during the debate on this bill.

Mr. LEVIN. Is it the intent to modify it so there is only one bite at the apple?

Mr. NUNN. This whole issue of judicial review will require more work. As the Senator knows, it is complicated, and for me, is not fixed at this point. We are going to have to work on it more.

Mr. LEVIN. Is it the intent later on to require or to provide only one bite at the apple later on?

Mr. NUNN. That is my present intent. I am always persuaded by my friend's arguments, so we may have to think more on that.

Mr. LEVIN. Is it the intent that that one bite be the interlocutory appeal? Is that the present intent?

Mr. NUNN. I would like to work with the Senators on that.

Mr. GLENN. Would the Senator consider, rather than having a vote now, waiting until it is modified and wait until later?

Mr. NUNN. I believe we ought to go ahead and vote. This judicial review issue has to be addressed on the overall bill. So we are going to have to work on this issue more, within the overall bill. I would like to vote on this amendment.

Mr. LEVIN. I am wondering if the first part of the amendment could be voted on.

Mr. NUNN. There is no way to divide it at this point.

Mr. LEVIN. It is a rather unusual thing we are doing. We are adopting an amendment which we are saying later on we know needs to be modified, and it is the intent of the makers to modify it. I would think it would be better to modify it before we vote.

Mr. GLENN. Or you are going to get people locked in on this vote.

Mr. NUNN. I do not think this is going to be the issue on which people are voting. I hope I am not the first Senator to say on the floor that an amendment is not perfect. It will require further work. This will require further work on that limited point.

This is not the central point of the amendment. The central point is to have the small business community not be full beneficiaries of these very important changes to regulatory review process.

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

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

EXPLANATION OF ABSENCE

Mr. DOLE. Mr. President, the senior Senator from New Hampshire [Mr. SMITH] is necessarily absent from the Senate and is holding an important meeting on Superfund reform in his home State. He has asked me to announce that had he been present for the votes we are just about to take, he would have voted in favor of both the Abraham and the Nunn-Coverdell amendments.

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

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

Mr. HATCH. 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.

VOTE ON AMENDMENT NO. 1490

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. INHOFE], the Senator from Vermont [Mr. JEFFORDS], and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—96

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grams	Murray
Breaux	Grassley	Nickles
Brown	Gregg	Nunn
Bryan	Harkin	Packwood
Bumpers	Hatch	Pell
Burns	Hatfield	Pressler
Byrd	Heflin	Pryor
Campbell	Helms	Reid
Chafee	Hollings	Robb
Coats	Hutchison	Rockefeller
Cochran	Inouye	Roth
Cohen	Johnston	Santorum
Conrad	Kassebaum	Sarbanes
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone

NOT VOTING—4

Bond	Jeffords
Inhofe	Smith

So the amendment (No. 1490) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1491, AS MODIFIED

The PRESIDING OFFICER. The question is now on amendment No. 1491, as modified, offered by the Senator from Georgia [Mr. NUNN].

Mr. COVERDELL. 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.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. INHOFE], the Senator from Vermont [Mr. JEFFORDS], and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—60

Abraham	Brown	Conrad
Ashcroft	Burns	Coverdell
Baucus	Campbell	Craig
Bennett	Coats	D'Amato
Bingaman	Cochran	DeWine
Dole	Hatfield	Nickles
Domenici	Heflin	Nunn
Dorgan	Helms	Packwood
Exon	Hollings	Pressler
Faircloth	Hutchison	Robb
Feingold	Kassebaum	Rockefeller
Feinstein	Kempthorne	Santorum
Frist	Kerrey	Shelby
Gorton	Kyl	Simpson
Graham	Lott	Snowe
Gramm	Lugar	Specter
Grams	Mack	Thomas
Grassley	McCain	Thompson
Gregg	McConnell	Thurmond
Hatch	Murkowski	Warner

NAYS—36

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Inouye	Murray
Breaux	Johnston	Pell
Bryan	Kennedy	Pryor
Bumpers	Kerry	Reid
Byrd	Kohl	Roth
Chafee	Lautenberg	Sarbanes
Cohen	Leahy	Simon
Daschle	Levin	Stevens
Dodd	Lieberman	Wellstone

NOT VOTING—4

Bond	Jeffords
Inhofe	Smith

So, the amendment (No. 1491), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

EXPLANATION OF ABSENCE

• Mr. BOND. I regret that I was unavoidably absent for the votes today. I was away from Washington to participate in a court-ordered appearance. If I had been present, I would have supported both the Abraham and the Nunn-Coverdell amendments.•

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, after more than a decade, it is about time that we are starting to work on regulatory reform. We have a very good bill going through the House of Representatives. Hopefully, we will be able to get just as good a bill through the U.S. Senate. I am glad that we are able to do this under the leadership of our majority leader, Senator DOLE, because this is a historic comprehensive regulatory reform. This bill, S. 343, is a response to the informal rulemaking that has exploded in the last 50 years that was not contemplated in the original Administrative Procedure Act which passed in 1946.

S. 343 involves a number of major regulatory reforms. These include cost-benefit analysis, risk assessment, petition reopener, judicial review, congressional review, peer review, and improvements to the Regulatory Flexibility Act.

S. 343 is the latest product of a long-term evolutionary process. The foundation for S. 343 comes from the 97th Congress in the form, which we passed at

that time 94 to 0, of S. 1080. S. 1080 was the culmination of over 20 years of work in the Senate to reform the regulatory process. Unfortunately, that year, in the 97th Congress, the House leadership, then under the control of the Democratic Party, did not believe that regulatory reform was needed, because they believed in the regulatory state. So the House leadership neglected to follow through on that bill, and the bill was never considered by the other body.

Regulatory relief was a major issue in the congressional elections this year. It was part of our Contract With America. S. 343 is part of the fulfillment of the mandate that voters gave to the new leadership in Congress to bring about more effective and less costly rules and regulations.

As chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, I began the Judiciary Committee's efforts in what has become an extensive legislative process. Beginning last February, my subcommittee held hearings over 2 days and then held a markup where I offered a substitute, which was adopted and reported to the full committee.

Chairman HATCH then held another hearing before the full committee to consider the issue in even more detail. After a number of delays to accommodate the Democratic side of the aisle, the committee held 3 days of markup over a period of 3 weeks, and so the committee finally reported the bill last April 26.

Since that time, Members and staff have worked extensively with those who had questions or problems with the bill, even including the White House. We received, in fact, a number of very positive suggestions. And because they were positive, meant to be helpful, and it showed cooperation by the other side, including the administration, many of these were included in the bill.

S. 343 deals with two overall topics directly relevant to regulatory reform. The first major topic is regulatory analysis, including cost-benefit determinations for new and existing major rules or regulations of the Federal Government and, where relevant, Mr. President, risk assessment criteria and procedures.

The second major topic involves changes to the Administrative Procedure Act and other Federal statutes which contain equivalent provisions. These changes are in the procedures that the agencies are required to follow in rulemaking and also in the standards of judicial review and appeals of agency action.

Through these provisions, Congress will give Federal agencies new substantive and procedural guidelines on how the agencies are to use the legislative powers which Congress has given them through other statutes to regulate. The ultimate objective in our legislation is for better Federal rules and regulations, and by better rules, we mean, very broadly speaking, rules that are to do social and economic good, where the benefit outweighs the harm.

A second objective is to make the rulemaking process more rational and more open and to give persons who are the intended beneficiaries of the rule and those who are more likely to bear its costs greater opportunity to participate in the agency's proceedings. No one should reject the proposition that people who are to be affected by the regulations ought to have a part in the process of the agency's consideration of those, and also, once that process is over, through judicial review, to have a means of assuring that agencies, in effect, obey the law. S. 343 does that.

These changes were designed then to supplement and to strengthen the regulatory analysis requirements of S. 1080, which is the core of the regulatory analysis that is in this new bill before us.

I view the overall primary focus of this bill to be accountability. The essence of Government is accountability. The essence of lawmaking is accountability. The public holds us accountable through the regular election process. The regulatory scheme of things in the administrative branch of Government is somewhat removed from citizen participation, and the extent to which it is, I believe people who are regulators and people who make the regulations and rules tend to be less accountable.

This bill, not as perfectly as is done through the election process affecting those of us in Congress, intends to bring accountability to the process of the regulation and rulemaking of the faceless bureaucrat. This means agency accountability to the people as well as to Congress who has delegated its authority to the agencies. It also means congressional accountability to the people because we are ultimately responsible for the laws that we pass. We should not punt to the agencies and to the courts to make very important determinations that ought to be made right here. Unfortunately, there will be those who will try to misrepresent our intentions by arguing that this bill will be used to gut our Nation's health, safety, and environmental laws.

This argument, of course, is a sham, because there is not one among us who does not want to do everything that we reasonably can to protect the lives of our people and who recognize the need for sound and effective regulations. We all breathe the air, eat the food, and drink the water.

We all want our children and grandchildren to be as safe as possible. To suggest otherwise, as some in this body are doing, and particularly as the media likes to popularize, is just downright shameful. We are concerned about the lives of people. This does not compromise that principle whatsoever. What it means to do is that regulation and rulemaking be accountable; that people take into consideration alternatives; that there is not one way to do something, and that there ought to be a relationship between cost and benefit, and there ought to be a scientific basis for regulation. The fact is that many rules and regulations have become too rigid and costly. These rules themselves could actually threaten our Nation's limited resources, as well as public support for the necessary rules.

At a later time in this debate I am going to go into more specific detail about how ridiculous and onerous many regulations have become.

Mr. President, Majority Leader DOLE is to be commended for taking the initiative on this legislation and following through on what the American people want and expect. He is the leader of our party. Our party had a mandate in the election to do that, and he is carrying that out in the responsibility that he has. The efforts that are being made in the debating of this bill, in the consideration of this bill, is to make sure that our performance in office is commensurate with the rhetoric of the campaign. I think this bill is about as close as you can get to having that be a possibility.

As others have said, we have to find ways to do things smarter and cheaper. As the committee report points out, we have become hostage to the unregulated regulatory process. S. 343 will help us out of this quagmire by requiring sound, effective, fair, reasonable regulation that will do the job the people intend that they do.

We have all heard today very real stories of agencies gone mad. Well, I want to relate one story here today where bureaucrats got out of control. This story, and many others we will be hearing about, will underscore the need for commonsense reform. This story happens in my State. S. 343 is about reasonableness and responsibility. The American people are inspired by reasonable decisions. When the Government acts in the best interest of the majority of its citizens, the American people are encouraged by the Government's responsible actions.

S. 343 is a responsible action which is in the best interest of the majority of Americans. One of the main problems this bill addresses is unreasonable regulations and overzealous regulators.

This problem is clearly evident when it comes to agencies like the Environmental Protection Agency. The EPA was instituted and developed to promote policy advancing a clean environment at reasonable costs with fair and rational oversight. Fair and rational oversight, though, has not been exhibited recently by the EPA. Presently, the EPA exhibits arrogance and overzealous behavior while enforcing the agency's adversarial relationship with small business and farmers.

Innocent citizens are easy prey for presumptuous EPA bureaucrats. I know this to be true because, as I have

said, I have a constituent who has personal scars from unjustified hardships resulting from brash EPA officials.

This example happened outside a little town in the northwest corner of my State of Iowa. The name of that community is Akron, IA. It was business as usual that day at the Higman Gravel Company. Harold Higman, the owner, was outside topping off his pickup truck at the gas pump on his property. Mavis Hansen, a trusted employee of 20 years, was inside the office tending to the books, as she regularly did. Every other employee was working at their normal business responsibilities that early morning at 9 o'clock. You might say the morning routine had just begun.

Suddenly, in a violent breech of the morning's routine, nearly a dozen unmarked cars roared onto the yard of the premise of that gravel business. They screeched to a halt in cadence. Forty agents poured from the cars and surrounded Mr. Higman, cocking their guns in unison.

One agent, who was clad in a bulletproof vest, leveled his shotgun at Higman. The agent pumped the gun once to load it. As Mr. Higman, the owner, gulped and his knees quivered, the agent fumbled for his badge, and as Mr. Higman groped for words and he voiced a demand for an explanation, the agent responded with a ''shut up'' right in Mr. Higman's face.

Meanwhile, another agent stormed the office. There he found the trusted employee of 20 years, the accountant, Mavis Hansen, at her desk tending to the books, as you would expect her to be doing at 9 o'clock in the morning. The agent stormed in with his gun and yelled ''freeze'' with his gun cocked and left it aimed right at Mavis Hansen's head.

Poor Mavis Hansen sat frozen with shock, fear, and bewilderment. Now, Mr. President, to this very day, she still has nightmares and bouts of nervousness due to what happened that horrible day.

Obviously, there must have been a reason for 40 agents to appear, shoving their shotguns down the throats of the owner and the bookkeeper of this gravel business in the small town of Akron in northwest Iowa. You might wonder, was it some kind of a drug operation? Was there a cache of weapons? None of those, Mr. President. What the agents were looking for were two so-called toxic chemicals that were allegedly stored at the Higman Gravel Co. grounds, supposedly buried in barrels.

Now, this is what they had been told. They had been told this, Mr. President, by a paid informant. But it turns out that this paid informant was also a disgruntled former employee of the Higman Gravel Co. He had given the EPA a bum lead, and after 15 months of misery and ordeal, a jury in a criminal case finally decided that Higman was innocent. Mr. Higman and others were acquitted of charges stating that he had knowingly stored illegal toxic chemicals on his property.

That decision and the 15 months of litigation cost Mr. Higman $200,000 in legal fees, lost business, and what is even more important in my State, Mr. President, it gave this very responsible business person a damaged reputation.

It also cost the bookkeeper, Ms. Hansen—the woman that had the shotgun leveled at her as she was at her desk doing her books—two months leave of absence due to a nervous disorder, which still persists to this day.

Mr. President, the moral of this story must be prefaced with a poignant question: How in the world does the EPA justify such outrageous behavior?

It is the regulatory state gone out of control. They acted, as I have said, on rumor and innuendo. When the rumors did not pan out, they pressed ahead anyway, costing innocent citizens financial and psychological fortunes.

I will not go through all of the details in this case, Mr. President. But I think it behooves us as a society to take a broad view of this case and see what lessons can be learned.

To begin with, the EPA used a force of 40 men comprised of Federal and local agents. They used a force equipped to attack a mountain when it was only a molehill.

Second, the EPA's advanced scouting of the situation was disgraceful. They charged ahead with full force, though uninformed about the facts. They did not look before they leaped.

All too often, Mr. President, I hear of such overzealous and heavy-handed enforcement of our Nation's environmental laws. Yet, there is rarely accountability. This situation cannot continue. A presumption of guilt is formed. It is a foreign concept in our land. It should be a foreign practice as well.

The purpose of the EPA is certainly commendable. The purpose is to protect the Nation from environmental pollutants and toxins. The EPA is suppose to work to make our water clean and our air pure, and there is no one who would argue with those worthwhile goals. But the heavy-handed tactics are inconsistent with EPA's worthy objectives. In fact, such policy erodes whatever moral authority the EPA may hope to have to detect and deter pollution and polluters. Their image in the public's eye will only suffer and the public's confidence in the EPA's fairness will be shaken.

We certainly hope, Mr. President, that this reform will cause the EPA to reconsider its we-versus-they mentality, with respect to American small business. This bill will not overturn existing environmental law. The Comprehensive Regulatory Reform Act will require the EPA to reexamine existing rules and force them into revisions, but only, let me emphasize, where regulations are based on bad science or where a less costly alternative exists that achieves the statutory requirements. Small businesses certainly share the goal of a clean environment at reasonable costs, with a fair and rational oversight by the U.S. Government. Most, if not all, businesses want to comply with environmental laws and regulations.

Mr. President, it is my hope that this reform will change the EPA policy to promote a worthy social objective that fosters reconciliation and cooperation. This reform will help eliminate the heavy-handed tactics and threats against innocent citizens like Mr. Higman and Ms. Hansen. Through this reform the EPA could once again return to its original purpose of promoting policy which advances a clean environment through fair and rational oversight.

Mr. DASCHLE. Mr. President, I want to use this time to remark briefly on the pending measure, which will be the subject of a vigorous debate over the next several days, and the focus of our work today and in the days to follow.

The primary subject of this debate is the bill that was reported by the Judiciary Committee in a very controversial markup which was later modified through negotiations with Senator JOHNSTON and other colleagues.

I am grateful for the attention that Members have given the bill since it was reported by the Judiciary Committee, for I believe, over time, real improvements have already been made.

Nevertheless, throughout these negotiations, these clear differences have emerged among those who advocated changes in the way Federal agencies issue regulations. It has become apparent that a new, more reasonable and judicious approach is needed if we are to enact responsible, regulatory reform, without causing gridlock in the Federal agencies.

There remain a number of problems with S. 343 which argue against adoption in its current form. First, its passage will likely result in a more convoluted, bureaucratic, and confusing system that practically invites manipulation and litigation by the best lawyers money can buy. It would allow, and even encourage, appeals and litigation throughout the regulatory development process.

The multifaceted petition process will create massive burdens on Federal agencies at a time when we are attempting to cut budgets and limit the size of Government.

The bill's $50 million threshold will drag hundreds of additional rules into this process, further burdening agencies. It also forces Federal agencies to choose the cheapest option, even if other alternatives are more cost effective and therefore more economical.

In sum, it would impose costs on Federal agencies that cannot be met under current budget constraints. The Office of Management and Budget estimates that S. 343 would cost Federal agencies an additional $1.3 billion and 4,500 full time employees each year simply to implement all its provisions. The Federal Government simply does not have

the resources to absorb those requirements. Nor should it.

In addition to overburdening Federal agencies, S. 343, as currently written, would roll back some of the most important laws that protect our environment, our health, and our safety.

For the first time in my lifetime, we are contemplating a comprehensive retreat from the progress achieved in reducing air pollution, in cleaning up our rivers and lakes, in taking steps to ensure that the food we eat and the water we drink is safe and clean. In the past, this effort has been embraced by leaders Republican and Democratic. Whether it was President Nixon, Ford, Carter, Reagan, Bush, or President Clinton, this Nation has realized great benefits from an extraordinary bipartisan commitment on these matters.

Mr. President, last year 2-year-old Cullen Mack of my home State of South Dakota fell ill from eating beef contaminated with the E. coli bacteria. As a result of experiences like Cullen's, I held a number of hearings in the Agriculture Committee and the Department of Agriculture developed regulations which would help prevent recurrences of this problem. The rules would modernize the meat inspection process, using sensitive scientific techniques to detect contamination and prevent spoiled meat from making its way into our food supply.

This much-awaited rule will be held up by this bill. It will be delayed and perhaps even stopped. That is unacceptable and represents one of the problems with this bill in its current form.

In its attempt to reform the regulatory process, the bill overreaches—I believe, to the long-term detriment to the American people, including businesses. In South Dakota as in many other States, not only will the public benefit from tough new meat inspection rules, but so will the farmers and ranchers who raise the livestock and who benefit from the assurance that their products will reach the market in the best condition possible. The Senate should not support a process that would compromise that objective.

I want to make clear that I'm not suggesting that somehow the proponents of S. 343 are advocating the degradation of our environment, or have set out to contaminate our drinking water, or that they are unconcerned with a child's potential exposure to toxins. But passage of this bill will make those results more likely. And that is not a result that I can endorse.

I know that some of my colleagues will be taking the floor to make that case in detail, and to offer amendments which will attempt to ameliorate the most harmful provisions of the bill. And I know that some of my democratic colleagues have signed onto S. 343.

I also want to make it clear that there is a better alternative and that a number of amendments will be offered which will improve the bill and which I hope all Members will give their serious consideration.

The comprehensive alternative will produce commonsense reform without wholesale harm. I am hopeful that after some healthy debate on this matter, and in light of the amendment process that will begin today, my colleagues can be persuaded to support our amendments and the alternative developed by Senators GLENN and CHAFEE, should it be offered. That is the best, most defensible path to regulatory reform, because it does not sacrifice the environmental, health, and safety standards that American families have a right to expect and demand from their Government.

Mr. President, I can state with some confidence that no Member of this body will argue for a regulatory status quo. No Member of this body believes that every Federal rule is sacred. No Member will defend every law we've passed as perfect in its real-world application. There are too many regulations in general, and, in particular, too many that make no sense.

It is my strong hope that during this debate, we can come to agreement on a bipartisan regulatory reform bill that achieves serious, meaningful change, but does so recognizing the budgetary realities facing the Federal Government, recognizing the desire to prevent unnecessary and expensive litigation, and recognizing the fundamental importance of ensuring that Federal agencies should be able to issue those commonsense regulations which protect public health and safety, the environment, and other matters that most of us agree should be the subject of responsible Federal oversight.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 104–12 AND 104–13

Mr. HATCH. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Investment Treaty with Latvia (Treaty Document No. 104–12) and the Investment Treaty with Georgia (Treaty Document No. 104–13) transmitted to the Senate by the President on July 10, 1995; and the treaties considered as having been read the first time; referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Latvia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on January 13, 1995. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment Treaty (BIT) with Latvia will protect U.S. investors and assist Latvia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 10, 1995.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Georgia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on March 7, 1994. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment Treaty (BIT) with Georgia was the eighth such treaty between the United States and a newly independent state of the former Soviet Union. The Treaty is designed to protect U.S. investment and assist the Republic of Georgia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropration; free transfer of funds related to investments; freedom of investments from performance requirements; fair, equitable, and most-favored-nation treatment; and the investor of investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 10, 1995*.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 62

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 Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting (CPB) for Fiscal Year 1994 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1994.

Since 1967, when the Congress created the Corporation, CPB has overseen the growth and development of quality services for millions of Americans.

This year's report, entitled ''American Stories,'' is a departure from previous reports. It profiles people whose lives have been dramatically improved by public broadcasting in their local communities. The results are timely, lively, and intellectually provocative. In short, they're much like public broadcasting.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 10, 1995*.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 1015. A bill to provide for the liquidation or reliquidation of certain entries of pharmaceutical grade phospholipids; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1016. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Magic Carpet*; to the Committee on Commerce, Science, and Transportation.

S. 1017. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy*; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1018. A bill for the relief of Clarence P. Stewart; to the Committee on Governmental Affairs.

By Mr. BAUCUS:

S. 1019. A bill to direct the United States Fish and Wildlife Service to examine the impacts of whirling disease, and other parasites and pathogens, on trout in the Madison River, Montana, and similar natural habitats, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COVERDELL:

S. 1020. A bill to establish the Augusta Canal National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S.J. Res. 37. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 1015. A bill to provide for the liquidation or reliquidation of certain entries of pharmaceutical grade phospholipids; to the Committee on Finance.

LEGISLATION CORRECTING THE RECLASSIFICATION OF PHOSPHOLIPIDS

Mr. HELMS. Mr. President, today I once again offer legislation to correct an obviously unintended and mistaken reclassification of pharmaceutical-grade, FDA-approved egg yolk phospholipid by HTS, the Harmonized Tariff Classification System. Another provision of this legislation has been accomplished in the Uruguay round GATT agreement.

Kabi Pharmacia is a U.S. company in Clayton, NC. Kabi has become a leading employer in rural Johnston County; it has 175 employees engaged in high-technology manufacturing and research work. The main product manufactured by Kabi Pharmacia in Clayton is intralipid, a unique intravenous feeding solution. Kabi must import a key, unique intralipid ingredient—pharmaceutical-grade, FDA-approved egg yolk phospholipid, because it is made only by Kabi's parent company in Sweden.

The duty on Kabi's phospholipid was set at 1.5 percent in the 1970's when Kabi began operations in Clayton. Beginning in March 1991, the unintentional HTS reclassification of the phospholipid more than tripled this duty, a situation that could not be corrected in the GATT agreement because it is a matter of U.S. law—which, of course, only Congress can change.

Mr. President, my legislation would return the rate on the phospholipid to 1.5 percent for the period from March 29, 1991, until January 1, 1995, when the duty for Kabi's phospholipid and other pharmaceutical components and products became zero under the GATT agreement, and refund the unintended duty increase. The amount of the unintended duty increase is $396,779.16.

Mr. President, there has been no disagreement that the duty increase on Kabi's phospholipid was unintended and unwarranted. Simple fairness emphasizes the need for the legislation I offer today. The correction of the erroneous HTS reclassification must be retroactive in order that there can be an equitable redress. It is a matter of simple fairness and equity.

I ask unanimous consent that the text of this legislation (S. 1015) be printed in the RECORD.

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

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHARMACEUTICAL GRADE PHOSPHOLIPIDS.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of pharmaceutical grade phospholipids that—

(1) was made under subheading 2923.20.00 of the Harmonized Tariff Schedule of the United States;

(2) with respect to which a lower rate of duty would have applied if such entry or withdrawal had been made under subheading 2923.20.10 or 2923.20.20 of such Schedule; and

(3) was made after March 29, 1991, and before January 1, 1995;

shall be liquidated or reliquidated as if such lower rate of duty applied to such entry or withdrawal.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1016. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Magic Carpet;* to the Committee on

Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Magic Carpet* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 6 passengers on a charter business based out of Martha's Vineyard, MA. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign-made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1959, but since then has been owned and operated by American citizens. The owners of *Magic Carpet* have invested substantially more than the cost of building the boat in making repairs to it and maintaining it—in American shipyards with American products. This particular vessel is also of some historical value—*Magic Carpet* is a classic wooden yawl—few of these vessels still exist today and very few operate along the east coast. The owners wish to start a small business, a charter boat operation, seasonally taking people out of Martha's Vineyard.

After reviewing the facts in the case of the *Magic Carpet*, I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Magic Carpet* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1017. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Chrissy* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 6 passengers on a charter business based out of Gloucester, Massachusetts. *Chrissy* is a historical vessel, built in 1912 in Friendship, Maine and is one of the last remaining Friendship sloops. The purpose of this bill is to waive those sections of the Jones Act which prohibit vessels from operating in coastwise trade without proper documentation of its chain of ownership. The vessel was built 83 years ago in Maine, but along the way the documentation has been lost. It is my hope that a document will be issued which will allow the owner to start a small business, a charter boat operation, seasonally taking people out of Gloucester.

I hope and trust the Senate will agree and will speedily approve the bill being introduced today.

By Mr. HELMS:

S. 1018. A bill for the relief of Clarence P. Stewart; to the Committee on Governmental Affairs.

THE CLARENCE P. STEWART RELIEF ACT

Mr. HELMS. Mr. President, today I offer a private bill to direct the Secretary of Agriculture to right a wrong committed against a dedicated public servant.

Clarence P. Stewart of Lillington, NC, served 23 years with the Agricultural Stabilization and Conservation Service [ASCS] at the Department of Agriculture. In April 1981, Mr. Stewart was North Carolina State Executive Director when, during the transition to a new administration, the ASCS decided to remove all State Executive Directors as part of an what the Department described as a reduction-in-force [RIF].

Mr. Stewart considered appealing the ASCS decision but was told by his superior at the ASCS not to bother, that he had no right to appeal the dismissal action. Unfortunately, Mr. Stewart accepted this information at face value and did not appeal the ASCS decision.

Mr. President, years later, Mr. Stewart learned that, as a veteran, he did in fact have a right to appeal his dismissal from the ASCS. He also learned that 24 other State Executive Directors who had been dismissed at the same time as Stewart had appealed their dismissals to the Merit Systems Protections Board and they had won. In this appeal, known as the Blalock case, the Merit Systems Protection Board found that the State Directors had in fact been removed for cause rather than separated pursuant to RIF and as a result could be removed only if they were given advance notice and an opportunity to reply. The Merit Systems Protection Board ordered the Department of Agriculture to reinstate, retroactively, the appellants to their positions.

Although none of the appellants actually returned to work, the Department of Agriculture, as part of a settlement agreement, gave each appellant 1 year and 10 months salary and recomputed retirement benefits based on this increased salary.

Once Mr. Stewart learned of the Blalock decision he filed an appeal with the Merit Systems Protection Board. Because his appeal was filed late, the MSPB dismissed Mr. Stewart's appeal. He then filed a petition for review with the MSPB, but that too was denied. Mr. Stewart, therefore, has exhausted all possible avenues of administrative review.

Mr. Stewart is a North Carolina citizen who gave years of faithful service to his State and country. He was wrongfully removed from his job as North Carolina State Director of the Agricultural Stabilization and Conservation Service. At the time, he was told he had no right to appeal the dismissal when, as a decorated veteran who served his country valiantly in World War II, he had a very real right to appeal. Mr. President, I doubt that any of our colleagues believe that this good man should be punished for having taken the word of his superior.

But for his superior's mistake, Mr. Stewart would have filed a timely appeal and would have prevailed just as the other 24 appellants did in the Blalock case. Mr. President, I do hope that in the interest of equity Mr. Stewart will receive the same benefits that were afforded the other State Directors.

By Mr. BAUCUS:

S. 1019. A bill to direct the U.S. Fish and Wildlife Service to examine the impacts of whirling disease, and other parasites and pathogens, on trout in the Madison River, MT, and similar natural habitats, and for other purposes.

WHIRLING DISEASE RESPONSE ACT OF 1995

Mr. BAUCUS. Mr. President, in ''A River Runs Through It,'' Norman Maclean wrote, ''in our family, there was no clear line between religion and flyfishing.''

These words sum up the way we Montanans feel about our blue ribbon trout streams. Great flyfishermen—men like Bud Lily and Dan Bailey—are legends in Montana. And Montana rivers—the Madison, Yellowstone, Missouri, Bighorn, and Bighole—are the heart and soul of our State. We mark our calendars and plan our weekends around caddis and stone fly hatches or peak grasshopper season. These outstanding trout streams are in large part what makes Montana ''the last best place.''

But these rivers hold more that recreational value for Montanans. Fishing is big business. It is the engine that drives the economies of many communities throughout Montana. In fact, the net economic value of fishing in Montana is estimated to be nearly $300 million a year.

The discovery of whirling disease on the Madison River in late 1994 puts Montana's wild trout fishery at great risk. Whirling disease is a parasite that attacks the cartilage of young trout, particularly rainbow trout. Its impact has been devastating to rainbow trout populations on the Madison River, where whirling disease has caused a 90-percent decline in the last 3 years.

Whirling disease has also been detected in four other Montana river drainages as well as in Nevada, Oregon, Idaho, California, Colorado, Wyoming, and Utah.

Montana has taken the challenge of fighting whirling disease head on. Flyfishermen, scientists, State and Federal officials have joined together to learn more about this disease and find solutions. Today, I am introducing legislation that will better equip concerned Montanans to effectively deal with whirling disease and minimize its impacts to our world class wild trout fisheries.

The Whirling Disease Response Act of 1995 focuses on three objectives: coordination, containment, and research.

First, the Whirling Disease Response Act coordinates all existing data and research conducted to date on whirling disease. The act requires the U.S. Fish and Wildlife Service to compile, within 180 days, a report that summarizes all efforts to date with respect to whirling disease, to identify gaps in the available scientific information, and to make recommendations as to how the Federal Government can be a more effective partner to States confronted with whirling disease.

Second, the act requires the U.S. Fish and Wildlife to modify the Ennis Fish Hatchery so that it is a complete containment facility. This hatchery is critically important to wild trout research as well as to maintaining healthy trout fisheries throughout the United States. The U.S. Fish and Wildlife Service must make sure that this hatchery is not infected with whirling disease or any other water borne parasite.

Third, and most important, this act requires the U.S. Fish and Wildlife Service to significantly increase its role in whirling disease research. As debilitating as this disease is, relatively little is known about how to stop its spread. The U.S. Fish and Wildlife Service must make the fight against whirling disease a top priority. They must work with affected States, universities, and sportsmen toward a solution on whirling disease. This act makes whirling disease research a priority for the U.S. Fish and Wildlife Service.

While Montana has a significant stake in fighting whirling disease, it is not alone—19 other States are impacted by whirling disease. It is in America's best interest that we work aggressively to minimize the impact whirling disease has on our trout fisheries. I look forward to working with my colleagues from other affected States to see that we make headway in minimizing the impact whirling disease has on America's blue ribbon trout streams.

By Mr. FEINGOLD:

S.J. Res. 37. A joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Finance.

DISAPPROVAL OF MOST-FAVORED-NATION STATUS FOR CHINA

Mr. FEINGOLD. Mr. President in 1974 Congress passed the Jackson-Vanik amendment to the 1974 Omnibus Trade Act establishing a linkage between human rights and most-favored-nation [MFN] trade status for nonmarket economies. The legislation was largely responsible, in my view, for the fantastic success of United States efforts to secure the freedom of movement for over 1 million Jews and other persecuted minorities from the Soviet Union.

Since 1989, when the Chinese military brutally gunned down hundreds of protectors in Tianmen Square and cracked down on the blossoming dissident movement in China, there have been efforts to link Chinese MFN to human rights improvements.

In 1991, legislation to set conditions for the extension of MFN to China was passed by overwhelming majorities in both the House and the Senate, only to be vetoed by President Bush. The House overrode the veto, but the Senate sustained it by a mere one vote. In 1992 Congress again passed bills to revoke MFN status for products manufactured by Chinese state-owned companies. President Bush vetoed that as well, and once again the Senate sustained the veto.

When President Clinton came to office in 1993, he issued an Executive order specifying seven areas in which the Chinese would need to make ''significant progress'' if MFN were to be extended in 1994. I was one of those who strongly condemned the action of the administration when it abandoned this position in 1994, because I believe it undermined the President's own credibility on human rights, and relegated U.S. human rights advocacy from a policy with teeth to one of rhetoric and symbolism. For the same reasons, I am disappointed that despite a year in which freedoms further diminished in China, President Clinton announced on June 2 that he would seek to extend MFN status to China again this year.

I am most outraged, though, Mr. President, that the United States would even consider extending MFN to China at precisely the moment that the Chinese have arrested a prominent human rights activist and American citizen, Mr. Henry Wu, and threatened to try him for espionage and subject him to the death penalty. This is yet another disgraceful mark on China's human rights record, and will hopefully compel us to respond finally with the toughest human rights policy possible.

Mr. President, that is why I am introducing today a joint resolution of disapproval, consistent with the Jackson-Vanik amendment of 1974, of the extension of nondiscriminatory treatment to products of the People's Republic of China.

There is no evidence, Mr. President, that the granting of unconditional MFN status to China—an element of a so-called policy of ''constructive engagement''—has improved China's human rights behavior at all. Both Assistant Secretary of State for Asia and Pacific Affairs Winston Lord and Assistant Secretary of State for Human Rights and Humanitarian Affairs John Shattuck have said publicly that the human rights situation has not improved in China. The State Department's own 1994 report acknowledges that ''In 1994, there continued to be widespread and well-documented human rights abuses in China.'' From the events of the last 6 months, in fact, one can only conclude that the situation has worsened—even with MFN and robust trade.

The Chinese Government continues to exercise significant control on opposition and dissent; to abuse systematically is prisoners, including the use of slave labor and the alleged organ transplant of executed prisoners; and to impose harsh regulations in Tibet, while refusing to engage in any dialog with Nobel Peace prize laureate the Dalai Lama.

In the last 2 months alone, several prominent intellectuals have been detained while their homes have been searched simply for signing petitions in support of more political openness. More have been taken into custody and interrogated about their activities. Some have been questioned, released, and then sent away from Beijing, while others have just disappeared, including China's most prominent dissident, Wei Jeisheing, whose whereabouts since February are unknown, except to the extent that he is confirmed to be in police custody. Two weeks ago, Chen Ziming, another well-known prodemocracy activist, was suddenly reimprisoned after being released on a medical parole last year.

Stricter security laws have been adopted by the Politburo, and Beijing seems intent on limiting access of Chinese citizens to the tens of thousands of international nongovernmental organizations that will be in China this September for the U.N. Fourth World Conference on Women.

As the leader of the free world, the United States has the responsibility to work to protect human rights worldwide. The most recent action of the Chinese Government against an American citizen makes it a personal issue for many us.

On June 19 Mr. Harry Wu entered northwest China, with a legal Chinese visa and with a valid United States passport, and was immediately detained by Chinese officials. For several days, China refused to confirm that it was in fact holding an American citizen, and in effect denied United States officials the access to our citizens that is supposedly protected under a United States-China Consular Convention. A U.S. diplomat was even sent on a wild goose chase throughout the northwest provinces earlier this month in search of Mr. Wu.

The announcement this weekend that Mr. Wu is going to be tried as a spy and potentially subject to the death penalty is the one of the most egregious

violations I can think of. After spending 19 years in Chinese prison camps, and then seeking refuge in the United States, Mr. Wu has been actively researching the abuse of Chinese prisoners, including the trade of human body parts from executed prisoners to party officials. He has produced a film which was aired on the British Broadcasting Corp., published articles on the subject, and testified before congressional committees. He has publicized what can happen when the State has the will and instruments to take these actions, and has fought to halt this gruesome practice in China.

Mr. President, no one can possibly be deceived into thinking that Mr. Wu was arrested by Chinese officials for any other reason except to silence him. He is being threatened with death for uncovering horrid human rights abuses in China. The U.S. and international reactions must be anything but muted or conciliatory.

Earlier this year, the administration was willing to play hardball with trade when it came to Chinese piracy of software, and threatened to impose $1 billion worth of sanctions against products of specific state-owned industries. The threat worked, and the United States achieved its goals. I would entreat the administration to address the plight of a human being just as seriously.

My joint resolution is intended to send the message that we cannot have business as usual with China when human rights advocates, such as Harry Wu, are under the threat of death. In my view, MFN should not have been extended to China this year at all given its human rights record, but now, especially, we cannot offer conciliations of this kind.

China's human rights record is deteriorating, despite MFN, and there is little, if no, evidence that economic engagement is improving the human rights situation in China, as was earlier promised. Though China's economy is expanding brilliantly, political change is not coming: in fact, the Chinese Government appears to be doing everything within its power to ensure that economic development does not bring political liberalization. If anything, the Chinese need MFN to continue the trade and investment on which its economic development depends. For this reason, we must use MFN as a lever to protect human rights in China, and an American human rights crusader who is facing death.

I ask unanimous consent that the text of resolution be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 2, 1995, with respect to the People's Republic of China.

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 254

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 256

At the request of Mr. DOLE, the names of the Senator from New York [Mr. D'AMATO] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 327

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 426

At the request of Mr. SARBANES, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 588

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 588, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits.

S. 607

At the request of Mr. WARNER, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 789

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 789, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations, and for other purposes.

S. 917

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 917, a bill to facilitate small business involvement in the regulatory development processes of the Environmental Protection Agency and the Occupational Safety and Health Administration, and for other purposes.

S. 939

At the request of Mr. SMITH, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 959

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Utah [Mr. BENNETT] were added as a cosponsors of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 969

at the request of Mr. BRADLEY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1009

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1009, a bill to prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the United States, foreign governments, States, political subdivisions, or private organizations, to increase the penalties for counterfeiting violations, and for other purposes.

AMENDMENTS SUBMITTED

COMPREHENSIVE REGULATORY REFORM ACT OF 1995

ABRAHAM (AND OTHERS) AMENDMENT NO. 1490

Mr. ABRAHAM (for himself, Mr. DOLE, Mr. KYL, Mr. GRAMS, Mr. NICKLES, and Mr. HATCH) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill (S.

343) to reform the regulatory process, and for other purposes; as follows:

(a) On page 27, line 13, strike ''subsection'' and insert ''subsections''; and (b) on page 27, line 13, after ''(c)'', insert ''and (e)''; and (c) on page 30, before line 10, insert the following:

''(e) REVIEW OF RULES AFFECTING SMALL BUSINESSES.—(1) Notwithstanding subsection (a)(1), any rule designated for review by the Chief Counsel for Advocacy of the Small Business Administration with the concurrence of the Administrator for the Office of Information and Regulatory Affairs, or designated for review solely by the Administrator of the Office of Information and Regulatory Affairs, shall be included on the next-published subsection (b)(1) schedule for the agency that promulgated it.

''(2) In selecting rules to designate for review, the Chief Counsel for Advocacy of the Small Business Administration and the Administrator of the Office of Information and Regulatory Affairs shall, in consultation with small businesses and representatives thereof, consider the extent to which a rule subject to sections 603 and 604 of the Regulatory Flexibility Act, or any other rule meets the criteria set forth in paragraph (a)(2).

''(3) If the Administrator of the Office of Information and Regulatory Affairs chooses not to concur with the decision of the Chief Counsel for Advocacy of the Small Business Administration to designate a rule for review, the Administrator shall publish in the Federal Register the reasons therefor.

Redesignate subsequent subsections accordingly.

NUNN (AND OTHERS) AMENDMENT NO. 1491

Mr. NUNN (for himself, Mr. COVERDELL, and Mr. INHOFE) proposed an amendment to the amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 14, line 10, strike out ''or''.

On page 14, line 16, add ''or'' after the semicolon.

On page 14, insert between lines 16 and 17 the following new subparagraph:

''(C) any rule or set of closely related rules, not determined to be a major rule pursuant to subparagraph (A) or (B) that the agency proposing the rule determines will have a significant economic impact on a substantial number of small businesses, pursuant to subchapter I;

On page 39, line 22, strike out ''and''.

On page 39, line 24, strike out the period and insert in lieu thereof a semicolon and ''and''.

On page 39, add after line 24 the following new subparagraph:

''(C) an agency certification that a rule will not have a significant economic impact on a substantial number of small entities pursuant to section 605(b).

On page 40, line 5, insert ''and section 611'' after ''subsection''.

On page 68, strike out all beginning with line 9 through line 11 and insert in lieu thereof the following:

''(A) include in the final regulatory flexibility analysis a determination, with the accompanying factual findings supporting such determination, of why the criteria in paragraph (2) were not satisfied; and

On page 72, insert between lines 14 and 15 the following new subsection:

(e) AMENDMENTS TO THE REGULATORY FLEXIBILITY ACT.—

(1) IMPROVING AGENCY CERTIFICATIONS REGARDING NONAPPLICABILITY OF THE REGULATORY FLEXIBILITY ACT.—Section 605(b), of title 5, United States Code, is amended to read as follows:

''(b) Sections 603 and 604 of this title shall not apply to any rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification, along with a succinct statement providing the factual reasons for such certification, in the Federal Register along with the general notice of proposed rulemaking for the rule. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.''.

(2) TECHNICAL AND CLARIFYING AMENDMENTS.—Section 612 of title 5, United States Code, is amended—

(A) in subsection (a) by striking ''the Committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''; and

(B) in subsection (b) by striking ''his views with respect to the effect of the rule on small entities'' and inserting ''views on the rule and its effects on small entities''.

On page 72, line 15, strike out ''(e)'' and insert in lieu thereof ''(f)''.

NOTICES OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Thursday, July 13, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on S. 479, a bill to provide for administrative procedures to extend Federal recognition to certain groups.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing before the Subcommittee on Oversight and Investigations of the Senate Energy and Natural Resources Committee has been scheduled for Tuesday, July 18, 1995, at 2:30 p.m. The purpose of the hearing is to examine first amendment activities, including sales of message-bearing merchandise, on public lands managed by the National Park Service and the U.S. Forest Service.

The hearing will be held in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Kelly Johnson or Jo Meuse at (202) 224–6730.

ADDITIONAL STATEMENTS

ROTH AMENDMENT NO. 1444 TO S. 440, THE FEDERAL HIGHWAY BILL

• Mr. STEVENS. Mr. President, I wish to ask the distinguished Senator from Delaware if he would describe the impact on Alaska of the adoption of his amendment No. 1444 to the Federal highway bill, S. 440?

Mr. ROTH. I would be pleased to do so, as I know of the considerable interest of the Senator from Alaska in continuing to see to it that the Alaska Railroad remains one of the premier transportation systems for Alaska. The adoption of amendment No. 1444 authorizes any State that does not have Amtrak service as of the legislation's enactment date, to use the mass transit account of the highway trust fund for capital improvements to, and operating support for, intercity passenger rail service. This means that congestion, mitigation, and air quality funds, as well as Surface Transportation Program funds will be eligible for the State of Alaska to use for its State railroad.

Mr. STEVENS. I thank my good friend for spelling out the details of the impact of this amendment. It will come as good news for the Alaska Railroad Corporation as well as the people of Alaska who rely heavily on this unique rail system.•

SALUTE TO THE SPECIAL OLYMPICS

• Mr. DODD. Mr. President, now that the Special Olympics World Games have come to a close, I rise to again thank those who made this remarkable event possible. As my colleagues know, these games were held July 1–9 in New Haven, CT. This tremendous competition brought the world to Connecticut, and I want to take this opportunity to acknowledge some of the individuals who made it possible.

Were it not for the dreams and vision of Eunice Kennedy Shriver, the Special Olympics would not exist. This outstanding organization has flourished since she launched it, and it has left an extraordinary mark on the athletes, their families, their coaches and friends. I applaud Eunice, her husband, Sarge Shriver, and all the members of their family who have given so much to the Special Olympics throughout the years.

In New Haven, we were fortunate to have a member of the Shriver family at the helm of the 1995 World Games. I congratulate Tim Shriver on a job well done. The success of these games is due in large part to his hard work, dedication and leadership. I know Tim would agree, however, that this great success would not have been possible without the help and support of Chairman Lowell Weicker, the Special Olympics staff, the hundreds of volunteers and the cooperation and support of the New Haven community. I thank Mayor

John Destefano and all the residents of New Haven for contributing in so many ways to this important event.

Cities and towns across Connecticut were fortunate to serve as host communities for delegations from each of the participating countries. This host program enabled families throughout the state to open their homes and their hearts to our visitors from abroad. This program proved invaluable for the hosts and the guests as cultures were commingled, traditions were shared and lifelong friendships were forged. I thank each of the communities and families that offered their hospitality to the world.

As with any event of this scale, the Special Olympics required significant financial support. I am proud to commend the many companies in Connecticut and throughout the country that donated hours of work and millions of dollars as corporate sponsors of these World Games.

Most importantly though, I want to recognize the athletes who competed in the Special Olympics. That is what these games are all about. From bowling to bocce, soccer to tennis, aquatics to equestrian sports, athletes from across the world came together to demonstrate their strength, dedication and skill. The athletic abilities of these individuals are tremendous, and their ability to overcome obstacles to make it to New Haven is even more awesome.

Indeed it is inspiring to see what each of these individuals has accomplished. It is the athletes, friends, families and the coaches who dedicated themselves to this competition who deserve our highest commendation. Their enthusiasm and spirit was infectious, and we sincerely thank them for sharing their talent with us during these Olympic Games.

All the athletes came together during the opening ceremonies, one of the most memorable parts of these games. I will always remember the proud contingents of athletes from throughout the world entering the Yale Bowl to open the Olympics. They were greeted by the President of the United States and leaders of countries from El Salvador to Botswana and beyond. This spectacular event signaled the start of the World Games and kicked off a week of serious athletic competition and fun.

The opening ceremonies also launched a week-long demonstration of the ability of the human spirit to soar. There are members of every community who live each day with mental retardation and disabilities. We stopped this week to hear them say: ''Watch us. We can do great things. We can bring you together and show you our strengths.''

It is a lesson that we are fortunate to have learned. It is a message we should hear loud and clear and one that we should continue to heed in all that we do. In closing, I urge each of you to remember the Special Olympics athletes' oath as you confront the challenges in your life: Let me win, but if I cannot win, let me be brave in the attempt.●

TAX CUTS WORK

● Mr. ABRAHAM. Mr. President, one of the most frequent questions asked during the debate over the budget resolution was why, in the face of large deficits, were Republicans insisting on tax cuts. The answer is simple: Tax cuts work. By allowing Americans to keep more of what they earn, tax cuts encourage economic growth, job creation, and an increase—not decrease—in revenues to the U.S. Treasury.

Following the Reagan tax cuts in 1981, we witnessed one of the longest economic expansions in the history of the United States. Over 20 million new jobs were created while revenues to the Treasury increased dramatically. Just as importantly, the benefits of the Reagan tax cuts were felt by Americans from all income classes—rich and poor.

Tax cuts enacted this year could achieve similar results. I am including a short article by Malcolm S. Forbes, Jr. which makes an eloquent case for reducing the burden on the American taxpayer. As Mr. Forbes makes clear, Republicans can, and should, cut taxes and balance the budget at the same time.

FACT AND COMMENT

MEMO TO THE GOP: THE 1980'S WORKED

(By Malcolm S. Forbes Jr.)

Republicans have accepted the notion that the 1980s were a big fiscal mistake, that Ronald Reagan was wrong to insist on tax cuts even in the face of congressional resistance to reducing spending.

Republicans are now in effect saying that no budget cuts mean no tax cuts. The GOP has it backwards. Properly structured tax reductions would trigger a robust economic expansion, as they did in the 1980s. They should be the center on which budget cuts are structured. Voters would thus see the GOP as the party of opportunity and growth, not as the party of austerity. Growth would also expand government revenues.

Reagan's much-criticized tax cuts were the principal catalyst of our longest peacetime expansion. Federal income tax receipts grew mightily. Even more impressive was the extraordinary surge in revenues of state and local governments. The federal deficits of the 1980s resulted from our unprecedented peacetime military buildup—which finally won the 40-year Cold War for us—and, more important, from Congress' inability to say no to domestic spending constituencies. If Republicans combine Reagan's pro-growth tax approach with their antispending proclivities, they will get credit for reviving the economy and curbing government.

Why should Republicans buy their opponents' bum raps about what actually happened when Reagan ruled?●

CASSANDRA JONES SELECTED AS EAST-WEST SOCCER AMBASSADOR

● Mr. FRIST. Mr. President, today, I would like to commend a very special young Tennessean for her selection as an East-West Soccer Ambassador, an all-star team of American youth soccer players ages 12 to 19. At 12 years of age, Cassandra Jones of Soddy Daisy is 1 of 15 nationally recruited players selected for this all-star team, and one of the youngest national stars to ever compete in this international program.

Cassie Jones was selected for the team based on her current soccer talent, her potential, and her ability to compete at the international youth soccer level. The program, originally founded in 1982, is a non-profit, national soccer club that has earned a national reputation as America's leader in athletic diplomacy and well-rounded play development.

A straight-A student at Soddy Daisy Middle School, Cassie's excellence on the soccer field is matched by her drive and determination in the classroom, as well as her interest in other extracurricular activities. In addition to soccer, she is involved in band activities, and enjoys reading and playing softball.

This month, Cassie and her Ambassador teammates will travel to northern Europe to represent the United States in a 2-week soccer tour of Scandinavia. Following a high-intensity training session in Denmark, the East-West Ambassadors will compete in the prestigious Gothia Cup tournament in Gothenburg, Sweden. The Gothia Cup pits more than 900 teams from 50 countries in its competition. From there, Cassie will return to Denmark for another major tournament, the Dana Cup in Hjorring.

Mr. President, I would like to take this opportunity to wish Cassie Jones the best of luck as she enters her first international competition and embarks on what could be a very promising soccer career. I am confident she will represent the State of Tennessee and the United States well, and I look forward to hearing more about her achievements, both on and off the soccer field, in the future.●

ORDERS FOR TUESDAY, JULY 11, 1995

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Tuesday, July 11, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until the hour of 9:45 a.m., with Senators permitted to speak for up to 10 minutes each; further, that at the hour of 9:45 a.m. the Senate resume consideration of S. 343, the regulatory reform bill.

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

Mr. HATCH. Mr. President, I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. for the weekly policy luncheons to meet.

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

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 permissible, 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:

UNITED STATES INFORMATION AGENCY

CHERYL F. HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 1 YEAR. (NEW POSITION)

MARC B. NATHANSON, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 3 YEARS. (NEW POSITION)

CARL SPIELVOGEL, OF NEW YORK, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 1 YEAR. (NEW POSITION)

DEPARTMENT OF STATE

STANLEY A. RIVELES, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. COMMISSIONER TO THE STANDING CONSULTATIVE COMMISSION

THE JUDICIARY

JOHN R. TUNHEIM, OF MINNESOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA, VICE DONALD D. ALSOP, RETIRED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 30, 1995:

FEDERAL INSURANCE TRUST FUNDS

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL HOSPITAL INSURANCE TRUST FUND

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL HOSPITAL INSURANCE TRUST FUND

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

DEPARTMENT OF LABOR

EDMUNDO A. GONZALES, OF COLORADO, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

NATIONAL COUNCIL ON DISABILITY

JOHN D. KEMP, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CLIFFORD GREGORY STEWART, OF NEW JERSEY, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF 4 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

MARTIN NEIL BAILY, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

NATIONAL INSTITUTE OF BUILDING SCIENCES

STEVE M. HAYS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1997.

SECURITIES INVESTOR PROTECTION CORPORATION

CHARLES L. MARINACCIO, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996.

DEBORAH DUDLEY BRANSON, OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996.

MARIANNE C. SPRAGGINS, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1997.

ALBERT JAMES DWOSKIN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1998.

NATIONAL CONSUMER COOPERATIVE BANK

TONY SCALLON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

SHEILA ANNE SMITH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

IRA S. SHAPIRO, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SENIOR COUNSEL AND NEGOTIATOR IN THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSIDERED COMMITTEE OF THE SENATE.

THE JUDICIARY

CARLOS F. LUCERO, OF COLORADO, TO BE U.S. CIRCUIT JUDGE FOR THE 10TH CIRCUIT.

PETER C. ECONOMUS, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

WILEY Y. DANIEL, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

NANCY FRIEDMAN ATLAS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

DONALD C. NUGENT, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

DEPARTMENT OF JUSTICE

ANDREW FOIS, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL.

STATE JUSTICE INSTITUTE

JANIE L. SHORES, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997.

TERRENCE B. ADAMSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. RICHARD E. HAWLEY, 000–00–0000

THE JUDICIARY

DIANE P. WOOD, OF ILLINOIS, TO BE U.S. CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

GEORGE H. KING, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

ROBERT H. WHALEY, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

TENA CAMPBELL, OF UTAH, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, MONDAY, JULY 10, 1995 *No. 110*

Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, infinite, eternal, and unchangeable, full of love and compassion, abundant in grace and truth, we praise You for being the faithful initiator and inspiration of prayer. We need not search for You, because You have found us; we need not ask for Your presence, because You already are impinging on our minds and hearts; we need not convince You of our concerns, because You know what we need even before we ask. What we do need are humble and receptive minds. Awe and wonder grip us as we realize that You want our attention and want to use us to accomplish Your plans for our Nation. We openly confess the inadequacy of our limited understanding. Infuse us with Your wisdom.

The week ahead is filled with crucial and controversial issues to be debated and decided. Reveal Your will for what is best for our Nation. We yield our minds to think, and then communicate, Your thoughts. Invade our attitudes with Your patience so that we will be able to work effectively with those who differ with us. Help us to listen to others as attentively as we want them to listen to us. In the midst of controversy keep us unified in the bond of our greater commitment to be servant-leaders of our Nation.

And as we press on with our work that You have given us to do, we commit to You the care of our loved ones and friends who need Your physical healing and Your spiritual strength. In Your holy name, Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. Thank you, Mr. President.

We have morning business until 1 o'clock, with Senators permitted to speak for up to 10 minutes each. At 1 o'clock, we resume consideration of S. 343, the regulatory reform bill. Under a previous order, Senator ABRAHAM will be recognized to offer an amendment on small business. At 3 o'clock, the Abraham amendment will be set aside so that Senator NUNN may offer an amendment with Senator COVERDELL regarding regulatory flexibility.

At 5:15, we begin two back-to-back votes—a vote on or in relation to the Abraham amendment, to be immediately followed by a vote on or in relation to the Nunn-Coverdell amendment. So there will be at least two rollcall votes today, and there could be further rollcall votes into the evening.

Let me indicate to my colleagues, this is Monday morning. This is a very important piece of legislation. It is controversial in some quarters. We hope to end up with a strong bipartisan bill. But I will alert my colleagues, we will have long days all this week, including Friday. So I do not want people expecting that on Friday there will be no votes or maybe be one vote at 11 o'clock in the morning. That can change if we complete action on this bill, but I doubt that will happen.

In addition, we were not able to complete action on the rescissions package before we left a week ago Friday. That bill will come up when there is an agreement without amendment to go to final passage.

I understand there may be some discussion of that later on today. It is a bill that saves about $9.2 billion. It was blocked by two of my colleagues before the recess. I hope that their concerns may be satisfied by the administration. I hope the administration can deal with our Democratic colleagues with reference to that bill.

It has many important items in the bill, including disaster relief for Oklahoma City, earthquake relief for California, and a number of other—in fact, there are some 30 States for which this bill includes some disaster money. So it is an important bill. It is one we should pass.

It also saves $9.2 billion overall. It is very important that we pass that bill at the earliest possible time. I commend the White House for at least notifying the agencies not to spend any money that is not authorized in that rescissions bill. So that is a step in the right direction.

Now, if they can convince a couple of our colleagues to let us pass the bill, we could do that at any time today or tomorrow if an agreement is reached.

But I again indicate it is going to be a full week. We are already eating into the August recess. We have some ''must'' legislation we hope to complete between now and sometime in August. We will have a final schedule to all of our colleagues by the end of the week.

Mr. President, was leaders' time reserved?

The PRESIDING OFFICER (Mr. KYL). Yes, leaders' time was reserved.

DISTORTIONS OF REGULATORY REFORM BILL

Mr. DOLE. Mr. President, now that we have begun consideration of regulatory reform, the defenders of the status quo have settled on the weapon of last resort: fear. Thus, we have reporters and pundits pronouncing in strident tones ''the rollback of 25 years of environmental protection,'' the likelihood

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of increased outbreaks of E. coli food poisoning, and the horror of placing a pricetag on human life.

The sky is falling is undoubtedly next.

The only problem with all these arguments is that they are absolutely false, not just false in some small way, but false in every way. Apparently, the Chicken Littles who have engaged in these scare tactics did not even bother to read the legislation.

Had they done so, they would realize that most of the bill merely codifies Executive orders issued by every President since the Ford administration. Had they done so, they would realize this is a bipartisan piece of legislation that balances commonsense reform with the need to protect health, safety, and the environment. So here are a few facts—although I am not certain from some of the reports I read, the Ralph Naders, and the Bob Herberts of the New York Times, and others, even care about facts—but just in case somebody might care about facts, let me state some facts, and I quote directly from the legislation conveniently ignored by these liberal distortions:

Our regulatory reform legislation protects existing environmental health and safety laws.

Our legislation makes explicit that regulatory reform measures supplement and [do] not supersede—supplement and do not supersede. We are not going to supersede any law, we are going to supplement existing environmental health and safety requirements. Congress chooses the goals, and all we ask is that among several options achieving those goals that the one imposing the least possible burden be selected.

We do not see a problem, if you are going to have all these options, and one will accomplish the job with the least burden on the American taxpayer, the American consumer, the American businessman, generally small business men and women, why should we not choose that option?

However, a cost-benefit analysis of proposed regulations is not required before issuing rules that address an ''emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.'' If nonquantifiable benefits to ''health, safety, or the environment'' call for a more costly regulatory alternative, the agency is free to make that choice as well. And rules subject to a proposed congressional 60-day review period may be implemented without delay if ''necessary because of an imminent threat to health or safety or other emergency.'' So it seems to me we have made it rather clear.

Some rollback.

Our regulatory reform legislation protects food safety.

Perhaps the most cowardly argument has been the one that suggests that our legislation would, in the words of one overly distraught commentator, mount ''an all-out assault on food safety regulations'' and block implementation of the Agriculture Department's proposed meat inspection regulations.

Does any reasonable person really believe that any politician, Democrat or Republican, is trying to gut food safety laws? Of course not. But for those who have made a career on scare tactics, this argument will apparently do. If they make it, surely somebody in the media will repeat it and repeat it and repeat it. That has been done for the past several days.

All of the protections in the bill noted above apply here, too, especially the one exempting a regulation from any delay if there is ''an emergency or health or safety threat.'' But there are several additional ironies. First, the Agriculture Department already conducted a cost-benefit analysis of the meat inspection rule, and it passed. Second, in the entire bill the only time health inspections are mentioned, it is to exempt them from risk assessment requirements under this bill.

Our regulatory reform legislation does not place a price tag on human life.

The argument that regulatory reform would place a price tag on human life usually carries with it the notion that some lives will be worth more than others. This is a cynical argument and is completely at odds with what the bill would actually accomplish.

First, not only does the bill avoid putting a price tag on life, it explicitly recognizes that some values are not capable of quantification. Thus, both costs and benefits are defined in the legislation to include nonquantifiable costs and benefits.

The legislation also provides that in performing a cost-benefit analysis, there is no requirement to do so ''primarily on a mathematical or numerical basis.'' And, second, agencies may choose higher cost regulations where warranted by ''nonquantifiable benefits to health, safety or the environment.''

Nothing could be more clear to this Senator, and we hope we have made it clear in the bill, which is sponsored by Republicans and Democrats.

Mr. President, I have quoted from the bill wherever possible. It is interesting that opponents of the bill never do. They probably have never seen the bill and do not know the numbers, and they do not intend to read it. They have bought into this nonsense that some Members of Congress are for dirty meat, that we want dirty meat—that is what I have read—that we want people to die of food poisoning.

I know they do not like to read these things because it is inconvenient, and they do not want the facts in many cases. But I challenge the opponents to stop distorting the truth and start seeking it. They can read the bill. To help them, I have prepared a summary of provisions that address the protections for health, safety, and the environment that I will include with this statement in the RECORD.

Then opponents can start telling us why they are really upset by regulatory reform. I suspect it has less to do with threats to the environment and more to do with the threat to Federal power in Washington, DC.

We have a lot of bureaucrats that might lose their jobs if we can ease some of the burdens on consumers, farmers, ranchers, small businessmen and women, the people who have to pay for all the regulations, and, in some cases, the costs exceed the benefits. In some cases, there are no benefits at all. The most costly regulations are usually the ones that impose a Government-knows-best requirement, and there is an entire culture devoted to telling the American people that the Government knows best; Washington, DC, knows best.

Our legislation is a direct threat to a smug assertion. By golly, we ordinary Americans hope you agencies do not take it personally, but we would really like you to show us why a rule imposing hundreds of millions of dollars makes sense and was the only way to do it.

So we think we are on to something here. It should not be a partisan issue, and it is not a partisan issue. A lot of my good colleagues on the other side of the issue are supporting this, and we hope to have more before the week is out.

The opponents are right in one respect: This is one of the most important pieces of legislation this Congress will address. Americans pay more in regulatory costs than they do to Uncle Sam through income taxes. Overregulation costs the American family an estimated $6,000 a year. I believe we can ensure regulations that both promote important goals like food safety and also minimize costs wherever possible, and I believe it is our obligation to do so. In that respect, I am an optimist. I have never succumbed to the chirpings of the Chicken Littles and do not intend to start now.

Mr. President, I ask unanimous consent that a section-by-section analysis of this legislation, particularly as it relates to protection of human health, safety, and environment, be printed in the RECORD.

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

S. 343: Responsible Regulatory Reform That Protects Health, Safety and the Environment

S. 343 DOES NOT OVERRIDE EXISTING HEALTH, SAFETY AND ENVIRONMENTAL LAWS

Sec. 624(a)—Cost-benefit requirements ''supplement and [do] not supersede'' health, safety and environmental requirements in existing laws.

Sec. 628(d)—Requirements regarding ''environmental management activities'' also ''supplement and [do] not supersede'' requirements of existing laws.

S. 343 PROTECTS HUMAN HEALTH, SAFETY AND THE ENVIRONMENT

Sec. 622(f) and Sec. 632(c)(1)(A)—Cost-benefit analyses and risk assessments are not required if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

Sec. 624(b)(3)(B)—An agency may select a higher cost regulation when ''nonquantifiable benefits to health, safety or the environment'' make that choice ''appropriate and in the public interest.''

Sec. 624(b)(4)—Where a risk assessment has been done, the agency must choose regulations that ''significantly reduce the human health, safety and environmental risks.''

Sec. 628(b)(2)—Requirements for environmental management activities do not apply where they would ''result in an actual or immediate risk to human health or welfare.''

Sec. 629(b)(1)—Where a petition for alternative compliance is sought, the petition may only be granted where an alternative achieves ''at least an equivalent level of protection of health, safety, and the environment.''

Sec. 632(c)—Risk assessment requirements do not apply to a ''human health, safety, or environmental inspection.''

S. 343 DOES NOT DELAY HEALTH, SAFETY AND ENVIRONMENTAL RULES

Sec. 622(f) and Sec. 632(c)—Cost-benefit and risk assessment requirements are not to delay implementation of a rule if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

Sec. 533(d)—Procedural requirements under the Administrative Procedures Act may be waived if ''contrary to the public interest.''

Sec. 628(b)(2)—Requirements for major environmental management activities are not to delay environmental cleanups where they ''result in an actual and immediate risk to human health or welfare.''

Sec. 801(c)—Congressional 60-day review period before rule becomes final may be waived where ''necessary because of an imminent threat to health or safety or other emergency.''

S. 343 DOES NOT PLACE A ''PRICE TAG ON HUMAN LIFE''

Sec. 621(2)—''Costs'' and ''benefits'' are defined explicitly to include ''nonquantifiable,'' not just quantifiable, costs and benefits.

Sec. 622(e)(1)(E)—Cost-benefit analyses are not required to be performed ''primarily on a mathematical or numerical basis.''

Sec. 624(b)(3)(B)—An agency may choose a higher cost regulation when ''nonquantifiable benefits to health, safety or the environment'' dictate that result.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

SUPPORTING REGULATORY REFORM

Mr. THOMAS. Mr. President, I rise in strong support of S. 343, the Comprehensive Regulatory Reform Act, which will be before us today and, I suspect, for the remainder of the week.

I think that this is one of the most exciting opportunities that we have had this year. This is one of the opportunities for this Congress and this Senate, this Government, to take a look at some of the things that have been going on for 30 years, 40 years, without much examination, which have simply grown and have continued to become more expensive and larger, without a real examination of whether or not what is being done is the most effective way to do it, or whether or not it could be done in a less costly way. I think it is an exciting opportunity.

I have just returned, as have most of our associates, from a week in my home State of Wyoming. We did a series of town meetings and met with the rangeland users and met with the sugar beet growers and the chamber of commerce and the Rotary. As has been the case for some time, the issue most often mentioned is overregulation and the cost of overregulation. So I am excited about the opportunity to do something about that.

I suspect that we will run into the same kinds of discussions that we have when we talk about doing something about welfare reform—that somehow those of us who want some change in what we have been doing are less compassionate than those who want the status quo; that somehow those of us who want to take a look at and change the way regulation is imposed are less caring about the environment and about clean water and clean air than those who support the status quo. That is simply not true.

I suspect that we will hear from the opposition on this bill that somehow this bill will remove all of the regulatory requirements that exist. Not so. We will hear that somehow the regulations that are in place to protect us for various kinds of water and air problems will be eliminated or superseded. That is simply not so.

Many people can imagine what the last election was about. But I think we have talked about it a great deal. There were at least three things that I think were most important to the people of Wyoming. One was that the Federal Government is too big, that it costs too much, and that we are overregulating. I think those are genuine responses that people feel very strongly about.

So, Mr. President, here is our opportunity to do something about that. Clearly, the regulatory system is broken. What is being proposed does not do away with regulations. It simply says there is a better way to do it.

As our leader just indicated, overregulation is a hidden tax that is passed on to consumers. It is not absorbed by businesses. It is not a business issue, even though much of it affects business. The costs are passed on to you and to me. Furthermore, the regulations are not confined to business. It goes much beyond that, into small towns, cities, the universities, and other areas.

Unfortunately, regulations have been applied generally. In our Wyoming Legislature, I am proud that we have a situation where the statute is passed by the legislature, the agency that is affected drafts and creates the regulation, and it comes back to the legislature for some overview to see, No. 1, if it is within the spirit of the statute; No. 2, to see if it is indeed cost beneficial, that what it is set to accomplish is worth the cost of accomplishment.

We do not even have here an analysis of what the cost will be. The cost of regulation, as the leader indicated, is more than personal tax revenues. Some estimate it between $650 billion and $800 billion. Now, this bill will not eliminate all of that cost, of course, because there is a need for regulation, and there is a cost with regulation. The point is that we are looking for a way to apply that regulation in as efficient and effective a manner as can be and do something that has not been done for a long time, and that in the application of the regulation, to use some common sense in terms of what it costs with respect to what the benefits are, and to take a look at risk-benefits ratios to see if what will be accomplished is worth the cost and the effort of the application.

Furthermore, it gives us an opportunity to go back to some regulations that have existed and look at them. Let me give an example. In Buffalo, WY, there are 3,500 people. The EPA said we need to enforce the Safe Drinking Water Act. Fine. They are willing to do that. They are willing to put in a filtering system that costs $3 million for a town of 3,500 and made a good-faith effort to comply.

One year later, EPA responded and said they would send a compliance schedule. Buffalo never received the schedule.

Then when Buffalo proceeded as they had set forth in their schedule, EPA claimed that Buffalo never let them know what was going on.

After that was worked out, EPA accepted, in writing, the town of Buffalo's plan. The following year, EPA again claimed the city did not let them know what was going on and referred the case to the Department of Justice for prosecution.

When asked what happened, EPA said, ''We changed our mind.'' The bottom line, the city of Buffalo wanted to comply with the Federal mandate, but the Federal overregulation and bureaucracy prevented that.

The University of Wyoming. We had several contacts from the University of Wyoming asking for a list of issues they were most concerned about. Do you know what was at the top of the list? Overregulation. Not grants, not money—overregulation. This is the university. This is not a business. This is the university, where a good amount of their resources were there to educate young people.

We have the same problem in health regulations, in the disposal of health care waste, which goes far beyond the clean air. It will cause some of the small hospitals in Wyoming to be closed.

Overregulation is particularly difficult for the rural areas of the West, where in our case more than half of the State belongs to the Federal Government. The things we do in our way of life, in our economy, our job creation, is always regulated more than most anywhere else in the country. We are very, very, concerned.

Let me give one example. There are leases, of course, for livestock grazing on Bureau of Land Management lands and on lands of the Forest Service. The leases are renewed regularly. This year, it was decided there had to be a NEPA study—that is supposed to be confined to areas of national concern—for every renewal of a grazing lease. The irrigators have to spend $100,000 this year to do a NEPA review on their conservation land. The cost of this is paid by you and by me.

Regulatory reform needs to have principles. This bill has them. It has cost-benefit analysis. I think that is a proper and reasonable thing. You and I do that. We make decisions for ourself and our family. We have a cost-benefit analysis, even though it may be informal. A risk assessment—it could be that the last few percentage points are too expensive to be reasonable and common sense. We need a look-back provision so we can go back and take a look at the regulations that now exist. There needs to be a sunset provision so that burdensome laws and burdensome regulations can be dropped or renewed. There needs to be a judicial review. S. 343 incorporates these principles.

I think we have a great opportunity to make better use of the resources that we have, Mr. President, to provide greater protection for human health and safety in the environment at a lower cost and to hold regulators accountable for their decisions. What is wrong with that? I think that is a good idea, to hold the Congress accountable for the kinds of regulations, to limit the size of Government, so that we can create jobs that help consumers improve competitiveness overseas.

We should take advantage of this opportunity. This week will be the time to do it, to be realistic, to apply common sense, to reduce the cost and the burden of regulation. I am delighted that we will have a chance this year, this week, Mr. President, to do that.

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

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

Mr. DORGAN. I ask unanimous consent to proceed for 15 minutes as if in morning business.

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

FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, last week the Congress was not in session, but the Federal Reserve Board met downtown in their marble building and took a baby step in rectifying the mistake it made on seven occasions last year when they increased interest rates in order to slow down the American economy.

Last year, the Federal Reserve Board said it was combating inflation in our economy, so it desired to slow down the economy some and prevent a new wave of inflation. Now it appears the Federal Reserve Board has apparently won a fight without a foe. There was no wave of inflation across the horizon.

Last week's announcement to decrease interest rates by one-quarter of 1 percent made the stock market ecstatic. In fact, the Federal Reserve Board acted to ratchet down inflation marginally and the stock market reached record highs.

In fact, if we look at the combination of economic news in the last week or two, it is quite interesting. The Federal Reserve Board says it has won a fight with a foe that did not exist. The stock market reached record highs. And corporate profits are at record levels.

The question would be, if all of those pieces of economic news are so good for the American economy, if this is such wonderful economic news, then why are the Americans so displeased? Why are the American people not dancing in the streets about this economic news? Record profits should mean that businesses are doing well creating jobs, expanding, hiring. Record stock market levels should mean that the experts think the American economy is robust and growing.

The simple answer is the people in this country are not satisfied because this economic news masks an important fact. The American people are not satisfied with this economic news for the same reason that the Federal Reserve Board's actions last year were a mistake. The fact is, and the reason is, we are now living in a global economy.

That means that stellar economic numbers may not translate into economic opportunities here in our country. Surrounding all of the bright economic news that was trumpeted last week, there was one small but critically important fact: American wages are going down.

Yes, corporate profits are at record levels. Yes, the stock market is ringing the bell. Stock market indexes have never been higher in their history. But the fact is, American wage earners, American workers, are doing worse. Investors do better; American workers lose ground. Corporations do better, American wage earners do worse. Wealth holders succeed; working families fail.

There is no economic news that this administration, this Congress, the Federal Reserve Board, the captains of industry, or the investment moguls on Wall Street can give the American people that will make them feel better about this economy as long as their real wages are declining. Unless and until we stop a 20-year decline in American wages, the American people will not be satisfied.

I always find it interesting that the press trumpets every month the report of how much we consumed. We measure economic health by consumption. But, of course, that is not economic health. It is what you produce that relates to whether you are healthy or not, not what you consume. But we trumpet, every month, all kinds of indices about economic performance and we see nothing—except maybe 2 column inches in the paper once every 6 months—about American wages. Yet every month, the indices show American wages are declining.

Frankly, we have a circumstance today where corporate giants, led by U.S. corporations and followed by their international competitors, are constructing an economic model for the world that worries American workers. They have decided they want to produce where it is cheap and sell back into established marketplaces. That means corporations increasingly produce in Malaysia, Indonesia, Bangladesh, Singapore, Honduras, China—around the world—where they can hire cheap labor, often kids. They can pay dirt-cheap wages, they can dump their pollution in the air and in the water, make their product, and send it back to Pittsburgh for sale.

That strategy of playing the American worker off against 1 or 2 billion others in the world who are willing to work for pennies an hour is a strategy that might well lead to record corporate profits, but it also leads to declining U.S. wages. And that is the economic problem this country has to fix.

The bottom line of economic progress in this country must be, ''Are we increasing the standard of living for the American worker?'' And the answer today, amidst all of the glory of the wonderful economic news trumpeted every day in recent weeks, is no. The standard living for the average American worker is not advancing. It has been declining.

Our economic strategy for the 50 years following the Second World War was, for the first 25 years, a foreign policy disguised as economic strategy to try to help everybody else. We did that and it was fine. We could afford to do it because we were the biggest and the best and the strongest and the most. And even as we did that we progressed and so did the American worker. But for the last 20 to 25 years it has been different.

Our trade policy is still largely a foreign policy. It does not work to support the interests of our country. And what we see as a result of it is that other countries are growing and advancing and our country, measured by standard

of living—the standard of living experienced by American workers—is not advancing.

The American people are tired of that. They want a change in economic circumstances. And we, one day soon, must have a real, interesting, and thoughtful discussion about these economic policies. Now, more than ever, this country needs a full-scale policy debate about economic strategy and what kind of strategy, including trade strategy and other strategies, results in advancing America's economic interests—not just America's corporate interests, not just America's investors' interests, but the interests of all Americans.

That is a debate we have not had. We did not have it during NAFTA. We did not have it during GATT. You could not have it, in fact. The major newspapers of this country—the Washington Post, the New York Times, the Los Angeles Times, the Wall Street Journal—would not even give you open access to an opportunity to discuss these things. It is interesting, with NAFTA, we counted the column inches on the editorial and op-ed pages ''pro'' and ''anti.'' It was 6 to 1 pro-NAFTA, pro-GATT—6 to 1.

These are areas where you ought to expect there to be freedom of speech and open debate. But it is not so. And the economic interests that propel that sort of imbalance in our major newspapers in our country, when we have these kinds of discussions, is the same economic interest that prevents the discussions even from getting any momentum in a Chamber like this. One day soon, I hope, that is going to change. And the sooner the better, if we are interested in providing some satisfaction for American workers whose only interest, it seems to me, is to work hard, have opportunity, and progress with an increased standard of living.

REGULATIONS

Mr. DORGAN. Mr. President, let me turn to the question of regulations. We, on the floor of the Senate, are going to be discussing regulatory reform. It has been of great interest to me to see what has happened on the issue of regulations. It has become a cottage industry, and certainly a political industry, to decide that government is evil, and government regulations are inherently evil, and what we need to do is wage war against government safeguards and standards.

Let me be the first to say that there are some people who propose and write regulations that make no sense at all and that make life difficult for people. That happens sometimes. I realize that. What we ought to do is combat bad regulation and get rid of it. Bad government regulations that do not make any sense and are impossible to comply with—we ought to get rid of them. I understand and accept that.

But I am not one who believes we ought to bring to the floor of the Senate initiatives that say, ''Let's step back from the substantial regulations that made life better in this country for dozens of years.''

We have had fights in many different venues to try to decide: When should we put an end to polluting America's air? How long should we allow America's kids to breathe dirty air because the captains of industry want to make more profit? When should we decide you cannot dump chemicals into our rivers and streams? When should we decide we want environmental safeguards so the Earth we live on is a better place to live?

We made many of those decisions already. We made fundamental decisions about worker safety. We made decisions about the environment. We made decisions about auto safety. Many of those decisions were the right decisions and good decisions. If we bring to the floor of the Senate, under the guise of regulatory reform, proposals that we decide we ought to retreat on the question of whether we want clean air in this country, then we are not thinking very much.

I do not know whether many Members of the U.S. Senate or many of the American people fully understand how far we have come. Do you know, in the past 20 years, we now use twice as much energy in this country as we did 20 years ago and we have less air pollution? We have cleaner air in America today than we did 20 years ago, yet we use twice as much energy.

Why do we have cleaner air? Is it because someone sitting in a corporate board room said, ''You know, what I really need to do, as a matter of social conscience, is to stop polluting; what I need to do is build some scrubbers in the stacks so there are fewer pollutants coming out of the stacks and that way I will help children and help people and clean up the air''? Do you think that is why we cleaned up America's air? The job is not done, but do you think that is why America's air is cleaner now than 20 years ago, because the captains of industry in their paneled boardrooms decided to give up profits in exchange for cleaner air?

Not on your life. Not a chance. The reason the air in this country is cleaner than it was 20 years ago is bodies like this made decisions. We said, ''Part of the cost of producing anything in this country is also the cost of not polluting. You are going to have to stop polluting. Is it going to cost you money to stop polluting? Yes, it is. And we are sorry about that. But you spend the money and pass it along in the cost of the product, because the fact is we insist that America's air be cleaner. We are tired of degrading America's air, and having men, women, and children breathe dirty air that causes health problems and fouls the Earth we are living on.''

What about water? Do you know now there are fewer lakes and streams with acid rain; that we have fewer acid rain problems, we have cleaner streams, cleaner lakes in America now than 20 years ago?

Why is that happening? Is it because somebody decided that they would no longer dump their pollutants into the stream? No. It is because the people in this country through their government said we want to stop fouling the streams. We had the Cuyahoga River catch on fire. The Cuyahoga River in Cleveland actually started burning one day. Why did that happen? Because the manufacturers and others in this country were dumping everything into these streams and thought it was fine. It was not fine. We decided as a matter of regulation that it was not fine.

There are some people who say, ''Well, that is inconvenient for corporations. It costs too much to comply with all of these. Let us back away on some of these restrictions.''

I want you to know that we are going back a ways. I have told this story before. I am going to tell it again because it is central to this debate. All government regulations are not bad. Some of them are essential to this country's health.

Upton Sinclair wrote the book in the early 1900's in which he investigated the conditions of the meatpacking houses in Chicago. What he discovered in the meatpacking plants of Chicago was a rat problem. And how did they solve the rat problem in a meatpacking plant in Chicago? They put out slices of bread laced with arsenic so the rats could eat the arsenic and die. Then the bread and the arsenic and the rats would all be thrown down the same hole as the meat, and you get your mystery meat at the grocery store. The American people started to understand what was going on in those meatpacking plants, and said, ''Wait a second. That is not what we want for ourselves and our kids. It is not healthy.''

The result, of course, was the Federal Government decided to pass legislation saying, We are going to regulate. What would you rather see stamped on the side of a carcass of beef—''U.S. inspected?'' Does that give you more confidence? It does for me. It means that carcass of beef had to pass some inspection by somebody who looked at it not with an economic interest, but who looked at it, and said, ''Yes. This passes inspection, and it is safe to eat.''

Or do you want the meatpacking plants—the captains of industry in the meatpacking business who in the year 1900 would have been running a plant in which they were trying to poison rats in the same plant and mixing it with their meat? Well, I know who I would choose. I would choose to have a food system in this country that is inspected so the American consumer understands that we are eating safe food.

Let me talk about one other regulation that I am sure is inconvenient. In fact, I was involved with some of these

when I was in the House of Representatives. People may recall that it was not too long ago when you went to a grocery store and picked up a can of peas or a package of spaghetti or an ice cream bar from the shelves or the cooler and looked at the side. What did you see? You saw that this is an ice cream bar, this is a can of peas, and this is a box of spaghetti. That is the only information you got about that food—nothing more; nothing about sodium; nothing about fat; nothing more. Because they did not feel like telling you.

So we decided that it would be in the consumers' best interest if they had some notion what was in this product. You go shopping at the grocery store and watch. People clog the aisles these days picking up one of these cans. They turn to the back. They want to find out what is in it. How much fat is in this one? How much saturated fat is in that product?

You give people information and they will use it. It is good information. It improves their health. It makes them better consumers. Is that a bad regulation that we require people to tell the American people what is in food? No. I think it is a good regulation. But I will guarantee you this. Those who are required to do it fought every step of the way. The last thing they wanted to do was to have to comply with another regulation. I think these regulations make sense.

We are talking about regulations for safety, health, and the environment. Not all of them, not every one of them, but the bulk of the directions of what we were doing with regulation makes a lot of sense.

I do not want the debate this week here in the Senate to be a debate that is thoughtless. I would like it to be a debate that is thoughtful. Let us find out which regulations are troublesome, not which regulations are inconvenient or costly. I do not want to say to this industry or to that industry, ''Yes. It is costly for you to comply with the clean air requirements. So that is fine. We will understand. We will give you a little break.'' I am sorry. I do not intend to give them a break. I do not intend that they have dirty air so they can have more profits.

I would like us to do this in a reasonable way. As I said when I started, there are some regulations that make no sense. I have seem some of them. I have participated in trying to get agencies to change some of them. I would be the first to admit that there are plenty of people working in the Federal Government who know all about theories and know all about the details but do not have the foggiest notion about what the compliance burdens are. These things need to make some rational sense. They need to be dealing with a goal that makes sense. They need to be constructed in a way so that compliance is enhanced. But I hope that the debate we have this week will really center on the questions about government regulation. What are we doing this for? In most cases, we are doing this for the public good.

So, Mr. President, I think this is going to be a fascinating and interesting debate. We have some people in this Chamber who would like the wholesale repeal of a whole lot of important environmental and safety regulations. I do not happen to support that. Some would. Others who say every regulation is terrific. I do not support that either. I think what we ought to do is try to figure out what works and what does not, to get rid of what does not, and keep what works and keep what is good for this country.

I hope that is the kind of discussion we will have as the week goes on on the issue of regulatory reform.

Mr. President, at this point I would like to yield the remainder of my 15 minutes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. 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. 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.

BILLIONAIRES' TAX LOOPHOLE

Mr. KENNEDY. Mr. President, one of the worst examples of Republican misplaced priorities is the current blatant attempt to keep the tax loophole open for billionaires who renounce their American citizenship in order to avoid paying taxes on the massive wealth they have accumulated in America.

Under current law, these unpatriotic billionaires get a juicy tax break for turning their back on Uncle Sam. Does anyone in America seriously think they deserve it?

When Democrats initially tried to close the loophole last April, our proposal was rejected—supposedly because a few so-called technical questions needed to be addressed.

It turns out that the only serious technical issue was how to keep the loophole open, or at least save as much of it as possible.

The Joint Committee on Taxation completed its long-awaited study on the loophole on June 1 and it turned out to be a blatant attempt to save the loophole, rather than close it.

The Ways and Means Committee found the ways and means to keep the loophole open. They have even given the bill an appropriate number—H.R. 1812.

What a perfect number for a tax loophole bill—1812. That is about the year their thinking on tax reform stopped. Democrats will try to bring their 1812 bill into the 20th century when it gets to the Senate—and close that loophole tight on those unpatriotic billionaires.

I just wish our Republican friends would put as much time and effort into closing tax loopholes and reducing corporate welfare as they put into keeping loopholes open.

We would save tens of billions of dollars, and balance the budget far more fairly, instead of balancing it on the backs of Medicare and education and low-income working families.

Tomorrow, the Senate Finance Committee will be holding a hearing on the billionaires' tax loophole. It is vitally important that the Senate stand firm in its desire to close this flagrant loophole once and for all.

On April 6, 96 of us went on record in favor of closing it. If we really want to close this loophole, we cannot accept the Ways and Means Committee bill. That bill is more loophole than law.

It does not prevent massive income tax avoidance by patient expatriates, and it does nothing to prevent avoidance of estate taxes and gift taxes.

First, the House bill allows expatriates to pay no U.S. tax on their gains if they wait 10 years before they sell their assets.

This part of the loophole already exists in current law, as has been repeatedly pointed out.

There is no reason to leave it open. Expatriates should be taxed when they expatriate—at the time they thumb their nose at Uncle Sam.

Second, under the House bill, gains from foreign assets built up during U.S. citizenship would not be subject to U.S. tax after expatriation takes place. All U.S. citizens pay taxes on worldwide income, so why should not expatriates?

Any serious proposal to address this issue must tax the gains on the expatriate's worldwide assets, and this tax must be imposed at the time of expatriation.

In addition, under the House bill, expatriates will continue to use tax planning gimmicks to avoid taxes on gains from domestic assets by shifting income from this country to foreign countries. As long as the Tax Code exempts foreign assets from the tax, wealthy expatriates will find new ways to shift assets and avoid taxes.

Third, the House bill cannot be effectively enforced. Expatriates can leave the U.S. tax jurisdiction without paying the tax or posting any security. They merely fill out a form at the time of expatriation, and the IRS will be left in the cold.

Fourth, the House bill does nothing to prevent expatriates from avoiding gift and estate taxes. With good legal advice, an expatriate can transfer all assets to a foreign corporation and then give it all away without any gift tax liability.

Finally, in a particularly obnoxious maneuver, the Ways and Means Committee bill unsuccessfully attempted to gerrymander the effective date of its watered-down reform in a transparent attempt to permit a few more undeserving billionaires to slither through the full loophole before the mild committee changes take effect.

Under this proposal, wealthy tax evaders would have qualified for the

loophole by simply having begun, not completed, the process of renouncing their citizenship by the February 6 effective date.

The Ways and Means Committee knows how to set a strict effective date when it wants to. On the very bill where the controversy over the billionaires' loophole first erupted, the committee set a strict effective date to prevent Viacom, Inc., from obtaining a $640 million break on the sale of its cable TV properties.

The committee required a binding contract to be reached by the effective date. Viacom could not meet that requirement, even though it had taken many steps over many months before the effective date to negotiate the contract.

Viacom lost the tax break because it had not taken the final step—and the same strict requirement of final action should be applied to billionaires who are in the process of renouncing their citizenship.

If they had not completed the final step by February 6, they should not be able to use the loophole.

Fortunately, the Democrats prevailed on the effective date, because of the spotlight placed on the issue. But that still did not stop them from finding an additional loophole for some of those seeking exemption.

To help these expatriates, the Republicans on the committee carved a new loophole for expatriates who become a citizen of a country in which the individual's spouse or parents were born.

In sum, at a time when Republicans in Congress are cutting Medicare, education, and other essential programs in order to pay for lavish tax cuts for the rich, they are also maneuvering to salvage this unjustified loophole for the least deserving of the superwealthy—billionaires who renounce America, after all America has done for them.

I say, this loophole should be closed now, and it should be closed tight—no ifs, ands, or buts. I intend to do all I can to see that it is.

Let us close the loophole, not just pretend it is being closed as the Ways and Means Committee bill does.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, the skyrocketing Federal debt, which long ago soared into the stratosphere, is in a category like the weather—everybody talks about it but scarcely anybody had undertaken the responsibility of trying to do anything about it. That is, not until immediately following the elections last November.

When the new 104th Congress convened in January, the U.S. House of Representatives quickly approved a balanced budget amendment to the U.S. Constitution. In the Senate all but one of the 54 Republicans supported the balanced budget amendment; only 13 Democrats supported it. Since a two-thirds vote is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote. There will be another vote later this year or next year.

Mr. President, as of the close of business Friday, July 7, the Federal debt—down to the penny—stood at exactly $4,929,459,412,839.22 or $18,712.31 for every man, woman, and child on a per capita basis.

SOUTH CAROLINA WATERMELONS: A RED, JUICY SMILE

Mr. HOLLINGS. Mr. President, I rise today to draw attention to a little green and red sticker on my lapel. It says, ''I love watermelon.'' And Mr. President, I sure do.

Thanks to the hard work of South Carolina watermelon farmers like Jim Williams of Lodge in Colleton County, Senators and their aides tomorrow will be able to taste the sweet, juicy, red meat of the melon that we call smile fruit. All day Tuesday, my staff will deliver more than 500 watermelons to offices throughout the Senate.

This year, farmers in South Carolina planted more than 11,000 acres of watermelons. We produce all kinds of watermelons—Jubilees, Sangrias, Allsweets, Star Brites, Crimson Sweets, red seedless, yellow seedless, and a variety of other hybrids marketed in the Eastern United States.

Through the end of this month, farmers in Allendale, Bamberg, Barnwell, Colleton, Hampton, and other southern South Carolina counties will harvest hundreds of thousands of watermelons. In the Pee Dee areas around Chesterfield, Darlington, and Florence Counties, the harvest will continue until about August 20.

Mr. President, the bottom line is that all of these farmers will be laboring in the heat and humidity to bring Americans what we call Mother Nature's perfect candy. Our remarkable watermelons are sweet, succulent, and, most importantly, nutritious and fatfree. However, while many of us savor the taste of juicy pink watermelons at the beach, at barbecues, and at family reunions, we often forget the work and labor that goes into producing such a delicious fruit. In fact, if you ask many children these days where watermelons come from, they will answer ''the grocery store.'' The truth is, Mr. President, that our farmers are among the most often forgotten workers in our country. Without their dedication and commitment, our Nation would not enjoy such a wonderful selection of fresh fruit, vegetables, and other foods.

South Carolina farmers lead the way in the production of watermelons. For example, my State was a leader in the development of black plastic and irrigation to expand the watermelon growing season. By covering the earth in the spring with black plastic, farmers are able to speed up the melons' growth by raising soil temperatures. In addition, the plastic allows farmers to shut out much of the visible light, which inhibits weed growth. In addition, I am pleased to note that the scientists at the USDA vegetable laboratory in my hometown of Charleston continue to strive to find more efficient and effective ways to produce one of our State's most popular fruits.

Therefore, as my fellow Members and their staffs feast on watermelons tomorrow, I hope they all will remember the folks in South Carolina who made this endeavor possible: Jim Williams of Williams Farms in Lodge; Les Tindal, our State agriculture commissioner; Wilton Cook of the Clemson University Extension Service in Charleston; Minta Wade of the South Carolina Department of Agriculture; and members of the South Carolina Watermelon Association and South Carolina Watermelon Board in Columbia. They all have worked extremely hard to ensure that Senators can get a taste of South Carolina.

I trust that all Senators and their staffers will savor tomorrow one of the finest examples of the excellent produce we grow in our State. I also hope to see many folks wearing their ''I love watermelon'' stickers in celebration of the fruit that makes everyone smile—South Carolina watermelons.

MILO WINTER

Mr. PRESSLER. Mr. President, today I am pleased to pay tribute to an outstanding educator, Mr. Milo Winter, of Rapid City, SD. Throughout his career, he made tremendous contributions to our State in music education.

For the past 26 years, Milo served as band director at Stevens High School. The community of Rapid City knows him for his commitment to education and his drive for excellence. However, his reputation extends far beyond the borders of our State. He is known across the United States for his work at band festivals and clinics.

To see Milo's positive effect on his students and the community, one needs only look at the achievements of the Rapid City Stevens Band. In 1975, the band was selected by the United States Bicentennial Commission to represent the United States at a music festival held in the former Czechoslovakia. This was the first performance by an American high school band behind the Iron Curtain. In 1981 and 1984, the band received first place honors at the Cherry Blossom Band Festival here in Washington, DC. The band's appearance in the 1987 Tournament of Roses Parade in Pasadena, CA, marked the first time a band from South Dakota performed in this world-famous parade. Perhaps the greatest honor the band has earned is the Sudler Flag of Honor. This award, presented in 1987, is one of the most prestigious awards a band can receive. To receive this award, bands must be nominated for their outstanding performance of march music and be approved by a national committee.

Milo's leadership made these achievements possible. He consistently set high expectations for students, then saw them through with his own blend of encouragement and discipline. He demanded much of his students, but gave generously of his talent and effort in return.

This drive for excellence has been with Milo throughout his life. After receiving his degree from Augustana and his masters from the University of South Dakota, Milo continued his pursuit of music by serving in the U.S. Army Band for 2 years.

Upon leaving the Army, Milo taught music at Beresford High School. After 2 years as the band director at Rapid City Central High, he accepted the position as band director at the newly created Rapid City Stevens High where he continued teaching for the rest of his career.

Milo instilled a love of music in many students, but countless students came away from his classroom with much more. The lessons they learned about setting goals, teamwork, attention to detail, and perseverance will stay with students throughout their lives. Many of these students will count Mr. Winter among those leaders who forever shaped their careers and characters. Mr. President, students in South Dakota have been blessed with a tremendous teacher and role model. On behalf of the people of South Dakota, I thank Milo and wish him the best in his retirement.

Mr. BYRD. Mr. President, I will probably require longer time than the remaining minutes before 1 o'clock. I ask unanimous consent that I may use such time as I may consume.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

C. ABBOTT SAFFOLD

Mr. BYRD. Mr. President, Walt Whitman said that man is a great thing upon the Earth and through eternity but that every jot of the greatness of man is enfolded out of woman. Shakespeare, in King Lear, tells us that ''Women will all turn monsters.''

In the book of Genesis, however, we are told that God, seeing the incompleteness of man standing alone, wanted to find a helper for him. And so God created this helper—Eve—whose name means ''Life,'' and God created Eve from the rib of Adam himself. The symbolism of the rib is that it was taken from the place nearest to Adam's heart, thus indicating the close relationship of man and woman. The real essence of the story is that man and woman were made for each other, that woman is bone of his bone and flesh of his flesh. In the Genesis account, Eve is elevated to Ethereal beauty and lofty dignity. Milton, in his ''Paradise Lost,'' has called her Queen of the Universe and fairest of the fair.

Throughout all the ages of mankind's existence on this Earth, some of the most vivid personalities have been those of women—such as Sarah, Rebekah, Rachel, Hannah, and Mary, the Mother of Jesus—even with such women as Jezebel and Potiphar's wife. Many of the women depicted in the scriptures exerted great influence over their husbands, over kings, and over nations. Many of the women remain nameless and some appear in groups under such headings as daughters, wives, mothers, widows. We are told of Lot's wife, the woman who looked back, and 15 words in the Old Testament tell her story—one brief, dramatic record that placed her among the well known women of the world. The 15 words are, ''But his wife looked back from behind him, and she became a pillar of salt.''

Then there is Jochebed, the mother of Moses—Hebrew lawgiver, statesman, and leader—and her name rises up today, some 35 centuries later, as one of the immortal mothers of Israel.

Miriam is the first woman in the Bible whose interest was national and whose mission was patriotic. She was the brilliant, courageous sister of Moses, and when she led the women of Israel in that oldest of all national anthems, ''Sing unto the Lord,'' four centuries of bondage in Egypt had been lifted. It was a turning point in Israel's religious development, and a woman led in its recognition. Miriam is the first woman singer on record. The wonder of it is that she sang unto the Lord, using her great gift for the elevation of her people, who, with her, exalted over their escape from their enemies.

The first women to declare their rights on the death of their father were the five daughters of Zelophehad: Mahlah, Noah, Hoglah, Milcah, and Tirzah. Their father, a Manassite, had died in the wilderness, and the daughters explained that he was not in the company of Korah, who had rebelled against Moses. Because their father had not died, therefore, for any cause that doomed their family or their inheritance, they declared that they were clearly entitled to what he had left. This happened at a critical time with Israel. A new census had been made, preparatory to an entrance into the Promised Land. The new land would be distributed according to the census taken before Israel departed from Egypt for the Promised Land. The daughters of Zelophehad had been numbered among all those in the tribes who either were 20 years of age or would be 20 by the time the land actually was distributed, but they knew that under existing customs, they would have no property rights, even in the new land. What did they do? They marched before Moses and stated their case publicly. In order to be fair in the settling of the daughters' case, Moses went before God, a God of justice and right, and the great lawgiver came back and declared: ''The daughters of Zelophehad speak right; thou shalt surely give them a possession of an inheritance among their father's brethren; and thou shalt cause the inheritance of their father to pass unto them.'' Moses wrote a new law which stated: ''If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter.''

The daughters of Zelophehad had filed one of the earliest reported lawsuits on record. In the American Bar Association Journal of February, 1924, there was an article in which this decision of the daughters of Zelophehad is quoted. It is described as an ''early declaratory judgement in which the property rights of women marrying outside of their tribe are clearly set forth.'' The decision handed down in this time of Moses was a great victory for these five daughters. At last a woman had rights, because these five women had declared theirs and had had the courage to fight their case through with the authorities.

The only woman in the Bible who was placed at the height of political power by the common consent of the people was Deborah. Though she lived in the time of the ''Judges,'' some thirteen centuries before Christ, there are few women in history who have ever attained the public dignity and supreme authority of Deborah. She was like Joan of Arc, who 27 centuries later, rode in front of the French and led them to victory over the English.

One of the most lovable women in the Bible is Ruth, and her abiding love embraces the person one might least expect it to—her mother-in-law, Naomi. Ruth was not only an ideal daughter-in-law, but she was also an ideal wife and mother. Her story, which finally culminates in her marriage to Boaz, a man of influence, is one of the most beautiful romances in the Bible.

Then there was the woman of Endor, to whom King Saul went in desperation, and she foretold his death. The King James version of the Bible, which is the only version of the Bible that I will read, calls her ''A woman that hath a familiar spirit.'' Some modern writers have dubbed her the ''Witch of Endor.'' Lord Byron has called her the ''Phantom Seer.'' Kipling gives one of the most vivid portrayals of all in these lines:

> Oh, the road to Endor is the oldest road
> And the craziest road of all.
> Straight it runs to the witch's abode
> As it did in the day of Saul,
> And nothing has changed of the sorrow in store
> For such as go down the road to Endor.

The first reigning Queen on record who pitted her wits and wealth against those of a king was the Queen of Sheba. She came to Jerusalem from her kingdom in Southwestern Arabia to investigate all that she had heard about Solomon, Israel's wisest and wealthiest king. She worked out a trade zone demarcation and alliance with Solomon, and Solomon's commercial expansion followed after her visit. She was one of many rulers from far and wide who sought to learn about Solomon's wisdom. Others sent Ambassadors, but she

was the only one to go herself, traveling a 1,200-mile journey by camel caravan. She was a courageous, resourceful woman. The Queen of Sheba lives on now, nearly 30 centuries since her visit, as a woman whose spirit of adventure and whose resourcefulness, courage, and curiosity have not been surpassed by any queen in history. She certainly had a sense of good public and international relations which is unparalleled among many of the national leaders of today.

Esther is the central figure in what is one of the most controversial books in the Old Testament, because not once does the name of God appear in that book. But its significance and importance to Jewish history stems from the fact that it has become a patriotic symbol to a persecuted people of the ultimate triumph of truth and justice. And the courage of Esther becomes the dominating factor in the salvation of her people. Though the author of the book of Esther is not known, historians confirm the fact that he showed an amazingly accurate knowledge of Persian policies and customs, and critics place his work among the masterpieces of literature. Like many great characters in history, Esther makes her first appearance as one of the humblest of figures, an orphan Jewess. But 4 years later, she rises to the position of a queen of amazing power—a power which she manages to use wisely. The ancient writer's estimate of Esther's importance to the story becomes apparent, for in this short Bible book, Esther's name appears 55 times. The name of no other woman in the Bible is recorded so often.

The setting is placed in the sumptuous palace of the Persian Empire during the time of Artaxerxes II, who reigned 404–358 B.C. I shall not relate this fascinating story here today, but Esther had a strong belief in prayer, and she went before the king to intercede on behalf of her people. As she made ready to appear before the king, one of the most courageous assertions made by a woman in the Bible is credited to Esther. She said: ''So I will go in unto the king, which is not according to the law; and if I perish, I perish.'' Here is a woman who had not only high courage but also sincere faith and devotion to the cause of her people. She had received a message from her cousin Mordecai, placing upon her this great responsibility. He said: ''Who knoweth whether thou art come to the kingdom for such a time as this?''

Mr. President, challenging words these were for a young, inexperienced queen, and they have come down to us through the centuries, and may be considered applicable to us in the face of the challenges of our own time.

It was Mary Magdalene who was the first to see Christ's empty tomb, and she was the first to report to the disciples the miracle of the resurrection, the greatest event the Christian world has ever known. Certain of Christ's disciples followed Mary Magdalene to the sepulcher. John went in first and gazed in silent wonder at the open grave, and then Peter came and saw that the grave was empty and that the linen cerements were lying neatly folded in the empty sepulcher. Mary Magdalene, possessing a woman's sensitivity and able to believe even what eyes cannot behold, returned to the tomb and looked inside, where she saw two angels in white sitting there, the one at the head and the other at the feet, where the body of Jesus had lain. Strange it was that the first word spoken inside the empty tomb should be ''Woman.'' And then there followed the angel's question: ''Why weepest thou?'' Mary Magdalene answered, ''Because they have taken away my Lord, and I know not where they have laid him''. Then she turned, and Jesus stood before her. Not until he spoke her name, ''Mary,'' did she recognize that he was Jesus. Her lonely watch by the grave in the early morning had been an evidence of her faith. Because of her faith, she became the first witness to the resurrection of our Lord and Savior, Jesus Christ.

Lydia was a business woman, a ''seller of purple,'' and probably one of the most successful and influential women of Philippi, but more than that, she was a seeker after truth, and thus she became Europe's first convert to Christianity. Her house became the first meeting place of Christians in Europe. Lydia will ever stand among the immortal women of the Bible, for she picked up that first torch from Paul at Philippi and carried it steadfastly. She was one of many to spread the Gospel of Jesus Christ through Europe and then farther and farther Westward, and it became brighter as the centuries unfolded.

One of the most influential women in the New Testament Church was Priscilla, a Jewess who had come out of Italy with her husband Aquila, who lived first at Corinth and later at Ephesus. They had left Rome at the time when Claudius, in his cruel and unjust edict, had expelled all Jews. It is recorded that she and her husband were tent makers. The Apostle Paul stayed with them at Corinth. She became a great leader in the church at Corinth and at Ephesus and later at Rome. In the latter two places, she had a church in her home. Christians honor her today because she served God ''acceptably with reverence and godly fear'', and because she was not ''forgetful to entertain strangers; for thereby some have entertained angels unawares.'' Priscilla, let us not forget, had entertained a stranger, Paul, and from him had learned to strive to be ''perfect in every good work . . . working in you that which is wellpleasing in his sight, through Christ Jesus.''

Mr. President, I shall close my brief comments on the women of the Bible, by referring to the time when Christ sat at the house of Simon the leper, and there came a woman having an alabaster box of ointment of spikenard. She broke the box and poured the precious ointment on the head of our Lord. Some of those persons who observed this were very indignant and asked the question, ''Why was this waste of the ointment made? For it might have been sold for more than three hundred pence, and have been given to the poor.'' And so they murmured against the woman, but Jesus said, ''Let her alone. Why trouble ye her? Ye shall have the poor with you always, and whensoever ye will, ye may do them good; but me, ye have not always.'' Jesus said, ''She hath done what she could; she is come aforehand to anoint my body to the burying''. Jesus went on to say that weresoever his gospel would be preached throughout the whole world, this act of kindness which the woman had done, ''shall be spoken of for a memorial of her.'' And so it is, that I am here today, twenty centuries later, speaking on the Senate floor about this nameless woman who gave of her treasured possession to honor Him who was about to die. And, as Jesus foretold, this display of reverence and adoration by this nameless woman, shall be told and retold through all of the centuries to come.

Mr. President, one could speak volumes about the women of the Bible or the great Roman matrons or the women of ancient history or the women of the middle ages, and women of our own times. There is much to be said, for example, through words of praise concerning the women who have been associated with our own institution, the United States Senate—Members, as well as workers who have labored faithfully, day after day, year after year, in the service of the Senate. And it is such women, many of whom will always remain nameless, who, through the years, and throughout all the parts of the globe, have been the real pillars of civilization.

I rise today to pay tribute to just such a worthy person—a true professional, a staffer of such talent, energy, and engaging personality that she is known throughout the Senate community simply by her first name—Abby. Abby Saffold has been a school teacher, a case worker, a legislative correspondent, a legislative secretary, chief clerk of a Senate subcommittee, a legislative assistant, a Floor Staff Manager, Secretary for the Majority (a post to which I appointed her in 1987), and now Secretary for the Minority. She is the first female to ever hold the post of Secretary for the Majority.

In short, Abby has done it all, and done it all very, very well. Few staffers, indeed, few members, possess her grasp and understanding of the workings and the purpose of the institution of the United States Senate. Her knowledge of legislative strategy, her managerial ability, and her negotiating prowess are all well known and greatly appreciated by everyone who has ever had the pleasure of working with Abby.

She is really unexcelled when it comes to an intuitive sense of this Senate and its machinations. Abby is the literal personification of the wonderful ability to maintain great grace under extraordinary pressure—the true mark of the professional.

Few individuals understand the great personal sacrifice routinely made by the legislative floor staff here in the Senate, on both sides of the aisle. Unpredictable schedules, long hours, intense pressures, time away from loved ones at important moments, broken engagements with friends and family—all are experienced to some degree by senior Senate staffers, but no one group experiences these demanding and trying disruptions with more frequency than the Senate floor staff.

These positions, in particular, demand extreme dedication, steady nerves, alert and facile minds, hearty constitutions, patience, and a deep and abiding love for, and dedication to, this institution and the important work it must perform. Never was there a better example of that dedication than C. Abbott Saffold. She is in every way a marvel, with the ability to perform difficult and demanding duties, always with a pleasant demeanor and unequaled coolness under fire.

I would be less than honest if I did not admit that Abby's decision to leave us causes me considerable sadness, because she is so much a part of the Senate family. In many ways, I cannot imagine the Senate without her. I know that for many months after her departure, I shall search in vain for her familiar cropped head and her friendly grin in the Chamber, only to have to remind myself once again that she has gone.

I offer her my heartfelt congratulations on an outstanding Senate career, and on her service to her country. Certainly I wish her blue skies and happy days as she begins her well-earned retirement time. But, I cannot deny that I regret her leaving. I shall miss her friendship and her always sage advice. As Paul said of two women Euodias and Syntyche—both eminent in the church at Philippi—''They labored with me in the gospel,'' so I say to Abby: ''You labored with me in service to the Nation.'' For me, there will never be another Abby.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE REGULATORY REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 343, which the clerk will report.

The bill clerk read as follows:

A bill (S. 343) to reform the regulatory process, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment relative to small business.

Mr. ABRAHAM. Mr. President, I will shortly offer the Abraham amendment.

In essence, our amendment would ensure that Federal agencies periodically assess the utility of regulations that disproportionately impact small business.

I think it is critically important any regulatory reform bill take into account concerns of America's small businessmen and women.

At this time, I yield to the distinguished chairman of the Judiciary Committee as much time as he desires for comment.

Mr. HATCH. Mr. President, I thank my colleague, and would like to thank the distinguished ranking member of the Appropriations Committee, Senator BYRD, for his excellent remarks covering the women of the Bible as well as I have heard him cover on the Senate floor, and his tribute to Abby Saffold, who, of course, all Members have a great deal of respect for.

Mr. President, I intend to start each day in this debate—I may not fully comply—with the top 10 list of silly regulatory requirements.

I would pick a few at random today. Let me start with No. 10: Delaying a Head Start facility by 4 years because of the dimensions of the rooms; No. 9, forcing a man to choose between his religion and his job because rules do not allow workers to wear a mask over a beard—stupid rules, I might add, silly regulatory requirements; No. 8, throwing a family out of their own home because of painted over lead paint, even though the family is healthy; No. 7, fining a gas station owner $10,000 for not displaying a sign stating that he accepts motor oil for recycling; No. 6, reprimanding a Government employee who bought a new lawn mower with his own money but failed to go through the proper procedures; No. 5, citing a farmer for converting a wetland when he fills his own manmade earthen stock tank and made a new one, elsewhere on his property—on his own property, I might add. No. 4, failing to approve a potentially lifesaving drug, thus forcing a terminal cancer patient to go across the border to Mexico to have it administered; No. 3, prohibiting an elderly woman from planting a bed of roses on her own land; No. 2, fining a man $4,000 for not letting a grizzly bear kill him.

These are my top 10 list of silly regulatory requirements. No. 1: Requiring Braille instructions on drive-through ATM machines. We can see a lot of reason for that in our society today.

These are just a few of the reasons why we are here today. I intend to bring some more to the attention of Members as we continue to go on here. We all know the regulatory process is out of control. Regulators have an incentive to regulate.

Some regulations are not only counterproductive, they are just plain stupid, as some I have just mentioned. The status quo is not acceptable to the American people, especially if they get to know what is really going on in our society. And they all suspect the costs of regulation are mounting. Paperwork costs the private sector and State and local governments a small fortune. Compliance costs cost even a bigger fortune.

Regulation restricts freedom. What you can use your own land for, what medical treatment you can have or provide for your family, what your company is required to do, et cetera, et cetera.

It is especially onerous on small businesses. Regulatory reform is absolutely necessary to get the Federal Government off our backs. For economic flexibility and growth as well as to reform personal freedoms, we need to change the way in which the Federal Government regulates.

Regulatory reform is an essential part of making Government smaller. Regulatory reform will mean less Federal spending, lower Federal taxes, fewer Federal regulations, smarter regulations, and accountability on the part of those in the bureaucracy.

This bill is about common sense. I think most Americans would agree that our Federal Government is out of control and that the overregulatory system is eating us alive, especially in terms of the burdens it places on all Americans.

This bill simply requires that Government agencies issue rules and regulations that help, rather than hurt, people. It will require that the Federal bureaucracy live by the same rules that Americans have to live by in their own lives—you and I and everybody else. These rules are that the benefits of what you are telling people to do have to justify the cost.

The notion of common sense and accountability and rulemaking may be a radical idea inside the Washington beltway, but I believe that our fellow Americans are smothered in bureaucratic red tape in all aspects of their lives and they are pretty darned tired of the status quo.

This bill will not mean an end to safety and health regulations, as some of its critics would have you believe. All it will mean is that the people in Washington who devise such rules will have to ensure that the interpretations of those rules, or the rules themselves make sense. They will have to quit being the protectors of the status quo.

MYTHS AND FEARS: UNFOUNDED ATTACKS ON S. 343

In his first inaugural address, Franklin Delano Roosevelt inspired a nation beleaguered by the Great Depression with these calming words: ''We have nothing to fear but fear itself.'' Now

certain Democrats, representing the left of that great party and claiming to be the political heirs of Roosevelt, have turned 180 degrees. Instead of pacifying hysteria they are engaging in the worst form of fear mongering.

They content that regulatory reform will either overturn 25 years of environmental law or roll-back environmental, health, or safety protection. They also claim that passage of this bill will clog the courts, allow judges to second-guess scientific findings, delay needed rulemaking, and require the creation of a new bureaucracy of thousands.

Nothing could be further from the truth. Indeed, the root of the hysteria of the left is not a concern over the protection of health, safety, or the environment, but a concern over the loss of power. The liberal agenda has usurped power to the Federal agencies, which have become the left's biggest constituency. Real regulatory reform, such as S. 343, you see, will whittle away at the excesses of the modern centralized administrative state. It will force the bureaucracy to rationalize and make more cost-effective its rules and regulations. It will shift power back from Washington to the grass roots of the people. It will transform bureaucracy into democracy.

This bill is a commonsense measure. It simply requires Federal bureaucrats to ask how much a rule will cost and what the American people will get in return. Passage of this bill, in fact, will foster the protection of health, safety, and the environment by assuring that the American taxpayer will get more bang for the buck. It does so by mandating that the costs of regulation must justify the benefits obtained and that the rule must adopt the least costly alternative available to the agency. This will assure more efficient regulations, ultimately saving taxpayers hundreds of millions of dollars. Actually, billions of dollars.

Let me address certain myths arising from the fear campaign of the opponents of S. 343:

Myth No. 1: The bill will overturn or rollback environmental protection or health and safety laws. That is pure poppycock. Section 625 of the bill, the decisional criteria section, makes clear that the cost-benefit and risk assessment requirements supplement existing statutory standards. Thus, there is no supermandate that overturns statutory standards, such as the recently passed House regulatory reform bill. Instead, S. 343 works much the way the National Environmental Policy Act does. Where NEPA requires agencies to consider environmental impacts, S. 343 requires agencies to consider cost of the regulation. Neither statutory scheme overturns existing health, safety, or environmental standards.

So, forget about myth No. 1. It is phony. It is a lie.

Myth No. 2. They say cost-benefit analysis is unworkable because we cannot quantify benefits. In fact, one of these far-left liberal outrageous groups compared a cost-benefit analysis with what happened under Hitler's regime.

It is hard to believe that we would have that in this day and age, from groups that claim to be representing the public.

Let us just forget that myth, because opponents of S. 343, although they claim that the cost-benefit analysis requirement in the bill requires that costs and benefits be quantified, their argument is that benefits, such as clean air or good health, are too subjective to be quantified. As a result, benefits will be understated and rules consequently will not adequately protect health, safety, or the environment. That is their argument.

There is only one problem with this argument: S. 343 explicitly states that agencies must consider qualitative—as well as quantitative—factors in weighing costs and benefits, Section 624 even goes so far as to allow agencies to select a rulemaking option that is not the least costly if a nonqualitative consideration is important enough to justify the agency option.

Myth No. 3: The requirements for cost-benefit analysis and risk assessments will harm health, safety, and the environment by delaying implementation of needed regulations. This is simply not true. S. 343 contains emergency exemptions from cost-benefit analysis and risk assessments in situations where regulations need to be enacted to prevent immediate harm to health, safety, and the environment. Furthermore, agency actions that enforce health, safety, and environmental standards, such as those concerning drinking water and sewerage plants, simply are not covered by the Act.

In any event, the cost-benefit analysis and risk assessment requirements are hardly novel. Under orders on regulations that go back to the administration of President Ford, most agencies must already perform cost-benefit analyses for numerous rulemakings and many agencies, such as EPA, already conduct risk assessments as a routine matter. What this bill will do is to assure that cost-benefit analyses are done for all rulemakings and that risk assessments are based on good science.

Myth No. 4: The agency review and petition process will open up all existing rules for review and this will grind all agency activities to a halt. The agency review and petition process will have no effect on reasonable regulations. Only those regulations imposing unreasonable costs without significant benefits and rules based on bad science are likely to be modified or repealed. I might ask what is wrong with that?

Moreover, not all rules must be reviewed. Only major rules, which have an expected effect of $50 million on the economy need be reviewed. And the agencies have 11 years to review these rules. This is more than ample time to review rulemakings. As to the petition process, to be successful in having a petition to review a rule not on a review schedule granted, the petitioner must demonstrate a reasonable likelihood that the existing rule does not meet the decisional criteria section. In other words, that the rule would not be cost-effective if the rule was promulgated under the standards set forth in the bill. This is an expensive proposition, for the petitioner must do a cost-benefit analysis to demonstrate this point.

Ultimately, with regard to the petition process, it simply boils down to whether one thinks that the status quo is acceptable or not. Understandably, defenders of the status quo are horrified at the prospect that perhaps something ought to be done about rules already in existence whose costs to the American people are greater than the benefits that result. I disagree, of course, with that attitude.

Myth No. 5: The judicial review provision will create scores of new cause of actions clogging the courts and would allow judges to second guess agency scientific conclusions. Section 625 of the bill makes clear that judicial review of a rule is to based on the rulemaking file as a whole. Noncompliance with any single procedures is not grounds to overturn the rule unless the failure to follow a procedure amounts to prejudicial error—which means the failure would effect the outcomes of the rule. Thus, section 625 would not allow for courts to nit-pick rules. Moreover, section 625 requires courts to employ the traditional arbitrary and capricious standard, a standard which requires courts to show deference to agency factual and technical determinations. This prevents courts from second, guessing agency scientific findings and conclusions.

I would also note that it is ironic that those who oppose the judicial review provision of S. 343 on the grounds that it will clog the courts are the same people who oppose meaningful legal reform.

Why? Because they want these lawsuits to continue everywhere else. They just do not want the American people and individual citizens and small businesses to be able to sue to protect their rights against an all-intrusive Federal Government which is over-regulating them to death.

Myth No. 6: Implementation of the bill would require a new bureaucracy of thousands. First of all, many agencies, such as EPA, already perform cost-benefit analyses and risk assessments. This is because of the existing executive order that requires such analyses for rules effecting the economy at $100 million. According to an EPA source, ''[o]ne big misconception about these bills is that risk assessments and cost-benefit analysis requires a lot more work than has routinely been done at EPA.'' Second, the requirement for peer review panels to assure good science and plausible estimates for risk assessments, will not significantly hinder the promulgation of rules. Peer review only applies to risk assessments

that form the basis for major rules—having the effect on the economy of $50 million annually—or major environmental management activities—costing $10 million.

I just wanted to get rid of some of these myths about this bill. I am sick and tired of articles written, like the one in the New York Times, that have no basis in fact. As a matter of fact, I think this is one of the most hysterical displays by the far left that I have seen. And it is even worse than the ''People For The American Way'' full-page ad against Judge Robert Bork that had some, as I recall, close to 100 absolute fallacious assertions in it that they never once answered after I pointed them out.

Mr. JOHNSTON. Will the Senator yield?

Mr. HATCH. I will be happy to yield.

Mr. JOHNSTON. One of the myths put out about the so-called Dole-Johnston amendment is that it contains a supermandate. That is, that the present requirements of law—for example, on the Clean Air Act, when it sets standards, for example, of maximum achievable control technology or the other specific requirements of law—that somehow those are overruled by this bill.

Would the Senator agree with me that the language is very clear in saying that does not happen under this bill? To quote the language, it ''supplements and does not supersede the requirements of the present law.'' And, in fact, other language in the bill specifically points out that there will be instances where, because of the requirements of present law, you cannot meet the tests of the risk justifying the cost? The benefits justifying the cost? And, in other words, the requirements of present law, under the instant Dole-Johnston amendment, would still be in effect and would not be overruled by this bill? Would the Senator agree with me?

Mr. HATCH. I agree 100 percent with the distinguished Senator from Louisiana, who has coauthored the bill along with Senator DOLE and others here. Section 625 of this bill, the decisional criteria section, makes clear that the cost-benefit assessment requirements supplement existing statutory standards.

Mr. GLENN. Will the Senator yield——

Mr. HATCH. Thus, there is absolutely no supermandate.

Mr. GLENN. For a parliamentary inquiry? I wanted to straighten out the time. It was my understanding the time, starting at 2 o'clock, was to be divided equally among proponents and opponents of the bill. The Senator from Michigan—it was my understanding the time so far, the time of the Senator from Utah, had come out of the time of the Senator from Michigan? Is that correct?

Mr. HATCH. That is correct. I have used too much of this time, so I yield back my time.

Mr. GLENN. I know they were preparing a unanimous-consent request to that effect. We do not have that yet. But it was my understanding that those were the rules we were operating under. I just wanted to make sure everyone agreed to that.

Mr. HATCH. Mr. President, I ask unanimous consent a factsheet I have with me be printed in the RECORD at this point, as well.

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

S. 343: RESPONSIBLE REGULATORY REFORM THAT PROTECTS HEALTH, SAFETY AND THE ENVIRONMENT

S. 343 DOES NOT OVERRIDE EXISTING HEALTH, SAFETY AND ENVIRONMENTAL LAWS

Sec. 624(a)—Cost-benefit requirements ''supplement and [do] not supersede'' health, safety and environmental requirements in existing laws.

Sec. 628(d)—Requirements regarding ''environmental management activities'' also ''supplement and [do] not supersede'' requirements of existing laws.

S. 343 PROTECTS HUMAN HEALTH, SAFETY AND THE ENVIRONMENT

Sec. 622(f) and Sec. 632(c)(1)(A)—Cost-benefit analyses and risk assessments are not required if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

Sec. 624(b)(3)(B)—An agency may select a higher cost regulation when ''nonquantifiable benefits to health, safety or the environment'' make that choice ''appropriate and in the public interest.''

Sec. 624(b)(4)—Where a risk assessment has been done, the agency must choose regulations that ''significantly reduce the human health, safety and environmental risks.''

Sec. 628(b)(2)—Requirements for environmental management activities do not apply where they would ''result in an actual or immediate risk to human health or welfare.''

Sec. 629(b)(1)—Where a petition for alternative compliance is sought, the petition may only be granted where an alternative achieves ''at least an equivalent level of protection of health, safety, and the environment.''

Sec. 632(c)—Risk assessment requirements do not apply to a ''human health, safety, or environmental inspection.''

S. 343 DOES NOT DELAY HEALTH, SAFETY AND ENVIRONMENTAL RULES

Sec. 622(f) and Sec. 632(c)—Cost-benefit and risk assessment requirements are not to delay implementation of a rule if ''impracticable due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.''

Sec. 533(d)—Procedural requirements under the Administrative Procedures Act may be waived if ''contrary to the public interest.''

Sec. 628(b)(2)—Requirements for major environmental management activities are not to delay environmental cleanups where they ''result in an actual and immediate risk to human health or welfare.''

Sec. 801(c)—Congressional 60-day review period before rule becomes final may be waived where ''necessary because of an imminent threat to health or safety or other emergency.''

S. 343 DOES NOT PLACE A ''PRICE TAG ON HUMAN LIFE''

Sec. 621(2)—''Costs'' and ''benefits'' are defined explicitly to include ''nonquantifiable,'' not just quantifiable, costs and benefits.

Sec. 622(e)(1)(E)—Cost-benefit analyses are not required to be performed ''primarily on a mathematical or numerical basis.''

Sec. 624(b)(3)(B)—An agency may choose a higher cost regulation when ''nonquantifiable benefits to health, safety or the environment'' dictate that result.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, it was my understanding that when the Senator from West Virginia concluded and we began discussion on the regulatory reform bill, that there would be 2 hours of time equally divided between myself and Senator GLENN; and that the time for Senator HATCH's statement—I did yield to him—was to come out of my time.

I agree with that. I would like to know how much of my hour remains at this point.

The PRESIDING OFFICER. The time is 30 minutes remaining.

Mr. ABRAHAM. Mr. President, I do not think that is correct. I believe Senator HATCH spoke for 30 minutes.

Mr. HATCH. Mr. President, I ask unanimous consent that the time yielded to both sides on this matter will have begun at 1:15.

Mr. GLENN. Mr. President, reserving the right to object, would this then mean that the time certain that was established for a vote later this afternoon at 5:15 would have to be set back in accordance with that?

The PRESIDING OFFICER. Not necessarily.

Mr. GLENN. Then, Mr. President, something has to give here because we were supposed to have a certain time set aside for Senator NUNN, which I believe was 2 hours—2 hours for Senator ABRAHAM and 2 hours for Senator NUNN; is that correct?

The PRESIDING OFFICER. Originally, that would have been 2 hours on the first amendment and 2 hours and 15 minutes on the second.

Mr. GLENN. What would be the timing on the vote this afternoon if we agreed to the proposal made by the Senator from Utah?

Mr. ABRAHAM. Mr. President, I object to the proposal of the Senator from Utah in that the Senator from West Virginia did not conclude his remarks until 1:25 p.m. We were to start at 1:25. I would have no objection in calculating based on that.

The PRESIDING OFFICER. The Chair will announce that the bill was laid down at 1:20 and that the next amendment would be laid down at 3 o'clock pursuant to the previous order.

Mr. HATCH. Parliamentary inquiry: As I understand, there was supposed to be 2 hours of debate. That should not begin until 1:20. That means that there should be 2 hours from 1:20.

The PRESIDING OFFICER. The previous agreement was that the amendment by the Senator from Michigan could be laid down at 1 o'clock with no other time agreement, and that the other aspect of the agreement was that the amendment could be laid down by

the Senator from Georgia at 3 o'clock with votes beginning at 5:15.

Mr. HATCH. Then I suggest, and I ask unanimous consent, that the 2-hour time limit on this first amendment begin at 1:20 and that the 2-hour-and-15-minute time limit begin on the second amendment at 3:20.

I withdraw my unanimous-consent request.

Mr. GLENN. Mr. President, I suggest we proceed. We are wasting a lot of time on this. Let us just proceed. If we need extra time at the end, which I doubt that we will, then we can take appropriate action at that time. Otherwise, let us proceed and hope we can hit the 3 o'clock deadline anyway, if that is all right with the Senator from Michigan.

Mr. ABRAHAM. Very well.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment.

AMENDMENT NO. 1490 TO AMENDMENT NO. 1487

(Purpose: To ensure that rules impacting small businesses are periodically reviewed by the agencies that promulgated them)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. DOLE, Mr. KYL, and Mr. GRAMS, proposes an amendment numbered 1490.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(a) on page 27 line 13, strike ''subsection'' and insert ''subsections''; and

(b) on page 27 line 13, after ''(c)'', insert ''and (e)''; and

(c) on page 30, before line 10, insert the following:

''(e) REVIEW OF RULES AFFECTING SMALL BUSINESSES.—(1) Notwithstanding subsection (a)(1), any rule designated for review by the Chief Counsel for Advocacy of the Small Business Administration with the concurrence of the Administrator of the Office of Information and Regulatory Affairs, or designated for review solely by the Administrator of the Office of Information and Regulatory Affairs, shall be included on the next-published subsection (b)(1) schedule for the agency that promulgated it.

''(2) In selecting rules to designate for review, the Chief Counsel for Advocacy of the Small Business Administration and the Administrator of the Office of Information and Regulatory Affairs shall, in consultation with small businesses and representatives thereof, consider the extent to which a rule subject to sections 603 and 604 of the Regulatory Flexibility Act, or any other rule meets the criteria set forth in paragraph (a)(2).

''(3) If the Administrator of the Office of Information and Regulatory Affairs chooses not to concur with the decision of the Chief Counsel for Advocacy of the Small Business Administration to designate a rule for review, the Administrator shall publish in the Federal Register the reasons therefor.''

Redesignate subsequent subsections accordingly.

Mr. ABRAHAM. Mr. President, the amendment I have proposed with the majority leader and other Senators would ensure that the concerns of America's small businesses are not overlooked or ignored during the regulatory review process that S. 343 would establish.

We need some type of meaningful regulatory review process because, quite simply, the utility of a regulation may change as circumstances change. The fact that a regulation withstood cost-benefit analysis at the time of its promulgation provides no assurance that it remains cost-effective 5 or 10 years later. A review process with teeth, however, would ensure that regulations remain on the books only so long as they remain cost-effective.

Section 623 of the regulatory reform bill appears at first glance to address the need to review periodically the cost-effectiveness of existing regulations. Agencies would be required to publish a schedule of regulations to be reviewed. Regulations on the schedule would be measured against the cost-benefit criteria in section 624 of the bill. And, although the agency might have more than 14 years to conduct its review of a regulation, the regulation would terminate if the agency failed to complete its review of it within the time allowed.

As currently drafted, however, section 623 contains a significant loophole. Whether a regulation is subject to review under section 623 depends, at least in the first instance, on whether the agency chooses to place the rule on its review schedule. This amounts to the fox guarding the henhouse.

Under the bill's current language, the only way to add a regulation to the list of rules chosen by the agency is to present the agency with a petition that meets the extremely demanding standard set forth in the bill. It likely would cost hundreds of thousands of dollars to hire the lawyers and technical experts needed to prepare such a petition. Small businesses by their very nature do not have such large resources at their disposal. Thus, under the current language of section 623, agencies potentially could overlook or even ignore the needs of small businesses.

Mr. President, small businesses are too important to our economy to let that happen. Small businesses are the engines of job creation in our Nation. From 1988 to 1990, small businesses with fewer than 20 employees created 4.1 million net new jobs, while large businesses with more than 500 employees lost over 500,000 net jobs during the same period. It comes as no surprise, then, that 57 percent of American workers are employed by a small business. Thus, when we overlook the needs of small businesses, we put American jobs in jeopardy.

And when it comes to reducing the burden of regulations, the needs of small businesses are particularly acute. The hidden tax of regulatory burdens is highly regressive in nature: According to the U.S. Small Business Administration, small businesses' share of regulatory burdens is three times that of larger firms.

There are a number of commonsense reasons for this fact. First, unlike big businesses, small businesses cannot spread the costs of regulation over a large quantity of product sold to the public. Since the regulatory costs borne by small businesses are thus concentrated on a relatively small quantity of product, those costs have a disproportionate impact on the cost of goods and services sold by small businesses. Put simply, the advantages of economies of scale apply to regulatory costs just as they do to other costs of doing business.

A second reason why regulations hit small businesses especially hard is that small businesses simply cannot afford to hire the lawyers, consultants, and accountants needed to comply with the paperwork requirements that inevitably attend regulatory mandates.

When it comes to small businesses, the agencies' avalanche of paperwork falls not on an accounting or human resources department but, rather, on a hard-working entrepreneur who often lacks the time or expertise necessary to cross all the T's in the manner the agency has commanded.

The magnitude of this burden truly cannot be overstated. The Small Business Administration estimates that small business owners spend almost 1 billion hours per year filling out Government forms. An example illustrates the point. Recently, a small construction company inquired about bidding on a modest remodeling project at a post office in South Dakota. In response to that inquiry, the owner of the company received no less than 100 pages of bidding instructions. Needless to say, Mr. President, a 100-page book of bidding instructions might as well state on its cover that ''small businesses need not apply.''

In short, Mr. President, given the importance of small businesses to our economy and their disproportionate share of the cost of regulations, we need to ensure that S. 343 contains a regulatory review process that is responsive to the concerns of small businesses.

Our amendment would meet that need by empowering the chief counsel for advocacy of the Small Business Administration, also known as the ''small business advocate,'' to protect the interests of small businesses during the regulatory process.

Under our amendment, the advocate would be permitted to add regulations that hurt small businesses to the list of regulations that the agencies themselves have chosen to review, in accordance with the office at the White House known as OIRA.

The advocate would do so pursuant to a simple process. First, the advocate would consult with small businesses concerning the burdens that regulations impose on them. Next, the advocate would consider criteria such as the extent to which a regulation imposes onerous burdens on small businesses or directly or indirectly causes them not to hire additional employees.

On the basis of such input and criteria, the advocate would designate regulations for review. If the administrator of OIRA then concurred in the advocate's designation of a rule for such inclusion, at that point the rule would be added to the list of regulations the agencies have chosen to review. Additionally, if OIRA itself chose to designate a rule for review, that rule could be added to the agency's list.

Our amendment thus would be a small business counterpart to the petition process available to larger firms. Just as through the petition process high-priced lawyers and consultants would ensure that regulations impacting big businesses are not overlooked as regulations are reviewed, so, too, would this process ensure that regulations, the heavy costs of which are borne by small businesses, are not ignored in the regulatory review process.

This task falls squarely within the advocate's mission. Created by a 1976 act of Congress, the advocate's mission is to ''counsel, assist and protect small business,'' thereby ''enhancing small business competitiveness in the American economy.''

Pursuant to this mission, the advocate ''measure[s] the direct costs and other effects of Government regulation on small businesses and make[s] legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of small businesses.'' The advocate also administers the Regulatory Flexibility Act, which has afforded it additional experience in assessing the impact of regulations on small businesses.

In fact, by allowing the advocate to designate rules for review, our amendment merely builds on the foundation laid by the Regulatory Flexibility Act. Under that act, the advocate reviews agency analyses of the likely impact of proposed and final rules on small businesses. Thus, under our amendment, the advocate's role in reviewing regulations will be very similar to its role in promulgating regulations.

In summary, Mr. President, small businesses need an advocate in the regulatory review process. For too long, small businesses have been left at the mercy of Federal agencies. Our amendment will ensure that small businesses' concerns are considered in a manner that reflects their contribution to our economy.

That is why the National Federation of Independent Businesses has scored our amendment as a key vote in its rating system.

In the end, Mr. President, our amendment will lead to more efficient regulations for small businesses and more jobs for American workers.

Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, I wonder if the Senator from Michigan will yield a few minutes to me on his amendment.

Mr. ABRAHAM. Mr. President, I yield to the Senator from New Mexico such time as he shall need.

Mr. DOMENICI. Do we have enough time for me to ask him——

The PRESIDING OFFICER. The Chair should note that time is not controlled at this point.

Mr. GLENN. Mr. President, you say time is not controlled?

The PRESIDING OFFICER. Time is not controlled at this point.

Mr. DOMENICI. On this amendment.

Mr. GLENN. Mr. President, parliamentary inquiry. The discussion we had a little while ago resulted in no agreement. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, will you advise me when I have used 10 minutes, please.

Mr. President, the Federal regulatory process, from everything we can determine from our constituents and in various and sundry meetings across this land and in our States, is simply out of control. Federal regulations affect in a very real way every man, woman, and child in America.

The cost of Federal regulations, however, has been estimated to be as high as a half trillion dollars a year, $500 billion. Even the most conservative estimates of the cost of Federal regulations show that the cost of regulations has a profound impact on American citizens.

A recent Washington Post article reported that regulations ultimately cost the average American household about $2,000 a year. I believe one of the main reasons these regulations cost Americans so much is that often they are not generated in an efficient and commonsense manner. That does not mean we do not need regulations, but we need efficient and commonsense regulations.

The sheer volume of regulations proposed and finalized by Federal agencies every year is staggering. For example, the registry, that is, the Federal Register, in 1994 alone runs a total of 68,107 pages. They take up an entire storeroom of space in my office as we attempt to follow them.

Mr. President, how can anyone, no matter how earnest or diligent, comply with all of these? In my State, small business makes up about 85 to 90 percent of the employers. From my standpoint, I have suspected that they felt unrepresented and put upon, and about 2 years ago I established a small business advocacy group. We held field hearings on an informal and voluntary basis, and almost all the small business owners that I talked to and spoke with, the people who create almost all the jobs in our State, told me just how smothering this explosion has become.

I would like to read a letter from one of my constituents in this regard, a small businessman in northwestern New Mexico, Mr. Greg Anesi. He is the president of a small business in our State called Independent Mobility Systems which makes equipment for the handicapped. His business employs quite a few handicapped people. And Mr. Anesi wrote to me to tell me exactly how crushing simply preparing the paperwork required by regulations has become to his small business. The letter states:

> When we consider hiring additional employees, we are limited by the fact that the more people we employ, the greater the regulatory costs and the burdens.

Further, this crushing regulatory inefficiency can and does have a very damaging impact on the environment and on human safety because it diverts limited financial resources from the most pressing of environmental problems. The book called ''Mandate for Change'' reports that in 1987, ''a major EPA study found that Federal Government spending on environmental problems was almost inversely correlated to the ranking of the relative risks by scientists within the agency.''

One way to solve the problem is to use best available science when making regulatory decisions about the environment and human safety. I have been a champion of that, and last year in fact I attached the amendment to the Safe Drinking Water Act. That amendment would ensure that the best available peer-review science was used when promulgating safe drinking water standards.

Nor is the use of good science in environmental decisionmaking a partisan issue. In this same book, which I hold up, ''Mandate for Change'', which President Clinton endorsed as a book which tries to move us toward a better future, on page 216 there is a specific call to ''expand scientific research on, and use of, risk assessment as part of a national effort to set environmental priorities.'' I am happy to see that S. 343 has incorporated environmentally conscious, good science concepts in its assessment provisions.

Another way to solve problems of inefficient Federal regulations is to make sure that agencies consider the costs and the benefits of the regulations they promote. I understand that will be a matter of very significant debate on the floor, what standard with reference to costs and how will costs and benefits relate one to the other.

Again, I do not believe cost analysis is a partisan issue. Every President since Richard Nixon, including President Clinton, has required cost-benefit analyses before rules are promulgated. Unfortunately, Federal agencies are not performing these analyses as well as they should. The fact that both S.

343 and Senator GLENN's regulatory reform bill contain cost-benefit sections show that both Democrats and Republicans agree on this point. Perhaps there is some disagreement as to how one would apply the costs and the concept of benefits in determining whether or not the costs were justified is still in order, and we will debate that.

Mr. President, the Abraham amendment to S. 343 allows for agencies to put an existing regulation on a list of meaningful cost-benefit reviews. The problem with the bill's current language is that there are only two ways for a regulation to be put on this list. First, it is up to the agency to choose to put an existing regulation on the list for review, while allowing the agency to do this sort of thing rather than forcing them to is exactly the problem we are trying to address with these bills. Second, an interested party can petition to get an existing rule on the list but only if that party can show that the rule is a major rule.

Showing that a rule costs the national economy $50 to $100 million can cost the interested party thousands of dollars. That is one of the problems. Small business does not have thousands of dollars to prove that the national economy will be influenced $50 to $100 million. When the interested party is a small business, that cost is simply out of reach no matter how ridiculous the existing regulation might be.

Mr. President, that is why I support the Abraham amendment. This amendment will empower the chief counsel for advocacy at the U.S. Small Business Administration, in concurrence with the administrator of the Office of Information and Regulatory Affairs, to add regulations to the agency's list which have significant impact on small business. This amendment, therefore, would allow the small businessman, the little guy, the small business owner, a real opportunity to make sure that Federal agencies actually perform the cost-benefit analysis that everyone says should be done but that everyone agrees are too often ignored in practice.

So, Mr. President, I compliment the Senator who has had to modify his amendment, as I understand it, to include OIRA, the administrator of the Office of Information and Regulatory Affairs, and some might think under certain circumstances that might not be the best. But I think over time, when you combine the small business advocacy office and the administrator of the Office of Information and Regulatory Affairs in the executive branch, over a period of time I think this amendment has a chance for small business to get some of their concerns on the list—that is, on the list to be reviewed—rather than it being as difficult as the base bill, S. 343, would provide.

I hope the amendment is adopted, and I thank the Senator for offering the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I want to make some remarks on the bill itself and then some remarks specifically on the amendment by the distinguished Senator from Michigan.

I firmly believe that this is one of the most important bills that we will take up this year. That probably comes as a surprise to a lot of people who think regulatory reform is pretty dry, arcane, and is about like watching mud dry, as far as interest goes. It is what we termed in the past a MEGO item, ''my eyes glaze over'' when you bring it up. That is about the interest that it will generate with a lot of people, because it is not debating B–2 bombers or the M1A2 tanks, or something like that. It deals with the nitty-gritty of rules and regulations, how they get published, why they are necessary, and so on.

Lest anyone think we have a lot of bureaucrats just sitting over on the other side of town dreaming up rules and regulations to put out on their own volition, that is not the way these things happen.

We pass laws in the Senate and in the House of Representatives and we send them over to the President. The President signs them. Then they go to the agencies to have the rules and regulations written that implement them, that let them be put into effect, that make them practical so they can go out and affect everyone, literally, in this country—businesses, organizations, individuals, families, children, elderly. Everyone is affected by many of these rules and regulations.

If we did a better job in the Congress, I think perhaps we would find less necessity for rules and regulations over in the agencies and the Departments. If we want to see the major problem area, we ought to look in the mirror, because what we do is too often see how fast we can get legislation out of here. We do slapdash work on it here, send it over and then we are somehow surprised that the agencies and the people doing the regulation writing do not do a better job, and then we are all concerned about why they did not do a better job when we did not do a good enough job in directing them in what they are supposed to do.

Having said that, some 80 percent of the regulations written are required to be written by specifics of legislation passed in the Congress. So we bear heart and soul a lot of the blame on this thing. But the importance of rules and regulations cannot be denied. It is what makes them applicable across the country.

Let me say this. I do not think there is a single Senator that I know of who thinks we should just go along with the status quo. The administration started a review of this whole area 1½ years ago, and they already cut out a lot of rules and regulations. They are in the process of doing more of that right now. So the Senate is interested, the House of Representatives is interested, the administration is interested, and it is that important. We are united on the need to make some changes. So this is not a partisan thing across the aisle on the need. The question is how we go about this.

Let me go back a few years to 1977. The Governmental Affairs Committee, of which I am a member—I was not chairman at that time. Later on I was chairman of the committee for 8 years. Senator ROTH chairs the committee now. But back in 1977, we had what was really a landmark study. It was a landmark study on regulatory reform. It resulted in OMB and OIRA changes, the establishment of processes there. It was an open process. So we had an interest through the years on these matters.

In this year, we had four hearings on the bill in committee. It was bipartisan in support in that committee. We deliberated, we considered everything everyone wanted to consider, and we had a 15–0 vote when that came out of committee. There was agreement on it, and it was a bill of balance.

I think we focused on many of the very central issues, and I will get to those in just a moment. But the bill that we have as S. 291 that has not been introduced here—of course, we are dealing with S. 343, the bill proposed by the majority leader—but that bill we passed out of committee, the Roth bill—and the bill which we would have as an alternative, S. 343, now is basically S. 291 that came out of committee, with just three changes. Those three changes are: A major rule would be defined as one having a $100 million impact per year. No. 2, if an agency fails to review the rules within 10 years, there would be no sunset. In other words, an administrator in an agency could not deliberately let it run beyond the time period and automatically have laws and rules sunset without congressional action. And No. 3, the difference between this and S. 291, as originally voted out of committee, is there is a simplified risk assessment process to comport with the National Academy of Sciences guidelines on risk assessment.

Those are the only three differences. This is a bill that was voted out of committee 15–0. We find ourselves in a position where we have several differences between what was provided in the bill out of committee and what the majority leader has proposed with S. 343. No. 1, the decision criteria, the test whether an agency can promulgate a regulation.

S. 343 proposes a least-cost basis. The bill voted out of committee proposed a cost-effective basis. There is a big difference between least cost and cost effective.

Another area of difference is that of judicial review. Under judicial review there are some major differences as to what would be judicially reviewable; in other words, what you can file suit in court on.

Another difference is the $100 million threshold. S. 343 has a $50 million threshold, which drastically increases the number of bills that would have to be considered.

Another difference is the petition process.

Another is the sunsetting, as I mentioned a moment ago.

Another is how we do risk assessment.

The effectiveness of regulatory flexibility is another.

If the agencies have done their job or have not done their job.

The lack of sunshine, openness, a requirement for openness in our legislation.

Of course, there is the area of specific interest fixes, and whether we, as proposed in S. 343, knock out Delaney or toxic release emissions requirements, inventory requirements that every community should have knowledge of.

These are some of the differences in the legislation between what we voted out of committee and the legislation the majority leader brought to the floor.

Let me talk about the cost-benefit analysis as a tool and not a statutory override. Now, there is substantial difference of opinion on this. Regulatory reform, we feel, should build on our health and safety accomplishments, while applying better science and economic analysis. Regulatory reform on its own and without any other consideration should not override existing environmental safety and health laws.

There seems to be a difference here. But in discussions about S. 343, there has been a refusal to include language that in the event of a conflict between a law—the Clean Air Act, for example—and the new standards in this bill that the law would govern. That is a major difference. I know we say we are in agreement on that. But the language that would spell that out very specifically has been difficult to come by up to now.

There are other statutory overrides in this bill, like the sunset of current regulations if an agency did not act to rewrite or renew them. There would be 10 years to review a petition process, and if it was not reviewed, the bill, according to S. 343, would sunset, would go out of existence.

There is also what could be considered a rewrite of Superfund and the Reg Flex Act. What they have in S. 343 is if the cleanup is worth more than $10 million, or will cost more than $10 million, there needs to be a new analysis of even work in process. I know there is a lot of work going on. But it is my understanding that that is still the intent of the bill.

Under the cost-effective regulations, regulatory reform should result in regulations which are cost effective. S. 343 requires agencies to choose the cheapest alternative, not necessarily the one which provides the most bang for the buck. Here is an example: If a $2 increase in the cost of a bill would result in the saving of 200 lives, to make a ridiculous example, the least cost would not permit that extra $2 expenditure.

Another area of interest: No special interest fixes. Congress should enact reforms of the regulatory process, not fixes for special interest. S. 343, as brought to the floor, rewrites the toxic release inventory which gives people the right to know what toxic substances have been released in their communities. It repeals the Delaney clause against additives in cosmetics with a substitute. It delays and increases costs of ongoing Superfund cleanups and prohibits EPA from conducting risk assessments to issue permits to even such things as cement kilns and others allowing them to burn hazardous waste.

So those are some of the areas. We have others. Better decisionmaking, not a regulatory gridlock is what we are after also. Regulatory reform should streamline rulemaking. It should not just be a lawyer's dream opening up a multitude of new avenues for special interests to tie up the process.

The bill, as brought to the floor, allows courts to review risk-assessment and cost-benefit procedures and to reopen peer review conclusions. It creates numerous petition processes for interested parties. These petitions are judicially reviewable and must be granted or denied by an agency within a time certain and these petitions will eat up agency resources and allow the petitioners, not the agencies, to set agency priorities.

Now, a very major difference also is the reasonable threshold. The new requirements should be applied wisely where the cost of conducting the analysis are justified by the benefits. But S. 343 sweeps into the new process an unwarranted number of regulations because it would, I believe, flunk its own cost-benefit test, because it provides for a threshold of $50 million, where the bill we brought out of the Governmental Affairs Committee, that Senator ROTH brought out, has a $100 million threshold, which means even then somewhere 400 to 600 reviews are going to have to be conducted per year. And cutting that $100 million standard in half, with no evidence that the extra taxpayer dollars needed to comply would be spent effectively.

In other words, how many can we really do effectively? That is the question. I think if we went to the $50 million threshold, we would probably find the agencies being swamped. We are going to spend a lot of dollars making no progress, as far as the accomplishment of regulatory reform.

Last, but certainly not least, is sunshine. Regulatory reform should be open and understandable to the public and regulated industries. It should be sunshine in the regulatory review process.

S. 343 as brought to the floor has no sunshine provisions to protect public participation and prevent secrecy in regulatory review. I can say this, going back a few years, when we had the Council on Competitiveness and a few things like that, we certainly need the sunshine provision. I think most people here would probably agree with that.

Mr. President, the rules and regulations that we are talking about involve every child in this country, every family, the milk you drink, the meat you eat, transportation, safety, water, air, all of these are things that will be affected by this legislation. That is the reason that I say it will be one of the most important bills that we bring up this year.

I do not want confrontation on these things. I think the press has continued to play it mainly as confrontation. I do not like that, particularly because we are talking about working out cooperative methods and working out compromise on this so we can get a good bill for the whole country. We all stand here united on the need for regulatory reform. So I think it is important that we try and work as many of these things out as possible.

Now, with specific regard to the proposal made by the Senator from Michigan, I know his original proposal was one that I was prepared to oppose. But he has modified that proposal. I think after we have checked with some of the people involved on our side or wanted to be involved on our side, we may be able to accept the amendment over here. The amendment, as originally proposed, while well-intentioned, I think, would have added to special interest lobbying, would have delayed Government decision and frustrated effective regulatory reform. The amendment would have allowed a single official, and not even the Administrator of SBA but the chief counsel for advocacy, to determine any rule, any reg, to be put on the list for agencies. Agencies would have been forced to put these rules on just with one person's say-so. And that could have been any existing rule he or she might have chosen. I did not favor that approach to it because I think we had adequate protection in the bill in S. 343 and S. 291 both to cover that. We had adequate procedures that would have covered that without giving one person, in effect, what would be a czar's authority over all rules and regulations which already have to be reviewed for small business under the Regulatory Flexibility Act, which is required for agencies to evaluate the impact of proposed rules on small businesses and to consider less burdensome, more flexible alternatives for those businesses.

Both the Glenn-Chafee bill and S. 343, the one before the Senate, also strengthen the Regulatory Flexibility Act by providing judicial review of agency regflex decisions.

I think that is the right thing to do. I think both bills cover that. Trying to tighten up regflex is one thing, but creating a whole new set of powers for the Small Business Administration would be quite another thing.

I know the Senator has modified his proposal to say that now, instead of the chief counsel for advocacy at SBA being able to determine on his or her own that these things must be considered by the particular agency or department involved, he has said now that first they have to recommend these up to the Office of Information and Regulatory Affairs in the Office of Management and Budget, which is the office OIRA, that normally passes on these things.

It is our understanding that would be an adequate stopgap, an adequate monitor, a governor, if you will, or a sieve, to sort out what might be frivolous or might not be frivolous.

It is my understanding that the OMB, then, in the amendment as now proposed, would be able to stop that procedure if they wanted.

I ask my distinguished colleague from Michigan if that is his intent now, that once the SBA counsel has submitted this to OIRA, we could turn it down and that would be the end of it.

Mr. ABRAHAM. The Senator from Ohio is correct, I think. Our understanding is, with some changes which we made prior to introducing the amendment here today, it was to provide sort of a fail-safe to ensure that the concerns that the Senator from Ohio has expressed about the possibility of having the advocate of the Small Business Administration move into areas that were of negligible importance, that might be extraordinarily burdensome to the agencies, to provide a type of a fail-safe by requiring concurrence—in other words, approval—also, by the Administrator of OIRA.

Mr. GLENN. I was curious as to why the Administrator of the Small Business Administration was not the authority that would pass on these things to OIRA, or make the decision, rather than taking a subordinate officer and, in effect, elevating that officer for a greater authority than the Administrator has in being able to send things off for review at a different place.

Mr. ABRAHAM. I will say we felt, of the various responsibilities at the Small Business Administration, the advocate's office is, in effect, a somewhat independent figure whose principal responsibility under current law would seem to be very consistent with the responsibility of trying to protect small businesses with regard to promulgation of new regulations.

We thought that was the logical place to impose this responsibility. Also, the mechanism seemed to exist to do some of the study that is entailed in putting forth these recommendations.

We thought that this semi-independent status of the advocate, combined with the authorities already given it, were ones that justified and supported the notion of allowing that.

Mr. GLENN. I thank my colleague.

As I said earlier, at the appropriate time, after I have had a chance to check with a number of people on our side interested in the legislation, we may be able to accept. I, personally, think it is OK now as far as putting OIRA on as sort of a governor or place in which these can be judged before they would be sent to a department or agency. I would personally be prepared to accept it.

We would like to check with a few more people. I yield the floor.

Mr. JOHNSTON. Mr. President, I rise in support of the Abraham amendment. I congratulate the Senator for, first, his concern about small business, which is a concern of all Members on regulations; second, for having an appropriate screening mechanism to prevent the agency overload.

Agency overload, Mr. President, is one of the principal problems with this bill. We are all in favor, at least everyone that I have heard, says they are in favor of cost-benefit analysis, says they are in favor of risk assessment. The question is, do we give the agencies more work than they can do and overload their capacity to do it?

In its original form, the Abraham amendment might well have been subject to that criticism in that any rule on a look-back which the advocate designated would go into the workload of the agency.

However, in the form that the Senator from Michigan has proposed, there is an appropriate screen because the head of OIRA would have to concur with that judgment, which would ensure, I believe, that those rules which have a major effect on small business would be included in the workload, as they should be, but that we could prevent the agency overload.

Mr. President, I think this is an excellent amendment which will presently protect small business on the look-back.

If I may speak for a few moments on the pending bill and on the Glenn substitute, which the Senator has spoken about, there are a number of differences, Mr. President, and I believe that the pending bill, the so-called Dole-Johnston amendment, is a much better bill in terms of accomplishing the control over a runaway agency.

Mr. President, the Senator from Ohio [Mr. GLENN] states that under the Dole-Johnston bill, there would be a judicial review of the procedures in the risk assessment management; and under the Glenn substitute, there would not be that review of procedures.

Mr. President, exactly the opposite is true under the language proposed. Under the language of the Glenn substitute, it states specifically that any regulatory analysis for such actions shall constitute part of the record and shall, to the extent relevant, be considered by a court in determining the legality of the agency action.

The risk assessment protocol is included as part of the record and shall be considered by the court—shall be considered by the court—in determining the legality of the agency action.

Now, what does legality mean, Mr. President? Legality can only mean, in my judgment, the legality as measured by section 706 of the Administrative Procedure Act. If it does not refer to section 706, there is not, within the Glenn amendment, a separate rule for testing and determining legality.

Now, what does section 706 say? Section 706(D) refers to the procedures, and that any rule which the reviewing court shall hold unlawful and set-aside agency actions which are ''without observance of procedure required by law.'' ''* * * without observance of procedure required by law.''

There is nothing, Mr. President, in the Glenn substitute, to say that section 706(D) does not apply. That is the only thing that legality can mean.

Now, when we get into a further discussion of what the Dole substitute shows, we will have a blowup of the language and make this clear.

Mr. President, exactly the opposite is true. That is, Senator GLENN says that his amendment would prevent the review. We say it not only permits it, but requires it. And that, under the Dole-Johnston pending amendment, it prevents any such review by saying that, ''failure to comply with the subchapter may be considered by the court solely for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion.''

Mr. President, another serious deficiency of the substitute is that there is no enforceable petition process on the Glenn substitute, no enforceable petition process—no enforceable look-back process.

Oh, there are words in there about you can adopt it—you have the petition process as provided for under the present law. But what does that amount to? I mean, if all you get is the petition process under the present law, you get nothing. That is what this bill is all about. What happens when you have an oppressive regulation, of which there are many, which did not follow a risk assessment protocol, which did not involve scientists or ignored the scientists, which is exorbitantly expensive, and which you want to take a look at?

Effectively, there is almost nothing you can do about it, because there are no standards by which you can seek that petition and get it reviewed. And, under the Glenn substitute, they simply take the present law and say: Whatever you do under the present law, we are not going to disturb. There is no look-back process that is enforceable. None at all. What it says is that you shall look back at these, all these regulations, within 10 years, or you may request to extend that up to 15 years. But what happens if you do not do it? It says you shall institute a rulemaking under section 553. What does that mean? It means you submit a notice of proposed rulemaking, which can

go on forever, and which in turn is not enforceable. That is the problem today. What happens when you can not get an agency to act? You have no recourse at all.

Some of these agency actions are absolutely ridiculous. Two years ago I first proposed a risk assessment. And the reason I did was we found in some of the rules which come before the Energy Committee, which I chaired at that time, that these costs were out of control. We could not figure out why it was, for example, that the cost of analyzing the Yucca Mountain waste site—the costs of characterizing that site—had gone up a hundredfold—a hundredfold—from $60 million to $6.3 billion. And we said, Why could this be? How can the cost of just determining, in this case a site for storage of nuclear waste, whether that site is suitable—not the building of the site, just determining whether that site is suitable—how could those costs have gone up from $60 million to $6.3 billion?

One of the things we found that they had done was adopted a rule where they had ignored their own scientists, absolutely ignored what the scientists had told them. They did not know what it was going to cost. The rule had no basis in health or safety. It was going to cost $2.1 billion to comply with and there was nothing anyone could do about it.

The Glenn substitute takes that same attitude, which is to say: Do not worry about it. You are fully protected under the present rules. We are not going to give you a right to go to court. We are not going to give you a right to enforce a petition process. We are not going to give you a right to have an enforceable look-back process. We are going to leave it as under present law, and under present law all you have to do is file your notice of proposed rulemaking and that is all you have to do. You cannot enforce and require the agency to proceed with that rulemaking.

So we will have a lot to discuss about this question of the two bills. There are improvements which need to be made, to be sure, in the Dole-Johnston substitute. One of those, which I hope to propose and have agreed to, and I have some confidence that we will be able to do so, is to take the CERCLA provisions—that is the Superfund, or environmental management procedures—out of this bill. I think they ought to be considered separately. Almost everybody agrees that you need to use risk assessment principles in determining cleanup when you have Superfund sites, but that it would better be done in a separate bill, reported out of the Environment and Public Works Committee in the Senate. And I believe there is a desire on the part of that committee to proceed with that. I think we ought to take those provisions out.

I also hope at the appropriate time we can increase the threshold amount from $50 to $100 million. Again, that relates to this question of overload. Because, just as Senator ABRAHAM has so wisely provided a screen to have a check on the amount of overload coming from consideration of small business matters, we need a screen to lift that bar a little higher, from $50 to $100 million. There is going to be a lot of work to be done under risk assessment and under cost-benefit analysis. There is a lot of work to be done. We do not want to overload the agencies.

So, Mr. President, I quite agree with Senator GLENN when he says that this is a very, very important bill. I am delighted there is, I believe on the part of all parties—myself and Senator DOLE, Senator GLENN, Senator HATCH, Senator ROTH, those who have been the leaders in this area—a desire to try to find a way to provide for an appropriate risk assessment and appropriate cost-benefit analysis.

I believe, with that desire of all parties, that we can work our will and get a good bill. But make no mistake about it, risk assessment, putting science as opposed to politics or emotion or prejudice or superstition—putting science back into the decision process and having a process that works, and that is required to be followed, a logical process—that tells the American taxpayer we are going to fully protect your health and safety but we are not going to foolishly spend money on things that do not relate to health and safety.

One final point about the Dole-Johnston amendment. My friend from Ohio, Senator GLENN, says that under our amendment you must take the least-cost alternative. Mr. President, that is simply not true. The bill very specifically states that where uncertainties of science or uncertainties in the data require a higher cost alternative, that you may do so. Or, where there are—actually, to give the language here, the language says, ''if scientific, technical or economic uncertainties or nonquantifiable benefits to health, safety, or the environment identified by the agency in the rulemaking record make a more costly alternative that achieves the objectives of the statute appropriate and in the public interest and the agency head provides an explanation''—that may be adopted.

So, Mr. President, what we say is you get the least cost alternative that achieves the objectives of the statute unless the science is uncertain, or the data are uncertain, in which event you can get a more costly alternative. Or you may make a more costly alternative if nonquantifiable benefits to health, safety, or the environment make that in the public interest. What does that mean? That means, if it would save more lives to do something else. How can you quantify the value of life? You cannot. But you can go to a higher cost alternative if those nonquantifiable benefits to health, safety, or the environment make another alternative more advisable.

But we say that, if you are going to go to this higher cost alternative because of these nonquantifiable benefits, or if there are uncertainties of science, then you must identify what those uncertainties are, or you must identify what those nonquantifiable benefits are, and then provide the least cost alternative that takes into consideration the nonquantifiable benefits.

So what we are saying is you may go higher, but you have to say why you went higher, and you cannot do it just because you want to or because it is politically attractive to do so or because some constituent group wants you to do it. You have to identify what it is that is uncertain or what it is that is nonquantifiable.

So, Mr. President, in closing, I will just say that the Abraham amendment, I think, is a good one now that both protects small business on the lookback procedures but provides the appropriate screen. Therefore, I support that amendment.

Mr. GLENN. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. Yes.

Mr. GLENN. I ask my friend from Louisiana. On this least cost versus cost effective, he talked about uncertainties. What if there are no uncertainties, if the science is good, everybody is agreed on that, and if all matters are quantifiable, lives may not be monetizable in dollar value but they are quantifiable on lives to be saved? I believe the way S. 343 is written now, even if only a $2 or a $20 expenditure would save 100 lives, you still have to go with the least cost unless there is some uncertainty about the scientific data.

Is that correct?

Mr. JOHNSTON. Mr. President, that is not correct. I think it is an excellent question. I think the problem with the interpretation of the Senator from Ohio is that he is putting a very tortured and incorrect definition of the term ''nonquantifiable benefits to health, safety and the environment.'' The value of the human life is by its nature nonquantifiable. I mean, you may say there are 10 lives. You can quantify it in that narrow sense. But that is not the sense in which this is meant. We are talking about values and benefits which are nonquantifiable. The value of breathing clean air is by its very nature nonquantifiable. How can you say when you go out on a beautiful, clear day where the temperature is just right, you feel good, how can you say that is worth $764 a week? You cannot. It is by its nature nonquantifiable. The health, safety, or the environment are by their nature nonquantifiable and, therefore, we have provided that.

But all we are saying is, if you as administrator are saying that you can save 10 additional lives, that you have to identify that as your reason for going to the more costly alternative, and if that was the reason, then you must take the least cost alternative that takes care of your 10 lives, that saves your 10 lives.

I hope I have made that clear to my friend from Ohio because it is a very key point.

Mr. GLENN. It is a key point. I think it is indicative of the kind of debate we are going to get into here on some of these specifics, the meaning of words and so on. It has to be something that will hold up in court, that is understood by the courts. And that is a real major problem on this whole bill. We spent days and many hours going through some of these word differences. This is one example of it that is going to be debated further as we get into this bill. I know basically we are on the Abraham amendment now.

Parliamentary inquiry. Does that run out at 3 o'clock?

The PRESIDING OFFICER. At 3 o'clock the Senator from Georgia will offer an amendment.

Mr. NUNN. Mr. President, will the Senator from Louisiana yield for 10 seconds?

Mr. JOHNSTON. Yes.

PRIVILEGE OF THE FLOOR

Mr. NUNN. Mr. President, I ask unanimous consent that Bill Montalto, of the House Committee on Small Business, be permitted floor privileges for the purpose of working on my amendment when it comes up.

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

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. First, Mr. President, I want to say how strongly I agree with my distinguished colleague, the senior Senator from Ohio, when he speaks about the need for a bipartisan approach to obtain regulatory reform. I want to say that I hope we can continue to work together as we did in the Governmental Affairs Committee to move forward legislation that accomplishes the goals that I think we all seek on both sides of the political aisle.

Mr. President, I want to congratulate Senator ABRAHAM for his contribution in offering this amendment. I strongly agree with him that there is no area of activity more adversely affected by some of the regulatory reform actions of the past than small business. I think we all agree that small business in many ways is the most important part of our economy as it is the primary area that results in growth in our economy and, most importantly, is the area where the majority of jobs are being created.

So, again, I want to congratulate the junior Senator from Michigan for his contribution in proposing this most important amendment.

This amendment would strengthen the lookback provisions of section 623. It would provide a mechanism for adding rules adversely impacting small businesses to the agency schedules for reviewing rules.

As the amendment was originally drafted, it would have allowed the Chief Counsel for Advocacy at the Small Business Administration to have sole discretion to add small business rules to the agency review schedules. To respond to concerns about political accountability and the need for standards in selecting rules for review, Senator ABRAHAM has revised his amendment. I believe this revision is a balanced solution to a very important problem.

One of my concerns was that, in providing this discretion solely to the Chief Counsel for Advocacy at the Small Business Administration, the original amendment was a delegation of an extraordinarily broad power. Since the Chief Counsel for Advocacy at the Small Business Administration is, as the Senator from Michigan pointed out, semi-independent in the same sense that inspectors generals are independent, it gave tremendous authority for this individual to take whatever action he or she thought was appropriate in requiring rules to be reviewed.

As revised, the Abraham amendment would ensure more political accountability regarding which small business rules are added to agency review schedules. Small business rules could be selected jointly by the Chief Counsel of Advocacy for the Small Business Administration and the Administrator of the Office of Information and Regulatory Affairs. Alternatively, the Administrator of OIRA alone could choose small business rules for review. This would ensure that the Administrator of OIRA, a politically accountable official who also understands the burdens on the agencies, will be involved in the process.

In addition, the revised amendment makes clear that the standards applicable to other rules selected for review apply to the small business rules. For example, the Administrator of OIRA and the chief counsel must consider, in selecting a small business rule for review, whether review of the rule will substantially decrease costs, increase benefits, or provide flexibility.

Mr. President, I believe that Government must be more sensitive to the cumulative regulatory burden on small business. As I said earlier, small business is, indeed, the backbone of America, a crucial provider of jobs, a wellspring of entrepreneurial innovation and a central part of the American dream.

And again I congratulate Senator ABRAHAM for his hard work to help America's millions of small businessowners, their employees, and their families. I urge my colleagues to support this amendment.

Mr. President, I yield back the floor.

Mr. ABRAHAM. Mr. President, I will be very brief. I would like to first thank the Senator from Delaware for his help, and providing this amendment has made it, I think, a stronger amendment, and I appreciate his judgment and guidance on these matters.

Mr. President, I would also say that the Abraham-Dole amendment has been strongly supported by all the Nation's major small business organizations, including the NFIB, the National Association for the Self-Employed, the Small Business Legislative Exchange Council, and the chamber of commerce, among others. I ask unanimous consent that those letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SUPPORT THE ABRAHAM-DOLE SMALL BUSINESS PROTECTION AMENDMENT TO S. 343

Government regulations constitute an enormous burden for small businesses. Therefore, periodic review and sunsetting of regulations which can become out-of-date, obsolete or excessively time-consuming and costly is a major priority for small business in the regulatory reform debate. Seventy-seven percent of NFIB members support reviewing and sunsetting regulations.

The intent of Section 623 of the Regulatory Reform bill is to make certain that regulations are sunsetted as they become obsolete. Regulations listed on review schedules published by the agencies would be measured against the cost-benefit criteria in section 624 of the bill.

Unfortunately, regulations would not be subject to review and eventually sunsetted unless the agency responsible for the regulation chooses to place it on the review schedule? That's almost like putting the wolf in charge of guarding the sheep.

If an agency doesn't put a regulation, which is particularly burdensome to small business, on the list for review the only recourse is to petition to have the regulation added to the review schedule. Petitioning will cost small business owners money—lawyers, consultants, researchers and others will have to be hired to prepare the petition in order to meet the high demands set forth in section 623.

The solution is the Abraham-Dole amendment. This amendment would empower the Chief Counsel for Advocacy at the U.S. Small Business Administration to add regulations to the agencies' review schedules which have significant impact on small businesses. The Advocate would seek input from small business men and women on regulations that need to be reviewed, would evaluate the suggestions from entrepreneurs and direct agencies to take proper action for reviewing those regulations. This amendment gives the only person in the Administration who is exclusively responsible with representing the special needs of small business the ability to ensure that regulations affecting them are not overlooked or ignored by agencies during the regulatory review process.

A vote is expected on the Abraham-Dole amendment after 5 p.m., Monday, July 10. This amendment has the strongest possible support from the National Federation of Independent Business. For more information contact NFIB at (202) 484–6342.

NATIONAL ASSOCIATION FOR THE SELF-EMPLOYED,
Washington, DC, July 7, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Building, Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the 320,000 members of the National Association for the Self-Employed, I am writing to support your amendment to S. 343, the Comprehensive Regulatory Reform Act of 1995.

Currently, S. 343 calls for sunsetting regulatins as they become obsolete. The various regulatory agencies would judge the regulations against the cost-benefit criteria outlined in S. 343, seciton 624. The agencies would then place the outdated regulations on a review schedule.

The Abraham/Dole amendment would grant authority to the Chief Counsel for Advocacy of the Small Business Administration to add regulations to the review list, thus ensuring that all regulations affecting small business can be reviewed in a timely manner.

We commend your efforts to give the Chief Counsel for Advocacy this important authority. The Abraham/Dole amendment would greatly benefit the small-business community.

Sincerely,

BENNIE L. THAYER,
President.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, July 6, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the Small Business Legislative Council (SBLC), I would like to offer our support for your amendment to the pending regulatory reform bill to ensure regulations that have an impact on small business are given a thorough review for ''cost-effectiveness'' after they have been ''on the books'' for awhile. We commend you for the initiative as it addresses just the kind of disadvantage at which small business always finds itself in the regulatory process.

As we understand it, the pending bill requires agencies to review regulations for cost-effectiveness if the agency puts them on a review schedule, or a private party petitions to have them on the schedule. As you have correctly recognized, the odds are that small businesses will not have the wherewithal to either identify such regulations or petition for their reconsideration. Giving the Chief Counsel for Advocacy for Small Business the right to select the rules for review seems to us to be a sensible, cost-effective alternative to assure small business access to the process.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of nearly one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

Sincerely,

JOHN S. SATAGAJ,
President.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America;
Alliance for Affordable Health Care;
Alliance of Independent Store Owners and Professionals;
American Animal Hospital Association;
American Association of Equine Practitioners;
American Association of Nurserymen;
American Bus Association;
American Consulting Engineers Council;
American Council of Independent Laboratories;
American Gear Manufacturers Association;
American Machine Tool Distributors Association;
American Road & Transportation Builders Association;
American Society of Interior Designers;
American Society of Travel Agents, Inc.;
American Subcontractors Association;
American Textile Machinery Association;
American Trucking Associations, Inc.;
American Warehouse Association;
AMT—The Association for Manufacturing Technology;
Architectural Precast Association;
Associated Builders & Contractors;
Associated Equipment Distributors;
Associated Landscape Contractors of America;
Association of Small Business Development Centers;
Automotive Service Association;
Automotive Recyclers Association;
Automotive Warehouse Distributors Association;
Bowling Proprietors Association of America;
Building Service Contractors Association International;
Christian Booksellers Association;
Cincinnati Sign Supplies/Lamb and Co.;
Council of Fleet Specialists;
Council of Growing Companies;
Direct Selling Association;
Electronics Representatives Association;
Florists' Transworld Delivery Association;
Health Industry Representatives Association;
Helicopter Association International;
Independent Bankers Association of America;
Independent Medical Distributors Association;
International Association of Refrigerated Warehouses;
International Communications Industries Association;
International Formalwear Association;
International Television Association;
Machinery Dealers National Association;
Manufacturers Agents National Association;
Manufacturers Representatives of America, Inc.;
Mechanical Contractors Association of America, Inc.;
National Association for the Self-Employed;
National Association of Catalog Showroom Merchandisers;
National Association of Home Builders;
National Association of Investment Companies;
National Association of Plumbing-Heating-Cooling Contractors;
National Association of Private Enterprise;
National Association of Realtors;
National Association Retail Druggists;
National Association of RV Parks and Campgrounds;
National Association of Small Business Investment Companies;
National Association of the Remodeling Industry;
National Chimney Sweep Guild;
National Electrical Contractors Association;
National Electrical Manufacturers Representatives Association;
National Food Brokers Association;
National Independent Flag Dealers Association;
National Knitwear & Sportswear Association;
National Lumber & Building Material Dealers Association;
National Moving and Storage Association;
National Ornamental & Miscellaneous Metals Association;
National Paperbox Association;
National Shoe Retailers Association;
National Society of Public Accountants;
National Tire Dealers & Retreaders Association;
National Tooling and Machining Association;
National Tour Association;
National Wood Flooring Association;
NATSO, Inc.;
Opticians Association of America;
Organization for the Protection and Advancement of Small Telephone Companies;
Petroleum Marketers Association of America;
Power Transmission Representatives Association;
Printing Industries of America, Inc.;
Professional Lawn Care Association of America;
Promotional Products Association International;
Retail Bakers of America;
Small Business Council of America, Inc.;
Small Business Exporters Association;
SMC/Pennsylvania Small business;
Society of American Florists;
Turfgrass Producers International.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, July 10, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the 215,000 business members of the U.S. Chamber of Commerce, 96 percent of whom have fewer than 100 employees, I urge your strong and active support for two amendments to be offered to S. 343, the ''Comprehensive Regulatory Reform Act of 1995.'' The Nunn/Coverdell amendment ensures that small businesses benefit from the broader protections of S. 343, and the Abraham/Dole amendment guarantees a voice for small businesses in the regulatory look-back process. To achieve meaningful reform for that segment of our society hit hardest by regulatory burdens—small businesses—these amendments are critical.

The Nunn/Coverdell amendment recognizes that there may be many instances where a regulatory burden on small businesses could be severe even though the $50 million threshold for a complete regulatory review has not been triggered. By deeming any rule that trips an analysis under the Regulatory Flexibility Act of 1980 a ''major rule,'' small entities will receive the protection they need and deserve from the extreme rigors they often experience from even the best-intentioned regulations.

To address the problems associated with the mountain of existing regulations and their impact on small entities, the Abraham/Dole amendment will boost the power of small businesses to benefit more effectively from the sunset provisions of Section 623 of S. 343. Small companies often need all of their people-power and resources simply to keep afloat. They do not always have the ability to petition federal agencies for review of particularly onerous existing regulations. By vesting within the Small Business Administration responsibility for ensuring that regulations that are particularly problematic for small businesses are not excluded from the regulatory sunset review process, small businesses can be assured that their proportional needs are always considered.

The Chamber hears regularly from its small business members that federal regulations are doing them in. Support for these two amendments will validate that their cries have been heard and acted upon. I strongly urge your support for both the Nunn/Coverdell amendment and the Abraham/Dole amendment.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ROOFING
CONTRACTORS ASSOCIATION,
Washington, DC, July 7, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: The National Roofing Contractors Association (NRCA) strongly supports the ''periodic review and sunsetting of regulations'' amendment that you and Majority Leader Dole will offer to Section 623 of the Comprehensive Regulatory Reform Act of 1995, S. 343.

As we understand it, the intent of Section 623 is to ensure that regulations are sunsetted as they become obsolete. However, a regulation would not be subject to review and sunsetting unless the agency that administers the regulation schedules it for review. This would allow agencies a disproportionate amount of discretionary power to pick and choose regulations for sunsetting.

The Abraham-Dole amendment would curb the potential for agency bias by enabling the SBA's Chief Counsel for Advocacy to add regulations which have a significant impact on small business to an agency's review schedule. This would be done with input from the small business community.

Earlier this year, NRCA testified in support of the Regulatory Sunset and Review Act of 1995, H.R. 994. A copy of our written statement, which discusses specific regulations, is enclosed. Please note that attached to the statement is the Wall Street Journal article, ''So You Want To Get Your Roof Fixed . . .''

NRCA is an association of roofing, roof deck and waterproofing contractors. Founded in 1886, it is one of the oldest associations in the construction industry and has over 3,500 members represented in all 50 states. NRCA contractors are small, privately held companies, and our average member employs 35 people with annual sales of $3 million.

Sincerely,

CRAIG S. BRIGHTUP,
Director of Government Relations.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I rise in strong support of the Dole-Abraham amendment and compliment my colleague from Michigan for his work in preparing this amendment. Obviously, it is going to be very popular. It is going to make a necessary improvement in the bill, which in its current form is a very good bill. But because small business is such an important part of our Nation's economy and because regulations can have a particularly pernicious effect on small businesses, because small businesses are not as well equipped as large companies are to hire the lawyers and the consultants and the other people necessary to deal with the red tape of Federal regulations, I think it is especially important that small businesses not be unduly negatively impacted by regulation, and therefore this amendment will certainly assist in this regard.

Small businesses are really the engine that drives our economy. In fact, from 1988 to 1990, small businesses with fewer than 20 employees created over 4 million new jobs in this country, and that was at the same time, Mr. President, that companies with more than 500 employees lost over 500,000 net jobs during that same period.

As I said, small businesses bear a disproportionate share of the burden of regulation. According to the Small Business Administration, small businesses' share of the burden of regulations is three times that of larger businesses.

Under the current language of section 623, a regulation would not be subject to review unless the agency chooses to place it on the review schedule or an interested party successfully petitions to have it added to the review schedule.

Since small businesses, as I noted, frequently do not have the same kind of resources to hire the lawyers and the consultants necessary to prepare a petition that would meet the demanding standards set forth in section 623, the bill's current language would allow agencies to refuse to review regulations that have a significant impact on small business. And that is where this amendment comes in. It is very important that agencies include in their review schedules any regulation designated for review by the chief counsel for advocacy of the Small Business Administration and OIRA. And that is the important point of this amendment.

In selecting regulations to designate for review, the advocate could seek input from small businesses and would consider criteria such as the extent to which the regulation imposes onerous burdens on small businesses or directly or indirectly causes them not to hire additional employees.

The amendment thus would create a small business counterpart to the petition process which is available to larger firms, with the advocate representing the interests of small businesses, just as the high-priced lawyers and consultants will represent, presumably, the interests of those larger businesses in that petition process.

And, of course, it has been noted why the advocate of the Small Business Administration is ideally suited to this task, because, according to the statute, and I am quoting now, its mission is to ''enhance small business competitiveness in the American economy.'' And the advocate ''measure[s] the direct costs and other effects of Government regulation on small businesses and make[s] legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of small business.''

As a matter of fact, the advocate also administers the Regulatory Flexibility Act which has afforded it additional experience in assessing the impact of regulations on small business.

So this amendment, Mr. President, would actually merely build on a foundation laid by the Regulatory Flexibility Act. Under that act, the advocate reviews agency analyses of the likely impact of the proposed and final rules on small businesses. So under the Abraham-Dole amendment the advocate's role in reviewing regulations would be very similar to its role in promulgating regulations.

Let me conclude with a couple points about concerns with this general approach, although, as I said, I think particularly with the amendment to the amendment that Senator ROTH spoke about a moment ago this should be a very popular amendment.

There was some question that it might be appropriate for there to be a limit on the number of regulations that the advocate could designate for review, but we think that under this process clearly agencies that choose to review regulations that hurt small business likely will not have many regulations added to their review schedule by the advocate. Those, of course, that ignore the concerns of small business could expect to have their review schedule expanded by the advocate, but that is part of the incentive which we are building into this amendment.

And second, there was a concern that really we ought to only be considering major rules; otherwise, we could clog the courts and clog the agency with an unnecessary workload.

It is true, of course, that the cost-benefit and risk-assessment requirements generally apply only to the promulgation of major rules, but many of the rules that hurt small business the most would not meet the cost threshold for major rules, and this is particularly true if the major rule threshold were to be raised from its current $50 million limit.

For example, the NFIB estimates that OSHA's widely criticized fall-safety rule would impose costs of $40 million annually, $10 million short of the $50 million major rule threshold. This rule would require employees, by the way, to wear an expensive harness with a lifeline attached to the roof any time that a worker works 6 feet or higher above the ground.

The negative impact of this rule on small businesses was the subject of an op-ed in the June 13, 1995, issue of USA Today. It is a good illustration of how even with a rule like this, which achieved a great deal of attention and would impose a significant cost on small contractors, it nonetheless would fail to meet that threshold requirement, and that is one of reasons why the kind of review called for in the Abraham-Dole amendment is not only appropriate but is really quite necessary.

So, Mr. President, I am sure that most of our colleagues will be in strong support of the Abraham-Dole amendment, and I certainly urge its adoption and would also indicate my strong support for the underlying bill.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I also would like to rise today as a cosponsor of the small business protection amendment to the Regulatory Reform Act.

The PRESIDING OFFICER. The Senator should be advised that under a

previous order, we are to turn to the amendment of the Senator from Georgia at 3 o'clock.

Mr. GRAMS. I ask unanimous consent to address the Senate for about 7 minutes.

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

Mr. GRAMS. Mr. President, again, I want to say I rise as a strong cosponsor of the small business protection amendment to the Regulatory Reform Act, and as a strong proponent of holding Government accountable to the taxpayers, I believe this amendment would make a good bill even better.

I also compliment the Senator from Michigan for all the work he has done in this area.

The negotiations that many of us have undertaken on the Regulatory Reform Act have been long and often painful, especially as we witnessed the watering down of rational provisions. The sunset provision has been one of those casualties.

But the small business protection amendment would strengthen the provision in the bill which cancels or sunsets regulations as they become obsolete.

Excessive Federal regulations and redtape impose an enormous burden on this Nation. Regulations act as hidden taxes which push up prices on goods and services for American households, dampen business investment and, ultimately, kill jobs.

What concerns me most, however, is that a large portion of Federal regulations do not have strong scientific merit to back up their enforcement. I am also concerned that we are currently prohibited from even conducting cost-benefit analyses on some of the extensive regulatory measures in this country. How can this Congress make well-informed decisions if we cannot even consider these types of options?

More than 2 years ago, as a new Member of Congress, the first sunset amendment I offered was to H.R. 820, and that was the National Competitiveness Act. I mention this because my goal was not to hinder our ability to compete in the international marketplace. On the contrary, with overregulation strangling our competitiveness abroad, my goal was simply to provide a framework for ensuring oversight and accountability and to get agencies to start setting standards to justify the funding that they now receive.

After this first sunset amendment, I offered several more to various House appropriations bills, and almost a dozen were passed into law with wide bipartisan support.

Let me remind you, Mr. President, that the concept of sunsetting regulations is not new. In fact, President Clinton's Chief of Staff, Leon Panetta, offered sunset legislation when he served in the U.S. House of Representatives.

So now we have the opportunity with a single piece of legislation to sunset regulations that have outlived their usefulness.

As the 1995 Regulatory Reform Act is currently written, regulations would be listed on review schedules published by the agencies. However, a regulation would not be subject to review unless the agency chooses to place it on the review schedule. If the agency does not place a particular regulation on the review schedule, an individual or a small business may petition that agency to do so. But this is not as easy as it sounds. The individual or small business must meet unreasonably high standards—standards so stringent that the average person would have to hire expensive lawyers and consultants just to figure out how to meet that criteria.

What the small business protection amendment would do is to require agencies to include on their review schedules any regulation designated for review by the chief counsel for advocacy of the Small Business Administration in concurrence with the OMB's Office of Information and Regulatory Affairs. This represents an important step toward alleviating the burden of outdated regulations and also ensuring the future health of our economy.

Big businesses already have a loud voice in the regulatory process because they have access to resources often out of the reach of small businesses. But small businesses create millions of new jobs every year, and this amendment would allow their voices to be heard as well.

Mr. President, I am sure that there is not a single Member of this body who has not been contacted by a constituent from their home State because of some absurd and outmoded regulation. And yet some of my colleagues will argue that strengthening the sunset measure in the Regulatory Reform Act would place an undue burden on the regulatory agencies, who would have to spend a lot more time reviewing and a lot less time regulating. I argue that is what regulators ought to do—that is, review and then retire regulations that are no longer needed and then to fix those that are not working.

The fact is that strengthening the sunset provision of the Regulatory Reform Act will have absolutely no impact on regulations which serve a useful and realistic purpose. It will not make our air dirty or our water unclean. It will not pollute our environment or jeopardize our health or our safety.

What this amendment will do is to enhance the accountability and oversight that regulators have to the taxpayers of this country—the people who must foot the bill for every rule and requirement imposed by the myriad of regulatory agencies.

Establishing a fair procedure by which regulations can be reviewed periodically to ensure and to maintain their effectiveness is just plain common sense. That is why I am proud to be a cosponsor of the Abraham-Dole small business protection amendment, and that is also why I urge my colleagues to give it their support today as well.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to speak briefly with respect to the Abraham-Dole amendment.

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

Mr. ABRAHAM. Mr. President, I would like to conclude my remarks. There does not appear to be anyone else at this point who wants to speak to the amendment.

I want to thank my colleague, the Senator from Minnesota, for his support on these matters pertaining to sunsetting regulations, as he already indicated, before this Congress took office, and I am sure he will continue his support in the process of putting together this amendment. His broad support for sunsetting regulations has been an important ingredient in our efforts to bring this particular amendment to the floor. I want to thank him for his remarks today.

As I said earlier, Mr. President, when I offered the amendment, I think that the bill we have before us has a system in place which will provide big businesses with a vehicle, a mechanism by which they can bring regulations up for review, because they will be in a position financially to afford the kind of technical cost-benefit studies and other types of inquiry necessary to present a petition that can be successful as it is considered.

Unfortunately, small businesses do not always enjoy that opportunity. It is also the case that regulations which cost $30 or $40 million that do not quite make it to the level which we consider major rules in this legislation, at the $30 or $40 million pricetag are very costly rules, very major rules from the standpoint of a small mom-and-pop business that is out there in America trying to survive.

So I think this amendment, as I said at the outset, strikes the proper balance between the need to place some constraints on how many regulations come up for review, on the one hand, and the legitimate needs of small businesses on the other to have their day in court.

My parents owned a small business for quite a long time. I know what they encountered as small business people, truly a mom-and-pop operation, in attempting to just sort out the demands that we in Washington placed on their business. Others come to my office all the time with similar expressions of concern. I believe this amendment gives the small business community a mechanism by which regulations that are costly to small businesses can be brought up for review, even if they are not initially placed on the list of rules to be reviewed by agencies, and be brought up for review without necessitating on the part of small businesses

who often will not be able to afford the expensive process that the petition system provides.

I think it will be an effective addition to this bill and I hope an effective way by which small businesses across this country continue to have their voice heard as they deal with Federal regulation in the future.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I know we have run over our time for this particular amendment, but I believe there is a small meeting still going on. I ask my distinguished colleague from Michigan if he had considered having the reporting authority for small business concerns be the Administrator of the Small Business Administration?

It is a little unusual to go down somewhere in the organizational chart of any agency or department and give a particular person the authority, no matter what their title or what their normal responsibilities are, to bypass all other rules, regulations, and administrative procedures for that particular department, to bypass the administrator of their department, even though the administrator might not agree with what he is going to propose, and bypass within the depths of an agency the administrator and go directly to OIRA.

Would it not make more sense if we really did this through the administrator as the first step on this process? Otherwise, you could come up with a situation where you have an administrator who really does not agree, and maybe for some very good reasons, as to the actions that will be taken by the counsel for advocacy. I ask, was that considered? If that was turned down, what were the reasons for not going that route of having the administrator represent his agency?

Mr. ABRAHAM. The concern the Senator from Ohio expressed was one that we took into account in the process of putting together the amendment originally. What we tried to balance was the responsibilities of the different officials in the Small Business Administration.

The reason that we felt this particular office was the appropriate place to vest this authority was because of two things. No. 1, the responsibilities of this office are expressly those of advocating the concerns of small businesses. With all due respect to the head of any agency, as far as their set of responsibilities goes, whether it is the head of the SBA or any of the other agencies of our Government, they have other considerations they must take into account, whether it is political considerations or considerations that have to do with budget needs or managerial duties. But this office was set up, as we interpreted it, in an exclusive sense to try to really be the advocate of the small business community of America. It is the one place in Government where that power has been authorized by Congress.

We felt, as a consequence, that there would be fewer countervailing types of considerations brought before the advocate than at the other offices of SBA. We thought, as a consequence, the advocate could perform their jobs freed of, and somewhat liberated of, some of the other countervailing responsibilities that an administrator or other agents of the SBA might have. That is how we reached this judgment.

I think it certainly would be my expectation that the advocate would consult with and discuss with the agency and with the SBA Administrator decisions regarding regulations put on the rule. We thought this office was the place where the least argument could be made, where political pressures, special interest group pressures, and so on, were not justifying actions, and that in fact this had a certain amount of independence and a specific amount of authority, as well as what I said earlier, some of the tools it will take to make these decisions, because it is part of the current responsibility of the office to examine regulations for reasons of promulgation. So it makes sense that this might be the place.

Mr. GLENN. I say to my colleague that I would certainly hope that in every case—as he said, the normal procedure would be that there would be consultation with the administrator.

Would it be acceptable to the Senator from Michigan to make it consultation and approval of the administrator before this matter was brought to OIRA?

Mr. ABRAHAM. At this point, I would not be in a position to make that change, I say to the Senator from Ohio. Because my mind is not fully closed on this, there are a number of people who participated in putting together this amendment initially, and I need to consult as to their feelings on this departure. I know a number of them earlier expressed the view that once we added the OIRA Administrator to the process in determining which regulations would be placed on the various agencies' lists, that we had satisfied any residual concerns which might exist as to having a person with a direct appointment and responsibility in the loop. I would need to go back and determine, I think, from some of the other people who are part of this, their receptive feeling to any change of that type.

Mr. GLENN. I would think we would get much more broad support if it had that arrangement in it. If this is such an unusual procedure, to say we go down within an agency and say we give that person responsibility for taking the basic function of that agency and making a review necessary by OIRA, or whatever else it might be—in this case OIRA—without the approval of the agency head—now, there are only two other places in Government that I am aware of where we do that. One is with the inspectors general, and we provide them considerable leeway. In fact, we require the inspectors general not only to report to their agency heads, we require them to give us those same individual reports because we feel if the IG's are so important in the work they do, that we give them specific authority to report outside the chain of command to the appropriate committees of Congress, in addition to reporting to their agency head—not to bypass completely, but in addition to reporting to the agency head.

The other place we do that is in the Chief Financial Officers Act, where the chief financial officers are required, by law, to report not only to their agency head but also to the appropriate committees of Congress.

Now, those are the only cases I know of where we authorize people, or require people, that if they want to take action, they are authorized to go outside the purview and outside the views of, and maybe the wishes of, their agency head, and do something that the agency head might not agree with.

So I think there is that problem. I would feel more comfortable, I guess, if we had the agency head required to be consulted. And if the report was still to go on to OIRA and the agency head objected, that reasons why the decision was made to go to OIRA over the objection of the agency head were made part of that report to OIRA, I do not know whether that was considered or not. But it seems that that would be a more normal procedure for what we want to do.

Mr. ABRAHAM. I do not want to express the suggestion that we have spent a huge amount of time considering the specific role of the head of SBA. But let me go back to the point as to why the chief counsel for advocacy was initially identified. That is, because in the reg flex language that is currently on the statutes, it states specifically in 602(b) that ''each regulatory flexibility agenda shall be transmitted to the chief counsel for advocacy of the Small Business Administration for comment, if any.''

In other words, because that was the way the statutes currently kind of vested authority for reg flex, we thought it was a sensible way to deal with it and was built more or less on that language. I think that was more the guiding notion that we used than any other particular consideration.

Mr. GLENN. Well, I say to my friend from Michigan that this is an enormously important position in that—I believe I state this correctly—all the rules and regulations being promulgated throughout Government are required to be submitted to SBA and be reviewed by SBA under reg flex, the Regulatory Flexibility Act. So everything that is going to occur in Government in the regulatory field is submitted to SBA specifically now, whether it is intended to cover big corporations, small or private businesses, individuals, or whatever. They, in effect, get a crack at them to make their comment.

This office of advocacy is the organization within SBA that looks at those. And so the recommendations that would be made to OIRA are potentially enormous in scope. All the rules and regulations promulgated by Government would have to go through that chain and could be kicked up to OIRA for whatever consideration they wanted to make. To take that out from under them—at least the oversight or the coordinated action of the administrator of SBA—is a mighty big step to make, and a mighty big important responsibility to give to that one person, whoever he or she might be in that office of advocacy.

So I think it would be better if it went in the other direction. We are still checking with some of the people interested in this on our side. We are way over on our time.

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

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

Mr. ABRAHAM. I ask unanimous consent that Senator NICKLES be added as an original cosponsor of the Abraham amendment No. 1490.

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

Mr. ABRAHAM. Mr. President, I ask unanimous consent that Senator HATCH, the Senator from Utah, be added as an original cosponsor.

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

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

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

Mr. HATCH. Mr. President, I strongly support the Abraham-Dole amendment, which would require agencies to include in their schedule to review existing rules, pursuant to section 623 of S. 343, any existing regulation that substantially affects small business as selected by the chief counsel for advocacy of the Small Business Administration.

Under section 623 as currently drafted, a regulation would not be subject to review unless an agency chooses to place an existing rule on the review schedule or an interested party is successful in having a petition to place a rule on the schedule for review.

Unfortunately, the petition process is costly and thus particularly burdensome to small businesses. Most small businesses do not have the resources to hire the attorneys, consultants, economists, or environmental experts, that may be necessary to prepare a petition that meets the exacting standards in section 624 necessary for granting a petition to review rules that are burdensome to small business.

This amendment will allow the chief counsel for advocacy of the SBA with the concurrence of head of OIRA to select rules to be put on the agency review schedule as a substitute for the petition process available to larger businesses with greater capital assets. It assures that the one official in the Administration exclusively responsible with representing the needs of small business will have authority to ensure that regulations burdensome to small business will be reviewed. In essence, the advocate will act as an ombudsman for small business.

The advocate, however, does not have unrestrained discretion to place existing rules on section 623's mandated review schedule. The advocate must seek the input from small business as to what burdensome rules to review and the amendment establishes criteria, such as whether the existing rule causes small business not to hire additional employees, to guide the advocate in selecting rules for review. I do not believe that the review schedule system will be overwhelmed by the addition of rules that burden small business. Under the Abraham-Dole amendment the advocate will cooperate with the responsible agency and OMB to assure the efficacy of the agency review process.

I urge my colleagues to support this amendment.

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. NUNN. 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. 1491 TO AMENDMENT NO. 1487

(Purpose: To provide small businesses improved regulatory relief by requiring that a proposed regulation determined to be subject to chapter 6 of title 5, United States Code (commonly referred to as the Regulatory Flexibility Act) will be deemed to be a major rule for the purposes of being subject to agency cost-benefit analysis and periodic review; requiring factual support of an agency determination that a proposed regulation is not subject to such chapter; providing for prompt judicial review of an agency certification regarding the nonapplicability of such chapter; and clarifying other provisions of the bill relating to such chapter)

Mr. NUNN. Mr. President, I apologize to my colleagues for my voice. Obviously, I am losing it, but I will do the best I can this afternoon.

Mr. President, I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. COVERDELL, proposes an amendment numbered 1491 to amendment No. 1487.

Mr. NUNN Mr. President, I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 14, line 10, strike out ''or''.

On page 14, line 16, add ''or'' after the semicolon.

On page 14, insert between lines 16 and 17 the following new subparagraph:

''(C) any rule or set of closely related rules, not determined to be a major rule pursuant to subparagraph (A) or (B), that the agency proposing the rule determines will have a significant economic impact on a substantial number of small businesses, pursuant to subchapter I;

On page 39, line 22, strike out ''and''.

On page 39, line 24, strike out the period and insert in lieu thereof a semicolon and ''and''.

On page 39, add after line 24 the following new subparagraph:

''(C) an agency certification that a rule will not have a significant economic impact on a substantial number of small entities pursuant to section 605(b).

On page 40, line 5, insert ''and section 611'' after ''subsection''.

On page 68, strike out all beginning with line 9 through line 11 and insert in lieu thereof the following:

''(A) include in the final regulatory flexibility analysis a determination, with the accompanying factual findings supporting such determination, of why the criteria in paragraph (2) were not satisfied; and

On page 72, insert between lines 14 and 15 the following new subsection:

(e) AMENDMENTS TO THE REGULATORY FLEXIBILITY ACT.—

(1) IMPROVING AGENCY CERTIFICATIONS REGARDING NONAPPLICABILITY OF THE REGULATORY FLEXIBILITY ACT.—Section 605(b), of title 5, United States Code, is amended to read as follows:

''(b) Sections 603 and 604 of this title shall not apply to any rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification, along with a succinct statement providing the factual reasons for such certification, in the Federal Register along with the general notice of proposed rulemaking for the rule. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.''.

(2) TECHNICAL AND CLARIFYING AMENDMENTS.—Section 612 of title 5, United States Code, is amended—

(A) in subsection (a) by striking ''the Committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''; and

(B) in subsection (b) by striking ''his views with respect to the effect of the rule on small entities'' and inserting ''views on the rule and its effects on small entities''.

On page 72, line 15, strike out ''(e)'' and insert in lieu thereof ''(f)''.

Mr. NUNN. Mr. President, this amendment assures that the Nation's

small business community will derive full benefit from the fundamental changes to the regulatory process proposed in S. 343.

The amendment accomplishes this goal by establishing a direct statutory link between the existing requirement to the Regulatory Flexibility Act of 1980 [RFA] and the requirements of S. 343.

Under the Regulatory Flexibility Act, whenever a Federal agency proposes a rule that is expected to have a significant impact on a substantial number of small entities, the agency is required to conduct a regulatory flexibility analysis, with opportunities for public participation, to minimize the expected burden.

The Nunn-Coverdell amendment would, No. 1, require that a proposed rule, determined to be subject to the RFA, be considered to be a major rule for the purpose of cost-benefit analysis and periodic review. But we exclude the comprehensive risk assessment required under S. 343.

No. 2, the amendment would require agencies to provide factual support for any determination that a proposed regulation would not have a significant impact on a substantial number of small businesses and is exempt from the Regulatory Flexibility Act.

No. 3, the amendment provides for prompt judicial review of an agency certification that the Regulatory Flexibility Act does not apply to a proposed rule.

This is a bipartisan amendment.

This amendment enjoys strong support within the small business community.

I ask unanimous consent that copies of letters from some of those who are supporting this amendment in the small business community be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC.

SUPPORT THE BIPARTISAN NUNN-COVERDELL AMENDMENT TO S. 343

S. 343, the Dole/Johnston substitute, currently defines ''major rules'' as regulations that have more than a $50 million dollar impact. Those major rules are then subject to cost benefit analysis, risk assessment and periodic review.

Unfortunately, some regulations that have a significant impact on small businesses and other small entities may not meet the $50 million threshold. A regulatory cost that may be almost insignificant to a Fortune 500 company could have a devastating effect on a particular segment of the small business community. Or, the agency's estimate that the impact is less than $50 million may be significantly undervalued.

A good example of an expensive regulation that falls under the threshold is OSHA's so-called ''fall protection'' rule requiring roofers to wear harnesses with lifelines that are tied to the roof any time they are at least six feet above the ground. Not only will the total cost to small roofing companies be much more than $50 million, many believe the rule may create a greater danger for workers who will have to worry about tripping over each other's safety riggings.

The Nunn-Coverdell amendment, which is scheduled to be voted on after 5 p.m. on Monday, July 10, solves this problem by requiring all regulations that are currently subject to the Regulatory Flexibility Act (Reg-Flex) of 1980 to be subject to cost-benefit analysis and periodic review—but not risk assessment.

Which regulations currently fall under Reg-Flex? Reg-Flex requires the regulatory burden be minimized on those regulations which have a ''significant impact on a substantial number of small entities.'' Last year, 127 regulations contained a Reg-Flex analysis. Small entities, which often bear a disproportionate share of the regulatory burden, include small businesses, small local governments (like towns and townships) and small non-profit organizations.

The Nunn-Coverdell amendment also allows prompt judicial review of an agency's non-compliance with the Reg-Flex Act. If an agency incorrectly states that a regulation does not have a significant impact on small business—and it does—a judge will have the authority to put the regulation on hold until the Federal agency re-evaluates the regulation and reduces the burden on small business as much as possible.

Agencies would also be required to provide factual support to back up their decisions to ignore Reg-Flex.

The bipartisan Nunn-Coverdell amendment is a major priority for small business and has NFIB's strong support. Regulatory flexibility was recently voted the third most important issue at the White House Conference on Small Business. Please call NFIB at (202) 484–6342 for additional information.

UNITED STATES OF AMERICA
CHAMBER OF COMMERCE,
Washington, DC, July 10, 1995.

DEAR SENATOR: On behalf of the 215,000 business members of the U.S. Chamber of Commerce, 96 percent of whom have fewer than 100 employees, I urge your strong and active support for two amendments to be offered to S. 343, the ''Comprehensive Regulatory Reform Act of 1995.'' The Nunn/Coverdell amendment ensures that small businesses benefit from the broader protections of S. 343, and the Abraham/Dole amendment guarantees a voice for small businesses in the regulatory look-back process. To achieve meaningful reform for that segment of our society hit hardest by regulatory burdens—small businesses—these amendments are critical.

The Nunn/Coverdell amendment recognizes that there may be many instances where a regulatory burden on small businesses could be severe even though the $50 million threshold for a complete regulatory review has not been triggered. By deeming any rule that trips an analysis under the Regulatory Flexibility Act of 1980 a ''major rule,'' small entities will receive the protection they need and deserve from the extreme rigors they often experience from even the best-intentioned regulations.

To address the problems associated with the mountain of existing regulations and their impact on small entities, the Abraham/Dole amendment will boost the power of small businesses to benefit more effectively from the sunset provisions of Section 623 of S. 343. Small companies often need all of their people-power and resources simply to keep afloat. They do not always have the ability to petition federal agencies for review of particularly onerous existing regulations. By vesting within the Small Business Administration responsibility for ensuring that regulations that are particularly problematic for small businesses are not excluded from the regulatory sunset review process, small businesses can be assured that their proportional needs are always considered.

The Chamber hears regularly from its small business members that federal regulations are doing them in. Support for these two amendments will validate that their cries have been heard and acted upon. I strongly urge your support for both the Nunn/Coverdell amendment and the Abraham/Dole amendment.

Sincerely,

R. BRUCE JOSTEN.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, July 10, 1995.

Hon. SAM NUNN,
Hon. PAUL COVERDELL,
U.S. Senate,
Washington, DC.

DEAR SENATORS: On behalf of the Small Business Legislative Council (SBLC), I wish to offer our support for your amendment to ensure that proposed regulations, with the potential to have a significant impact on small businesses, are subject to a comprehensive cost benefit analysis. It makes sense to us to have as much data available as possible to assess the full impact proposed regulations will have on small business.

As you know, the delegates to the recent White House Conference on Small Business included several references to the regulatory process among their top recommendations. Clearly, the cumulative burdens of the current regulatory regime weighed heavily on their minds. We need to make certain that we do not add to that regulatory burden unnecessarily.

Along with the language in the Dole/Johnston version of S. 343 which allows for judicial review of agencies' compliance with the Regulatory Flexibility Act, your amendment will ensure we have a meaningful way to truly assess the impact of regulations upon small business and to ensure we do something to mitigate the impact.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of nearly one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sectors as manufacturing, retailing, distribution, professional and technical services, construction, transportation, and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

Sincerely,

JOHN S. SATAGAJ.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Equine Practitioners.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Interior Designers.
American Society of Travel Agents, Inc.
American Subcontractors Association.

American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehouse Association.
AMT-The Association of Manufacturing Technology.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Automotive Warehouse Distributors Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Christian Booksellers Association.
Cincinnati Sign Supplies/Lamb and Co.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Chimney Sweep Guide.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear & Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Wood Flooring Association.
NATSO, Inc.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Professional Lawn Care Association of America.
Promotional Products Association International.
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.
Turfgrass Producers International.

NATIONAL ROOFING CONTRACTORS ASSOCIATION,
Washington, DC, July 7, 1995.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The National Roofing Contractors Association (NRCA) supports the amendment that you will offer with Senator Coverdell to remove the $50 million ''major rules'' floor for small business in the Comprehensive Regulatory Reform Act of 1995 (S. 343), in order to apply cost-benefit and periodic review to all regulations impacting small business.

Federal agencies are poor at accurately estimating the cost of their regulations. OSHA estimated $40 million annually for its new Fall Protection Standard (Subpart M) and said that it would not have a significant impact on small business. NRCA estimates its impact to be at least $250 million annually, and it has already wreaked havoc on the industry.

Another example is OSHA's 1994 standard for asbestos containing roofing material (ACRM). OSHA estimated the annual costs to the roofing industry to be approximately $1 million annually, while NRCA estimated approximately $1.3 billion! OSHA's cost figures only took into consideration Built-up Roofing (BUR) removal, and it had failed to cover the vast majority of roof removal and repair jobs. NRCA estimated that removals of asbestos-containing BUR constituted less than 12 percent of all roof removal jobs.

Your amendment would end the tendency for agencies to underestimate costs by making all regulations now subject to the Regulatory Flexibility Act of 1980 (Reg Flex), subject to S. 343's cost-benefit analysis and periodic review requirements. And we appreciate your language giving judges the authority to immediately stay regulations if necessary.

NRCA is an association of roofing, roof deck, and waterproofing contractors. Founded in 1886, it is one of the oldest associations in the construction industry and has over 3,500 members represented in all 50 states. NRCA contractors are small, privately held companies, and our average member employs 35 people with annual sales of $3 million.

Sincerely,

CRAIG S. BRIGHTUP,
Director of Government Relations.

NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS,
Washington, DC, July 7, 1995.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The National Association of Towns and Townships (NATaT) strongly supports the Nunn-Coverdell amendment to S. 343 that would require all regulations currently subject to the Regulatory Flexibility Act of 1980 (RFA) to be subject to cost-benefit analysis and periodic review.

NATaT represents approximately 13,000 of the nation's 39,000 general purpose units of local governments. Most of our member local governments are small and rural and have fewer than 10,000 residents. Many of these small communities have very limited resources available to provide those services required of them such as fire and police protection, road maintenance, relief for the poor and economic development. Consequently, many regulations that have less than a $50 million threshold have a very significant impact on small towns and townships.

A good example is the commercial drivers license (CDL) requirement for public sector employees required by the Motor Vehicle Safety Act of 1986. While that law may not have seemed to have a significant impact, it had a significant impact on small townships that had to pay for the training and testing of drivers to obtain a CDL, especially those townships which use part-time drivers for snow removal or for emergency response to floods or tornados. Recently, drug and alcohol testing requirements were mandated for those who hold CDL's, adding to the cumulative impact.

Your amendment will also allow prompt judicial review of an agency's non-compliance with the RFA if an agency states incorrectly that a regulation will not have a significant impact on small entities. This has been a continual problem Agencies have often claimed no significant economic impact on small entities in their regulatory flexibility analysis while giving no justification for their reasoning, though we have believed quite the opposite.

Mr. NUNN. Mr. President, such a display of strong support for the Regulatory Flexibility Act has a very long history within the small business community, going back to the late 1970's. The Regulatory Flexibility Act of 1980 has been looked upon as the small business community's first line of defense with regard to the burdens of Federal regulations. Recognizing that the effective functioning of government certainly requires regulations, the Regulatory Flexibility Act was designed to compel agencies to analyze their proposed regulations, with opportunities for public participation, so that the final regulation imposes the least burden on small businesses.

Mr. President, given my focus today on the needs of the small business community, my remarks may suggest to my colleagues that the Regulatory Flexibility Act offers protections only to small business. In fact, the act's protections are available to a fairly broad range of small entities in addition to small businesses, including small units of local government, educational institutions, and other not-for-profit organizations. My friend from Ohio, Mr. GLENN, was especially vigilant regarding the application of the Regulatory Flexibility Act to small units of local government during his tenure as chairman of the Committee on Governmental Affairs.

Enactment of the legislation that became the Regulatory Flexibility Act was a key recommendation of the 1980

White House Conference on Small Business. Last month, small business persons from across the Nation came together for the 1995 White House Conference on Small Business.

It comes as no surprise that issues relating to regulatory relief were key topics of discussion among the delegates at the 1995 conference. They made clear their strong concerns regarding the current Federal regulatory process, from the way agencies design new regulations to how the agencies implement the regulations under their charge.

Many of the key features of S.343, and other legislative proposals to provide greater discipline to the regulatory process, were endorsed in the recommendations voted upon by the White House Conference delegates. In particular, the White House Conference's recommendations on regulatory reform called for assessing more proposed regulations against rigorous cost-benefit standards. Similarly, the broader use of risk assessment, based on sound scientific principles and compared to real world risks, were included within a number of recommendations voted the top 60 recommendations from the 1995 conference. Other conference recommendations called for the periodic review of existing regulations to establish their continuing need and to determine if they could be modified, based upon experience, to make them less burdensome.

Finally, Mr. President, the delegates to the 1995 White House Conference on Small Business adopted recommendations to strengthen the Regulatory Flexibility Act in many of the ways being done by the provisions of S. 343, and by the Nunn-Coverdell amendment. Action today to strengthen the Regulatory Flexibility Act may well be the most prompt congressional response to a recommendation from any White House Conference on Small Business.

Mr. President, in addition to establishing a statutory link between the Regulatory Flexibility Act and the requirements for cost-benefit analysis under S. 343, my amendment takes other steps to enhance the effectiveness of the regulatory flexibility process. First, an agency certification that a proposed regulation would not have a significant impact on a substantial number of small businesses would have to be backed up by facts. This is not the case today. Small business advocates complain about their being deprived of the act's protections by such unwarranted certifications of nonapplicability.

Along the same lines, the Nunn-Coverdell amendment makes possible a judicial challenge of such unwarranted certifications early in the regulatory process. Abuse is prevented by requiring that the judicial challenge be brought within 60 days of the certification and in the Court of Appeals for the District of Columbia Circuit. Supporters of our amendment within the small business community believe that this provision and the enhanced judicial enforcement of the act already contained in the bill will make the agencies take more seriously their responsibilities under the Regulatory Flexibility Act.

I know that during the debate on this provision concern will be expressed that the amendment will substantially overburden the regulatory staff within the various departments and agencies. They may cite figures drawn from the semiannual regulatory agenda which suggest that 500 or even 1,000 additional rules may be subject to cost-benefit analysis under the Nunn-Coverdell amendment. I believe these figures are inflated and inaccurate for the reasons that will, no doubt, be subsequently discussed.

In contrast, I am confident that the actual number is substantially smaller, certainly less than 200. By the time you count those proposed regulations within a $50 million or $100 million threshold, a number will be double counted: The number of proposed regulations covered is probably somewhere around 150. Even that number may be inflated by proposed rules that are exempt under S. 343's definition of rule.

My estimate, Mr. President—and I recognize that it is an estimate that is based upon 14 years of experience under the Regulatory Flexibility Act by the career staff of the Office of the Chief Counsel for Advocacy at the Small Business Administration, the office charged with monitoring agency compliance with the Regulatory Flexibility Act. It takes into consideration regulations for which regulatory flexibility analyses were done. It also takes into consideration those situations in which the Office of Advocacy believed the Act applied and the agency certified to the contrary.

While I agree that we cannot give the agencies an impossible set of tasks in reviewing proposed and existing regulations, we must not loose sight of the regulated public. I believe that they have a right to demand that proposed regulations be thoroughly analyzed, and that they meet rigorous standards of cost-benefit analysis, risk assessment when appropriate, and regulatory flexibility for small entities, Similarly, the regulated public has a right to expect that existing regulations be reviewed for their continuing utility, and when possible, modified to reduce their burden.

Mr. President, I urge my colleagues to support the amendment.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. JOHNSTON. Mr. President, I will not subject the Senator to a long series of questions because I sympathize with the condition of his voice.

Mr. President, we have had conversations, both Senators from Georgia and myself and my staff, Senator ROTH, and others, concerning the problem of agency overload. It seems to me that all sides in this endeavor want to arrive at the same place, and that is the maximum protection for small business but a workable system for the agencies so that the agencies will not be overloaded.

We had proposed to the Senator from Georgia an alternative, which is, in effect, to have the same kind of fix that Senator ABRAHAM had in his amendment, which is to give OIRA, in effect, a veto over these procedures.

Mr. President, I ask unanimous consent that the amendment that the Senators from Georgia and I have discussed be printed in the RECORD at this point.

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

On page 14, line 10, strike out ''or''.

On page 14, line 16, add ''or'' after the semicolon.

On page 14, insert between lines 16 and 17 the following new subparagraph:

''(C) any rule or set of closely related rules, not determined or designated to be a major rule pursuant to subparagraph (A) or (B), that is designated as a major rule pursuant to section 622(b)(2) (and a designation or failure to designate under this subparagraph shall not be subject to judicial review).''

On page 20, insert between lines 12 and 13 the following new paragraph:

''(2) If the agency has determined that the rule is not a major rule within the meaning of section 621(5)(A) and has not designated the rule as a major rule within the meaning of section 621(5)(B), the Chief Counsel for Advocacy at the Small Business Administration may publish in the Federal Register a determination, and accompanying factual findings supporting such determination, drawn from the initial regulatory flexibility analysis, that the proposed rule should be designated as a major rule because of its substantial economic impact on a significant number of small entities. Such determination shall be published not later than 15 days after the publication of the notice of proposed rulemaking. The Director or designee of the President shall designate such rule as a major rule under paragraph (1) unless the Director or designee of the President publishes in the Federal Register, prior to the deadline in paragraph (1), a finding regarding the recommendation of the Chief Counsel for Advocacy that contains a succinct statement of the basis for not making such a designation.''

On page 20, line 13, strike out ''(2)'' and insert in lieu thereof ''(3)''.

On page 39, line 22, strike out ''and''.

On page 39, line 24, strike out the period and insert in lieu thereof a semicolon and ''and''.

On page 39, add after line 24 the following new subparagraph:

''(C) an agency certification that a rule will not have a significant economic impact on a substantial number of small entities pursuant to section 605(b)''.

On page 69, line 5, insert after ''entity'', '', upon publication of the final rule,''.

On page 69, line 7, strike ''A court'' and insert in lieu thereof ''Notwithstanding section 625(e)(3), a court''.

Mr. JOHNSTON. Mr. President, I will not propose that amendment today, but I simply ask the Senator, in fact both Senators from Georgia, if they will continue to work with us with a view to dealing with this problem of agency overload, hoping to find some alternative—if not the one that I have sent to the desk for printing, then some other alternative, so that we may deal with that question of overload.

Mr. NUNN. Mr. President, I say to my friend from Louisiana that the answer is yes. I will certainly continue to discuss any modification of this amendment that makes sense from the small business perspective, and also from the point of view of regulatory overload. This is a difficult area. None of us knows precisely what the numbers of regulations that are going to be affected here. So we are dealing with an unknown. But I do think that when we are in doubt, we ought to tilt toward not having a regulatory burden overwhelming the small business community. That would be my perspective. But I will be glad to continue to try to work with him in this regard because I know he has the same goal. We will continue to discuss it even as we debate it here on the floor.

Mr. JOHNSTON. Mr. President, I thank the Senator from Georgia for his answer.

Mr. NUNN. Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I withhold.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, first I want to thank my colleague from Georgia, Senator NUNN, for his dedication to this effort on behalf of small business. And we are all particularly sympathetic to the malady with which he returned from the recess. We wish him well soon.

I also want to answer the question of the Senator from Louisiana. As we continue through the process with Senator DOLE and his bill, we would obviously keep on the table discussions to try to facilitate his concern. We did not have enough time to talk a little earlier. But while we remain concerned about agency overload, I think the Senator from Louisiana would join with myself and the Senator from Georgia and others in sympathy for the overload that small business America has been suffering for too long, way too long.

Just to cite some of the figures, sometimes I think we forget what we are talking about when we talk about small business. There are over 5 million employers in the United States. Sixty percent of them are small businesses that have four—four—employees or less.

If you run a family business, or any endeavor, you understand what a limited resource that is standing against the aura of the Federal Government. I remember years ago walking into our family business. My mother had come down to help us. We had four—myself, my father, my mother and one other at that time. I looked across the table. She was just staring across the room. This is many regulations ago. I asked her what the problem was. She had some government form in front of her, and she was literally scared to death. She was afraid that she was going to make a mistake that would somehow do harm to our family and our company. Even at that time it was threatening. And since that time—probably some 15 years ago—it has been regulation after regulation after regulation by the hundreds, by the thousands. People that had four employees or less had an enormous problem trying to respond to what all these regulations ask of small business.

Here is an even more startling figure. Of the 5 million companies, 94 percent have 50 employees or less. That means only 6 percent of the companies in the United States fall into this category where they have the kinds of resources—even as expensive as they are—to defend themselves.

Half the small businesses are started with less than $20,000. More than half the 800,000 to 900,000 businesses that are formed each year will go out of business within 5 years. One of the reasons is they cannot keep up with what their Federal Government is demanding of them.

From 1988 to 1990 small businesses with fewer than 20 employees accounted for 4.1 million net jobs. Large firms—that is the 6 percent—lost half a million jobs.

The point I am making here is that these small businesses need a lot of nurturing and help and assistance from a friendly partner and not a lot of burden and bludgeoning from a bully partner. As we have restructured corporate America, it is the small business that has given us the most to be optimistic about. They are creative, they take risk, and they are hiring people. They are virtually the only sector right now that is hiring people.

The point I am making is that we need to underscore how much attention we as a Congress need to give to facilitating small business. We have a lot of financial problems in our country that we have to resolve in the very near term. That is what all the balanced budget fights are about. But one of the four key components to fixing our financial discipline today is to expand the economy. We have such a large economy that a modest expansion gives us enormous relief, and the one place that we have the best chance of expanding our economy is small business. It literally makes no sense for us to not only be not attentive to relieving them from regulatory burden and threat and cost, but we should be very focused on the reverse; that is, creating every incentive that we can think possible to aid and abet small business.

Mr. President, the Congress has recognized this for a long time. And in 1980, as Senator NUNN has acknowledged, the Regulatory Flexibility Act was enacted. The idea was we were already worried about what was happening to small business. We were already treating small business like it was General Motors. So the Congress passed legislation that made the Government begin to become more flexible to analyze the proportionate impact of regulations on small business. The problem was that it did not require a cost analysis and there was no judicial review. So it had been ignored far too much.

So while the Congress came forward and said we are going to do this, we are going to really try to improve the situation for small business, it was a hollow promise. It has not achieved what it set out to do.

So the Nunn-Coverdell amendment takes the Regulatory Flexibility Act—which we have already passed; we have already acknowledged the purpose—and it said it will have to have meaning. It already requires extensive review and analysis. So we are simply saying that it will have to add a cost analysis and that there is a regulatory review so that it is enforceable, so that what the Congress meant to do in 1980 will in fact happen in 1995, 15 years later. That says something else about our Government.

The Senator from Louisiana has raised a legitimate problem. We are concerned about the administrative functions of Government. But if I have to choose between where the balance of the burden should rest, should it rest on the U.S. Government, the EPA, OSHA, the Labor Department, and their millions and their thousands of employees, or should it rest on the little company in Georgia that has three employees? And if I have to pick between those two, I am going with the little company in Georgia. Given the scope of the resources both have, the problem is a lot more fixable from a burden standpoint on the part of the Government than it is on that little firm and thousands of, millions of, others like it across the country.

This is a good amendment. This will help small business. If we help small business, Mr. President, they are going to help America because they are going to hire people looking for a job by the millions. And they are going to expand our economy.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I wonder if I might have a few minutes on another topic. Is the time divided?

The PRESIDING OFFICER. Time is not divided.

Mr. DOLE. If I may be permitted to speak out of order on two other matters.

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

FAILED APPROACH IN BOSNIA

Mr. DOLE. Mr. President, as the Serbian advance on Srebrenica continues, the administration, the U.N. bureaucracy, and some of our allies are busy defending their failed approach in Bosnia. They argue that the Bosnians are better off if the U.N. forces stay in

Bosnia, that lifting sanctions on Serbia is the key to peace, that the Serb air defenses do not pose a threat to NATO air crews—the news from Bosnia notwithstanding.

In his response to a letter from Speaker GINGRICH and me, the President stated that he believed that the United States must support the U.N. protection forces' continued presence in Bosnia. He said that UNPROFOR had played and was playing a ''critical role'' in diminishing the conflict and was assisting the U.N. high commission on refugees in providing aid to the Bosnian population.

In order to believe that the United States and European approach in Bosnia is working, one simply has to play a game I call ''let's pretend.'' The rules are simple. It goes like this:

Pretend that the U.N. forces are delivering humanitarian aid to those in need;

Pretend that the U.N. forces control Sarajevo airport;

Pretend that the U.N. forces are protecting safe havens such as Sarajevo and Srebrenica and that no Bosnians are dying from artillery assaults and shelling;

Pretend that there is a credible threat of serious NATO air strikes;

Pretend that the no-fly zone is being enforced;

Pretend that Serbian President Milosevic is not supporting Bosnian Serb forces;

Pretend that Bosnian Serb air defenses are not deployed against NATO aircraft and are not integrated into Serbia's air defense system.

Pretend that the rapid reaction force will react forcefully and rapidly under the same U.N. rules of engagement which have made UNPROFOR impotent;

Pretend that U.N. forces can stay in Bosnia forever and that we will never have to contemplate U.N. withdrawal.

Mr. President, if you can pretend all of the above, you can easily accept the administration's defense. On the other hand, if you react to reality and do not engage in multilateral make-believe, then you will not be persuaded by the administration's case. Without taking the time to review the last year or two or three in Bosnia, let us just look at the reports from the last week or so:

In Srebrenica, a so-called U.N. designated safe area, Serb forces overran U.N. observation posts and Serb tanks are within a mile of the town center—in fact, we have just had a report that they are even closer than that;

In Sarajevo, the hospital was shelled and more children were slaughtered;

Information surfaced that Bosnian Serb air defenses are tied into Belgrade's air defense system;

The no-fly zone was violated and NATO did not respond;

U.N. envoy Akashi assured the Bosnian Serbs that the United Nations would continue business as usual in the wake of the downing of U.S. pilot O'Grady and the taking of U.N. hostages.

Mr. President, these are only a few examples of the reality in Bosnia. It is this reality that should drive U.S. policy. It is this reality that has moved the Bosnian Government to reassess the U.N. presence in Bosnia. It is this reality that should prompt us to do the same.

The fact is that despite the presence of over 25,000 U.N. peacekeepers and despite the impending arrival of the rapid reaction force, the Bosnians are still being slaughtered, safe areas are under siege, and the United Nations continues to accommodate Serb demands and veto even limited military action designed to protect United States air crews. The fact is that the United Nations has become one of the means of securing Serb gains made through brutal aggression and genocide.

As Jim Hoagland aptly pointed out yesterday in the Washington Post, and I quote,

The war has now reached a point where the U.N.'s value free equation of Serbs who are willing to kill with Bosnians who are willing to die cannot be sustained and cannot be allowed to spread deeper into the Clinton administration which too docilely accepted Akashi's veto on retaliation. Americans will no long support humanitarianism based on self-serving bureaucratic cynicism and fear.

Not my quote but a quote in the Washington Post from Jim Hoagland, who, I must say, has had a shift in his thinking recently.

The time for make-believe is over. The United Nations mission in Bosnia is a failure. The Bosnians deserve and are entitled to defend themselves. The United Nations must begin to withdraw and the arms embargo must be lifted. Therefore, I intend to take up a modified version of the Dole-Lieberman arms embargo bill following disposition of the regulatory reform bill.

Mr. President, I think every day it is worse and worse, if it can become worse, in Bosnia, particularly for the Bosnians. It seems to me it is high time to act.

I ask unanimous consent that the entire column in the Washington Post by Jim Hoagland be printed in the RECORD.

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

[From the Washington Post, July 9, 1995]

BOSNIA: THE U.N.'S MORAL ROT

(By Jim Hoagland)

The Serb missilemen who shot down Capt. Scott O'Grady's F–16 over Bosnia committed attempted murder and got away with it. After a month, there has been no American retaliation for an act of treachery that once would have brought the heavens down on its perpetrators.

Understand why the American government swallowed this humiliation (without even a serious denunciation of the Serb politicians in Belgrade who oversaw the shoot-down), and you understand why the international effort in Bosnia has failed so miserably—and why it should now be terminated.

A line has been crossed in Bosnia, a line that separates humanitarian impulse from moral rot; a line that divides ineffectiveness from dishonor. The United Nations is now on the wrong side of that line, protecting the Serbs (and the status quo) from retaliation for having downed O'Grady and for killing, wounding, imprisoning and harassing British, French, Spanish, Danish and other soldiers operating in Bosnia under the U.N. peacekeeping flag.

This can only undermine U.S. and European support for keeping those troops there and continuing an arms embargo against Bosnia. It is now embarrassingly evident that in Bosnia and elsewhere U.N. ''humanitarian'' operations are guided by bureaucratic dedication to career and organization. There is no room for justice, or for outrage over the Serbs' long record of atrocity and betrayal, in the mandate of Yasushi Akashi.

These are the two straws that break the United Nations' back in Bosnia:

(1) Akashi, the Japanese diplomat who is Secretary General Boutros Boutros-Ghali's representative in Bosnia, actively blocked French and British efforts to form outside the U.N. command a rapid reaction force to strike back at the Serbs after hundreds of peacekeepers were taken hostage by the Serbs and then released in June.

The rapid reaction force will be under Akashi's control and will observe the same peacekeeping rules imposed on the 22,500-man international army already there, Akashi promised the Serbs in a secret letter disclosed to reporters by the Bosnian government.

The new troops, like the old troops, will not be permitted to make distinctions between Serb aggressors, who have ''ethnically cleansed'' Muslim territories and the forces of the U.N.-recognized Bosnian government trying to regain its lost lands. If Akashi has his way, the United Nations will go on equating Serbs who blockade food shipments with Bosnians who starve because those shipments do not get through.

(2) Following O'Grady's escape, Akashi, with the backing of France and Russia, vetoed any new bombing raids on the Serbs. The U.S. Air Force was denied the chastising effect of retaliation and the preemptive protection of taking out Serb anti-aircraft missile batteries that are linked to computer networks controlled from Belgrade.

The chilling hostage-taking changes nothing, except to make the United Nations command even more timid. The murder attempt on O'Grady changes nothing except to end effective enforcement of the no-fly zone over Bosnia. Score in this exchange: Serbs everything, U.N. nothing.

That is galling, but it is now probably too late to fix. ''You have to respond immediately,'' Sen. John McCain (R-Ariz.), a fighter pilot in Vietnam and prisoner of war for 5½ years, told me. ''I don't think you can retaliate a month or two later and expect to have any effect.''

But McCain also made this telling point: ''We made a mistake in not publicizing the fact that this shoot-down could not have happened without the Belgrade computers the missile batteries are hooked up to. Instead the administration is constantly sending an envoy'' to negotiate with Serb President Slobodan Miloseyic—suspected by some in U.S. intelligence of having given the order both for the downing of the F–16 and the grabbing of the U.N. soldiers.

This is how moral rot spreads. The United Nations once served as useful political cover for the major powers, who wanted to limit their own involvement in the wars of ex-Yugoslavia. The administration was right to try to minimize the dangers of rupture within NATO over a unilateral U.S. lifting of the arms embargo against Bosnia.

But the war has now reached a point where the U.N.'s value-free equation of Serbs who are willing to kill with Bosnians who are

willing to die cannot be sustained and cannot be allowed to spread deeper into the Clinton administration, which too docilely accepted Akashi's veto on retaliation.

Americans will not long support humanitarianism based on self-serving bureaucratic cynicism and fear. For better or worse, American participation in the arms embargo will soon come to an end and NATO member troops will come out. The war is going to get bloodier. And the bureaucrats of the United Nations, who now pursue policies that profoundly offend a common sense of justice and decency, will not be blameless for this happening.

RELATIONS WITH VIETNAM

Mr. DOLE. Mr. President, news reports indicate that President Clinton is on the verge of making a decision about normalizing relations with Vietnam. I understand an announcement may come as soon as tomorrow. Secretary of State Warren Christopher has recommended normalization. Many Vietnam veterans support normalization—including a bipartisan group of veterans in the Senate, led by the senior Senator from Arizona, JOHN MCCAIN. Many oppose normalization as well. Just as the Vietnam war divided Americans in the 1960's and 1970's, the issue of how to finalize peace with Vietnam divides Americans today.

At the outset, let me observe that there are men and women of good will on both sides of this issue. No one should question the motives of advocates or opponents of normalization. We share similar goals: Obtaining the fullest possible accounting for American prisoners of war and missing in action; continuing the healing process in the aftermath of our most divisive war; fostering respect for human rights and political liberty in Vietnam.

I can recall in, I think, 1969 attending the first family gathering of POW's and MIA's. Only about 100 people showed up. I think I may have been the only Senator there. And I promised that group that within 3 months we would have a meeting at Constitution Hall, which seats 2,000 people, and we would fill it up. And we did. And I remember wearing the John McCain bracelet for a couple of years back in those days when JOHN MCCAIN was still a POW.

So I have had a long and I think consistent interest in the fate of POW's and MIA's starting way back when nobody knew the difference, when bracelets were not ordinary, nobody knew what a POW/MIA was for certain. And so it is something that I have had an interest in for a long, long time.

The debate over normalization is about our differences with the Government of Vietnam, not with the Vietnamese people. The people of Vietnam have suffered decades of war and brutal dictatorship. We hope for a better future for the people of Vietnam—a future of democracy and freedom, not repression and despair.

The debate over normalization is not a debate over the ends of American policy; it is a debate over the means. The most fundamental question is whether normalizing relations with Vietnam will further the goals we share. In my view, now is not the time to normalize relations with Vietnam. The historical record shows that Vietnam cooperates on POW/MIA issues only when pressured by the United States; in the absence of sustained pressure, there is little progress on POW/MIA concerns, or on any other issue.

The facts are clear. Vietnam is still a one party Marxist dictatorship. Preserving their rule is the No. 1 priority of Vietnam's Communist Government. Many credible sources suggest Vietnam is not providing all the information it can on POW/MIA issues. In some cases, increased access has only confirmed how much more Vietnam could be doing. This is not simply my view, it is a view shared by two Asia experts—Steve Solarz, former chairman of the House Subcommittee on Asia and Pacific Affairs, and Richard Childress, National Security Council Vietnam expert from 1981 to 1989. Earlier this year, they wrote:

> Vietnam could easily account for hundreds of Americans by a combination of unilateral repatriation of remains, opening its archives, and full cooperation on U.S. servicemen missing in Laos.

Again, not my quote but a quote by the two gentlemen mentioned. They conclude that,

> Whatever the reasons or combination of reasons, Vietnam, in the current environment, has made a conscious decision to keep the POW/MIA issue alive by not resolving it.

This is a view shared by the National League of POW/MIA families which has worked tirelessly to resolve the issue for many years. It is also a view shared by major veterans groups, including the American Legion, the largest veterans group. The media have reported that the Veterans of Foreign Wars, the second largest group is supportive of normalization. Let me quote from VFW's official position adopted at its 1994 convention:

> At some point in time but only after significant results have been achieved through Vietnam/U.S. cooperative efforts, we should . . . move towards normalizing diplomatic relations.

A more recent VFW statement makes clear that normalization is not opposed by the VFW if it leads to a fuller accounting of POW/MIA cases.

If President Clinton intends to normalize diplomatic relations with Vietnam, he should do so only after he can clearly state that Vietnam has done everything it reasonably can to provide the fullest possible accounting. That is the central issue. The United States has diplomatic relations with many countries which violate human rights, and repress their own people. But the United States should not establish relations with a country which withholds information about the fate of American servicemen. As President-elect Clinton said on Veterans Day, 1992, ''I have sent a clear message that there will be no normalization of relations with any nation that is at all suspected of withholding any information'' on POW/MIA cases. Let me repeat: ''suspected of withholding any information.'' Let me repeat, ''suspected of withholding any information'' on POW/MIA cases. I hope the standard proposed by President-elect Clinton is the same standard used by President Clinton.

No doubt about it, the Vietnamese Government wants normalization very badly. Normalization is the strongest bargaining chip America has. As such, it should only be granted when we are convinced Vietnam has done all it can do. Vietnam has taken many steps—sites are being excavated, and some remains have been returned. But there are also signs that Vietnam may be willfully withholding information. Unless the President is absolutely convinced Vietnam has done all it can to resolve the POW/MIA issue—and is willing to say so publicly and unequivocally—it would be a strategic, diplomatic and moral mistake to grant Vietnam the stamp of approval from the United States.

I ask unanimous consent that the article from which I quoted earlier be printed in the RECORD.

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

[From the San Diego Union-Tribune, Mar. 19, 1995]

PRISONER ISSUE CONTINUES TO TAINT RELATIONS

(By Richard T. Childress and Stephen J. Solarz)

Although the U.S. trade embargo with Vietnam has been lifted and consular-level liaison offices have been opened, relations between the United States and Vietnam are far from normal. The major remaining bilateral obstacle, the POW/MIA issue, is still cited by the Clinton administration as the primary impediment to normalization.

Multiple intelligence studies from the war through today conclude that Vietnam could easily account for hundreds of Americans by a combination of unilateral repatriation of remains, opening of its archives and full cooperation on U.S. servicemen missing in Laos, 80 percent in Lao areas controlled by the Vietnamese during the war.

While joint Vietnamese-American efforts to excavate aircraft crash sites and otherwise ''clean up the battlefield'' will continue to provide some accountability, it will not be enough. What is needed is a decision by Vietnam's ruling politburo to resolve the core POW/MIA cases, including those Americans last known alive in the custody or immediate vicinity of Vietnamese forces. That decision has not been made.

Reasons offered for this have included a divided politburo, a desire to exploit the POW/MIA issue for future financial or political advantage, a continuing residue of hostility or hatred toward Americans in Hanoi's ministries of interior and defense, and a fear of embarrassment. Some also speculate that Vietnam's leadership fears the United States will ''walk away'' once the issue is resolved.

Whatever the reason or combination of reasons, Vietnam, in the current environment, has made a conscious decision to keep the POW/MIA issue alive by not resolving it.

This fundamental aspect of Vietnamese emphasis on the POW/MIA issue has been central from the Paris negotiations in 1968–

73 and through every administration since that time. Knowing it to be the most sensitive issue to Americans of all the other bilateral humanitarian concerns, Hanoi has consistently used it as the lodestar for leverage over American policy. Similarly, the compelling nature of the issue to Americans has caused it to be central in our dealings with Vietnam over the years.

This centrality to American policy-makers has, however, engendered different approaches. These have varied from concerted efforts to define the issue away and defuse it, to confronting the issue directly in order to resolve it. Even policy-makers who viewed the POW/MIA issue as a hindrance to healing or normalization demonstrated its centrality by expending much political capital in a failed attempt to prove the contrary.

Confronting the issue directly in negotiations has been the only demonstrable path to progress. It is, ironically, the path desired by the Vietnamese for reasons already outlined. When Reagan administration officials reopened the POW/MIA dialogue with Vietnam in 1981, the politburo was delighted. Referring to the 1978–81 freeze in U.S.-Vietnam talks, Hanoi's negotiators remarked that they ''didn't know we still cared.'' That was also a challenge.

While the Clinton administration has rejected linking human rights directly to questions to normalization, that, too, is a potential obstacle. Strong feelings for linkage exist in some human-rights organizations, the American-Vietnamese community, the labor movement and in Congress. Linkage may not be desired as a matter of executive branch policy, but initiatives are possible in the new Congress along with other domestic pressures.

In the mid-1980s, legislation was proposed to use Vietnam's blocked assets to pay private claims, and significant lobby pressure was put on the Reagan administration and Congress to liquidate the assets. This initiative was opposed by the administration and rejected by the Congress. The objection then was that it would interrupt humanitarian cooperation, that official claims of the United States government would become secondary, and that such transactions should be negotiated in the context of normalization discussions. Sufficient funds existed to cover the private claims, and the United States, as the custodian of the funds, was positioned to settle them from a position of strength and leverage.

Vietnam's near-term and long-term economic goals are central to its leadership. High on the leadership's bilateral list is most-favored-nation (MFN) status and eligibility for the so-called generalized system of preferences (GSP), an additional trade concession.

But Vietnam's primitive economy and rudimentary trade mechanisms hamper its accession to the General Agreement on Tariffs and Trade and, accordingly, limit American flexibility on commercial issues. In addition, various legal and regulatory obstacles stand in the way. Some of the relevant provisions can be waived through executive action; under certain conditions legislation may be required.

In any event, since it is Vietnam, the Clinton administration should be reluctant to take any significant steps without close consultation with Congress.

Despite a significant loss of American leverage after the trade embargo was lifted, one could argue that the United States is again positioned for progress. This plateau allows the Clinton administration some breathing room to hold firm; to insist on meaningful, unilateral action by Vietnam to meet the four POW/MIA criteria set forth by President Clinton and to advance a Washington-Hanoi dialogue on human rights in Vietnam.

In the interim, it is in both countries' interests that Vietnam proceed with internal economic reforms. This would assist Vietnam in further integrating into Asia generally and the Association of Southeast Asian Nations (ASEAN) specifically. This long-term objective was shared in some respects throughout each American administration since the end of the Vietnam conflict.

Such integration would also provide greater exposure of the Vietnamese leadership to international economic and political norms, perhaps reduce some Vietnamese paranoia and help convince the Vietnamese that the POW/MIA issue is a ''wasting asset'' for them that needs to be resolved. Integration would also mesh with Vietnam's desire for greater international acceptance. Finally, it would serve to lessen Vietnam's perceived isolation as a potentially threatened neighbor of an increasingly assertive China.

However, American policy-makers also need to view this from an internal Vietnamese perspective that would expect such integration and acceptance to relieve pressure for political reforms and improved human rights. Vietnam has boldly endorsed universal declarations on human rights and attempted to join the cultural argument between Asia and the West, as if its political system were even comparable to those advancing the argument in Asia.

For the foreseeable future, Vietnam will have three major objectives: continued political control under the Communist Party, economic development that does not threaten such control, and a sense of security in its relationship with China.

While political change is inevitable over time, it will be due to internal factors, and American leverage will be at the margins. Economic reforms have spawned divisions in Vietnam's communist party and government, as well as regional tensions between the North and the South. Recriminations are already evident between reformers and hardliners, and a significant American role in the Vietnamese economic future will be limited.

After listening to wishful speculation about a ''new tiger'' in Asia, spawned by young consultants, service industries and lobby organizations with a vested interest in lifting the embargo, American businesses are again looking at political and economic realities they tended to ignore for the past four years.

Press accounts of Vietnam's economic potential before and after the lifting of the trade embargo are strikingly different.

Overblown stories of ''the last frontier,'' ''the emerging tiger in Asia,'' and the loss of business to foreigners were common themes before. Now, the media is beginning to report about corruption, unenforceability of legal codes, currency problems, bureaucratic hurdles, arbitrary decision-making by government officials, the paucity of infrastructure and the reality that Vietnam, with few exceptions, is almost a decade away from real profitability on an American business scale.

Profits for American companies operating in Vietnam are not likely for several more years. A lot of money is being spent and very little is being made.

Most experienced observers of Asia's geopolitics recognize, as well, that Vietnam is not of real strategic relevance to the United States in the 1990s. Nonetheless, armchair strategists, military planners, and some in Congress continue to argue otherwise, and worry aloud accordingly.

Still, Vietnam is certainly looking for strategic solace. Its historic fear of China is underscored today by Chinese claims on island groups in the South China Sea, plus China's burgeoning economic and political clout. Although elements of Vietnam's current agenda are variously shared by ASEAN, American military power and political commitments are not designed to ameliorate arguments between China and Vietnam. The United States facilitated the end of the proxy war between China and Vietnam in Cambodia not by taking sides but by opposing both unworthy claimants in an international and regional context.

The reality of the economic and strategic conditions now and in the foreseeable future does not make Vietnam central to American policy. The Vietnamese desire for real normalization with the United States is recognized, but the gap is wide and will remain so despite the wishful, almost romantic thinking of some.

Vietnam and the United States do have a unique relationship forged through shared recent history. Both sides can regret missed opportunities. And while the history of bilateral negotiations is tortured, the significance of historic antagonisms can only be muted by a credible effort to resolve the POW/MIA issue, the only path to real healing and normalization.

In sum, fully normalized relations between the United States and Vietnam are not on the immediate horizon. Vietnam will remain, in an economic and strategic sense, of little importance to the United States. Relations could conceivably move forward in the absence of a real economic or strategic rationale with significant progress on POW/MIA accounting through unilateral Vietnamese action. The longer Vietnam delays in this regard, the more likely normalization could be linked to human rights concerns, as well. If this occurs, it would be supported by those who, heretofore, believed Vietnam would be able to forge a politburo consensus and finally end the uncertainty of America's POW/MIA families.

Normalized relations are quite logical in an ideal world. Full normalization with Vietnam is desirable, but as a practical matter is not possible or prudent as long as it can be credibly maintained that Vietnam can do more to account for missing Americans.

If the Clinton administration proceeds with the elements of normalization as an objective, rather than an instrument to resolve bilateral issues, domestic and congressional opposition is likely to increase. That, in turn, would further reduce executive branch flexibility, and create a renewed round of recriminations as well as a new gauntlet for future negotiators.

Mr. KENNEDY. Mr. President, I came over to address another issue. I listened to the majority leader's statement with regard to actions that may be taken by the President in the foreseeable future.

I want to commend what I thought was an excellent presentation by my friend and colleague, Senator KERRY, as well as Senator MCCAIN, on this issue on Sunday, as well as Senator SMITH from New Hampshire who was talking about this issue, I thought, in a very constructive, positive, bipartisan way.

I think for those who are looking to try to deal with an issue of this complexity, of this importance, Members would be wise to take a few minutes and review their presentations. I thought there were particularly convincing arguments to be made in favor of moving the process forward at this time, and I thought the statements

that were made by, as I mentioned, my colleagues Senator KERRY and Senator MCCAIN that support that change were very compelling. I thought the observations of Senator SMITH, which took a different view but, nonetheless, were related to the subject matter, were constructive as well.

The country will be addressing this issue in the next several days or weeks. I think our Members would be wise to review their comments because they are individuals who have spent a great deal of time on this issue and, obviously, have given it a great deal of thought. The fact that they come from different vantage points in terms of many other different issues, both in domestic and foreign policy, and still are as persuasive on this matter, I think really reflects some very, very constructive and positive thinking.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1491

Mr. GLENN. Mr. President, the pending legislation before us is an amendment by the Senator from Georgia, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. I particularly dislike having to oppose my good friend from Georgia, Senator NUNN. We worked together in the Governmental Affairs Committee on our bipartisan regulatory reform bill. We both supported the bill. I certainly have the very highest regard for him. He has always been a tireless champion of the interests of small business men and women in our country, and I certainly applaud him for that effort.

But I believe that while this amendment is very well-intentioned, I think there are two serious problems. I do not believe the amendment should be accepted. First, it revises the Regulatory Flexibility Act in a number of ways that I think do not fit with workable regulatory reform.

First, the amendment would require cost-benefit analysis of all reg flex rules. That is, rules that have a significant economic impact on a substantial number of small entities. This would be small businesses, local governments, and the like. Including these rules in the cost-benefit analysis process would increase the number of rules that have to go through that analysis by over 500 rules. That is not a figure grabbed out of thin air; that is the administration's estimate. It is based on actual Federal Register entries over the last year.

Now, OMB has estimated that if this passed this way, there could possibly be as many as 600 to 800 rules and regulations that would fall under this provision. That would raise the number of investigations and rulemaking procedures to something like three times our present number.

Now, agencies are going to be hard pressed with the budget cuts they are facing now just to do the analysis required if we just pass the Glenn-Chafee bill with its $100 million threshold. S. 343, which is before us now, would lower the threshold to an unreasonable $50 million. This amendment that we are considering now by the Senators from Georgia would have the potential of adding somewhere between 500 to the current rate, or up to as many as 800 more rules to that list. That just overloads the circuits.

To make the point even further, one estimate before our committee by one of the people testifying earlier this year was that each full-blown rule investigation costs somewhere around $700,000. If you take the 500 to 800 potential on this, that means we would be spending on investigations somewhere between $350 million for the 500 investigations, up to a potential of $560 million for the 800 investigations.

Let us say that is a pessimistic view of how much it costs, that $700,000. Even if you cut it in half, it means it is somewhere around $175 million up to, say, $270 or $280 million to do this increased number of investigations. So I say that agencies are going to be very hard pressed with these budget cuts to make it.

The second major problem with the amendment is the way it expands reg flex judicial review. The Glenn-Chafee bill is basically the bill brought out of committee earlier and is designated as S. 1001. As opposed to S. 1001, this amendment would allow judicial review of final rule reg flex analysis. As opposed to that, this amendment permits judicial review of proposed rule reg flex decisions.

Now, this expands enormously the number of judicial challenges that can be made, and it further overturns a principle that has been long held that court review should wait until an agency makes its final rulemaking decision and then challenge the whole process, whatever it is, and not permit judicial review challenges all along the way, which means that the persistent challenger can keep something bogged down in court for years and years. It can literally bog down the whole process, this number of new rulemaking procedures that would have to be reviewed.

So allowing judicial review of preliminary decisions about whether a rule is even subject to reg flex, which this would do, will bog down agencies and use more tax dollars unnecessarily and be a full employment bill for lawyers, basically. I do not think that should be the objective of this legislation.

Mr. President, further, I must admit that I do not understand exactly how this whole thing would work. It would increase the complexity, as I see it, and it would create more judicial review, to be added to our expense in a substantial way.

Let me say that the Regulatory Flexibility Act was passed by Congress as a way to ensure that agencies would evaluate the impact of proposed regulations on small businesses and other small entities such as local governments. The act was also intended to ensure that agencies consider less burdensome and more flexible alternatives for these small entities.

I have supported the reg flex act from its inception when passed here a number of years ago. But the legislation before us and the amendment we are considering now would fundamentally change the Regulatory Flexibility Act by making its considerations the controlling factor, the controlling decisional criteria, for the very promulgation of a rule. I do not think that is the way we ought to be going. We should ensure that the Federal Government is more sensitive to the needs of small business. I certainly agree with that. That is why the Glenn-Chafee bill, S. 1001, provides for judicial review of final reg flex decisions, and the whole process can be challenged at that one time. It does not permit judicial challenge at each step along the way, which means multiple judicial review, and additional ways of stalling what may be very good legislation.

Now, both bills also do provide—whether it is S. 343 or S. 1001, they both provide for congressional veto. In other words, a rule or regulation being put out by an agency can be challenged and brought back to the Congress and lay here under one bill for 60 days or 45 days for challenge here on the floor. That applies to small business provisions or any other provision.

So it seems to me that we have provided adequate protection, quite apart from the amendment as proposed by the Senators from Georgia.

I yield the floor.

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

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

Mr. ROTH. Mr. President, I want to take a moment to talk about the small business amendment to S. 343 offered by Senator NUNN and Senator COVERDELL.

This amendment would, of course, modify the definition of ''major rule'' to include rules that have a significant impact on small business and small governments as provided in the Regulatory Flexibility Act.

This would have the effect of requiring all reg-flex rules to be subject to cost benefit analysis and the decisional criteria, as well as to be subject to the petition process for reviewing rules.

Mr. President, as I have said before, I am deeply concerned about the impact

of the regulatory burden on small business. Indeed, that is exactly why I support the amendment offered by Senator ABRAHAM earlier today.

The Nunn amendment in its present form does raise some serious problems. I had hoped we could use an approach for this amendment similar to the Abraham amendment. So far, we have not been able to reach that agreement.

While I believe strongly in the need for regulatory reform, it must be reform that is workable. I fear that, as drafted, this amendment could place too heavy a burden on the agencies, which are already pressed by the many other provisions of S. 343.

This amendment does not distinguish clearly between costly rules which deserve detailed analysis, and smaller rules which should not be subject to time-consuming and expensive analysis.

I hope that we can work together to address the concerns about the workability of this amendment, concerns shared by many of my colleagues. I would welcome the opportunity to use some of the good ideas in the Abraham amendment, such as giving OIRA greater responsibility in selecting rules for analysis, or to pursue other suggestions offered by my colleagues.

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

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

Mr. COVERDELL. Mr. President, there has been an assertion that this would unleash a flood of regulatory burden on the agencies. I want to make the point again that quite the reverse would be the case. There has been a regulatory flood on the small businesses of America.

As I said in my opening statement, if I want to pick where I want that burden to be, it ought to be on the Government side, and not on the backs of all these small companies with 4 or less employees, or 50 or less employees, which is almost all the companies in America except for 6 percent.

Last year, 116 rules were swept up by the net of the Regulatory Flexibility Act, the act that is already in place.

Now, this idea that we would have 800, I think, is an unfounded assertion. If this had been in effect last year, it would have swept up 116, just as it did last year. Because there is a judicial review, there could be changes that would add some. I think it is most difficult to assert that we will have 500 or 1,000 new rules that would require action under this amendment.

Assuming, again, that there is more burden, it ought to be on the back of the Government and not on the back of the small business. We should be trying to protect the small businesses, not the regulators. That is where our concern is properly fixed—helping small businesses to generate new companies, new jobs, and expand.

Now, I would just like to take a moment, Mr. President, and review what is already required under the act which Congress has already passed, the Regulatory Flexibility Act of 1980. We have had any number of statements here asserting that we all support that.

Whenever an agency is required to publish a notice of proposed rulemaking for any proposed rule, the agency shall prepare and make available for public comment an initial regulatory flexibility analysis.

What does that include? Each initial regulatory flexibility analysis required under this act shall contain a description of the reasons why action by the agencies is being considered; a succinct statement of the objectives of and legal basis for the proposed rules; a description of, and where feasible, an estimate, of the number of small entities to which the proposed rule will apply; a description of the projected recording, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; an identification to the extent practicable of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of political statutes and which minimize any significant economic impact of the proposed rule on small entities.

It goes on. Mr. President, that is what the Regulatory Flexibility Act required in 1980. I do not know how to do this without having a cost estimate. All we are saying in the amendment is that it should include a financial impact on small business—a financial impact on small business. And that there is an enforcement proceeding to ensure that is done—the judicial review.

I would be hard pressed, Mr. President, having fulfilled the act that already has been in effect for 14 years, I do not know how to do this as a former businessman and not understand economic consequences.

In other words, the argument I am making, Mr. President, is that the work is virtually done under the existing law. We are simply saying, Mr. President, that the Government is going to have to do and certify what we all intended all of small business to think we were doing when we passed this act.

Several points, Mr. President. First, I think the assertion of the increased burden is without sufficient evidence. The evidence we have would suggest a modest increase.

Second, Mr. President, the act that is already required of the agencies requires virtually all that is necessary already. If we spent the money to do all this work, why not have the fundamental question before the country and the American people: What is the cost going to be?

The average small businessman today is spending $5,500 per employee; the average American family is spending $6,000 a year because of the surge of regulation. We ought to know what the impact of these regulations would be.

Last, Mr. President, the point I would like to make is that we ought to be in the business of being more concerned about the small business person who has such limited resources and their ability to deal with one regulation after another after another than with worrying about what the regulatory overload will be on the people who are making all these regulatory reviews.

Mr. President, maybe a side effect would be that the agency will be more careful in determining whether or not it needs to propose a new regulation. That is another way we could affect what the ultimate cost is of the review of the regulation. They might start thinking, for a change, do we need it? And my guess is that this amendment, in fact the overall underpinnings of the bill itself, will suggest that the Government needs to be a little more thoughtful about imposing yet another requirement, another burden, and another form on that little company of two or three people, all over America, who have so little ability to respond or know, even, what the new regs require.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we all want and hope and believe in a significant and a meaningful regulatory reform. No one wants rules that do not make sense or are not cost effective. No one wants, or should want, regulatory requirements that exceed real needs. We want Government to be smart, efficient, reasonable and practical.

There are plenty of regulatory horror stories, some of which are accurate, some of which are not. There is more than enough evidence, though, for us to be convinced of the fact that the regulatory process needs fixing. It has needed fixing for some period of time.

We have been in the process of reforming it for years. Back in the late 1970's, when the Governmental Affairs Committee conducted a lengthy set of hearings and issued a multivolume report on the regulatory process, the findings in those hearings led directly to the Senate passage, in 1981, of Senate bill 1080, the number was at that time, by a unanimous vote, 94 to nothing.

S. 1080 looked similar in many ways to the legislation which we are considering this week. It had many of the same elements, including cost-benefit analysis of major rules, a procedure for reviewing existing rules, legislative review, and Presidential oversight.

S. 1080 did not make it into law because the coalition supporting it did not hold together once the bill got to the House. It was tough reform, and if it had been in place for the last 15 years we would not be here today with the legislation before us. We would undoubtedly have had a lot fewer horror stories and a lot more thoughtful regulation over the past decade and a half.

So we are here to try again, and I am all for it. We spent several months in the Governmental Affairs Committee earlier this year considering a bill introduced by Senators ROTH and GLENN which, with a few amendments, we reported to the full Senate for its consideration. Many of us think it is a solid bill. It was passed by a unanimous, bipartisan vote of 15 to nothing. It has cost-benefit analysis, risk assessment, legislative review, and a procedure for the review of existing rules. It is tough but balanced. It is a bill that makes sense.

The bill is tough, the Governmental Affairs bill, which is basically now the Glenn-Chafee bill. It is tough because it would require by law that every major rule be subject to a cost-benefit analysis. It would require that each agency assess whether the benefits of the rule that it is proposing or promulgating justify the costs of implementing it. It requires that agencies select the most cost effective rules among the various alternatives.

These two elements are key controls to rational rulemaking. The Governmental Affairs approach, now embodied in Glenn-Chafee, is tough because, by statute, it resolves once and for all the role of the President in overseeing the regulatory process. The bill gives the President the authority to oversee the cost-benefit analysis and the risk assessment requirements, and recognizes the unique contribution that a President, above all of the agencies, can make to rational rulemaking. It also gives Congress the right and the practical capability to stop a rule before it takes effect.

The Glenn-Chafee approach is tough because it allows for judicial review of an agency's determination as to whether or not a rule meets the $100 million economic impact test and because a rule can be remanded to an agency for the failure of the agency to do the cost-benefit analysis or risk assessment. It is tough because it requires existing major rules to be subject to repeal should the agency fail to review them in 10 years, according to the schedule and the requirements of the legislation.

The bill was reported out of Governmental Affairs, as I mentioned, by a unanimous bipartisan vote. It is a balanced bill, and this is the balanced half of it. It is balanced because it recognizes that many benefits are not quantifiable and that decisions about benefits and costs are, by necessity, not an exact science but require, often, the exercise of judgment. It is a balanced alternative because it would require that, to the extent the President exercises his oversight authority over the rulemaking process, that authority must be conducted in the public eye and with public accountability.

It is a very important part of the Glenn-Chafee bill that we have some sunshine on the rulemaking process right up to and including the office of the President and the OMB. It took us years to get to that point. President Bush promulgated an Executive order—President Clinton has promulgated a similar Executive order—that called for sunshine when rules are kicked upstairs to the White House for their consideration before final promulgation. This bill, this alternative which is called Glenn-Chafee, in a very significant step incorporates, or would incorporate into law, the basic elements of the Executive orders of Presidents Bush and Clinton.

The Glenn-Chafee bill is balanced because it does not subject all rules to congressional review, just the major rules. It is balanced because it uses information as a tool for assessing agency performance and makes that information available to everyone to judge and to challenge. It is practical because it does not overwhelm the rulemaking process by requiring cost-benefit analysis and risk assessment for less than major rules. It is balanced because, while requiring an analysis and certification by the agency as to whether the benefits of the rule justify the costs, it does not override the underlying statutory scheme upon which a rule is based.

I believe the amendment before us, to address the specific amendment on the floor, goes too far. It would provide for the interlocutory judicial review at an early stage in a proceeding in a way which could swamp both the regulatory process and the courts. What we are trying to do is reform this system and not swamp it and not make it worse. We all, again—hopefully all of us—want to reform this system, the cost-benefit analysis, with the kind of risk assessment which is essentially in both bills.

But what we must avoid doing is swamping either the regulatory system so that it becomes totally unworkable, or delaying it through interlocutory court proceedings, which will, in effect, make the regulatory system unworkable.

I do not think any of us want that. We want a system which is commonsensical and does not impose costs and burdens on this society where the benefits are inadequate. But surely there is a role for rules. There is a role for the rollback of rules, for the review of existing rules, and we have to make sure, both in terms of new rules and review of existing rules, that we have a process which can function in a practical way.

The amendment before us would add this interlocutory appeal from an agency determination that a rule will not have a significant impact on a small entity and, therefore, it does not require regulatory flexibility analysis.

One of the problems with having that interlocutory appeal is that it then opens up the court process to two appeals on the same rule. You have a rule up front to a court for an interlocutory appeal if an agency does not do a regulatory flexibility analysis. That then can go to the court of appeals. That then can be appealed to the court of appeals. That then can be appealed to the Supreme Court just on the question of whether or not the agency erred in failing to do a regulatory flexibility analysis. But that does not end it because there is still an appeal at the end on the subject of regulatory flexibility analysis. This time, however, on the question of whether or not, assuming the regulatory flexibility analysis was done, it was done correctly.

So the amendment before us has really two problems. One is that it will significantly increase the load on courts and the delays in the regulatory process. It does it unnecessarily because in the bill itself there is judicial review of a decision by an agency not to conduct a regulatory flexibility analysis. But it is done at the correct time, which is at the end of the process, and it is done at a time when both aspects of regulatory flexibility can be decided by a court at the same time: One, if there was a failure on the part of the agency to conduct the regulatory flexibility analysis, was that failure error; and, second, if there was a regulatory flexibility analysis, whether or not the analysis was correctly done. That is the more practical way to do it. That is the way to avoid both swamping courts in judicial review prematurely, and that is the way if we can avoid having two judicial reviews in effect of regulatory flexibility analysis relative to the same rule.

The amendment also is going to create a problem in that it is going to probably double the number of rules. We can debate how many more rules there are going to be subject to this elaborate cost-benefit analysis requirement if we adopt this amendment. But the best estimate that we can make is that it would at least double the number of rules that will be subject to that cost-benefit analysis. It is costly. It is something which delays the process. It is obviously necessary when it comes to major recalls. I think all of us agree on that. Both bills contain that. The question is whether or not, given the downsizing of Government, we can effectively then load onto agencies these kinds of burdens to increase so dramatically the requirement relative to cost-benefit analysis.

So for both those reasons, I hope that we would either defeat or modify the amendment before us because to put it in the middle of the rulemaking, to put this interlocutory review in the middle of the rulemaking process, will use the court systems unnecessarily. It will use them prematurely. And it will end up overloading both systems. That

would be harmful for people who are participants in the regulatory process, whether they are favoring a regulation or opposing it.

Again, I emphasize, this can work both ways. There are many businesses that want to review existing rules. We want the reviews to go in a practical and a smooth way, too. There are many businesses which need new rules. For instance, the bottled water business has been waiting for a rule for years to try to put some restrictions on the representations of the type of water that is being sold as bottled water, as spring water, for instance. It is the business which is waiting for the rule. It is the business which is trying to stop the false representations relative to bottled water.

So this is not always the kind of outside groups versus business. This is frequently business that needs rules to be changed or added or amended. We have to make sure that this rulemaking process works in a practical and a functional way.

So, for that reason, I hope that the pending amendment will be defeated or modified.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator from Michigan referred to the interlocutory appeal, and, in fact, the Nunn-Coverdell amendment has been criticized because it allows two appeals, both an interlocutory appeal to be taken within 60 days of the notice of the proposed rulemaking and a later appeal.

Mr. President, I have just been discussing with the Senator from Georgia a modification of that amendment to make sure that the final appeal relates only to those classes of appeals which would not otherwise be subject to appeal under section 706 of the Administrative Procedure Act or under section 625 of this act, which are, in effect, final agency actions, so that both the appeal and the remedy, the final appeal under this bill, would be a very limited and narrow one. But I will describe that amendment when it comes up.

Mr. LEVIN. I wonder if the Senator will yield just on that point for a question.

Mr. JOHNSTON. Yes.

Mr. LEVIN. Is the amendment going to be modified so as to prevent an appeal on how a regulatory flexibility analysis has been conducted if there were an interlocutory appeal on the question of whether a regulatory flexibility analysis should be done? Will the modified amendment be precluding an appeal on how that regulatory flexibility analysis has been conducted at the end of the rulemaking process? Because that would be taking away from small business something that it now has, for instance, with small units of government. I do not know if that is the intent. I think it should be clear. But the double appeal point that I was making, I think, is slightly different from the double appeal point which has been made previously, which is that the interlocutory appeal that is provided here goes to the question of whether or not there should be a regulatory flexibility analysis, and that presumably there still would be an appeal at end of the process on the question of how that analysis had been conducted, assuming one is ordered. So that is still a double appeal.

Mr. JOHNSTON. The question is an appropriate one. The first appeal in the interlocutory appeal process would be on the question of major rules, whether it meets the $50 million threshold, whether it is a matter that involves the environment, health, and safety, or whether it has a significant impact on a substantial number of small businesses and, therefore, requires the regulatory flexibility. That appeal would be taken within 60 days and putting the notice in the Federal Register. The idea here is that you foreclose further appeals after that 60 days. Now there is in addition to that in the present Nunn-Coverdell amendment a more limited petition for review which allows you to get into the quality of the regulatory flexibility analysis.

What we are saying is if it is subject to an appeal under section 706 of the Administrative Procedure Act, or under section 625 of this act, then the quality of that regulatory flexibility analysis insofar as it relates to the question of whether the final agency action was arbitrary, capricious or an abuse of discretion, they would have in that appeal the right to test the regulatory flexibility analysis at that point.

For those which were not subject to that, they would have the ability to appeal in any court in the Nation that has jurisdiction and to ask for what would be an order to go back and do the reg-flex analysis.

Mr. LEVIN. Is that at the end of the process? Is there an appeal open at the end of the process to order a reg-flex analysis if there were no interlocutory appeal that had been asked?

Mr. JOHNSTON. Yes.

Mr. LEVIN. So you have a choice as to whether to take an interlocutory appeal on that issue or to make that part of the final appeal; is that correct?

Mr. JOHNSTON. You have a choice. If you wait until the final appeal, it would be a more limited choice because the only remedy provided there is for the court, in effect, to order the reg-flex analysis, and if that then would call for a modification in the rule, then the rule would then be modified, but there would be, for example, no stay of the rule because of the inadequacies of the reg-flex.

Mr. LEVIN. It was my question—I am unclear—is it the intent of the modified amendment that there could be either an interlocutory appeal on the question of whether or not a reg-flex analysis has to be made or that issue could be raised for the first time at the end of the rulemaking process, either one would be allowed?

Mr. JOHNSTON. No; the question of whether this is a rule which has a substantial, significant effect on a substantial number of small businesses, which is the trigger for the reg-flex, it is the intent here—and this language has not been drawn—it is the intent here that that test be only once.

Mr. LEVIN. And that it must be made on interlocutory appeal?

Mr. JOHNSTON. That is correct. That is the intent. It is a little difficult to give precise answers since the actual language has not been drawn. That is the intent. But as to the quality of that, you can test that only later after the reg-flex attempt.

Mr. LEVIN. I thank my friend from Louisiana for his answers, and I then would withhold any further comment until after we see the language on it. I wonder if the Senator will yield for one additional question.

Mr. JOHNSTON. Surely.

Mr. LEVIN. Is the intent that the rulemaking process be stayed during the interlocutory appeal on reg-flex?

Mr. JOHNSTON. No, not at all. That is the whole idea.

Mr. LEVIN. Is that clear in the language of the amendment?

Mr. JOHNSTON. We believe so, but if it needs to be further clarified, it can be. The idea here is that you want to have this determination made early enough in the process so that you can remedy the defects in the rule while the rule is still going on and not have to wait until it is all over with, because some of these rules take 2 or 3 years. And if you do not find out until, say, your final appeal is 6 or 9 months after the final rule, then you have to stay the rule and go back and do it all over again.

Mr. LEVIN. Of course, that is what judicial review is all about. There is presumably an incentive to do the process right. That is why there is judicial review at the end. And you do not wipe out judicial review at the end in any event. You still allow judicial review in many ways, so it is not as though you are doing a whole bunch of things up front and thereby precluding the review at the end.

Mr. JOHNSTON. No, but you would preclude a review, for example, on whether this is a major rule, whether it has $50 million, if that is the trigger, or $100 million, which I hope we can get an amendment in to make it $100 million. That question would be reviewed, would be finally reviewed on the interlocutory basis.

Does the Senator understand what I am saying?

Mr. LEVIN. Is it the intent of the sponsors of this bill, and the Senator indicates the sponsors of this amendment, to preclude judicial review at the end of anything which can be raised by interlocutory appeal at the beginning?

Mr. JOHNSTON. Will the Senator reask the question.

Mr. LEVIN. Is it the intention of the sponsor of the bill pending here, of the Dole-Johnston bill, and is it the Senator's understanding that it is the intention of the makers of this amendment, that the interlocutory appeal which is provided is the exclusive remedy to raise the issues that can be raised by interlocutory appeal and that if anyone fails to raise an issue, which could be raised by interlocutory appeal, by interlocutory appeal, it cannot then be raised at the end of the rulemaking process?

Mr. JOHNSTON. That is correct. And I hope our language will properly reflect that.

Mr. President, let me be a little more clear if not only for the purpose of this small business amendment, the reg-flex amendment, but also for the purpose of the whole bill. The reason for having the interlocutory appeal is that the question can be put at rest early in the process.

If, for example, an agency determines that the rule is likely to have an impact of less than $50 million a year, then it would not be a major rule, would not require the cost-benefit analysis, or the risk assessment. They would make that determination early on, file that in the record, and any party, any interested party, would then have 60 days from the time of that determination to make this interlocutory appeal on the question of whether it was a major rule because of the amount of dollars, whether it was a rule that affects health, safety, the environment, which in turn requires the risk assessment, or in this case whether it has a significant effect upon a substantial number of small businesses.

The idea is that if that appeal is not made within 60 days, that you are foreclosed from raising that later on in the process.

Keep in mind that if an appeal is made within the 60 days on the basis that they failed to make it into a major rule, that the agency itself could make a determination, could in effect moot the appeal by going back and doing the cost-benefit analysis and the risk assessment.

What we find under the present law in areas like NEPA, National Environmental Policy Act, agencies tend to err on the side of conservative in doing an environmental impact statement, which is much more involved than the environmental impact assessment. They will do the statement rather than the assessment many times because they do not want all their work to be thrown out X years later at the end of the process.

The result is that it frequently requires tremendous amounts of additional expense in doing that which the law would not otherwise require. And the reason for the interlocutory appeal is to be able to get that question determined up front and early so that the results of the whole system will not be thrown out.

The concern with the Nunn amendment, even as amended, when amended, is that it is likely to cause an agency overload or much more than the agencies are able to do.

The amount of personnel that the agencies have, the amount of moneys that the agencies have in order to perform these risk assessments is, of course, limited. Now, how many additional rules would this require the agencies to do? We do not know. OMB tells us that it could be hundreds of additional rules that would be caught under this definition. It could have the effect of doubling, tripling, or even a fivefold increase in the amount of work that they have to do.

I hope, Mr. President, that if this amendment is adopted and becomes part of this law that that is not the result. However, I think that it is going to require continued analysis as this matter moves along. It is not my purpose, frankly, to vote for this amendment, although we are not making, or at least I am not making, a major challenge to this amendment, given the assurances of the Senators from Georgia that we will be able to continue to work on it to avoid the question of agency overload.

However, until we have dealt with a more assuring way with this question of agency overload, I will not be able to vote for this amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I believe this amendment to S. 343 is of paramount importance. S. 343, as written now, will unquestionably benefit small businesses by requiring Federal bureaucrats to only promulgate regulations that are cost-effective and based on good science. But adoption of the Nunn-Coverdell amendment will guarantee that small businesses, which represent the vast majority of employers and employees in this Nation, thus encompassing most Americans, will further benefit from regulatory reform by assuring that all regulations that are currently subject to the Regulatory Flexibility Act of 1980, termed the ''reg flex act,'' will also be subject to S. 343's cost-benefit analysis provision and periodic congressional review.

Small businesses create most of the jobs in America. This is demonstrated by the fact that from 1980 to 1990, small businesses with fewer than 20 employees created 4.1 million net new jobs. Compare that with big business. Large businesses with more than 500 employees lost over 500,000 net jobs over the same time period.

According to the Small Business Administration, small business bears a disproportionate share of regulatory burdens. In fact, SBA, the Small Business Administration, estimates that the burden of regulations on small business is three times greater than that for large businesses. It is clear that to assure small businesses will continue to act as America's locomotive for job creation, Congress has to lift the regulatory burden from small family businesses.

The Nunn-Coverdell amendment will accomplish this through several mechanisms. First, the definition of ''major rule.'' S. 343 is amended to include rules that have a significant economic impact on a substantial number of small businesses, virtually the same definition that triggers the reg flex act. The determination of a rule as a major rule subjects the rule to S. 343's cost-benefit analysis. This will assure that rules affecting small businesses will be cost-effective and less burdensome.

This designation of rules having a substantial impact on small businesses as a major rule subject to cost-benefit analysis is necessary to close a loophole in this bill. The $50 million threshold amount for a major rule may be too high for many small businesses. For instance, a regulatory impact of less than that amount may have a devastating effect on a small business or a sector of the economy that may not yet represent a significant burden on a Fortune 500 company. The Nunn-Coverdell amendment would resolve this problem by requiring that all rules that have a significant impact on small businesses be classified as a major rule under S. 343.

A legitimate question is just how many regulations does this amendment encompass? How many new major rules will be subject to cost-benefit analysis under S. 343? In other words, what is the impact of this amendment to Federal agencies' resources and personnel? And the answer is, not that much. The reg flex act requires that regulatory burdens be reduced for those regulations that have a ''significant impact on a substantial number of small entities.''

Small entities include small businesses as well as both small governments and charities, entities that shoulder a disproportionate share of the cost of regulation. Last year under the reg flex act just 127 regulations qualified for that act's special treatment. The Nunn-Coverdell amendment, as I understand it, would encompass only that part of the 127 regulations that affect small business and even 127 is not a great or burdensome amount.

The other mechanisms of this amendment that assure protection of small businesses involve modifications of the reg flex act. The most important establishes a requirement for agencies to conduct a cost-benefit analysis before rules are promulgated under the reg flex act. Furthermore, the determination by an agency that a rule will not have a significant impact on small businesses is made judicially reviewable. I believe that these changes will buttress our economy by reducing the burdens imposed on our small businesses by regulations.

So I urge my colleagues to support the Nunn-Coverdell amendment. I think it is a good amendment. I think

it helps the bill. I think it closes a loophole. I think it protects small businesses. I think that it makes the regulatory forces in this country be more responsible and, above all, it amounts to common sense. To me, that is what this bill is all about—common sense. I think it would be well for us to support this amendment.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Michigan.

Mr. LEVIN. Mr. President, the Senator from Louisiana and I previously had a colloquy, and I very much welcome the language that he is going to be preparing to clarify a critical point, but it seems to me that the more that point is clarified, the less of a favor we are doing for small business in this amendment. Let me explain why.

In talking with the Senator from Louisiana, and just talking with the senior Senator from Georgia, it is quite clear that the intent of this amendment is that an issue which can be raised on an interlocutory appeal must be raised at that time or else it is precluded from being raised at the end of the rulemaking process.

The problem with that is that an awful lot is learned about the impacts of rules during the comment period. That is one of the reasons for the comment period. To preclude a small business from taking advantage of what is learned during the comment period so it can argue on an appeal at the end of the rulemaking process that this rule has a significant impact on small business or on small units of local government, it seems to me, is doing a disfavor, a disservice to these smaller units.

So while that clarification I think is important in terms of congressional intent and it is important in order to avoid two appeals on the same subject, the better road to go here is to have the appeal at the end of the process, as it is in the way the bill is written now, where you can use the comment period to gain evidence as to why a regulatory flexibility analysis is essential. To preclude a small unit, be it business or small unit of government, from taking advantage of that comment period to make a case as to why a regulatory flexibility analysis is necessary, it seems to me, is not the way we should be going in terms of trying to help both small businesses and small units of government.

So while I think the clarification is important, again, so we all understand what the intent is and while it is important in order to avoid two appeals on the same subject, the conclusion that is reached has the appeal at the wrong point. The appeal should be there. It is new. It is important to small business that there be an appeal on this issue and the small units of government. But the right place for that appeal to come is at the end of this process where they can then use the record which has been gained during the comment period to make the argument that there should have been a regulatory flexibility analysis and that failure to do so was an error which requires the rule to be remanded and to be done right.

I yield the floor.

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. NUNN. 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. 1491, AS MODIFIED

Mr. NUNN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment, as modified, is as follows:

On page 14, line 10, strike out ''or''.

On page 14, line 16, add ''or'' after the semicolon.

On page 14, insert between lines 16 and 17 the following new subparagraph:

''(C) any rule or set of closely related rules, not determined to be a major rule pursuant to subparagraph (A) or (B), that the agency proposing the rule determines will have a significant economic impact on a substantial number of small businesses, pursuant to subchapter I shall be deemed to be a major rule for the purposes of subchapter II;

On page 39, line 22, strike out ''and''.

On page 39, line 24, strike out the period and insert in lieu thereof a semicolon and ''and''.

On page 39, add after line 24 the following new subparagraph:

''(C) an agency certification that a rule will not have a significant economic impact on a substantial number of small entities pursuant to section 605(b).

On page 40, line 5, insert ''and section 611'' after ''subsection''.

On page 68, strike out all beginning with line 9 through line 11 and insert in lieu thereof the following:

''(A) include in the final regulatory flexibility analysis a determination, with the accompanying factual findings supporting such determination, of why the criteria in paragraph (2) were not satisfied; and

On page 72, insert between lines 14 and 15 the following new subsection:

(e) AMENDMENTS TO THE REGULATORY FLEXIBILITY ACT.—

(1) TECHNICAL AND CLARIFYING AMENDMENTS.—Section 612 of title 5, United States Code, is amended—

(A) in subsection (a) by striking ''the Committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''; and

(B) in subsection (b) by striking ''his views with respect to the effect of the rule on small entities'' and inserting ''views on the rule and its effects on small entities''.

On page 72, line 15, strike out ''(e)'' and insert in lieu thereof ''(f)''.

Mr. LEVIN. Mr. President, I wonder if I could ask the sponsors of the amendment the following question, since we have not had a chance to look at the modification.

Mr. GLENN. Mr. President, I know this has been the subject of debate on the floor—not publicly but among different Members. I wonder if we can have a brief explanation. We only have a few minutes before the vote.

Mr. LEVIN. Mr. President, it is my intention to ask the senior Senator from Georgia this question. Is it the intent of the modification to make it clear that there is only one appeal that is permitted on the issues which can be raised by interlocutory appeal and that one appeal is the interlocutory appeal? Is that, as previously stated by the Senator from Louisiana, the purpose and effect of the modification sent to the desk?

Mr. NUNN. If I could say to my friend, there are two parts of this modification. One is to make it clear that risk assessment is not required under this amendment, only cost-benefit analysis. We talked about that earlier this afternoon. There was an omission from the draft.

The modification relates to judicial review. You made the point that small businesses might need two bites at the apple. The way the amendment reads, there would be two bites at the apple. We intend to change that at a later point during the debate on this bill.

Mr. LEVIN. Is it the intent to modify it so there is only one bite at the apple?

Mr. NUNN. This whole issue of judicial review will require more work. As the Senator knows, it is complicated, and for me, is not fixed at this point. We are going to have to work on it more.

Mr. LEVIN. Is it the intent later on to require or to provide only one bite at the apple later on?

Mr. NUNN. That is my present intent. I am always persuaded by my friend's arguments, so we may have to think more on that.

Mr. LEVIN. Is it the intent that that one bite be the interlocutory appeal? Is that the present intent?

Mr. NUNN. I would like to work with the Senators on that.

Mr. GLENN. Would the Senator consider, rather than having a vote now, waiting until it is modified and wait until later?

Mr. NUNN. I believe we ought to go ahead and vote. This judicial review issue has to be addressed on the overall bill. So we are going to have to work on this issue more, within the overall bill. I would like to vote on this amendment.

Mr. LEVIN. I am wondering if the first part of the amendment could be voted on.

Mr. NUNN. There is no way to divide it at this point.

Mr. LEVIN. It is a rather unusual thing we are doing. We are adopting an amendment which we are saying later on we know needs to be modified, and it is the intent of the makers to modify it. I would think it would be better to modify it before we vote.

Mr. GLENN. Or you are going to get people locked in on this vote.

Mr. NUNN. I do not think this is going to be the issue on which people are voting. I hope I am not the first Senator to say on the floor that an amendment is not perfect. It will require further work. This will require further work on that limited point.

This is not the central point of the amendment. The central point is to have the small business community not be full beneficiaries of these very important changes to regulatory review process.

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

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

EXPLANATION OF ABSENCE

Mr. DOLE. Mr. President, the senior Senator from New Hampshire [Mr. SMITH] is necessarily absent from the Senate and is holding an important meeting on Superfund reform in his home State. He has asked me to announce that had he been present for the votes we are just about to take, he would have voted in favor of both the Abraham and the Nunn-Coverdell amendments.

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

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

Mr. HATCH. 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.

VOTE ON AMENDMENT NO. 1490

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. INHOFE], the Senator from Vermont [Mr. JEFFORDS], and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—96

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grams	Murray
Breaux	Grassley	Nickles
Brown	Gregg	Nunn
Bryan	Harkin	Packwood
Bumpers	Hatch	Pell
Burns	Hatfield	Pressler
Byrd	Heflin	Pryor
Campbell	Helms	Reid
Chafee	Hollings	Robb
Coats	Hutchison	Rockefeller
Cochran	Inouye	Roth
Cohen	Johnston	Santorum
Conrad	Kassebaum	Sarbanes
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone

NOT VOTING—4

Bond	Jeffords
Inhofe	Smith

So the amendment (No. 1490) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1491, AS MODIFIED

The PRESIDING OFFICER. The question is now on amendment No. 1491, as modified, offered by the Senator from Georgia [Mr. NUNN].

Mr. COVERDELL. 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.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. INHOFE], the Senator from Vermont [Mr. JEFFORDS], and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—60

Abraham	Brown	Conrad
Ashcroft	Burns	Coverdell
Baucus	Campbell	Craig
Bennett	Coats	D'Amato
Bingaman	Cochran	DeWine
Dole	Hatfield	Nickles
Domenici	Heflin	Nunn
Dorgan	Helms	Packwood
Exon	Hollings	Pressler
Faircloth	Hutchison	Robb
Feingold	Kassebaum	Rockefeller
Feinstein	Kempthorne	Santorum
Frist	Kerrey	Shelby
Gorton	Kyl	Simpson
Graham	Lott	Snowe
Gramm	Lugar	Specter
Grams	Mack	Thomas
Grassley	McCain	Thompson
Gregg	McConnell	Thurmond
Hatch	Murkowski	Warner

NAYS—36

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Inouye	Murray
Breaux	Johnston	Pell
Bryan	Kennedy	Pryor
Bumpers	Kerry	Reid
Byrd	Kohl	Roth
Chafee	Lautenberg	Sarbanes
Cohen	Leahy	Simon
Daschle	Levin	Stevens
Dodd	Lieberman	Wellstone

NOT VOTING—4

Bond	Jeffords
Inhofe	Smith

So, the amendment (No. 1491), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

S0634

EXPLANATION OF ABSENCE

● Mr. BOND. I regret that I was unavoidably absent for the votes today. I was away from Washington to participate in a court-ordered appearance. If I had been present, I would have supported both the Abraham and the Nunn-Coverdell amendments.●

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, after more than a decade, it is about time that we are starting to work on regulatory reform. We have a very good bill going through the House of Representatives. Hopefully, we will be able to get just as good a bill through the U.S. Senate. I am glad that we are able to do this under the leadership of our majority leader, Senator DOLE, because this is a historic comprehensive regulatory reform. This bill, S. 343, is a response to the informal rulemaking that has exploded in the last 50 years that was not contemplated in the original Administrative Procedure Act which passed in 1946.

S. 343 involves a number of major regulatory reforms. These include cost-benefit analysis, risk assessment, petition reopener, judicial review, congressional review, peer review, and improvements to the Regulatory Flexibility Act.

S. 343 is the latest product of a long-term evolutionary process. The foundation for S. 343 comes from the 97th Congress in the form, which we passed at

that time 94 to 0, of S. 1080. S. 1080 was the culmination of over 20 years of work in the Senate to reform the regulatory process. Unfortunately, that year, in the 97th Congress, the House leadership, then under the control of the Democratic Party, did not believe that regulatory reform was needed, because they believed in the regulatory state. So the House leadership neglected to follow through on that bill, and the bill was never considered by the other body.

Regulatory relief was a major issue in the congressional elections this year. It was part of our Contract With America. S. 343 is part of the fulfillment of the mandate that voters gave to the new leadership in Congress to bring about more effective and less costly rules and regulations.

As chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, I began the Judiciary Committee's efforts in what has become an extensive legislative process. Beginning last February, my subcommittee held hearings over 2 days and then held a markup where I offered a substitute, which was adopted and reported to the full committee.

Chairman HATCH then held another hearing before the full committee to consider the issue in even more detail. After a number of delays to accommodate the Democratic side of the aisle, the committee held 3 days of markup over a period of 3 weeks, and so the committee finally reported the bill last April 26.

Since that time, Members and staff have worked extensively with those who had questions or problems with the bill, even including the White House. We received, in fact, a number of very positive suggestions. And because they were positive, meant to be helpful, and it showed cooperation by the other side, including the administration, many of these were included in the bill.

S. 343 deals with two overall topics directly relevant to regulatory reform. The first major topic is regulatory analysis, including cost-benefit determinations for new and existing major rules or regulations of the Federal Government and, where relevant, Mr. President, risk assessment criteria and procedures.

The second major topic involves changes to the Administrative Procedure Act and other Federal statutes which contain equivalent provisions. These changes are in the procedures that the agencies are required to follow in rulemaking and also in the standards of judicial review and appeals of agency action.

Through these provisions, Congress will give Federal agencies new substantive and procedural guidelines on how the agencies are to use the legislative powers which Congress has given them through other statutes to regulate. The ultimate objective in our legislation is for better Federal rules and regulations, and by better rules, we mean, very broadly speaking, rules that are to do social and economic good, where the benefit outweighs the harm.

A second objective is to make the rulemaking process more rational and more open and to give persons who are the intended beneficiaries of the rule and those who are more likely to bear its costs greater opportunity to participate in the agency's proceedings. No one should reject the proposition that people who are to be affected by the regulations ought to have a part in the process of the agency's consideration of those, and also, once that process is over, through judicial review, to have a means of assuring that agencies, in effect, obey the law. S. 343 does that.

These changes were designed then to supplement and to strengthen the regulatory analysis requirements of S. 1080, which is the core of the regulatory analysis that is in this new bill before us.

I view the overall primary focus of this bill to be accountability. The essence of Government is accountability. The essence of lawmaking is accountability. The public holds us accountable through the regular election process. The regulatory scheme of things in the administrative branch of Government is somewhat removed from citizen participation, and the extent to which it is, I believe people who are regulators and people who make the regulations and rules tend to be less accountable.

This bill, not as perfectly as is done through the election process affecting those of us in Congress, intends to bring accountability to the process of the regulation and rulemaking of the faceless bureaucrat. This means agency accountability to the people as well as to Congress who has delegated its authority to the agencies. It also means congressional accountability to the people because we are ultimately responsible for the laws that we pass. We should not punt to the agencies and to the courts to make very important determinations that ought to be made right here. Unfortunately, there will be those who will try to misrepresent our intentions by arguing that this bill will be used to gut our Nation's health, safety, and environmental laws.

This argument, of course, is a sham, because there is not one among us who does not want to do everything that we reasonably can to protect the lives of our people and who recognize the need for sound and effective regulations. We all breathe the air, eat the food, and drink the water.

We all want our children and grandchildren to be as safe as possible. To suggest otherwise, as some in this body are doing, and particularly as the media likes to popularize, is just downright shameful. We are concerned about the lives of people. This does not compromise that principle whatsoever. What it means to do is that regulation and rulemaking be accountable; that people take into consideration alternatives; that there is not one way to do something, and that there ought to be a relationship between cost and benefit, and there ought to be a scientific basis for regulation. The fact is that many rules and regulations have become too rigid and costly. These rules themselves could actually threaten our Nation's limited resources, as well as public support for the necessary rules.

At a later time in this debate I am going to go into more specific detail about how ridiculous and onerous many regulations have become.

Mr. President, Majority Leader DOLE is to be commended for taking the initiative on this legislation and following through on what the American people want and expect. He is the leader of our party. Our party had a mandate in the election to do that, and he is carrying that out in the responsibility that he has. The efforts that are being made in the debating of this bill, in the consideration of this bill, is to make sure that our performance in office is commensurate with the rhetoric of the campaign. I think this bill is about as close as you can get to having that be a possibility.

As others have said, we have to find ways to do things smarter and cheaper. As the committee report points out, we have become hostage to the unregulated regulatory process. S. 343 will help us out of this quagmire by requiring sound, effective, fair, reasonable regulation that will do the job the people intend that they do.

We have all heard today very real stories of agencies gone mad. Well, I want to relate one story here today where bureaucrats got out of control. This story, and many others we will be hearing about, will underscore the need for commonsense reform. This story happens in my State. S. 343 is about reasonableness and responsibility. The American people are inspired by reasonable decisions. When the Government acts in the best interest of the majority of its citizens, the American people are encouraged by the Government's responsible actions.

S. 343 is a responsible action which is in the best interest of the majority of Americans. One of the main problems this bill addresses is unreasonable regulations and overzealous regulators.

This problem is clearly evident when it comes to agencies like the Environmental Protection Agency. The EPA was instituted and developed to promote policy advancing a clean environment at reasonable costs with fair and rational oversight. Fair and rational oversight, though, has not been exhibited recently by the EPA. Presently, the EPA exhibits arrogance and overzealous behavior while enforcing the agency's adversarial relationship with small business and farmers.

Innocent citizens are easy prey for presumptuous EPA bureaucrats. I know this to be true because, as I have

said, I have a constituent who has personal scars from unjustified hardships resulting from brash EPA officials.

This example happened outside a little town in the northwest corner of my State of Iowa. The name of that community is Akron, IA. It was business as usual that day at the Higman Gravel Company. Harold Higman, the owner, was outside topping off his pickup truck at the gas pump on his property. Mavis Hansen, a trusted employee of 20 years, was inside the office tending to the books, as she regularly did. Every other employee was working at their normal business responsibilities that early morning at 9 o'clock. You might say the morning routine had just begun.

Suddenly, in a violent breech of the morning's routine, nearly a dozen unmarked cars roared onto the yard of the premise of that gravel business. They screeched to a halt in cadence. Forty agents poured from the cars and surrounded Mr. Higman, cocking their guns in unison.

One agent, who was clad in a bullet-proof vest, leveled his shotgun at Higman. The agent pumped the gun once to load it. As Mr. Higman, the owner, gulped and his knees quivered, the agent fumbled for his badge, and as Mr. Higman groped for words and he voiced a demand for an explanation, the agent responded with a ''shut up'' right in Mr. Higman's face.

Meanwhile, another agent stormed the office. There he found the trusted employee of 20 years, the accountant, Mavis Hansen, at her desk tending to the books, as you would expect her to be doing at 9 o'clock in the morning. The agent stormed in with his gun and yelled ''freeze'' with his gun cocked and left it aimed right at Mavis Hansen's head.

Poor Mavis Hansen sat frozen with shock, fear, and bewilderment. Now, Mr. President, to this very day, she still has nightmares and bouts of nervousness due to what happened that horrible day.

Obviously, there must have been a reason for 40 agents to appear, shoving their shotguns down the throats of the owner and the bookkeeper of this gravel business in the small town of Akron in northwest Iowa. You might wonder, was it some kind of a drug operation? Was there a cache of weapons? None of those, Mr. President. What the agents were looking for were two so-called toxic chemicals that were allegedly stored at the Higman Gravel Co. grounds, supposedly buried in barrels.

Now, this is what they had been told. They had been told this, Mr. President, by a paid informant. But it turns out that this paid informant was also a disgruntled former employee of the Higman Gravel Co. He had given the EPA a bum lead, and after 15 months of misery and ordeal, a jury in a criminal case finally decided that Higman was innocent. Mr. Higman and others were acquitted of charges stating that he had knowingly stored illegal toxic chemicals on his property.

That decision and the 15 months of litigation cost Mr. Higman $200,000 in legal fees, lost business, and what is even more important in my State, Mr. President, it gave this very responsible business person a damaged reputation.

It also cost the bookkeeper, Ms. Hansen—the woman that had the shotgun leveled at her as she was at her desk doing her books—two months leave of absence due to a nervous disorder, which still persists to this day.

Mr. President, the moral of this story must be prefaced with a poignant question: How in the world does the EPA justify such outrageous behavior?

It is the regulatory state gone out of control. They acted, as I have said, on rumor and innuendo. When the rumors did not pan out, they pressed ahead anyway, costing innocent citizens financial and psychological fortunes.

I will not go through all of the details in this case, Mr. President. But I think it behooves us as a society to take a broad view of this case and see what lessons can be learned.

To begin with, the EPA used a force of 40 men comprised of Federal and local agents. They used a force equipped to attack a mountain when it was only a molehill.

Second, the EPA's advanced scouting of the situation was disgraceful. They charged ahead with full force, though uninformed about the facts. They did not look before they leaped.

All too often, Mr. President, I hear of such overzealous and heavy-handed enforcement of our Nation's environmental laws. Yet, there is rarely accountability. This situation cannot continue. A presumption of guilt is formed. It is a foreign concept in our land. It should be a foreign practice as well.

The purpose of the EPA is certainly commendable. The purpose is to protect the Nation from environmental pollutants and toxins. The EPA is suppose to work to make our water clean and our air pure, and there is no one who would argue with those worthwhile goals. But the heavy-handed tactics are inconsistent with EPA's worthy objectives. In fact, such policy erodes whatever moral authority the EPA may hope to have to detect and deter pollution and polluters. Their image in the public's eye will only suffer and the public's confidence in the EPA's fairness will be shaken.

We certainly hope, Mr. President, that this reform will cause the EPA to reconsider its we-versus-they mentality, with respect to American small business. This bill will not overturn existing environmental law. The Comprehensive Regulatory Reform Act will require the EPA to reexamine existing rules and force them into revisions, but only, let me emphasize, where regulations are based on bad science or where a less costly alternative exists that achieves the statutory requirements. Small businesses certainly share the goal of a clean environment at reasonable costs, with a fair and rational oversight by the U.S. Government. Most, if not all, businesses want to comply with environmental laws and regulations.

Mr. President, it is my hope that this reform will change the EPA policy to promote a worthy social objective that fosters reconciliation and cooperation. This reform will help eliminate the heavy-handed tactics and threats against innocent citizens like Mr. Higman and Ms. Hansen. Through this reform the EPA could once again return to its original purpose of promoting policy which advances a clean environment through fair and rational oversight.

Mr. DASCHLE. Mr. President, I want to use this time to remark briefly on the pending measure, which will be the subject of a vigorous debate over the next several days, and the focus of our work today and in the days to follow.

The primary subject of this debate is the bill that was reported by the Judiciary Committee in a very controversial markup which was later modified through negotiations with Senator JOHNSTON and other colleagues.

I am grateful for the attention that Members have given the bill since it was reported by the Judiciary Committee, for I believe, over time, real improvements have already been made.

Nevertheless, throughout these negotiations, these clear differences have emerged among those who advocated changes in the way Federal agencies issue regulations. It has become apparent that a new, more reasonable and judicious approach is needed if we are to enact responsible, regulatory reform, without causing gridlock in the Federal agencies.

There remain a number of problems with S. 343 which argue against adoption in its current form. First, its passage will likely result in a more convoluted, bureaucratic, and confusing system that practically invites manipulation and litigation by the best lawyers money can buy. It would allow, and even encourage, appeals and litigation throughout the regulatory development process.

The multifaceted petition process will create massive burdens on Federal agencies at a time when we are attempting to cut budgets and limit the size of Government.

The bill's $50 million threshold will drag hundreds of additional rules into this process, further burdening agencies. It also forces Federal agencies to choose the cheapest option, even if other alternatives are more cost effective and therefore more economical.

In sum, it would impose costs on Federal agencies that cannot be met under current budget constraints. The Office of Management and Budget estimates that S. 343 would cost Federal agencies an additional $1.3 billion and 4,500 full time employees each year simply to implement all its provisions. The Federal Government simply does not have

the resources to absorb those requirements. Nor should it.

In addition to overburdening Federal agencies, S. 343, as currently written, would roll back some of the most important laws that protect our environment, our health, and our safety.

For the first time in my lifetime, we are contemplating a comprehensive retreat from the progress achieved in reducing air pollution, in cleaning up our rivers and lakes, in taking steps to ensure that the food we eat and the water we drink is safe and clean. In the past, this effort has been embraced by leaders Republican and Democratic. Whether it was President Nixon, Ford, Carter, Reagan, Bush, or President Clinton, this Nation has realized great benefits from an extraordinary bipartisan commitment on these matters.

Mr. President, last year 2-year-old Cullen Mack of my home State of South Dakota fell ill from eating beef contaminated with the E. coli bacteria. As a result of experiences like Cullen's, I held a number of hearings in the Agriculture Committee and the Department of Agriculture developed regulations which would help prevent recurrences of this problem. The rules would modernize the meat inspection process, using sensitive scientific techniques to detect contamination and prevent spoiled meat from making its way into our food supply.

This much-awaited rule will be held up by this bill. It will be delayed and perhaps even stopped. That is unacceptable and represents one of the problems with this bill in its current form.

In its attempt to reform the regulatory process, the bill overreaches—I believe, to the long-term detriment to the American people, including businesses. In South Dakota as in many other States, not only will the public benefit from tough new meat inspection rules, but so will the farmers and ranchers who raise the livestock and who benefit from the assurance that their products will reach the market in the best condition possible. The Senate should not support a process that would compromise that objective.

I want to make clear that I'm not suggesting that somehow the proponents of S. 343 are advocating the degradation of our environment, or have set out to contaminate our drinking water, or that they are unconcerned with a child's potential exposure to toxins. But passage of this bill will make those results more likely. And that is not a result that I can endorse.

I know that some of my colleagues will be taking the floor to make that case in detail, and to offer amendments which will attempt to ameliorate the most harmful provisions of the bill. And I know that some of my democratic colleagues have signed onto S. 343.

I also want to make it clear that there is a better alternative and that a number of amendments will be offered which will improve the bill and which I hope all Members will give their serious consideration.

The comprehensive alternative will produce commonsense reform without wholesale harm. I am hopeful that after some healthy debate on this matter, and in light of the amendment process that will begin today, my colleagues can be persuaded to support our amendments and the alternative developed by Senators GLENN and CHAFEE, should it be offered. That is the best, most defensible path to regulatory reform, because it does not sacrifice the environmental, health, and safety standards that American families have a right to expect and demand from their Government.

Mr. President, I can state with some confidence that no Member of this body will argue for a regulatory status quo. No Member of this body believes that every Federal rule is sacred. No Member will defend every law we've passed as perfect in its real-world application. There are too many regulations in general, and, in particular, too many that make no sense.

It is my strong hope that during this debate, we can come to agreement on a bipartisan regulatory reform bill that achieves serious, meaningful change, but does so recognizing the budgetary realities facing the Federal Government, recognizing the desire to prevent unnecessary and expensive litigation, and recognizing the fundamental importance of ensuring that Federal agencies should be able to issue those commonsense regulations which protect public health and safety, the environment, and other matters that most of us agree should be the subject of responsible Federal oversight.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 104–12 AND 104–13

Mr. HATCH. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Investment Treaty with Latvia (Treaty Document No. 104–12) and the Investment Treaty with Georgia (Treaty Document No. 104–13) transmitted to the Senate by the President on July 10, 1995; and the treaties considered as having been read the first time; referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Latvia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on January 13, 1995. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment Treaty (BIT) with Latvia will protect U.S. investors and assist Latvia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 10, 1995.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Georgia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on March 7, 1994. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment Treaty (BIT) with Georgia was the eighth such treaty between the United States and a newly independent state of the former Soviet Union. The Treaty is designed to protect U.S. investment and assist the Republic of Georgia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropration; free transfer of funds related to investments; freedom of investments from performance requirements; fair, equitable, and most-favored-nation treatment; and the investor of investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 10, 1995.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 62

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 Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting (CPB) for Fiscal Year 1994 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1994.

Since 1967, when the Congress created the Corporation, CPB has overseen the growth and development of quality services for millions of Americans.

This year's report, entitled ''American Stories,'' is a departure from previous reports. It profiles people whose lives have been dramatically improved by public broadcasting in their local communities. The results are timely, lively, and intellectually provocative. In short, they're much like public broadcasting.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 10, 1995.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 1015. A bill to provide for the liquidation or reliquidation of certain entries of pharmaceutical grade phospholipids; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1016. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Magic Carpet*; to the Committee on Commerce, Science, and Transportation.

S. 1017. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy*; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1018. A bill for the relief of Clarence P. Stewart; to the Committee on Governmental Affairs.

By Mr. BAUCUS:

S. 1019. A bill to direct the United States Fish and Wildlife Service to examine the impacts of whirling disease, and other parasites and pathogens, on trout in the Madison River, Montana, and similar natural habitats, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COVERDELL:

S. 1020. A bill to establish the Augusta Canal National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S.J. Res. 37. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 1015. A bill to provide for the liquidation or reliquidation of certain entries of pharmaceutical grade phospholipids; to the Committee on Finance.

LEGISLATION CORRECTING THE RECLASSIFICATION OF PHOSPHOLIPIDS

Mr. HELMS. Mr. President, today I once again offer legislation to correct an obviously unintended and mistaken reclassification of pharmaceutical-grade, FDA-approved egg yolk phospholipid by HTS, the Harmonized Tariff Classification System. Another provision of this legislation has been accomplished in the Uruguay round GATT agreement.

Kabi Pharmacia is a U.S. company in Clayton, NC. Kabi has become a leading employer in rural Johnston County; it has 175 employees engaged in high-technology manufacturing and research work. The main product manufactured by Kabi Pharmacia in Clayton is intralipid, a unique intravenous feeding solution. Kabi must import a key, unique intralipid ingredient—pharmaceutical-grade, FDA-approved egg yolk phospholipid, because it is made only by Kabi's parent company in Sweden.

The duty on Kabi's phospholipid was set at 1.5 percent in the 1970's when Kabi began operations in Clayton. Beginning in March 1991, the unintentional HTS reclassification of the phospholipid more than tripled this duty, a situation that could not be corrected in the GATT agreement because it is a matter of U.S. law—which, of course, only Congress can change.

Mr. President, my legislation would return the rate on the phospholipid to 1.5 percent for the period from March 29, 1991, until January 1, 1995, when the duty for Kabi's phospholipid and other pharmaceutical components and products became zero under the GATT agreement, and refund the unintended duty increase. The amount of the unintended duty increase is $396,779.16.

Mr. President, there has been no disagreement that the duty increase on Kabi's phospholipid was unintended and unwarranted. Simple fairness emphasizes the need for the legislation I offer today. The correction of the erroneous HTS reclassification must be retroactive in order that there can be an equitable redress. It is a matter of simple fairness and equity.

I ask unanimous consent that the text of this legislation (S. 1015) be printed in the RECORD.

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

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHARMACEUTICAL GRADE PHOSPHOLIPIDS.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of pharmaceutical grade phospholipids that—

(1) was made under subheading 2923.20.00 of the Harmonized Tariff Schedule of the United States;

(2) with respect to which a lower rate of duty would have applied if such entry or withdrawal had been made under subheading 2923.20.10 or 2923.20.20 of such Schedule; and

(3) was made after March 29, 1991, and before January 1, 1995;

shall be liquidated or reliquidated as if such lower rate of duty applied to such entry or withdrawal.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1016. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Magic Carpet;* to the Committee on

Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Magic Carpet* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 6 passengers on a charter business based out of Martha's Vineyard, MA. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered foreign-made unless all major components of its hull and superstructure are fabricated in the United States and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1959, but since then has been owned and operated by American citizens. The owners of *Magic Carpet* have invested substantially more than the cost of building the boat in making repairs to it and maintaining it—in American shipyards with American products. This particular vessel is also of some historical value—*Magic Carpet* is a classic wooden yawl—few of these vessels still exist today and very few operate along the east coast. The owners wish to start a small business, a charter boat operation, seasonally taking people out of Martha's Vineyard.

After reviewing the facts in the case of the *Magic Carpet,* I find that this waiver does not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the *Magic Carpet* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1017. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel *Chrissy* to be employed in coastwise trade of the United States. This boat has a relatively small passenger capacity, carrying up to 6 passengers on a charter business based out of Gloucester, Massachusetts. *Chrissy* is a historical vessel, built in 1912 in Friendship, Maine and is one of the last remaining Friendship sloops. The purpose of this bill is to waive those sections of the Jones Act which prohibit vessels from operating in coastwise trade without proper documentation of its chain of ownership. The vessel was built 83 years ago in Maine, but along the way the documentation has been lost. It is my hope that a document will be issued which will allow the owner to start a small business, a charter boat operation, seasonally taking people out of Gloucester.

I hope and trust the Senate will agree and will speedily approve the bill being introduced today.

By Mr. HELMS:

S. 1018. A bill for the relief of Clarence P. Stewart; to the Committee on Governmental Affairs.

THE CLARENCE P. STEWART RELIEF ACT

Mr. HELMS. Mr. President, today I offer a private bill to direct the Secretary of Agriculture to right a wrong committed against a dedicated public servant.

Clarence P. Stewart of Lillington, NC, served 23 years with the Agricultural Stabilization and Conservation Service [ASCS] at the Department of Agriculture. In April 1981, Mr. Stewart was North Carolina State Executive Director when, during the transition to a new administration, the ASCS decided to remove all State Executive Directors as part of an what the Department described as a reduction-in-force [RIF].

Mr. Stewart considered appealing the ASCS decision but was told by his superior at the ASCS not to bother, that he had no right to appeal the dismissal action. Unfortunately, Mr. Stewart accepted this information at face value and did not appeal the ASCS decision.

Mr. President, years later, Mr. Stewart learned that, as a veteran, he did in fact have a right to appeal his dismissal from the ASCS. He also learned that 24 other State Executive Directors who had been dismissed at the same time as Stewart had appealed their dismissals to the Merit Systems Protections Board and they had won. In this appeal, known as the Blalock case, the Merit Systems Protection Board found that the State Directors had in fact been removed for cause rather than separated pursuant to RIF and as a result could be removed only if they were given advance notice and an opportunity to reply. The Merit Systems Protection Board ordered the Department of Agriculture to reinstate, retroactively, the appellants to their positions.

Although none of the appellants actually returned to work, the Department of Agriculture, as part of a settlement agreement, gave each appellant 1 year and 10 months salary and recomputed retirement benefits based on this increased salary.

Once Mr. Stewart learned of the Blalock decision he filed an appeal with the Merit Systems Protection Board. Because his appeal was filed late, the MSPB dismissed Mr. Stewart's appeal. He then filed a petition for review with the MSPB, but that too was denied. Mr. Stewart, therefore, has exhausted all possible avenues of administrative review.

Mr. Stewart is a North Carolina citizen who gave years of faithful service to his State and country. He was wrongfully removed from his job as North Carolina State Director of the Agricultural Stabilization and Conservation Service. At the time, he was told he had no right to appeal the dismissal when, as a decorated veteran who served his country valiantly in World War II, he had a very real right to appeal. Mr. President, I doubt that any of our colleagues believe that this good man should be punished for having taken the word of his superior.

But for his superior's mistake, Mr. Stewart would have filed a timely appeal and would have prevailed just as the other 24 appellants did in the Blalock case. Mr. President, I do hope that in the interest of equity Mr. Stewart will receive the same benefits that were afforded the other State Directors.

By Mr. BAUCUS:

S. 1019. A bill to direct the U.S. Fish and Wildlife Service to examine the impacts of whirling disease, and other parasites and pathogens, on trout in the Madison River, MT, and similar natural habitats, and for other purposes.

WHIRLING DISEASE RESPONSE ACT OF 1995

Mr. BAUCUS. Mr. President, in ''A River Runs Through It,'' Norman Maclean wrote, ''in our family, there was no clear line between religion and flyfishing.''

These words sum up the way we Montanans feel about our blue ribbon trout streams. Great flyfishermen—men like Bud Lily and Dan Bailey—are legends in Montana. And Montana rivers—the Madison, Yellowstone, Missouri, Bighorn, and Bighole—are the heart and soul of our State. We mark our calendars and plan our weekends around caddis and stone fly hatches or peak grasshopper season. These outstanding trout streams are in large part what makes Montana ''the last best place.''

But these rivers hold more that recreational value for Montanans. Fishing is big business. It is the engine that drives the economies of many communities throughout Montana. In fact, the net economic value of fishing in Montana is estimated to be nearly $300 million a year.

The discovery of whirling disease on the Madison River in late 1994 puts Montana's wild trout fishery at great risk. Whirling disease is a parasite that attacks the cartilage of young trout, particularly rainbow trout. Its impact has been devastating to rainbow trout populations on the Madison River, where whirling disease has caused a 90-percent decline in the last 3 years.

Whirling disease has also been detected in four other Montana river drainages as well as in Nevada, Oregon, Idaho, California, Colorado, Wyoming, and Utah.

Montana has taken the challenge of fighting whirling disease head on. Flyfishermen, scientists, State and Federal officials have joined together to learn more about this disease and find solutions. Today, I am introducing legislation that will better equip concerned Montanans to effectively deal with whirling disease and minimize its impacts to our world class wild trout fisheries.

The Whirling Disease Response Act of 1995 focuses on three objectives: coordination, containment, and research.

First, the Whirling Disease Response Act coordinates all existing data and research conducted to date on whirling disease. The act requires the U.S. Fish and Wildlife Service to compile, within 180 days, a report that summarizes all efforts to date with respect to whirling disease, to identify gaps in the available scientific information, and to make recommendations as to how the Federal Government can be a more effective partner to States confronted with whirling disease.

Second, the act requires the U.S. Fish and Wildlife to modify the Ennis Fish Hatchery so that it is a complete containment facility. This hatchery is critically important to wild trout research as well as to maintaining healthy trout fisheries throughout the United States. The U.S. Fish and Wildlife Service must make sure that this hatchery is not infected with whirling disease or any other water borne parasite.

Third, and most important, this act requires the U.S. Fish and Wildlife Service to significantly increase its role in whirling disease research. As debilitating as this disease is, relatively little is known about how to stop its spread. The U.S. Fish and Wildlife Service must make the fight against whirling disease a top priority. They must work with affected States, universities, and sportsmen toward a solution on whirling disease. This act makes whirling disease research a priority for the U.S. Fish and Wildlife Service.

While Montana has a significant stake in fighting whirling disease, it is not alone—19 other States are impacted by whirling disease. It is in America's best interest that we work aggressively to minimize the impact whirling disease has on our trout fisheries. I look forward to working with my colleagues from other affected States to see that we make headway in minimizing the impact whirling disease has on America's blue ribbon trout streams.

By Mr. FEINGOLD:

S.J. Res. 37. A joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Finance.

DISAPPROVAL OF MOST-FAVORED-NATION STATUS FOR CHINA

Mr. FEINGOLD. Mr. President in 1974 Congress passed the Jackson-Vanik amendment to the 1974 Omnibus Trade Act establishing a linkage between human rights and most-favored-nation [MFN] trade status for nonmarket economies. The legislation was largely responsible, in my view, for the fantastic success of United States efforts to secure the freedom of movement for over 1 million Jews and other persecuted minorities from the Soviet Union.

Since 1989, when the Chinese military brutally gunned down hundreds of protectors in Tianmen Square and cracked down on the blossoming dissident movement in China, there have been efforts to link Chinese MFN to human rights improvements.

In 1991, legislation to set conditions for the extension of MFN to China was passed by overwhelming majorities in both the House and the Senate, only to be vetoed by President Bush. The House overrode the veto, but the Senate sustained it by a mere one vote. In 1992 Congress again passed bills to revoke MFN status for products manufactured by Chinese state-owned companies. President Bush vetoed that as well, and once again the Senate sustained the veto.

When President Clinton came to office in 1993, he issued an Executive order specifying seven areas in which the Chinese would need to make ''significant progress'' if MFN were to be extended in 1994. I was one of those who strongly condemned the action of the administration when it abandoned this position in 1994, because I believe it undermined the President's own credibility on human rights, and relegated U.S. human rights advocacy from a policy with teeth to one of rhetoric and symbolism. For the same reasons, I am disappointed that despite a year in which freedoms further diminished in China, President Clinton announced on June 2 that he would seek to extend MFN status to China again this year.

I am most outraged, though, Mr. President, that the United States would even consider extending MFN to China at precisely the moment that the Chinese have arrested a prominent human rights activist and American citizen, Mr. Henry Wu, and threatened to try him for espionage and subject him to the death penalty. This is yet another disgraceful mark on China's human rights record, and will hopefully compel us to respond finally with the toughest human rights policy possible.

Mr. President, that is why I am introducing today a joint resolution of disapproval, consistent with the Jackson-Vanik amendment of 1974, of the extension of nondiscriminatory treatment to products of the People's Republic of China.

There is no evidence, Mr. President, that the granting of unconditional MFN status to China—an element of a so-called policy of ''constructive engagement''—has improved China's human rights behavior at all. Both Assistant Secretary of State for Asia and Pacific Affairs Winston Lord and Assistant Secretary of State for Human Rights and Humanitarian Affairs John Shattuck have said publicly that the human rights situation has not improved in China. The State Department's own 1994 report acknowledges that ''In 1994, there continued to be widespread and well-documented human rights abuses in China.'' From the events of the last 6 months, in fact, one can only conclude that the situation has worsened—even with MFN and robust trade.

The Chinese Government continues to exercise significant control on opposition and dissent; to abuse systematically is prisoners, including the use of slave labor and the alleged organ transplant of executed prisoners; and to impose harsh regulations in Tibet, while refusing to engage in any dialog with Nobel Peace prize laureate the Dalai Lama.

In the last 2 months alone, several prominent intellectuals have been detained while their homes have been searched simply for signing petitions in support of more political openness. More have been taken into custody and interrogated about their activities. Some have been questioned, released, and then sent away from Beijing, while others have just disappeared, including China's most prominent dissident, Wei Jeisheing, whose whereabouts since February are unknown, except to the extent that he is confirmed to be in police custody. Two weeks ago, Chen Ziming, another well-known prodemocracy activist, was suddenly reimprisoned after being released on a medical parole last year.

Stricter security laws have been adopted by the Politburo, and Beijing seems intent on limiting access of Chinese citizens to the tens of thousands of international nongovernmental organizations that will be in China this September for the U.N. Fourth World Conference on Women.

As the leader of the free world, the United States has the responsibility to work to protect human rights worldwide. The most recent action of the Chinese Government against an American citizen makes it a personal issue for many us.

On June 19 Mr. Harry Wu entered northwest China, with a legal Chinese visa and with a valid United States passport, and was immediately detained by Chinese officials. For several days, China refused to confirm that it was in fact holding an American citizen, and in effect denied United States officials the access to our citizens that is supposedly protected under a United States-China Consular Convention. A U.S. diplomat was even sent on a wild goose chase throughout the northwest provinces earlier this month in search of Mr. Wu.

The announcement this weekend that Mr. Wu is going to be tried as a spy and potentially subject to the death penalty is the one of the most egregious

violations I can think of. After spending 19 years in Chinese prison camps, and then seeking refuge in the United States, Mr. Wu has been actively researching the abuse of Chinese prisoners, including the trade of human body parts from executed prisoners to party officials. He has produced a film which was aired on the British Broadcasting Corp., published articles on the subject, and testified before congressional committees. He has publicized what can happen when the State has the will and instruments to take these actions, and has fought to halt this gruesome practice in China.

Mr. President, no one can possibly be deceived into thinking that Mr. Wu was arrested by Chinese officials for any other reason except to silence him. He is being threatened with death for uncovering horrid human rights abuses in China. The U.S. and international reactions must be anything but muted or conciliatory.

Earlier this year, the administration was willing to play hardball with trade when it came to Chinese piracy of software, and threatened to impose $1 billion worth of sanctions against products of specific state-owned industries. The threat worked, and the United States achieved its goals. I would entreat the administration to address the plight of a human being just as seriously.

My joint resolution is intended to send the message that we cannot have business as usual with China when human rights advocates, such as Harry Wu, are under the threat of death. In my view, MFN should not have been extended to China this year at all given its human rights record, but now, especially, we cannot offer conciliations of this kind.

China's human rights record is deteriorating, despite MFN, and there is little, if no, evidence that economic engagement is improving the human rights situation in China, as was earlier promised. Though China's economy is expanding brilliantly, political change is not coming: in fact, the Chinese Government appears to be doing everything within its power to ensure that economic development does not bring political liberalization. If anything, the Chinese need MFN to continue the trade and investment on which its economic development depends. For this reason, we must use MFN as a lever to protect human rights in China, and an American human rights crusader who is facing death.

I ask unanimous consent that the text of resolution be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 2, 1995, with respect to the People's Republic of China.

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 254

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 256

At the request of Mr. DOLE, the names of the Senator from New York [Mr. D'AMATO] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 327

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 426

At the request of Mr. SARBANES, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 588

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 588, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits.

S. 607

At the request of Mr. WARNER, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 789

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 789, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations, and for other purposes.

S. 917

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 917, a bill to facilitate small business involvement in the regulatory development processes of the Environmental Protection Agency and the Occupational Safety and Health Administration, and for other purposes.

S. 939

At the request of Mr. SMITH, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 959

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Utah [Mr. BENNETT] were added as a cosponsors of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 969

at the request of Mr. BRADLEY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1009

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1009, a bill to prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the United States, foreign governments, States, political subdivisions, or private organizations, to increase the penalties for counterfeiting violations, and for other purposes.

AMENDMENTS SUBMITTED

COMPREHENSIVE REGULATORY REFORM ACT OF 1995

ABRAHAM (AND OTHERS) AMENDMENT NO. 1490

Mr. ABRAHAM (for himself, Mr. DOLE, Mr. KYL, Mr. GRAMS, Mr. NICKLES, and Mr. HATCH) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill (S.

343) to reform the regulatory process, and for other purposes; as follows:

(a) On page 27, line 13, strike ''subsection'' and insert ''subsections''; and (b) on page 27, line 13, after ''(c)'', insert ''and (e)''; and (c) on page 30, before line 10, insert the following:

''(e) REVIEW OF RULES AFFECTING SMALL BUSINESSES.—(1) Notwithstanding subsection (a)(1), any rule designated for review by the Chief Counsel for Advocacy of the Small Business Administration with the concurrence of the Administrator for the Office of Information and Regulatory Affairs, or designated for review solely by the Administrator of the Office of Information and Regulatory Affairs, shall be included on the next-published subsection (b)(1) schedule for the agency that promulgated it.

''(2) In selecting rules to designate for review, the Chief Counsel for Advocacy of the Small Business Administration and the Administrator of the Office of Information and Regulatory Affairs shall, in consultation with small businesses and representatives thereof, consider the extent to which a rule subject to sections 603 and 604 of the Regulatory Flexibility Act, or any other rule meets the criteria set forth in paragraph (a)(2).

''(3) If the Administrator of the Office of Information and Regulatory Affairs chooses not to concur with the decision of the Chief Counsel for Advocacy of the Small Business Administration to designate a rule for review, the Administrator shall publish in the Federal Register the reasons therefor.

Redesignate subsequent subsections accordingly.

NUNN (AND OTHERS) AMENDMENT NO. 1491

Mr. NUNN (for himself, Mr. COVERDELL, and Mr. INHOFE) proposed an amendment to the amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 14, line 10, strike out ''or''.

On page 14, line 16, add ''or'' after the semicolon.

On page 14, insert between lines 16 and 17 the following new subparagraph:

''(C) any rule or set of closely related rules, not determined to be a major rule pursuant to subparagraph (A) or (B) that the agency proposing the rule determines will have a significant economic impact on a substantial number of small businesses, pursuant to subchapter I;

On page 39, line 22, strike out ''and''.

On page 39, line 24, strike out the period and insert in lieu thereof a semicolon and ''and''.

On page 39, add after line 24 the following new subparagraph:

''(C) an agency certification that a rule will not have a significant economic impact on a substantial number of small entities pursuant to section 605(b).

On page 40, line 5, insert ''and section 611'' after ''subsection''.

On page 68, strike out all beginning with line 9 through line 11 and insert in lieu thereof the following:

''(A) include in the final regulatory flexibility analysis a determination, with the accompanying factual findings supporting such determination, of why the criteria in paragraph (2) were not satisfied; and

On page 72, insert between lines 14 and 15 the following new subsection:

(e) AMENDMENTS TO THE REGULATORY FLEXIBILITY ACT.—

(1) IMPROVING AGENCY CERTIFICATIONS REGARDING NONAPPLICABILITY OF THE REGULATORY FLEXIBILITY ACT.—Section 605(b), of title 5, United States Code, is amended to read as follows:

''(b) Sections 603 and 604 of this title shall not apply to any rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification, along with a succinct statement providing the factual reasons for such certification, in the Federal Register along with the general notice of proposed rulemaking for the rule. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.''.

(2) TECHNICAL AND CLARIFYING AMENDMENTS.—Section 612 of title 5, United States Code, is amended—

(A) in subsection (a) by striking ''the Committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''; and

(B) in subsection (b) by striking ''his views with respect to the effect of the rule on small entities'' and inserting ''views on the rule and its effects on small entities''.

On page 72, line 15, strike out ''(e)'' and insert in lieu thereof ''(f)''.

NOTICES OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Thursday, July 13, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on S. 479, a bill to provide for administrative procedures to extend Federal recognition to certain groups.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing before the Subcommittee on Oversight and Investigations of the Senate Energy and Natural Resources Committee has been scheduled for Tuesday, July 18, 1995, at 2:30 p.m. The purpose of the hearing is to examine first amendment activities, including sales of message-bearing merchandise, on public lands managed by the National Park Service and the U.S. Forest Service.

The hearing will be held in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Kelly Johnson or Jo Meuse at (202) 224–6730.

ADDITIONAL STATEMENTS

ROTH AMENDMENT NO. 1444 TO S. 440, THE FEDERAL HIGHWAY BILL

● Mr. STEVENS. Mr. President, I wish to ask the distinguished Senator from Delaware if he would describe the impact on Alaska of the adoption of his amendment No. 1444 to the Federal highway bill, S. 440?

Mr. ROTH. I would be pleased to do so, as I know of the considerable interest of the Senator from Alaska in continuing to see to it that the Alaska Railroad remains one of the premier transportation systems for Alaska. The adoption of amendment No. 1444 authorizes any State that does not have Amtrak service as of the legislation's enactment date, to use the mass transit account of the highway trust fund for capital improvements to, and operating support for, intercity passenger rail service. This means that congestion, mitigation, and air quality funds, as well as Surface Transportation Program funds will be eligible for the State of Alaska to use for its State railroad.

Mr. STEVENS. I thank my good friend for spelling out the details of the impact of this amendment. It will come as good news for the Alaska Railroad Corporation as well as the people of Alaska who rely heavily on this unique rail system.●

SALUTE TO THE SPECIAL OLYMPICS

● Mr. DODD. Mr. President, now that the Special Olympics World Games have come to a close, I rise to again thank those who made this remarkable event possible. As my colleagues know, these games were held July 1–9 in New Haven, CT. This tremendous competition brought the world to Connecticut, and I want to take this opportunity to acknowledge some of the individuals who made it possible.

Were it not for the dreams and vision of Eunice Kennedy Shriver, the Special Olympics would not exist. This outstanding organization has flourished since she launched it, and it has left an extraordinary mark on the athletes, their families, their coaches and friends. I applaud Eunice, her husband, Sarge Shriver, and all the members of their family who have given so much to the Special Olympics throughout the years.

In New Haven, we were fortunate to have a member of the Shriver family at the helm of the 1995 World Games. I congratulate Tim Shriver on a job well done. The success of these games is due in large part to his hard work, dedication and leadership. I know Tim would agree, however, that this great success would not have been possible without the help and support of Chairman Lowell Weicker, the Special Olympics staff, the hundreds of volunteers and the cooperation and support of the New Haven community. I thank Mayor

John Destefano and all the residents of New Haven for contributing in so many ways to this important event.

Cities and towns across Connecticut were fortunate to serve as host communities for delegations from each of the participating countries. This host program enabled families throughout the state to open their homes and their hearts to our visitors from abroad. This program proved invaluable for the hosts and the guests as cultures were commingled, traditions were shared and lifelong friendships were forged. I thank each of the communities and families that offered their hospitality to the world.

As with any event of this scale, the Special Olympics required significant financial support. I am proud to commend the many companies in Connecticut and throughout the country that donated hours of work and millions of dollars as corporate sponsors of these World Games.

Most importantly though, I want to recognize the athletes who competed in the Special Olympics. That is what these games are all about. From bowling to bocce, soccer to tennis, aquatics to equestrian sports, athletes from across the world came together to demonstrate their strength, dedication and skill. The athletic abilities of these individuals are tremendous, and their ability to overcome obstacles to make it to New Haven is even more awesome.

Indeed it is inspiring to see what each of these individuals has accomplished. It is the athletes, friends, families and the coaches who dedicated themselves to this competition who deserve our highest commendation. Their enthusiasm and spirit was infectious, and we sincerely thank them for sharing their talent with us during these Olympic Games.

All the athletes came together during the opening ceremonies, one of the most memorable parts of these games. I will always remember the proud contingents of athletes from throughout the world entering the Yale Bowl to open the Olympics. They were greeted by the President of the United States and leaders of countries from El Salvador to Botswana and beyond. This spectacular event signaled the start of the World Games and kicked off a week of serious athletic competition and fun.

The opening ceremonies also launched a week-long demonstration of the ability of the human spirit to soar. There are members of every community who live each day with mental retardation and disabilities. We stopped this week to hear them say: ''Watch us. We can do great things. We can bring you together and show you our strengths.''

It is a lesson that we are fortunate to have learned. It is a message we should hear loud and clear and one that we should continue to heed in all that we do. In closing, I urge each of you to remember the Special Olympics athletes' oath as you confront the challenges in your life: Let me win, but if I cannot win, let me be brave in the attempt.●

TAX CUTS WORK

● Mr. ABRAHAM. Mr. President, one of the most frequent questions asked during the debate over the budget resolution was why, in the face of large deficits, were Republicans insisting on tax cuts. The answer is simple: Tax cuts work. By allowing Americans to keep more of what they earn, tax cuts encourage economic growth, job creation, and an increase—not decrease—in revenues to the U.S. Treasury.

Following the Reagan tax cuts in 1981, we witnessed one of the longest economic expansions in the history of the United States. Over 20 million new jobs were created while revenues to the Treasury increased dramatically. Just as importantly, the benefits of the Reagan tax cuts were felt by Americans from all income classes—rich and poor.

Tax cuts enacted this year could achieve similar results. I am including a short article by Malcolm S. Forbes, Jr. which makes an eloquent case for reducing the burden on the American taxpayer. As Mr. Forbes makes clear, Republicans can, and should, cut taxes and balance the budget at the same time.

FACT AND COMMENT

MEMO TO THE GOP: THE 1980'S WORKED

(By Malcolm S. Forbes Jr.)

Republicans have accepted the notion that the 1980s were a big fiscal mistake, that Ronald Reagan was wrong to insist on tax cuts even in the face of congressional resistance to reducing spending.

Republicans are now in effect saying that no budget cuts mean no tax cuts. The GOP has it backwards. Properly structured tax reductions would trigger a robust economic expansion, as they did in the 1980s. They should be the center on which budget cuts are structured. Voters would thus see the GOP as the party of opportunity and growth, not as the party of austerity. Growth would also expand government revenues.

Reagan's much-criticized tax cuts were the principal catalyst of our longest peacetime expansion. Federal income tax receipts grew mightily. Even more impressive was the extraordinary surge in revenues of state and local governments. The federal deficits of the 1980s resulted from our unprecedented peacetime military buildup—which finally won the 40-year Cold War for us—and, more important, from Congress' inability to say no to domestic spending constituencies. If Republicans combine Reagan's pro-growth tax approach with their antispending proclivities, they will get credit for reviving the economy and curbing government.

Why should Republicans buy their opponents' bum raps about what actually happened when Reagan ruled?●

CASSANDRA JONES SELECTED AS EAST-WEST SOCCER AMBASSADOR

● Mr. FRIST. Mr. President, today, I would like to commend a very special young Tennessean for her selection as an East-West Soccer Ambassador, an all-star team of American youth soccer players ages 12 to 19. At 12 years of age, Cassandra Jones of Soddy Daisy is 1 of 15 nationally recruited players selected for this all-star team, and one of the youngest national stars to ever compete in this international program.

Cassie Jones was selected for the team based on her current soccer talent, her potential, and her ability to compete at the international youth soccer level. The program, originally founded in 1982, is a non-profit, national soccer club that has earned a national reputation as America's leader in athletic diplomacy and well-rounded play development.

A straight-A student at Soddy Daisy Middle School, Cassie's excellence on the soccer field is matched by her drive and determination in the classroom, as well as her interest in other extracurricular activities. In addition to soccer, she is involved in band activities, and enjoys reading and playing softball.

This month, Cassie and her Ambassador teammates will travel to northern Europe to represent the United States in a 2-week soccer tour of Scandinavia. Following a high-intensity training session in Denmark, the East-West Ambassadors will compete in the prestigious Gothia Cup tournament in Gothenburg, Sweden. The Gothia Cup pits more than 900 teams from 50 countries in its competition. From there, Cassie will return to Denmark for another major tournament, the Dana Cup in Hjorring.

Mr. President, I would like to take this opportunity to wish Cassie Jones the best of luck as she enters her first international competition and embarks on what could be a very promising soccer career. I am confident she will represent the State of Tennessee and the United States well, and I look forward to hearing more about her achievements, both on and off the soccer field, in the future.●

ORDERS FOR TUESDAY, JULY 11, 1995

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Tuesday, July 11, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until the hour of 9:45 a.m., with Senators permitted to speak for up to 10 minutes each; further, that at the hour of 9:45 a.m. the Senate resume consideration of S. 343, the regulatory reform bill.

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

Mr. HATCH. Mr. President, I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. for the weekly policy luncheons to meet.

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

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 permissible, 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:

UNITED STATES INFORMATION AGENCY

CHERYL F. HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 1 YEAR. (NEW POSITION)

MARC B. NATHANSON, OF CALIFORNIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 3 YEARS. (NEW POSITION)

CARL SPIELVOGEL, OF NEW YORK, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 1 YEAR. (NEW POSITION)

DEPARTMENT OF STATE

STANLEY A. RIVELES, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. COMMISSIONER TO THE STANDING CONSULTATIVE COMMISSION

THE JUDICIARY

JOHN R. TUNHEIM, OF MINNESOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA, VICE DONALD D. ALSOP, RETIRED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 30, 1995:

FEDERAL INSURANCE TRUST FUNDS

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL HOSPITAL INSURANCE TRUST FUND

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL HOSPITAL INSURANCE TRUST FUND

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS.

DEPARTMENT OF LABOR

EDMUNDO A. GONZALES, OF COLORADO, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

NATIONAL COUNCIL ON DISABILITY

JOHN D. KEMP, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CLIFFORD GREGORY STEWART, OF NEW JERSEY, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF 4 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

MARTIN NEIL BAILY, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

NATIONAL INSTITUTE OF BUILDING SCIENCES

STEVE M. HAYS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1997.

SECURITIES INVESTOR PROTECTION CORPORATION

CHARLES L. MARINACCIO, OF THE DISTRICT OF COLUMBIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996.

DEBORAH DUDLEY BRANSON, OF TEXAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1996.

MARIANNE C. SPRAGGINS, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1997.

ALBERT JAMES DWOSKIN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1998.

NATIONAL CONSUMER COOPERATIVE BANK

TONY SCALLON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

SHEILA ANNE SMITH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

IRA S. SHAPIRO, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SENIOR COUNSEL AND NEGOTIATOR IN THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSIDERED COMMITTEE OF THE SENATE.

THE JUDICIARY

CARLOS F. LUCERO, OF COLORADO, TO BE U.S. CIRCUIT JUDGE FOR THE 10TH CIRCUIT.

PETER C. ECONOMUS, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

WILEY Y. DANIEL, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

NANCY FRIEDMAN ATLAS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

DONALD C. NUGENT, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

DEPARTMENT OF JUSTICE

ANDREW FOIS, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL.

STATE JUSTICE INSTITUTE

JANIE L. SHORES, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997.

TERRENCE B. ADAMSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. RICHARD E. HAWLEY, 069–34–7170

THE JUDICIARY

DIANE P. WOOD, OF ILLINOIS, TO BE U.S. CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

GEORGE H. KING, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

ROBERT H. WHALEY, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

TENA CAMPBELL, OF UTAH, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S9597–S9646

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 1015–1020, and S.J. Res. 37.

Page S9638

Comprehensive Regulatory Reform Act: Senate resumed consideration of S. 343, to reform the regulatory process, taking action on amendments proposed thereto, as follows:

Pages S9606–24, S9628–37

Adopted:

(1) By a unanimous vote of 96 yeas (Vote No. 297), Abraham Amendment No. 1490 (to Amendment No. 1487), to ensure that rules impacting small businesses are periodically reviewed by the agencies that promulgated them.

Pages S9609–20, S9634

(2) By 60 yeas to 36 nays (Vote No. 298), Nunn/Coverdell Modified Amendment No. 1491 (to Amendment No. 1487), to require agencies to conduct a cost-benefit analysis during the promulgation of any rule that has a significant economic impact on small businesses.

Pages S9620–24, S9628–34

Pending:

Dole Amendment No. 1487, in the nature of a substitute.

Page S9606

Senate will resume consideration of the bill on Tuesday, July 11, 1995.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:

The Investment Treaty with Latvia (Treaty Doc. No. 104–12); and

The Investment Treaty with Georgia (Treaty Doc. No. 104–13).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Pages S9637–38

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the Annual Report of the Corporation for Public Broadcasting for fiscal year 1994; referred to the Committee on Commerce, Science, and Transportation. (PM–62).

Page S9638

Nominations Received: Senate received the following nominations:

Cheryl F. Halpern, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term of one year.

Marc B. Nathanson, of California, to be a Member of the Broadcasting Board of Governors for a term of three years.

Carl Spielvogel, of New York, to be a Member of the Broadcasting Board of Governors for a term of one year.

Stanley A. Riveles, of Virginia, for the rank of Ambassador during his tenure of service as U.S. Commissioner to the Standing Consultative Commission.

John R. Tunheim, of Minnesota, to be United States District Judge for the District of Minnesota.

Pages S9645–46

Messages From the President: **Page S9638**

Statements on Introduced Bills: **Pages S9638–41**

Additional Cosponsors: **Page S9641**

Amendments Submitted: **Pages S9641–42**

Notices of Hearings: **Page S9642**

Additional Statements: **Pages S9642–43**

Record Votes: Two record votes were taken today. (Total—298)

Page S9634

Recess: Senate convened at 12 noon, and recessed at 6:51 p.m., until 9 a.m., on Tuesday, July 11, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on pages S9643–44.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Peggy Blackford, of New Jersey, to be Ambassador to the Republic of Guinea-Bissau, Edward Brynn, of Vermont, to be Ambassador to the Republic of Ghana, John L. Hirsch, of New York, to be Ambassador to the Republic of Sierra Leone, Vicki J. Huddleston, of Arizona, to be Ambassador to the Democratic Republic of Madagascar, Elizabeth Raspolic, of Virginia, to be Ambassador to the Gabonese Republic and to serve concurrently as Ambassador to the Democratic Republic of Sao Tome and Principe, Daniel Howard Simpson, of Ohio, to be Ambassador to the Republic of Zaire, and John M. Yates, of Washington, to be Ambassador to the Republic of Benin, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Bills Introduced: Four public bills, H.R. 1997–2000; one private bill, H.R. 2001; and two resolutions, and H. Res. 183–184 were introduced. **Page H6735**

Report Filed: One report was filed as follows: H.R. 1826, to repeal the authorization of transitional appropriations for the United States Postal Service (H. Rept. 104–174). **Page H6735**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Everett to act as Speaker pro tempore for today. **Page H6701**

Recess: House recessed at 2:25 p.m. and reconvened at 3:30 p.m. **Page H6704**

Journal: The vote on the approval of the Journal of Friday, June 30, was postponed until Tuesday, July 11. **Pages H6704, H6725**

Conference on Security and Cooperation in Europe: The Speaker appointed Representatives Smith of New Jersey, Vice Chairman, Hoyer, Torricelli, Sawyer, Coleman, Forbes, Cardin, and Slaughter, to the Parliamentary Assembly of the Conference on Security and Cooperation in Europe on the part of the House. **Page H6704**

Presidential Message—Corporation for Public Broadcasting: Read a letter from the President wherein he transmits the Annual Report of the Corporation for Public Broadcasting (CPB) for fiscal year 1994 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies for fiscal year 1994—referred to the Committee on Commerce. **Page H6705**

Suspensions—Votes Postponed: House completed all debate on motions to suspend the rules and pass the following measures, on which the votes were postponed until Tuesday, July 11:

Extension of most-favored-nation status to Cambodia: H.R. 1642, to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia; **Pages H6705–06**

Extension of most-favored-nation status to Bulgaria: H.R. 1643, to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria; **Pages H6706–08**

Sikes Act improvement amendments of 1995: H.R. 1141, amended, to amend the Act popularly known as the ''Sikes Act'' to enhance fish and wildlife conservation and natural resources management programs; and **Pages H6708–12**

Colorado River Basin salinity control amendments: S. 523, to amend the Colorado River Basin Salinity Control Act to authorize additional measure to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner. **Pages H6712–13**

Recess: House recessed at 4:12 p.m. and reconvened at 5 p.m. **Page H6713**

Motion To Adjourn: By a yea-and-nay vote of 139 yeas to 234 nays, Roll No. 469, the House failed to agree to the Frank of Massachusetts motion to adjourn. **Pages H6713–14**

Democratic Caucus: Read a letter to the Speaker from the Chairman of the Democratic Caucus advising that Representative Laughlin is no longer a member of the Democratic Caucus. **Page H6714**

Vacating Committee Elections: Read letters from the Speaker in which he vacates Representative

Laughlin's election to the Select Committee on Intelligence and to the Committee on Transportation and Infrastructure. **Page H6714**

Committee Election: By a yea-and-nay vote of 248 yeas to 162 nays, Roll No. 476, the House agreed to H. Res. 143, electing Representative Laughlin to the Committee on Ways and Means of the House of Representatives. Agree to order the previous question on the resolution (agreed to by a yea-and-nay vote of 233 yeas to 179 nays, Roll No. 474). Earlier, agreed to the Boehner motion to table the Frank of Massachusetts motion to reconsider the vote on the previous question (agreed to by a recorded vote of 233 ayes to 181 noes, Roll No. 475). **Pages H6714–23**

Earlier, the Watt of North Carolina motion to table the resolution was rejected by a yea-and-nay vote of 178 yeas to 229 nays, Roll No. 472. Subsequently, agreed to the Boehner motion to table the DeLay motion to reconsider the vote to table the resolution (agreed to by a yea-and-nay vote of 230 yeas to 180 nays, Roll No. 473). **Pages H6716–17**

Previously, by a yea-and-nay vote of 220 yeas to 176 nays, Roll No. 470, agreed to the Doggett question of consideration of the resolution. Subsequently, agreed to the Boehner motion to table the DeLay motion to reconsider the vote on the question of consideration (agreed to by a recorded vote of 222 ayes to 179 noes, Roll No. 471). **Pages H6714–16**

Committees To Sit: By a yea-and-nay vote of 234 yeas to 176 nays, Roll No. 477, the House agreed to the Armey motion that the Standing Committees of the House and their subcommittees be permitted to sit while the House is in the Committee of the Whole. **Pages H6723–25**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule today appear on pages H6736–37.

Quorum Calls—Votes: Five yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H6713–14, H6714–15, H6715–16, H6716, H6716–17, H6721–22, H6722, H6723, and H6724–25. There were no quorum calls.

Adjournment: Met at 2 p.m. and adjourned at 10 p.m.

Committee Meetings

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies began markup of the Veterans Affairs, Housing and Urban Development and Independent Agencies appropriations for fiscal year 1996.

Joint Meetings

TRADE AND INVESTMENT IN CENTRAL AND EAST EUROPE AND THE INS

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission met to receive a briefing on trade and investment in Central and East Europe and the Newly Independent States (INS) from Charles F. Meissner, Assistant Secretary of Commerce for International Economic Policy; and Harriet C. Peterson, Cornerstone International Group, San Carlos, California.

Commission recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D779)*

S. 962, to extend authorities under the Middle East Peace Facilitation Act of 1994 until August 15, 1995. Signed July 2, 1995. (P.L. 104–17)

H.R. 483, an act to amend the Omnibus Reconciliation Act of 1990 to permit medicare select policies to be offered in all States. Signed July 7, 1995. (P.L. 104–18)

CONGRESSIONAL PROGRAM AHEAD

Week of July 11 through 15, 1995

Senate Chamber

Consideration of S. 343, Comprehensive Regulatory Reform Act is expected to last the balance of the week.

Senate may also consider H.R. 1944, Emergency Supplemental/Rescissions 1995, conference reports, when available, and any cleared legislative and executive business.

(Senate will recess on Tuesday, July 11, 1995, from 12:30 p.m. until 2:15 p.m., for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: July 11, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on environmental programs, 9:30 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: July 13, to hold hearings to examine the proposed use of a one dollar coin, 10 a.m., SD–538.

July 14, Full Committee, to hold hearings on the Mexico and the Exchange Stabilization Fund, 10 a.m., SD–106.

Committee on Commerce, Science, and Transportation: July 11, to hold hearings to examine global aviation challenges, focusing on Tokyo, Heathrow, and beyond, 9:30 a.m., SR–253.

July 12, Full Committee, to hold hearings to examine violence in television programs, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: July 11, to hold hearings to review the Secretary of Energy's strategic realignment and downsizing proposal and other alternatives to the existing structure of the Department of Energy, 9:30 a.m., SD–366.

July 12, Full Committee, to hold hearings to review proposed regulatory disposition of Power Marketing Administrations, 9:30 a.m., SD–366.

July 13, Subcommittee on Forests and Public Land Management, to hold hearings on S. 884, to designate certain public lands in the State of Utah as wilderness, 9:30 a.m., SD–366.

Committee on Environment and Public Works: July 11, business meeting, to mark up proposed legislation regarding uniform discharge standards for U.S. Armed Forces vessels under the Clean Water Act, and proposed legislation waiving the local matching funds requirement for the fiscal years 1995 and 1996 District of Columbia highway program, 10 a.m., SD–406.

July 12, Full Committee, to hold oversight hearings on the effects of proposals to statutorily redefine the constitutional right to compensation for property owners, with particular emphasis on Federal environmental laws, 9:30 a.m., SD–406.

July 13, Drinking Water, Fisheries, and Wildlife, to hold hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, 9 a.m., SD–406.

July 13, Subcommittee on Transportation and Infrastructure, to hold hearings on S. 1005, to improve the process of constructing, altering, purchasing, and acquiring public buildings, and on pending Government Services Administration building prospectuses and public buildings cost-savings issues, 2 p.m., SD–406.

Committee on Finance: July 11, to hold hearings to examine the tax treatment of U.S. citizens who expatriate, 2:30 p.m., SD–215.

July 12, Full Committee, to resume hearings to examine ways to control the cost of the Medicaid program, focusing on the flexibility States have under the current program, including the extent of federal waiver requests and the program experience of States granted such waivers, 9:30 a.m., SD–215.

July 13, Full Committee, to continue hearings to examine ways to control the cost of the Medicaid program, focusing on Medicaid beneficiaries and provider groups, 9:30 a.m., SD–215.

Committee on Foreign Relations: July 11, business meeting, to consider pending nominations and treaties, 10 a.m., SD–419.

July 12, Subcommittee on Western Hemisphere and Peace Corps Affairs, to hold hearings on legislative and municipal elections in Haiti, 10 a.m., SD–419.

July 13, Full Committee, to hold hearings to examine U.S. national goals and objectives in international relations in the year 2000 and beyond, 10 a.m., SD–419.

Committee on Governmental Affairs: July 12, Permanent Subcommittee on Investigations, to hold hearings to examine fraud and abuse in Federal student grant programs, 9:30 a.m., SD–342.

Committee on the Judiciary: July 11, Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings to examine State sovereignty and the role of the Federal government, 10 a.m., SD–226.

Committee on Labor and Human Resources: July 11, Subcommittee on Disability Policy, to hold hearings to examine how current Federal policy affects approaches to disciplining students with disabilities, 2 p.m., SD–430.

July 13, Subcommittee on Aging, to hold hearings on S. 593, to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs, 9:30 a.m., SD–430.

Committee on Small Business: July 13, business meeting, to mark up S. 895, to revise the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration; to be followed by hearings on the future of the Small Business Investment Companies program, 9:30 a.m., SR–428A.

Committee on Veterans Affairs: July 11, to hold hearings to examine options for compliance with congressional budget resolution (H. Con. Res. 67) instructions relating to veterans' programs, 10 a.m., SR–418.

Committee on Indian Affairs: July 13, to hold hearings on S. 479, to provide for administrative procedures to extend Federal recognition to certain Indian groups, 9:30 a.m., SR–485.

Select Committee on Intelligence: July 12, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see pages E1403–04 in today's RECORD.

House Chamber

Tuesday, Complete consideration of H.R. 1868, Foreign Operations Appropriations Act for fiscal year 1996 (rule providing for further consideration); and

Continue consideration of H.R. 1905, Energy and Water Appropriations Act for fiscal year 1996 (open rule, 1 hour of general debate).

Wednesday and Thursday, Continue consideration of H.R. 1905, Energy and Water Appropriations Act for fiscal year 1996 (open rule, 1 hour of general debate);

H.R. 1977, Interior Appropriations Act for fiscal year 1996 (subject to a rule being granted); and

H.R. 1976, Agriculture Appropriations Act for fiscal year 1996 (subject to a rule being granted).

Friday, No legislative business is scheduled.

NOTE.—Conference reports may be brought up at any time. Any further program will be announced later.

House Committees

Committee on Agriculture, July 11, Subcommittee on Department Operations, Nutrition, and Foreign Agriculture, to mark up the Food Stamp Title of the 1995 Farm Bill, 2 p.m., 1300 Longworth.

July 13, Subcommittee on Resource Conservation, Research, and Forestry, hearing on the following: H.R. 714, Illinois Land Conservation Act of 1995; H.R. 701, to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO; and other similar legislation, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, July 11, to mark up the following: Revised Section 602 (b) Allocations for fiscal year 1996; and the Treasury, Postal Service, and General Government appropriations for fiscal year 1996, 8:30 a.m., 2360 Rayburn.

July 11, Subcommittee on Labor, Health and Human Services and Education, to mark up appropriations for fiscal year 1996, 4 p.m., 2358 Rayburn.

July 11, Subcommittee on National Security, to mark up appropriations for fiscal year 1996, 1 p.m., H–140 Capitol.

July 12, Subcommittee on District of Columbia, on D.C. Finances, 10 a.m., H–144 Capitol.

Committee on Banking and Financial Services, July 12, Subcommittee on Domestic and International Monetary Affairs, hearing dealing with the Commemorative Coin issue, 10 a.m., 2128 Rayburn.

July 13, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, to mark up H.R. 1487, Federal Home Loan Bank system Modernization Act of 1995, 10 a.m., 2128 Rayburn.

Committee on Commerce, July 12, Subcommittee on Energy and Power, hearing on the following bills: H.R. 1020, Integrated Spent Nuclear Fuel Management Act of 1995; H.R. 496, Nuclear Waste Policy Reassessment Act of 1995; H.R. 1032, Electric Consumers and Environmental Protection Act of 1995; H.R. 1174, Nuclear Waste Disposal Funding Act; and H.R. 1924, Interim Waste Act, 10 a.m., 2322 Rayburn.

July 12, Subcommittee on Health and Environment, to continue hearings on the Future of the Medicare Program, 10 a.m., 2123 Rayburn.

July 13, full Committee, to mark up H.R. 1872, Ryan White CARE Act Amendments of 1995, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, July 11, Subcommittee on Workforce Protections, hearing on the following Corrections Day bills; H.R. 1114, to authorize minors who are under the child labor provision of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors; H.R. 1225, to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies; and H.R. 1783, to require a change in regulation under the Occupational Safety and Health Act of 1970, 1 p.m., 2175 Rayburn.

July 12, Subcommittee on Oversight and Investigations, hearing on National Labor Relations Board Reform, 9:30 a.m., 2175 Rayburn.

July 13, Subcommittee on Early Childhood, Youth and Families, to continue hearings on Education Reform, 9:30 a.m., 2261 Rayburn.

July 13, Subcommittee on Employer-Employee Relations, to mark up H.R. 1594, Pension Protection Act of 1995, 9 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, July 11, Subcommittee on Government Management, Information, and Technology, Committee on the Budget and the Subcommittee on Legislation and Budget Process of the Committee on Rules, joint hearing on Lock Box Deficit Proposals, 9:30 a.m., 2154 Rayburn.

July 11, Subcommittee on Government Management, Information, and Technology, hearing on Budget and Financial Information Annual Shareholders Report: How Does the Citizen Know What is Going On? 2 p.m., 2154 Rayburn.

July 12, Subcommittee on Civil Service, to mark up H.R. 1655, Intelligence Authorization Act for fiscal year 1996, 9 a.m., 2247 Rayburn.

July 12, Subcommittee on the District of Columbia, hearing on the following bills: H.R. 1862, District of Columbia Convention Center Preconstruction Act of 1995; and H.R. 1843, District of Columbia Sports Arena Financing Act of 1995, 9 a.m., 311 Cannon.

July 12, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on OSHA's Regulatory Processes and Activities Regarding Ergonomics, 10 a.m., 2154 Rayburn.

Committee on International Relations, July 11, to continue markup of H.R. 927, Cuban Liberty and Democratic Solidarity Act of 1995, 10 a.m., 2172 Rayburn.

July 12, hearing on Vietnam: When Will We Get a Full Accounting? 10 a.m., 2172 Rayburn.

July 13, Subcommittee on Africa, hearing on The Path Toward Democracy in Angola, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, July 13, Subcommittee on Commercial and Administrative Law, hearing on H.R. 234, Boating and Aviation Operation Safety Act of 1994, 10 a.m., 2226 Rayburn.

July 13, Subcommittee on Courts and Intellectual Property, to continue hearings on H.R. 989, Copyright Term Extension Act of 1995, 10 a.m., 2237 Rayburn.

July 13, Subcommittee on Immigration and Claims, to consider private claims bills; and to mark up H.R. 1915, Immigration in the National Interest Act of 1995, 9:30 a.m., B–352 Rayburn.

Committee on National Security, July 11, hearing on the Department of Defense review of the shootdown of a U.S. F–16 over the former Yugoslavia, 9:30 a.m., 2118 Rayburn.

July 13, Subcommittee on Military Procurement, hearing on chemical demilitarization, 9:30 a.m., 2118 Rayburn.

Committee on Resources, July 11, Subcommittee on National Parks, Forests and Lands, hearing on H.R. 1713, Livestock Grazing Act, 10 a.m., 1324 Longworth.

July 12, full Committee, to mark up the following bills: S. 268, to authorize the collection of fees for expenses for triploid grass carp certification inspections; H.R. 1296, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; H.R. 629, Fall River Visitor Center Act of 1995; and H.R. 1675, National Wildlife Refuge Improvement Act of 1995, 11 a.m., 1324 Longworth.

July 13, Subcommittee on Water and Power Resources, to mark up H.R. 1743, to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, 10 a.m., 1334 Longworth.

Committee on Rules, July 11, to consider H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, 1 p.m., H–313 Capitol.

July 12, to consider H.R. 1976, making appropriations for the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, 10 a.m., H–313 Capitol.

Committee on Science, July 13, Subcommittee on Basic Research, hearing on Graduate Level Science and Engineering Education: An Assessment of the Present; a Look into the Future, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, July 12, hearing on the Effects of Airlines' Caps on Travel Agents Commissions, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, July 12, executive, to consider pending business, 1 p.m. HT–2M Capitol.

Committee on Transportation and Infrastructure, July 11, Subcommittee on Water Resources and Environment and the Subcommittee on Coast Guard and Maritime Transportation, joint hearing on the following: Natural Resources Damages Under The Comprehensive and Liability Act of 1980 (Superfund); and the Oil Pollution Act of 1990, 10 a.m., 2167 Rayburn.

July 12, full Committee, to mark up H.R. 1943, San Diego Coastal Corrections Act of 1995, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, July 11, 12, and 13, hearings on miscellaneous tax reforms, 10 a.m., 1100 Longworth.

July 11, Subcommittee on Trade, hearing on Rules of Origin, 3 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, July 13, executive, hearing on the Future of Technology—IC21, 9 a.m., H–405 Capitol.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FOURTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 4 through June 30, 1995

	Senate	*House*	*Total*
Days in session	108	90	..
Time in session	950 hrs., 25′	774 hrs., 21′	..
Congressional Record:			
Pages of proceedings	9596	6,699	..
Extensions of Remarks	..	1,395	..
Public bills enacted into law	10	..	..
Private bills enacted into law	0	..	..
Bills in conference	2	..	..
Measures passed, total	154	183	..
Senate bills	26	12	..
House bills	15	65	..
Senate joint resolutions	1	..	..
House joint resolutions	0	3	..
Senate concurrent resolutions	4	2	..
House concurrent resolutions	11	14	..
Simple resolutions	97	87	..
Measures reported, total	*118	*164	..
Senate bills	81	1	..
House bills	8	94	..
Senate joint resolutions	3	..	..
House joint resolutions	2	4	..
Senate concurrent resolutions	3	..	..
House concurrent resolutions	..	3	..
Simple resolutions	21	62	..
Special reports	11	2	..
Conference reports	0	7	..
Measures pending on calendar	93	30	..
Measures introduced, total	1,218	2,358	..
Bills	1,014	1,996	..
Joint resolutions	36	99	..
Concurrent resolutions	20	81	..
Simple resolutions	148	182	..
Quorum calls	3	13	..
Yea-and-nay votes	296	117	..
Recorded votes	..	338	..
Bills vetoed	..	1	..
Vetoes overridden	..	..	..

*These figures include all measures reported, even if there was no accompanying report. A total of 101 reports has been filed in the Senate; a total of 175 reports has been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 4 through June 30, 1995

Civilian nominations, totaling 274, disposed of as follows:	
Confirmed	157
Unconfirmed	116
Withdrawn	1
Civilian nominations (FS, PHS, CG, NOAA), totaling 1006, disposed of as follows:	
Confirmed	805
Unconfirmed	201
Air Force nominations, totaling 10,203, disposed of as follows:	
Confirmed	9,987
Unconfirmed	216
Army nominations, totaling 7,855, disposed of as follows:	
Confirmed	7,538
Unconfirmed	317
Navy nominations, totaling 6,163, disposed of as follows:	
Confirmed	5,470
Unconfirmed	693
Marine Corps nominations, totaling 2,558, disposed of as follows:	
Confirmed	1,791
Unconfirmed	766
Withdrawn	1

Summary

Total nominations received this session	28,059
Total confirmed	25,748
Total unconfirmed	2,309
Total withdrawn	2

Next Meeting of the SENATE

9 a.m., Tuesday, July 11

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 9:45 a.m.), Senate will resume consideration of S. 343, Comprehensive Regulatory Reform Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, July 11

House Chamber

Program for Tuesday: Votes postponed on the following four Suspensions debated on Monday:

(1) H.R. 1642, Extension of Most-Favored-Nation Status to Cambodia;

(2) H.R. 1643, Extension of Most-Favored-Nation Status to Bulgaria;

(3) H.R. 1141, Sikes Act Improvement Amendments of 1995; and

(4) S. 523, Colorado River Basin Salinity Control Amendments;

Complete consideration of H.R. 1868, Foreign Operations Appropriations Act for fiscal year 1996 (rule providing for further consideration); and

Continue consideration of H.R. 1905, Energy and Water Appropriations Act for fiscal year 1996 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Bilbray, Brian P., Calif., E1397
Frank, Barney, Mass., E1398
Hinchey, Maurice D., N.Y., E1397, E1400
Jacobs, Andrew, Jr., Ind., E1400
Latham, Tom, Iowa, E1400
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Torres, Esteban Edward, Calif., E1397
Towns, Edolphus, N.Y., E1401, E1402
Waxman, Henry A., Calif., E1399
Yates, Sidney R., Ill., E1399

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