I urge my colleagues to move forward with health care. It is not going to resolve everything, but there have been advances made in the private sector for the first time in 15 years and the cost to employers has gone down some. On the other hand, of course, Medicare and Medicaid continue to go up at an unacceptable rate. We have to do something about that.

So, Mr. President, I am pleased with the action of last Friday in this body. I look forward to continued reform in health care. I remain committed to working for that reform. The PRESIDENT pro tempore. No response from the audience. Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDENT OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, what is the regular order?

CONCLUSION OF MORNING BUSINESS

The PRESIDENT OFFICER (Mr. DeWINE). Morning business is now closed.

REGULATORY TRANSITION ACT OF 1995

The PRESIDENT OFFICER. Under the previous order, there will now be 6 hours for general debate on the subject of S. 219.

Mr. NICKLES. Mr. President, I rise today to talk about Federal regulations. We are going to be on Senate bill S. 219. I want to compliment Senator ROTH and the Governmental Affairs Committee for reporting this bill out. I also want to compliment the House of Representatives for their move in trying to make some progress on reining in the cost of excessive regulations. Federal regulations are estimated to cost almost $501 billion, by some sources. It is hard to figure out what that means, but per household, that is over $6,000—actually $6,100 per household for the cost of Federal regulations. That increases the cost of everything we buy. Whether you are talking about your automobile or your home or your electric bill or the price that you pay for gasoline, regulations are involved in all these and have inflated the costs on every single thing that we buy.

Many of us feel these regulations have been excessive and they have been well thought out. In some cases they are too expensive. I might mention, I guess almost all are probably well intended, and I do not fault anyone’s intentions, whether it be the people who passed the legislation authorizing the regulations or the regulators. They may be well intended, but in many cases, the regulations have gone too far and they are far too expensive.

We have several measures that are working their way through this body and through the Congress to try to limit excessive regulations. The House passed a couple of measures. One was a measure called regulation moratorium. A similar bill was reported out of the Governmental Affairs Committee. That is the bill we have on the floor of the Senate today. I, along with my colleague and friend from Nevada, Senator REID, will be offering an amendment in the form of a substitute to that bill. I will discuss that in a moment.

Also the Governmental Affairs Committee has reported out a comprehensive bill dealing with regulation overhaul. I compliment them for that effort. I think it is a giant step in the right direction. Senator DOLE, myself, and others have introduced a very comprehensive bill. Likewise, I believe there is a markup scheduled in the Judiciary Committee on that bill as well.

I compliment Senator DOLE for his leadership because I think it makes sense. We should have regulations where the benefits exceed the costs. We should make sure we use real science. That is the purpose of both Senator ROTH’s bill and Senator DOLE’s bill that we will be considering on the floor. My guess is sometime after the April recess.

But the bill we have before us many people support—the regulation moratorium bill, S. 219. I am a sponsor of that bill. I believe we have 36 sponsors. This is a bill that people have labeled a “moratorium.” I even have heard some people mislabel it, including the President, who said it was a “moratorium on all regulations,” “good and bad regulations.” I take issue with that because we had a lot of exceptions for good regulations and we had exceptions for regulations which people felt were necessary to go forward with, those regulations that dealt with imminent health and safety and regulations that dealt with ordinary administrative practices. The committee added more exceptions. The Committee on Governmental Affairs limited it to significant regulations. So we reduced the scope substantially.

Why was that bill introduced? That bill was introduced because on November 14, the administration announced or published in the Federal Register that they were working on 4,300 different regulations that were in progress and that would be finalized in the year 1995 and beyond. Many of us were concerned. That looked like an explosion of regulations. A similar bill was introduced in the House. Of course, with Uncle Sam digging deeper and deeper into the pockets of the American people. At least Congress can do something that is retroactive and finally make it permanent. That is the least that can be done because self-employed business owners, who put their families and hard-earned savings on the line in pursuit of the American dream, are treated unfairly and are treated without equity.

The Tax Code says people who strive to be their own boss are only permitted to deduct a small percentage of health insurance with after-tax dollars. However, if you are a large corporation, you are permitted to deduct 100 percent with before-tax dollars. After-tax dollars is a critical item because it makes basic medical care twice as expensive as if it were provided by the employer. Taxes must be paid first on what a self-employed person makes, and then health insurance can be bought with what is left over.

If last year’s health care debate was really about expanding health care coverage, then Congress should take the opportunity to promote tax fairness among businesses large and small whether it is one employee or several hundred. There are 2.8 million uninsured self-employed proprietors in this country who could quickly purchase coverage if it was made affordable. Providing 100 percent health insurance tax deduction is at issue. The result of that would be coverage for another one-third of the population, not through Government takeover, not through price controls or employer mandates, but through a means of fairness in the Tax Code.

Last Friday’s action on health care should not be the final action. This body should continue to pursue changes in our national health care infrastructure to supplement the self-employed health insurance tax credit. Vital changes such as portability, prohibitions for preexisting conditions, and the pooling of small businesses must also be included. The result will be the elimination of job lock and exorbitant premiums for Americans.

Malpractice liability reform and regulatory reform for health care providers must be included as we move forward on the list of health care costs that are ever increasing. This includes tax regulations as well as future regulations because we should be footing the bill for the unfunded mandates and will continue to do that. With the constraints facing us, Congress needs to move forward with health care reform, not in the form that we talked about last year, but in a move for real things that we can do to make health care more affordable and more acceptable to Americans throughout the country.

This is a move in the right direction to provide fairness and to provide equity. Last Friday was the beginning.
look at them. So this moratorium regulation was introduced with a lot of sponsors. It eventually passed the House with a lot of exceptions, came through the Senate, was marked up in the Governmental Affairs Committee, which added more exceptions and limited it to significant regulations. That was a moratorium.

The amendment that Senator REID, myself, Senator BOND, and Senator HUTCHISON are offering is a different approach. One, the moratorium that passed out of the Governmental Affairs Committee is a temporary moratorium and when we pass comprehensive legislation, or it expires at the end of the year. So it was only a temporary moratorium. The legislation we are introducing today provides for 45-day congressional review of regulations. During that time, Congress will be authorized to review and potentially to reject regulations through a resolution of disapproval before they become final.

This alternative provides an opportunity to move forward on the critical issue of regulatory reform in a more systematic, comprehensive, and saner manner. I think that is vitally important. This amendment will allow the authors of legislation in Congress to review and to ensure that Federal agencies are properly carrying out congressional intent, and it will also ensure agencies issue regulations which go beyond their intended purpose.

For future significant rules, the alternative provides a 45-day period following publication of the final rule before that rule can become effective. Under the current law, most rules are already delayed by 30 days pending the filing of an appeal. This delay in the effectiveness would only apply to significant regulations which the amendment defines as final rules that meet one of four criteria set by the administration under Executive Order 12866. For all other future nonsignificant rules, the regulation of disapproval is in order, but the final rule is not suspended during the 45-day period.

This amendment also provides an opportunity to review and reject significant rules which became final on or after November 20, 1994, and prior to the date of enactment. Such rules would not be suspended during the review period. Final regulations addressing threats to imminent health and safety or other emergencies, criminal law enforcement or matters of national security, could be exempted by Executive order from the postponement of the effective date provided for in this bill. However, a joint resolution of disapproval will still be eligible for fast-track consideration.

The expedited floor procedure has in it consideration of base closure legislation as well as consideration of Federal Election Commission rules. Rules from the Senate and the House will have 45 calendar days to review final rules and consider a resolution of disapproval.

All final rules that are published less than 60 days before Congress adjourns die or that are published during sine die adjournment shall be eligible for review and fast-track disapproval procedures for 45 days beginning on the 15th day after a new Congress convenes. A joint resolution may be introduced by any Member of Congress, and the fast-track process for moving the joint resolution of disapproval to the floor will be limited under two conditions: First, if the authorizing committee reports out the resolution; or, second, if following the resolution's introduction the committee does not act, the majority leader of either House designates the resolution for further consideration. The resolution of disapproval is privileged and places the resolution of disapproval directly on the calendar. The motion to proceed to consideration of the resolution is privileged and is nondebatable. I would like to note that last Thursday the Senate Governmental Affairs Committee reported out the comprehensive reform bill which includes this 45-day review proposal. However, it did not contain a look back to past regulations. Once the Senate has removed the temporary moratorium on disapproval, the debate on the resolution is limited to 10 hours equally divided with no motions other than a motion to further limit debate or amendments being in order. If the resolution is not debatable for the immediate consideration on the floor of the other body, the joint resolution, if passed by both Houses, would be subject to a Presidential veto and in turn a possible override. By providing the mechanism to hold Federal agencies accountable before it is too late, this alternative makes an important contribution to the critical regulatory reform effort. I hope that my colleagues will join me in this effort.

Mr. President, I would like to at this time mention and thank my friend and colleague, Senator REID, from Nevada for his support in offering and working with me to offer this alternative or substitute to the regulation moratorium. I have worked with Senator REID for many, many years now. We worked together on the measures that we called the Economic and Employment Impact Statement, a measure which is becoming law I guess as part of the unfunded mandate bill. He has been a real leader in trying to reform and limit the cost of excessive regulations. I compliment him for that successful effort in the past, and I look forward to a successful effort on this bill as well.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair. The PRESIDING OFFICER: The Senator from Montana.

Mr. BURNS. Mr. President, I thank my friend from Oklahoma and my friend and colleague Senator Reidel for introducing this legislation, S. 219. Whenever it was announced that this bill was going to come to the floor at this time, I was pretty happy about it because a couple of weeks ago I chaired a field hearing in Kalispel, MT, to look at the new OSHA rules on the logging industry. I was as surprised as anybody.

We have been receiving a lot of mail in our office from Northwest Montana on how these new regulations as suggested by OSHA were really out of bounds this time. After all, the State of Montana has in place regulations for safety in the workplace, especially in the logging industry, and they are not strangers to the logging industry because it has been a part of the Montana scene for many, many years. But to go to that hearing and hear these loggers tell their horror stories that happened to them under these new rules and regulations was really an eye opener for me.

We received comments not only from the State of Montana but folks from Idaho and folks from Oregon who flew over there to make that Saturday field hearing.

Randall Ingraham, just to give you an idea, who is a training consultant for the Association of Oregon Loggers, was there and had the same comment basically that Oregon's OSHA forest activities code book is as effective as the Federal standards.

So what we have in this situation is regulations on top of regulations. If we really want to understand why Government is costing the taxpayers so many dollars nowadays, it is because of the redundancy. All the States, too, have an OSHA-type office that enforces safety rules in the workplace. States are familiar with the industries that are located within those States.

Randall Ingraham's comments were very welcome. Don Rathman said OSHA needs to listen more to the industry rather than to people who have a philosophical idea on what the rules should be.

Julie Espinoza: Return the control to States.

Bill Copenhaver, from Seeley Lake, MT, said the same thing, that Montana standards basically are a little bit higher than those found in the Federal rules but the States show a willingness to work with employers and employees to make sure that the workplace is safe rather than just coming out and saying this little item here, something is wrong with it, so I am going to fine you and if you want to change it, that is fine. But next week we will fine you again if you do not. In other words, they are reluctant to work with employees for a safe workplace.

Bob Cuddy, from Plains, MT; Dan Kanniburgh, from Marion, MT.

The list goes on. Mr. President, I ask unanimous consent that I may put in the RECORD a couple of statements from folks who testified at that committee hearing as they get down to the States.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

My name is Arley Adams, doing business as Adams Wood Products.
I'm a second generation logger in the timber and sawmill industry. My son, Alan, is the third generation in the business and works with us daily. We have a logging and sawmill operation that employs ten or more people, and with OSHA standards and Workmen's Compensation rates, there is no way we can hire one man. You won't find a small operation in the United States that is under D. General Requirements, which states that the employer is responsible for an employee's safety. We are professionals in our business and we have an excellent Safety Team in the Loggers Association. We are well aware of the dangers we are up against—we work with them daily. OSHA thinks that we are so incompetent that they must hold our hands and impede us with so much gear that they "OSHA" will be the cause of the accidents that are trying to prevent.

When they break us all—they will have to feed us because we can't be trusted with a dinner fork.

The entire situation OSHA is trying to impose upon us is a "Major Disaster." If California got Disaster Relief from the earthquake, we should be eligible too!

-- ARLEY A. ADAMS

March 9, 1995.

DEAR SENATOR BURNS: As a working foreman in the company to which I belong, I live with safety problems on a daily basis. We have about thirty-five (35) other workers on the job.

We pride ourselves in being able to have OSHA, the State, or anyone else come on our job and see that we make the working conditions as safe as humanly possible. We work closely with the people from the Idaho Logging Safety Program and we know that most of the other contractors in our area do also. We've put together safety programs, weekly safety meetings, monthly safety meetings, and anything else they've asked for.

Then all of a sudden here come these new OSHA rules telling us that we can't use die-sel to start fires anymore and that we can't fuel any of our machines with the engines running. Do you people realize that we are talking about men and women up in the cold and cold weather? Just how many injuries have there been in the State of Idaho from people using diesel to start a fire or from fueling a vehicle with the engine running?

These rules and some of the others I've read in the book 29 CFR 1910 and 1928 really have no place in a logging standard. Why don't you live with the Idaho Code. It at least let's us use common sense.

Sincerely,

TERRY STREEVER.

March 27, 1995

CONGRESSIONAL RECORD – SENATE

Mr. BURNS. Mr. President, I do not know what the cost is, but in the new regulations they required boots for loggers that are not even being made. And I can see this is just another way of creating a new necessity—creating a new necessity. This was described as the OSHA representative, up there to enforce these rules and regulations. You can pick him out of a thousand people. There he was.

For instance, the employer is required to make sure that the employee's vehicle, if he drives to on-site logging, is safe; in other words, passes all the safety conditions of the State. The employer responsible for an employee's own private automobile? Now, that is overstepping a little bit.

Also, I've found out—and I am not a logger. I have been in the woods a little bit but not nearly that much. The renewable resource that I dealt with was grass. You do not take a chain saw to that; you take a cow to it. But, anyway, you have to use a Humboldt cut. If you have a video camera when questioning employees about the training they give one the feeling that you've already done something wrong or why would the employee just go, let it hang up and lose it? I do not think so.

But these are rules and regulations that have been imposed on an industry which were written by an organization that is not remotely, basically, very close to the common sense when it comes to logging.

I just want to put these statements in the Record because I made a suggestion one time. After legislation is passed by this Congress, after it goes to the President for his signature and he signs it into law, what happens? That law is given to a faceless and nameless bureaucrat to write the administrative rules. We have enough evidence that most of those rules have nothing to do with the intent of the legislation. So I suggested that before the final rules go into the Federal Register, maybe they should come back to the committee of jurisdiction to make sure they do conform to the intent of the legislation.

I mentioned that to a colleague of mine, and he said, "Oh Sen-
But I think we in this body, if we have been remiss in any part of our duty, it is in oversight and being involved in writing the administrative rules. If every Senator in this body went home and talked to the industry that is going to be affected, we would be acutely aware of the problems faced in private industry. And we would be acutely aware of why they are struggling trying to make a living, especially our smaller companies, our small business people. Over 90 percent of the jobs in Montana are created by small businesses.

So I think my friend from Oklahoma, who is the author of this bill. It gives us 45 days to look at those rules. We should look at the rules. We should become actively involved in the rule-making, especially if we are sponsors of a piece of legislation that has so much to do with the workplace and the ability of a small businessman to make a living at this time. Not only are they taxed to death; they are also ruled and regulated to death. So we need to do what we need to do.

It was suggested after the elections last year that Government reinvent itself. I do not know what the message was last November 8, but I will tell you this. You will get as many versions of that message as you may choose. There are editorial writers or coffee klatches or Lions Clubs or Rotary Clubs, wherever people sit down and visit about the political arena. But I say they are saying to people involved in Government, it is time to sit down and reassess the real mission and the real role of Government. Why are we here and why is it costing the taxpayers so much money? And then we turn right around and force rules and regulations on them that cost them more.

Everybody wants a safe workplace. That is not to say that we should not have some rules and regulations. But I say that whenever you put it in the rules and regulations that your car has to be safe—and that is just a suggestion—and write it into the rules then an inspector who wants to make a name for himself can say, “Aha, that car is not safe. I will fine you $100,” instead of saying, “We have some problems here. Let us work with each other. Let us iron out these problems. Let us make a safe workplace.” In the logging industry especially, most of the companies are small, where you have the man who owns the company, plus he has four or five of his friends—and I mean his friends, not his employees—he works within the woods.

They know each other and they must know each other in order to have a safe environment in which to do business. They do not want to hurt each other, either. And they are all small. But they are small. And when just a suggestion is made in the Federal Register, it gives an inspector an idea that this is hard law and he can fine for it. So we just need to be a little bit prudent about what we put into rules and regulations.

Nobody is arguing here that we take safety out of the workplace. We are saying we should approach it in a manner in which we can have the employee, the employer, and the Government entities, both State and Federal, work together to make that a safe workplace. I think this piece of legislation does it. I want to congratulate my friend from Nevada, Senator Reid, and my friend from Oklahoma. I wish his Oklahoma State Cowboys a lot of luck this weekend.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. Gordon). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague from Montana for his support for our amendment, and also thank him for his statement.

I also wish to compliment the Senator from Montana, because he did something that many of us have not been doing. He has held some oversight hearings. And some of those people, many times we call them faceless bureaucrats, but he has had them come into his State and talk about some of the problems, whether it be in logging or forestry, and let them talk and actually meet those that they regulate.

I believe the Senator said—correct me if I am wrong. The OSHA official who was writing the regs had not actually been involved in the logging industry, but yet was writing rules and regulations dealing with everything from trucks to boots, and he has not actually met some of the people whom he was regulating.

Is that correct? Mr. BURNS. That is correct.

I also want to congratulate that man, though. The Senator from Oklahoma is correct. But the man that really wrote the regs did come to the hearings in Kalispell, MT. He sat down and gave his testimony, but he also stayed and listened to those loggers. He listened to them when we took public comment. When it was all over, he sat down with them and they started working some things out. I think we made headway, and that is fine and dandy.

But basically, we should not have to do that. Common sense tells us it would be a lot better and a lot cheaper for everybody if we did not get ourselves into that kind of situation.

I thank the Senator from Oklahoma. Mr. NICKLES. I appreciate my colleague having the hearing. My guess is that meeting would not have transpired had it not been for the Senator from Montana and his insisting on that meeting.

The fact is that those regulations or proposed regulations will probably be changed. That meeting changed it drastically because of the insistence of the Senator from Montana on having face-to-face meetings with people who are making the regulations and making the rules to meet with people that are directly impacted.

One of the real positive things which I hope will come out of this is that Congress will become more active in oversight. Just as the Senator from Montana proved that it can make a difference, certainly in his State.

Again, I compliment him for it, and I thank him again for his statement.

Mr. REID addressed the Chair.

Mr. REID. Mr. President, tomorrow, pursuant to the order—the bill not being before the Senate today—an amendment will be offered by the Senator from Oklahoma and this Subcommittee. I believe, Mr. President, that the substitute is a good solution to the problem that we are all concerned about, and that is excessive bureaucratic regulation.

For example, Mr. President, the U.S. Chamber of Commerce has estimated the cost of complying with regulations in the United States on a yearly basis at over $500 billion. That is almost 10 percent of our gross domestic product. It has also been estimated that the time spent on paperwork is almost 7 billion hours.

Mr. President, I repeat that. Over $500 billion to comply with regulations and almost 7 billion man-hours to do that paperwork.

We all know, Mr. President, that regulations serve a valid purpose and an important purpose. In fact, because of the regulatory framework that has been put in place for the last 50 or 60 years, we have workplaces that are safer. Hard-working Americans are less likely to be seriously injured on the job. There has been a tremendous reduction in the loss of limb or permanent disfigurement in the workplace as a result of Government regulations that were promulgated after we passed laws in this and the other body.

I have, Mr. President, an airline industry that has the greatest safety record in the world; food that meets very strict requirements, but they are very strict. We have a country where, just 20-odd years ago, 80 percent of all rivers were polluted. Now, that is down to approximately 20 percent. The numbers have been reversed as a result of the Clean Water Act.

The problem is that all too often Congress passes a law with good intentions and very sound policy only to have the agencies, the governmental agencies, turn these simple laws into very complex regulations that go beyond the intent of Congress and many times make no sense. Ultimately, we create an environment where small business owners must hire legal departments—To comply with labor and environmental laws and other issues.

In some instances, the regulations are so complex that a small firm has to hire a multitude of experts so they can
Mr. President, I believe that this is a substitute—should alleviate the talk in this body about regulations. If this
passes, I think we have a framework established to take care of the problem. There will be some who think we need
to go a lot further, but I do not. I think in place, we will be in real good shape.

This bill has great potential, as I have indicated, for a bipartisan solution to the problem of costly and un-
necessary regulations. The mechanics of this bill have been explained exten-
sively by the Senator from Okla-
a homa, and I am going to touch on it briefly.

It provides a 45-day period for Con-
gress to review new regulations. If the
rule has an economic impact over $100
million, it is deemed significant and
the regulation will not go into effect
during the 45-day review period. This
45-day review period will allow Con-
gress to hold Federal agencies account-
able before they become law and start
impacting the regulated community.

President, if the rule does not meet
the $100 million threshold, the regula-
tion will go into effect but will still be subject to fast-track review. Even significant regulations may go into effect immediately if the Presi-
dent, by Executive order, determines
that the regulation is necessary for
health, safety, or national security, or
is necessary for the enforcement of
criminal laws. This is not subject to ju-
dicial review.

So that is the general outline. We
know the 45-day review process will begin when the rule is sent to Con-
gress.

We have spent a great deal of time,
the Senator from Oklahoma and myself
and our staffs, making sure that this
legislation is constitutional. The Pre-
siding Officer has had a long history of
working on legal matters, having been
attorney general, and this regulation, I
am assured by all kinds of legal schol-
ars, is constitutional.

In fact, the man that argued the case
before the U.S. Supreme Court in 1983,
the Chadha case, a man by the name of
Mike Davidson, said:

The key to Immigration and Naturaliza-
tion Service v. Chadha was that Congress
did, by Executive order, determines
that the regulation is necessary for
health, safety, or national security, or
is necessary for the enforcement of
criminal laws. This is not subject to ju-
dicial review.

So that is the general outline. We
know the 45-day review process will begin when the rule is sent to Con-
gress.

We have spent a great deal of time,
the Senator from California would, I am sure, appreciate,
the junior Senator, I believe. Use of the
term “fresh” on the labeling of raw
poultry products.

As you may recall, there has been a
dispute that has arisen, as to: When
you get a fresh turkey at Thanksgiv-
ing, is it really fresh? We have regu-
lations promulgated on that.

I am not going to go into more de-
tail. We have 15 pages. And this is not
up to date. This is a couple of weeks
old.

I do think the American public has
something to be concerned about.
There really are too many regulations.

We have reason to believe that the
American small business community
really is concerned, and with good rea-
son, for thinking that regulations do
more harm than good.

I believe, Mr. President, that if you
look at a lot of what we are talking about, unusual
things that have gone on—we heard the
Senator from Montana, and during this
debate that will take place this week,
we will hear all kinds of things that
are going on—they really do not make
a lot of sense. Of course, there are a lot
of things that make sense.

We need regulations, and the Senator
from Nevada wants to make sure peo-
ple understand, I am not against all
regulations, I just want some common-
sense direction for those regulations.

There is an article out of Business
Week from a month or so ago that
talks about some of the good regula-
tions, about when you go to the airport
and they have overbooked the airplane
and you wanted to go across the coun-
try; now there is a regulation that says
they can give you a free ticket if they
bump you off the flight.

We have an example in the Clean Air
Act where you can trade pollution
rights, which is certainly very impor-
tant, because we have had outlandish
regulations.

A company, Amoco York County Re-
finery, was required to spend $31 mil-
lion to reduce a small amount of ben-
zene from its wastewater treatment
plant when it could have reduced five
times as much benzene elsewhere. In
this case, it cost Amoco $31 million.
Those are some of the things that
literally drive small businesses crazy
and drive them out of business.

So there are good regulations and
bad regulations, and this legislation,
Mr. President, is going to allow us to
have more common sense in the way
regulations are promulgated.

I am convinced, and I have spoken
with the Senator from Oklahoma at
some length in this regard, that one of
the things that will flow from this regu-
larly scheme that is in our sub-
stitute is that there will be fewer regu-
lations promulgated because they
know there will be a legal framework, a
legal framework to review these regu-
lations.

The Senator from Oklahoma and I
have been long involved in trying to do
something about regulations. We have
written op-ed pieces for newspapers
that have been published. We intro-
duced legislation last year that passed
the Senate. The House was killed in con-
ference that would have put dollar lim-
its on regulations.

Our approach this year with this sub-
stitute is an ongoing movement which
we have tried to initiate to put com-
mon sense in the way regulations are
promulgated. I repeat, I am convinced
that our substitute will stop the issu-
ance of many regulations.

I believe the way to eliminate many
of these problems is to establish a safe-
ty mechanism that will enable Con-
gress to look at these regulations that
are being promulgated and decide
whether they achieve the purpose they
were supposed to achieve in a rational,
economic, and less burdensome way.

This substitute, which I have already
written op-ed pieces for newspapers
with Senator Nickles, goes a long way toward
accomplishing this goal in a bipartisan
manner. I think this is important be-
cause I believe Americans want Con-
gress to work together to make their
Government work for them and not
gainst them.

This bill, in my opinion—our sub-
stitute—should alleviate the talk in
this body about regulations. If this
passes, I think we have a framework
established to take care of the
problem. There will be some who think
we need to go a lot further, but I do not.
I believe in place, we will be in real
shape.
Federal branch of Government initiates. It will cause them to be more careful since the Chadha decision, in my opinion. Government agencies have been reckless, recognizing that there is not anything we can do about it. When this substitute passes, we will be able to do something about it, and I think it will rein in what I believe are some of the runaway rules that are being promulgated.

Before closing, I would like to express my appreciation to the chairman and the ranking member of the Governmental Affairs Committee for their hard work on the issue. I do not support the underlying legislation. I believe that this substitute is a significant improvement over what has come to us in the form of S. 219.

I also take this opportunity to express my appreciation to the senior Senator from Oklahoma for his work on this issue. He has been a stalwart ally over many years working on this issue. I believe that we have now found a piece of legislation on which we can achieve a bipartisan passage in the Senate. I do not support the underlying legislation. I believe that this substitute is a significant improvement over what has come to us in the form of S. 219.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator REID from Nevada, for his statement. I hope my colleagues have a chance to listen to it because I think it is well reasoned and shows there is bipartisan support for it. I think a commonsense idea, saying Congress should have an opportunity to review regulations and, if you are talking about really significant regulations, an expedited procedure to reject those.

There are thousands of regulations. My guess is that we will reject a very, very small percentage. But at least we will have the congressional oversight and Congress will be hopefully more involved in this issue. The Senator from Montana was in dealing with an OSHA regulation in logging. Hopefully, more of our colleagues will become involved in monitoring and reviewing and trying to limit excess regulations and maybe in oversight find out the regulation is not acceptable. Maybe we will find out that it is acceptable. The Senator from Nevada has helped make that happen, and I am delighted to work with him in this effort.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I come before the Senate today to discuss a piece of legislation that simply makes no sense. I am speaking about S. 219, the Regulatory Transition Act, or the regulatory moratorium, as it is more widely known. With all due respect to my colleagues who support this legislation—it is a bad bill, poorly conceived, arbitrary in scope, and reckless in its purpose. We should not be wasting our time on this legislation.

Overview

We all agree, I am sure, that the Federal regulatory process is in serious need of serious reform. Too many ill-considered and costly regulations are unfairly and unnecessarily weighing down our businesses and our economy.

Senator from Oklahoma, for his work on this issue. He has been a stalwart ally over many years working on this issue. I believe that we have now found a piece of legislation on which we can achieve a bipartisan passage in the Senate. I do not support the underlying legislation. I believe that this substitute is a significant improvement over what has come to us in the form of S. 219.

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William Kristol, a key Republican analyst whose frequent strategy memos, helped shape the conservative agenda, said the way congressional leaders deal with that apparent conflict could determine their prospects for consolidating congressional power. "We knew," he said, "that it's going to be hard to show the Republican Party has fundamentally changed the way business is done in Washington.

The EXTERMINATOR

After graduating from the University of Houston with a biological science degree in 1970, Tom DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of the Houston Pest Control, whose name he hated but kept anyway because a marketing study noted it reminded consumers of a well-known brand of dog food.

By his account, DeLay transformed Albo into "the Cadillac" of Houston exterminators, serving only the finest homes. But his frustrations with government rules increased in tandem with his financial success. He disparaged federal worker safety rules, including one that required his termite men to wear hard hats when they tunneled under homes. And the Environmental Protection Agency's pesticide regulations, he said, "drove me crazy." The agency had banned Mirex, a chemical effective in killing fire ants but that first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out govern- ment regulation was a cost of doing business," he said, "and I better get involved in it."

He arrived in the Texas legislature in 1978 with a nickname that defined his mission: "Mr. DeReg." Seven years later he moved his crusade to Washington as the congressman from Houston's conservative southwest suburbs. He sought to publicize his cause by handing out Red Tape Awards for what he considered the most frivolous regulations.

But it was a lonely, quixotic enterprise, hardly noticed in the Democrat-dominated House, where systematic regulation of industry was seen as necessary to keep the business community from putting profit over the public interest and to guarantee a safe, clean society. The great public good, Democratic leaders and their allies in labor and environmental groups argued, had been well served by government regulation. Countless highway deaths had been prevented by mandatory safety procedures in cars. Bald eagles were flying because of the ban on DDT. Rivers were saved by federal mandates on sewage.

DeLay nonetheless was gaining notice in the world of commerce. Businessmen would complain about the cost of regulation, which they said would drive jobs and investment abroad. A year passed along to consumers. They would cite what they thought were silly rules, such as the naming of dishwashing liquid on a list of hazardous materials in the workplace. They pushed for regulatory relief, and they saw DeLay as their point man.

The two-way benefits of that relationship were most evident last year when DeLay ran for Republican whip. He knew the best way to build up his was to raise campaign funds for other candidates. The large number of favorable press mentions for one of strong Republican challengers offered him an unusual opportunity. He turned to his network of business friends and lobbyists. "I sold them on the idea that it would hardly noticed in the Democrat-dominated House, where systematic regulation of industry was seen as necessary to keep the business community from putting profit over the public interest and to guarantee a safe, clean society. The great public good, Democratic leaders and their allies in labor and environmental groups argued, had been well served by government regulation. Countless highway deaths had been prevented by mandatory safety procedures in cars. Bald eagles were flying because of the ban on DDT. Rivers were saved by federal mandates on sewage.

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In the 1994 elections, he was the second-leading fund-riser for House Republican can-
didates, behind only Gingrich. In adding up
contributions he had solicited for others, De-
Lay said, he lost count at about $2 mil-
lion. His interest was in the case of the Na-
tional-American Wholesale Grocers Associa-
tion PAC, which already had contributed
$20,000 to candidates by the time he was
asked about the group last Sep-
tember. After listening to his speech on what
could be accomplished by a pro-business Con-
gress, they contributed, another $80,000 to
Republican candidates consulted DeLay, among
others, on its distribution.

The chief lobbyist for the grocers, Bruce
Gates, would be recruited later by DeLay to
chair the Project Relief. Several other business lobbyists played crucial
roles in DeLay's 1994 fund-raising and also
followed Gates' path into the antiregulatory
effort. Among the most
active were David Rehr of the National Beer
Wholesalers Association, Dan Mattson of
BellSouth Corporation, Robert Rusbuilt of
Independent Insurance Agents of America
and Elaine Graham of the National Re-
staunt Association.

At the center of the campaign network was
Mildred McIntosh, an OhioRepublican who
had been hired by DeLay to run his race for
whip. She stayed in regular contact with
both the lobbyists and more than 80 GOP
congressional offices, and drafting letters on
points for the neophyte candidates and call-
ing the lobbyist bank when they needed
money. Contributions came from various business
groups, which Webber bundled to-
gether with a good-luck note from DeLay.

"We'd rustle up checks for the guy and
make sure Tom got the credit," said Rehr,
the chief lobbyist for the grocers. "So when new
members voted for majority whip, they'd say, 'I
wouldn't be here if it wasn't for Tom
DeLay.'"

For his part, DeLay hosted fundraisers in
the districts and brought challengers to
Washington for introduction to the PAC
community. One event was thrown for David
M. McIntosh, an Indiana candidate who ran
the regulation-cutting Council on Competi-
iveness in the Bush administration under
former Hoosier Dan Quayle. McIntosh won
and was named chairman of the House regu-
lationary affairs subcommittee. He hired
Webber as staff director.

It was with the lopsided support of such
Republican lawmakers as McIntosh that
DeLay swamped two rivals and became the
majority whip of the 104th Congress. Before
the vote, he had received final commitments
from 52 of the 72 new members.

THE FREEZE

The idea for Project Relief first surfaced
before the November elections that brought
Republicans to power in the House for the
first time in 10 years. Several weeks after
the election, it had grown into one of the
most diverse business groups ever formed
for specific legislative action. Leaders of the
project, which grew out of an antiregulatory
congressional debate, discussed the need for an immediate move
place a moratorium on federal rules. More
than 4,000 regulations were due to come out
by Rep. Michael Bilirakis (R-Fla.) during
March 27, 1995

As Congress wages war on the federal regu-
lar system, anecdotal evidence of nonsen-
sical rules and innocent victims has been
a powerful weapon in the push to enact
measures that will temper rule-making,
protect property owners and ensure new reg-
ulations are worth the cost.

Many of these purported examples, how-
ever, have the ring of truth, but not the sub-
stance.

Consider the "regulatory overkill" cited by
Rep. Michael B. Bilirakis (R-Fla.), chairman of the floor debate last month. "The Drinking
Water Act currently limits arsenic levels in
drinking water to no more than two to three
parts per billion," said Bilirakis. However,
a regular portion of shrimp typically served
in a restaurant contains around 30 parts per
billion.

Arsenic, a known human carcinogen, has
been subject to regulation by the Environ-
mental Protection Agency since 1976. The
drinking water standard is now not two or
three parts per billion, but 50 parts per bil-
lion. And according to EPA officials, the
arsenic found in water and the arsenic found
in shrimp and other seafood are chemically
difficult. The type of arsenic found in
seafood is organic; in water, arsenic is pre-
dominantly inorganic, and far more toxic.

Bilirakis, a former judge, declined a re-
quest for an interview, but his press spokes-
man explained that Bilirakis relied on his
colleague, Rep. J o h n L. Mica (R-Fla.), whose
use of the shrimp example during a congres-
sional debate last year was reported in The
Washington Post.

While rhetorical exaggerations or sloppy
staff work are not new phenomena in con-
gressional debates, the determination of
spend to challenges from Democratic oppo-
ungestion, would not.
nderful as a "blun-
derbuss." DeLay then turned to Gooch to
described the moratorium concept as a "blun-
ated the moratorium to cover
court deadlines. He also helped Webber add
a word in later amendment that extended the
moratorium to cover everything except vehi-
"That's all," Gooch said.

On the first day of February, 50 Project Re-
Relief lobbyists met in a House committee
room to map out their vote-getting strategy
for the moratorium bill. Their keynote
speaker was DeLay, who laid out his basic
objective: making it a veto-proof bill by lin-
ing up a sufficient number of Democratic co-
sponsors. They went to work on it then and
there.

Kim McKernan of the National Federation of
Independent Business read down a list of
72 House Democrats who had just voted for
the GOP balanced-budget amendment, rating
the likelihood of their joining the
antiregulatory effort. The Democrats were
placed in Tier One for gettable and Tier Two for
questionable.

Every Democrat, according to partici-
pants, was assigned to a Project Relief
lobbyist, often one who had an angle to play.

The nonprescription drug industry chose
legislators with Johnson & Johnson plants in
their districts, such as Ralph M. Hall of
Texas and Frank Pallone Jr. of New Jersey.
David Thompson, a construction industry of-
cial whose firm is based in Greenville, S.C.,
targeted South Carolina congressman John
M. Spratt, D., for a call.

Federal Express, with its Memphis hub,
took Tennessee's John S. Tanner. Southern
Bell Corp., a past campaign contrib-
butor for Rep. Elton Rackley (R-Ala.),
asked to contact her. Retail farm sup-
pliers picked rural lawmakers, including
Charles W. Stenholm of Texas.

As the moratorium bill reached the House
floor, the business coalition proved equally
potent. Twenty major corporate groups ad-
vised lawmakers on the eve of debate Feb. 23
that new regulations should be
considered in future campaign contributions.

McIntosh, who served as DeLay's deputy
for deregulation, assembled a war room in a
small office just off the House floor to re-
[From the Washington Post, Mar. 19, 1995]

TRUTH IS VICTIM IN RULES DEBATE—FACTS
DON'T BURDEN SOME HILL TALES OF REGU-
LATORY ABUSE

(By Tom Kenworthy)

As Congress wages war on the federal regu-
lar system, anecdotal evidence of nonsen-
sical rules and innocent victims has been
a powerful weapon in the push to enact
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While rhetorical exaggerations or sloppy
staff work are not new phenomena in con-
gressional debates, the determination of
House Speaker Newt Gingrich (Ga.) and other Republican leaders push through their “Contract With America” agenda in 100 days or less has meant that complex and far-ranging legislation has been debated and passed in a short period of time, with nothing in the contract deals with an area as complicated as regulatory reform or generates as much apocalyptic rhetoric on both sides.

Veteran Democrats, who in some cases helped write the regulations now under attack, warned their colleagues during the debate over the rules of moving so quickly. (Rep.) John D. Dingell (D-Mich.) said of the regulatory moratorium: “The unknown and unintended consequences caused by the hurried, ill-considered nature of this legislation will emerge for members in embarrassing and unwanted ways in weeks and months ahead.”

And Rep. Edward J. Markey (D-Mass.), lamented the making of “policy on the basis of false or misleading anecdotal information.” Proponents, said Markey, “claim that the Consumer Product Safety Commission had a regulation requiring all buckets have a hole in the bottom of them so water can flow through and avoid the danger of someone falling face down into the bucket and drowning. . . . Now, that would be ridiculous regulation, if it existed. But the truth is that there has never been such a rule.”

Nothing slowed down the determination of House Republicans to change the regulatory system, and the debate now moves to the Senate, where the legislation is expected to emerge from committees in more moderate form.

During the two weeks the bills were considered in the House, the rhetoric on both sides was heated and the examples, even the hypothetical ones, not always precise.

Suppose scientists develop a vaccine for the AIDS virus? What does that mean? It could prevent the case of cancer for every million patients, Rep. Robert S. Walker (R-Pa.) told reporters as the House took up the risk assessment bill. Because of that one cancer case, a provision of federal law called the Delaney Clause would require the Food and Drug Administration to keep the life-saving vaccine off the market, he said in a triumphant demonstration to keep the life-saving vaccine off the market, he said in a triumphant demonstration of the rigidity of federal regulation.

It sounded like a compelling argument—except for one not so small detail. The Delaney Clause has nothing to do with drug approvals. It is, as Walker conceded later when asked about it, a section of federal law that only applies to substances that are deliberately added into processed food, primarily pesticide residues.

Even opponents of the House GOP’s anti-regulatory agenda such as Environmental Protection Agency Administrator Carol M. Browner concede that there are examples of government heavy-handedness in enforcing laws on health and the environment.

“Unfortunately,” Browner added, “much of the debate has been conducted in sound bites or brief margins. We have not had a vigorous debate on all of the facts on the table. What we saw was instance after instance of stories that don’t come close to resembling reality or the truth of the matter.”

The property rights bill—which gives landowners the right to claim compensation from the government for the loss of property due to regulations—was also fertile ground for embellished anecdotes.

During the House debate, Rep. WJ, “Billy” Tauzin (D-La.), a leading advocate of the legislation, told a moving story of what he called government “arrogance” in enforcing wetlands regulations.

“The tale involved the families of John Chaconas and Roger Gautreau in Ascension Parish, La., whom he characterized as victims of flawed wetlands laws and overzealous bureaucrats from the Army Corps of Engineers and the Environmental Protection Agency.”

The Gautreas, said Tauzin, built a home after getting a letter from the Corps to dig a pond and use the fill as a foundation. Then they built another home on part of their property and sold it to the Chaconas family. They had no knowledge of this legislation and then swam in, told the Gautreaus the dirt road that provides access to the two houses was on a wetland and could not be used, and told the Chaconas family they might have to forfeit their house.

John Chaconas, however, is refusing to play the part of victim assigned to him by Tauzin and his family in Ascension Parish might have to forfeit their house.

In his prepared testimony, Chaconas tried to correct Tauzin’s rendition of the story. Gautreau, said Chaconas, had failed to get a permit to dredge and fill wetlands despite a 1987 Coast Guard advisory to do so by the Soil Conservation Service, and his actions had caused drainage problems for neighbors. Chaconas is now suing Gautreau and others over the real estate transaction.

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[From the Washington Post, Mar. 5, 1995]

House Republicans (By J, Jessica Mathews)

Every one of the most frequently cited horror stories used to justify the regulatory “reform” passed by the House last week is a fabrication. That tells a lot about the intent and wisdom of the legislation.

You’ve almost surely heard about how states thousands of miles from Hawaii are forced to test their water for a pesticide used on pineapple farms in Hawaii. The pesticide was used on 40 crops before being banned as a probable carcinogen. It’s been found in 16 of the 25 states that have tested for it, often at unsafe levels.

Anchorage, so it is said, had to add fish wastes to its water so it could then remove the noxious byproduct of their processing. It actually was able to clean its sewage by the reverse- osmosis process. Anchorage’s leaky bucket story, the rodent habitat that caused homes to burn in a wildfire and the baby teeth as hazardous wastes story. All sound too nutty to be true, and they are. The facts have been distributed—allegedly—all over Capitol Hill, but by now the stories are gospel.

As you might suspect from the quality of the rationale, the new legislation is not an honest attempt at regulatory reform. Like other regulatory moratoriums that sidestep the need for value judgments. All its decision-making, cost-benefit analysis can never be better than guesses about the future costs of new technology (nearly always exaggerated) or imponderables like the worth of 20 lost IQ points or the dollar value of wilderness. Frequently, the answers are far worse than what is good for what is good for—whether to which a number cannot be attached must be chopped from consideration, even it happens to be the most important. Precisely because cost-benefit analysis seems to provide an objective, definitive answer, yet is so highly dependent on assumptions, it is ideally suited to ideological manipulation.

The latest in the “Contract With America” is not regulatory reform at all but a parody of reform. It takes the worst aspects of the present system—paperwork, delay and a regulatory “crankcase” that sidesteps the need nearly 1,000 additional employees to fulfill its requirements.

Cost-benefit analysis provides can never be better than guesses about the future costs of new technology (nearly always exaggerated) or imponderables like the worth of 20 lost IQ points or the dollar value of wilderness. Frequently, the answers are far worse than what the people can provide. To which a number cannot be attached must be chopped from consideration, even it happens to be the most important. Precisely because cost-benefit analysis seems to provide an objective, definitive answer, yet is so highly dependent on assumptions, it is ideally suited to ideological manipulation.

Under normal circumstances the measure would stand little chance of becoming law. Its assault on three decades of bipartisan environmental achievement, in particular, is not the kind of thing that can pass Congress when there is need nearly 1,000 additional employees to fulfill its requirements.

Its intention is to throw sand in the government’s crankcase, not to improve the quality of its actions.

Under normal circumstances the measure would stand little chance of becoming law. Its assault on three decades of bipartisan environmental achievement, in particular, is not the kind of thing that can pass Congress when there is need nearly 1,000 additional employees to fulfill its requirements.
Mr. GLENN. These articles show how the moratorium sprung from the minds of people intent not on a better or smarter Government—slow, inefficient, less likely to act on behalf the public interest.

A review of the progress of the House bill, from the perspective of this bill. House sponsors moved the starting date around several times so that some rules could go forward and others would be caught. And despite the broad sweep of the moratorium, special exemptions were soon added.

The committee was changed from a promise in committee by the chief sponsor to protect watermelon marketing orders—according to the National Journal's Congress Daily, February 2, 1995, page 5—to floor amendments exempting a variety of FCC matters, China sanctions, customs modernization, airline safety, and other issues.

In the Senate, the record is quite similar to that of the House. On February 7, 1995, the Governmental Affairs Committee held the first of five regulatory reform hearings. On the seventh, we heard testimony from the majority leader and a number of other Senators, including the primary sponsor of the moratorium, Senator Nickles. As our committee's majority report says:

Sens. Nickles stated that the purpose of the temporary moratorium is to give Congress enough time to pass legislation to comprehensively change the regulatory process.

With due respect to my colleague from Oklahoma, since that hearing we have devoted several weeks to the moratorium and now are on the floor to debate it—this is all time that has taken away from regulatory reform, I am sorry to say, not added to it.

On February 22, 1995, the committee devoted an entire meeting to the moratorium. This hearing reinforced my conviction that the moratorium is a bad idea. Mr. Rainer Mueller, a businessman from California, described his personal tragedy of the death of his 13-year-old son to E. coli infection and personal tragedy of the death of his 13-year-old son to E. coli infection and the moratorium sprung from the minds of people intent not on a better or smarter Government—slow, inefficient, less likely to act on behalf the public interest.

Fourth, an exemption for any rule to enforce "statutory rights that prohibit discrimination on the basis of race, religion, sex, age, that is, any national origin, or handicapped or disability status."

Fifth, an exemption for aircraft safety, including rules "to improve airworthiness of aircraft engines."

Sixth, an exemption for "safety and training standards for commuter airlines."

Seventh, an exemption for EPA rules to "protect the public from exposure to lead from house paint, soil or drinking water."

Eighth, an exemption for rules on "highway safety warning devices" at railroad crossings.


Tenth, an exemption for rules to "provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses, as provided by the Persian Gulf War Veterans' Benefits Act."

With that wide range of exemptions, the committee's majority rejected the following exemptions:

First, an exemption for USDA rules to "reduce pathogens in meat and poultry."

Second, an exemption for EPA rules to "control of microbial and disinfection byproduct risks in drinking water supplies."

Third, an exemption for rules to ensure safe and proper disposal of radioactive waste, as well as any action regarding decontamination and decommissioning of NRC-licensed sites.

Fourth, an exemption for health and safety rules, where the agency "has concluded to the extent permitted by law that the benefits justify the costs." Fifth, an exemption for any rule that "enforces constitutional rights of individuals."

Sixth, an exemption for rules required by statutory or judicial deadlines.

Seventh, an exemption for rules that are the "consensual product of regulatory negotiation pursuant to the Regulatory Negotiation Act."

These amendments were rejected, and they were rejected on a straight party-line vote. To show how arbitrary these votes were, let me just compare one or two of the amendments that were accepted with amendments that were rejected.

The committee accepted an amendment to exempt from the moratorium EPA rules to "provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses, as provided by the Persian Gulf War Veterans' Benefits Act."

The committee accepted an amendment to exempt from the moratorium EPA rules to "protect the public from exposure to lead from house paint, soil or drinking water."

Sixth, an exemption for "safety and training standards for commuter airlines."

Finally, Sally Katzen, Administrator of OMB's Office of Information and Regulatory Affairs (ORIA) told the President's current order to agencies to review existing rules and eliminate or revise outdated or conflicting rules. This review will be completed in about ten weeks. It seems to me that we should get this information before even thinking about stopping regulations.

When asked for comments on regulations, Ms. Katzen also confirmed something that the former Republican EPA general counsel, Donald Elliot, told the committee on February 15, 1995. As much as 80 percent of all rules are mandated by Congress. This is a very important fact. It shows that if anything, we in Congress are the problem, not the agencies. We pass strict laws that agencies must implement section by section, letter by letter.

It is simply the worst kind of legislatively schizophrenia for Congress to pass laws and require agencies to implement them, and then turn around and tell them to stop doing what we just asked them to do in the first place—and with a few exceptions, without even regard to human health and safety.

Again, I can only say that an effort targeted at bad rules makes sense, but to shoot down all rules, good and bad alike, just makes no sense at all.

On March 7 and 9, 1995, the committee met to mark up the moratorium bill. Debate among the committee members about the scope of the bill and its exemptions and exceptions highlighted one of the biggest problems with the moratorium; that is, the way in which it would stop important regulations, such as those that protect the American people from serious health and safety risks.

While purporting to be a moratorium on all significant regulations, the bill's sponsors recognized that this broad sweep is not a good idea and accepted several amendments to exempt specific rules. But, they also rejected others. To look at what was accepted and what was rejected shows the arbitrary nature of the bill.

The committee accepted the following exemptions:

First, an exemption for rules to "ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund."

Second, an exemption for rules on "commercial, recreational, or subsistence * * * hunting, fishing, or camping. Among other things, this would allow the annual revision of duck hunting regulations to go forward. These rules are very important to the economic health of many regions in our country. Just last year from Minnesota—Missouri—Ohio, Arkansas, or Senator Wellstone from Minnesota—their States would be significantly hurt by even a delay in the hunting season."

Third, an exemption for rules on overflights on national parks.
companies, State and local governments regarding highway safety warning devices at railroad crossings, but rejected an amendment to permit the reform of USDA meat inspection rules that will help reduce the 500 annual deaths and 20,000 annual instances of disease, not to mention the millions of dollars in costs, caused by foodborne illness.

Or perhaps, we should compare railroad crossing safety with radioactive waste cleanup. Again, the majority of the committee accepted the railroad crossing exemption—offered by a Republican member of the committee—but rejected on a party-line vote my amendment to exempt rules to ensure rules on safe disposal of radioactive waste. I hope to come back to this issue later, but I cannot understand how my colleagues could so easily dismiss standards for disposing of plutonium-contaminated waste—radioactive waste that must be kept safely from humans for at least 10,000 years.

The majority of the committee also rejected several important amendments offered by Senator Levin that would actually have helped the proposal make more sense. Retroactivity, an extra moratorium for deadlines, onerous reporting requirements, ill-defined definitions—these were provisions that just made no sense, as Senator Levin correctly pointed out. But these were rejected, as well. As usual, my good friend from Michigan saw through the rhetoric, could appreciate the details, not to mention the broad policy issues, and accurately pointed out the internal flaws of the moratorium process—but to no avail. The marching orders were given, and the votes made.

I am simply at a loss to understand how my esteemed colleagues across the aisle can explain these votes. What in the world will you tell the American people? Here you are, saying that you want regulatory moratoriums, that you want to stop bad regulations, that you want rules to pass cost/benefit tests, and that you want agencies to be governed by scientific risk assessment.

But when it comes time to vote, then the special interests come to call, and you listen. And who pays the price? Rainer Mueller and Nancy Donley can tell you the price they paid. Which of your colleagues do you want to share in Mr. Mueller's or Ms. Donley's pain? I am sorry, but with all due respect, I do not want to have that pain, that injury, that sickness, that suffering, that death on my conscience. The sorrow for me, Senator Levin, is that as a Member of this body, if we pass a moratorium bill, we will all share in the blame. We will bring the Senate down yet again in the eyes of our people. No wonder they have lost respect for Washington.

As I asked at the markup, are we saying to protect the rights of duck hunters, but not the right our children to eat safe food? This makes no sense.

Do my Republican colleagues really understand what burden they are taking on in the moratorium. I only hope that they can admit to having second thoughts, and think better of their too-hasty endorsement of a bill that would make government more arbitrary, more senseless, more unwieldy, more blind, more insensitive, more of what Americans do not want from their Government.

Finally, with regard to committee action on the moratorium, let me point out that the majority in the committee voted to expand the moratorium to cover: first, wetlands, determinations; and second, any action that “withdraws or restricts recreational, subsistence, or commercial use” of public land.

I have a lot of sympathy with those who are fed up with the way the wetlands program is run. I think it should be closely scrutinized and reformed in a number of ways. I do not think, however, that a regulatory moratorium is the way to accomplish that reform.

Regarding the second expansion, that is, the inclusion in the moratorium of any action that “withdraws or restricts recreational, subsistence, or commercial use,” I am sorry, but with all due respect, I am truly concerned. Do the supporters of the moratorium really mean to stop virtually all government action in our national parks, forest, refuges, and monuments? This provision would mean, as we wrote in our minority views on the committee report:

That National Park Service employees would not be able to carry out basic management responsibilities in our national parks. The Park Service would not be able to prevent hot rods from racing in national parks, restrict access to fragile archaeological sites, or close dangerous passages on snow-covered peaks. As the National Parks and Conservation Association has said, “This prohibition and prescription totally eliminates the abilities of the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection.”

While the moratorium’s supporters reject these questions and criticisms with the statement that the bill permits the President to exempt rules he thinks are really important, I take our legislative responsibility seriously. I am confronted by a bill that makes no sense on its own and makes no sense in the context of regulatory reform. So, I cannot support it. It is as simple as that.

So that my colleagues can truly appreciate the damage that would be done by this legislation, I ask unanimous consent to include in the RECORD a summary of the amendments considered by the committee in its markup on March 7 and 9; letters regarding the moratorium’s impact on the American people; a copy of our minority views to the committee report on the moratorium bill; and a list of rules that would be stopped by the moratorium.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNMENTAL AFFAIRS COMMITTEE Markup of S. 219

Accepted:

(1) Roth Substitute for S. 219 (voice vote, 3/7): Limits moratorium to “significant regulatory action taken during moratorium period” (no longer action “made effective” during the moratorium); extends moratorium period to “time beginning November 9, 1994” pending on December 14th an Act of Congress provides for an earlier termination date for such a period.”

(2) Cochran amendment to exempt “any action taken to ensure the safety and soundness of a Farm Credit System institution or to protect the Farm Credit Insurance Fund.” (voice vote, 3/7)

(3) Pryor amendment to exempt “any regulatory action to improve safety, including such an action to improve airworthiness of aircraft engines.” (voice vote, 3/7)

(4) Glenn amendment to exempt “any regulatory action that would upgrade safety and training standards for commuter airlines to those of major airlines.” (voice vote, 3/9)

(5) Levin amendment to exempt “any significant regulatory action which establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin or handicapped or disability status.” (voice vote, 3/7)

(6) Glenn amendment to exempt “any regulatory action that would impose significant regulatory requirements, ill-defined definitions—these were provisions that just made no sense, as Senator Levin correctly pointed out. But these were rejected, as well. As usual, my good friend from Michigan saw through the rhetoric, could appreciate the details, not to mention the broad policy issues, and accurately pointed out the internal flaws of the moratorium process—but to no avail. The marching orders were given, and the votes made.

I am simply at a loss to understand how my esteemed colleagues across the aisle can explain these votes. What in the world will you tell the American people? Here you are, saying that you want regulatory moratoriums, that you want to stop bad regulations, that you want rules to pass cost/benefit tests, and that you want agencies to be governed by scientific risk assessment.

But when it comes time to vote, then the special interests come to call, and you listen. And who pays the price? Rainer Mueller and Nancy Donley can tell you the price they paid. Which of your colleagues do you want to share in Mr. Mueller’s or Ms. Donley’s pain? I am sorry, but with all due respect, I do not want to have that pain, that injury, that sickness, that suffering, that death on my conscience. The sorrow for me, Senator Levin, is that as a Member of this body, if we pass a moratorium bill, we will all share in the blame. We will bring the Senate down yet again in the eyes of our people. No wonder they have lost respect for Washington.

As I asked at the markup, are we saying to protect the rights of duck hunters, but not the right our children to eat safe food? This makes no sense.
IN THE PUBLIC INTEREST,

To: Members of the U.S. Senate.

From: Becky Cain, President.

Re: Anti-Regulatory Legislation.

DEAR SENATOR:

The League of Women Voters urges you to oppose S. 219, the Regulatory Transi-
tion Act of 1995, which would freeze thousands of varying regulations in mid-
air as of the date of its enactment. We urge you to vote against S. 219.

We are equally concerned about the anti-regulatory legislation brought before the Senate.

The League of Women Voters urges you to consider thoughtfully and carefully the current
anti-regulatory moves on Capitol Hill. While there is a need to ensure that individual regula-
tory processes that need some streamlining, extre-
mest proposals are not the solution. It is critical that we not lose sight of the purpose of these regula-
tions: to provide for food safety, and protect our envi-
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mental entities valued by our society.

Accordingly, we oppose any actions that might be taken by the Congress to under-
mine sensible safeguards.

The health and safety of people and the planet has always been an important concern for our Church. I urge you not to let the pop-
ular call for simplicity and efficiency sacrifice the spe-
rifice of the health and wholeness of our chil-
dren and God's Creation. Vote no on S. 219.

Sincerely yours,

THOM WHITE WOLF FASSETT
General Secretary.

THE LEAGUE OF WOMEN VOTERS

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THE LEAGUE OF WOMEN VOTERS
Surely, consumers should be able to eat from the commercial food supply and drink from public water supplies without risking their lives or their health. But S. 219 will stand in the way of moving closer quickly to this goal.

A "NO" vote on S. 219 will be a "yes" vote for public health and safety. And for common sense. Please vote "NO".

Sincerely,
MARK SILBERGELD, Coeditor.

CITIZENS FOR SENSIBLE SAFEGUARDS
COALITION OPPOSES REGULATORY MORATORIUM (S. 219)

Citizens for Sensible Safeguards, a coalition of more than 200 organizations representing working men and women and those concerned about governmental, educational, civil rights, disability, health, social services, low income, and consumer issues, strongly opposes a regulatory moratorium (enclosed is a Citizens for Sensible Safeguards Statement of Principles and a listing of members). We strongly urge members of the Senate to vote NO to S. 219, The Regulatory Transition Act of 1995.

We are opposed to this bill because it would jeopardize the health and safety of all Americans. Proponents of the bill point out that there is a "need for regulatory reform" activities that present an "imminent threat to health or safety or other emergency." But Congress is not the entity to reduce unnecessary and red tape. The zeal to minimize regulatory burdens, however, must be balanced with genuine protections for all Americans. Accordingly, we oppose actions taken by Congress to undermine sensible safeguards.

We urge President Clinton and Congress not to let the popular cry of cutting red tape—something we all believe in—become a guise for dismantling federal safeguards that should be in place to protect the American people.

CITIZEN SENSIBLE SAFEGUARDS
COALITION STRUCTURE

Citizens for Sensible Safeguards has three standing committees: National Strategy Committee, chaired by American Federation of State, County, and Municipal Employees, National Education Association, and OMB Watch; Grassroots Strategy Committee, chaired by OMB Watch, Sierra Club Legal Defense Fund, and United Cerebral Palsy Associations; and Media/Message Committee, chaired by American Oceans Campaign and Service Employees International Union.

A Steering Committee oversees coalition activities. The Steering Committee is currently comprised of AFL-CIO, American Civil Liberties Union, American Federation of State, County, and Municipal Employees, American Oceans Campaign, the Arc, Families USA, Leadership Conference on Civil Rights, National Education Association, Nature and Parks Coalition, OMB Watch, Public Citizen, Service Employees International Union, Sierra Club Legal Defense Fund, United Auto Workers, United Cerebral Palsy, Unitarian Universalist Association, and United Methodist Church, and US PIRG. OMB Watch chairs the coalition.

Signers (as of 3/3/95):

2020 Vision—A Consumer of Smoking and Health; Advocated for Youth; AFL-CIO.

Citizens for Public Action on Blood Pressure and Cholesterol, Inc.; Citizens For Reliable And Safe Highways; Clean Water Action; Clearinghouse on Environmental Advocacy and Research; Coalition for New Priorities; Coalition on Human Needs; Coast Alliance; Colorado River Alliance; Common Agenda Coalition; Communications Workers of America; Community Nutrition Institute; Community Women's Education Project; Consumer Coalition; Concerned Citizens of Central New Jersey; Council for Exceptional Children; Defenders of the Wildlife; Department for Professional Employees, AFL-CIO; Disability Rights Education and

Defense Fund; Earth Island Institute; Earth Island Journal; Ecology Center of Ann Arbor; Ecology Task Force; Environmental Action Foundation; Environmental Defense Center; Environmental Defense Fund; Environmental Working Group; Epilepsy Foundation of America; Families USA; Family Service America; Food and Allied Service Teamster's International Union Research and Action Center; Friends Committee on National Legislation; Friends of the Earth; Frontlatch; Great Lakes United; Hamilton County Impact Coalition; Harmarville Rehabilitation Center; Health and Development Policy Project; Helen Keller National Center; Humane Society of the United States; Indian Country Impact Coalition; International Association of Business, Industry and Rehabilitation; International Association of Fire Fighters; International Brotherhood of Teamsters; International Chemical Workers' Union; International Federation of Professional and Technical Engineers; International Ladies' Garment Workers' Union; International Longshoremen's and Warehousemen's Union; International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers; Izak Walton League of American Fishing Foundation; Justice for All; Kentucky Waterways Alliance.

Ozone Action; Pacific Rivers Council; People for the American Way Action Foundation; Philadelphia Foundation; Physicians for Social Responsibility; Protestant Health Alliance; Public Citizen; Public Employee Department, AFL-CIO; Public Employees for Environmental Responsibility; Public Voice for Food and Health Policy; Rhode Island Committee on Occupational Safety and Health; River Network; Rivers Concern; Safe Food Coalition; Scenic America; Service Employee's International Union; Sierra Club; Sierra Club Legal Defense Fund; Society for Animal Protection; Southern Utah Wilderness Alliance; Special Vocational Education Services in PA; Spina Bifida Association of America; S.T.O.P—Safe Tables Our Priority; Telecommunications for the Deaf, Inc.; The Arc; The Loka Institute; The Newspaper Guild; The Wilderness Society; Trout Unlimited.

Union of American Hebrew Congregations; Union of Concerned Scientists; Unitarian Universalist Association; Unitarian Universalist Service Committee; United Auto Workers; United Brotherhood of Carpenters and Joiners of America, AFL-CIO; United Cerebral Palsy Associations; United Church of Christ; Office for Church in Society; United Farm Workers; United Food and Commercial Workers International Union; United Methodist Church, General Board of Church and Society; United Mineworkers Union; United Rubber, Cork, Linoleum, and Prospect Workers of America; United Steelworkers of America; US PIRG; Vocational Evaluation and Career Adjustment Service; Western Massachusetts Coalition for Occupational Safety & Health; Western New York Council on Occupational Safety and Health; Wide Opportunities for Women; Women Employed; Women of Reform Judaism, The Federation of Temple Sisterhoods; Women's Environment and Development Organization; Women's International League for Peace and Freedom; Women's Legal Defense Fund; Women's National Democratic Club.

NATIONAL WILDLIFE FEDERATION

DEAR SENATOR: Next week, the Senate will be considering the Regulatory Moratorium bill, S. 219. This legislation will impose a moratorium on all federal regulatory actions.
from November 9, 1994 until December 31, 1995. Any revision affecting the environment, public health or safety, or impacting the economy by $100 million or more in any calendar year would be halted.

I urge you to oppose S. 219, the Regulatory Moratorium bill. This legislative bludgeon, adopted by the House in February, would halt major federal environmental protection, safety, and health regulations. It would require the Environmental Protection Agency and the Occupational Safety and Health Administration to stop all new regulations for a year, while allowing some expensive, unimplemented regulations to be reinstated.

The bill was brought to the floor as a response to the effects of Hurricane Andrew on Louisiana and Florida. The stated rationale for the legislation is that federal agencies have been guilty of an overkill of regulations and rules that have contributed to the problem. The argument is that the federal government is creating a layer of unnecessary red tape that is hindering recovery efforts.

Legislation that would take away the authority to regulate is a very effective way to subvert the regulatory process. It is unfortunate that the new Department of Health and Human Services, the Environmental Protection Agency, the Food and Drug Administration, the National Institutes of Health, and the Occupational Safety and Health Administration are being asked to set aside their responsibilities. In the name of stopping this legislation from being passed, Senator Stevens is attempting to sell the American people a bill of goods.

Senator Stevens has had the opportunity to read legislation that is analogous to S. 219, the Regulatory Moratorium bill, and found it unpalatable. When he was a member of the House of Representatives, he opposed a proposal that would have prevented new regulations from being issued for a year and required the Office of Management and Budget to conduct a review of existing regulations. He was concerned about the impact on the economy, as well as the need for additional regulation.

The Senate Committee on Governmental Affairs adopted the Regulatory Moratorium bill (S. 343) in the interim. In a statement, the Senator said that the bill is "the most extreme example of overregulation in the last few years." However, he was unable to get the bill through the House of Representatives.

The Regulatory Moratorium is a crude instrument being used to address concerns about specific federal regulatory programs, however, health and safety programs, food and drug programs, the environment, housing, and all other branches of government will be affected.

The devastating impact of a regulatory moratorium on the government is further compounded by an amendment introduced by Senator Ted Stevens (R-AK), and adopted by the Senate Government Affairs Committee last week. The Senate Amendment would stop the federal government from taking any action to restrict "recreational, subsistence or commercial use of the public lands." The effect of the Stevens Amendment on federal programs is staggering.

Land use planning efforts to balance resource uses and values on the National Parks and Refuges, National Forests and Bureau of Land Management (BLM) lands would be stopped.

Most permitting activities of the federal land management agencies would be held up. The federal government's ability to respond to fire, flood and other threats would be thwarted.

* * * * *

DEAR SENATOR: The National Wildlife Refuge Association opposes the Stevens amendment to S. 219, the pending regulatory moratorium legislation. This amendment, if enacted, will ensure that incompatible uses on refuges continue uninterrupted, resulting in the needless loss and harassment of wildlife and, in some cases, that refuge visitor safety is compromised. Following are examples of scenarios currently expected System-wide if the Stevens amendment is enacted:

Red Rock Lakes NWR (MT): For approximately two weeks in the autumn migratory bird and big game seasons, the overflight on the Refuge. A popular site for big game hunting is a large clearing that lies between a lake and an access road where elk frequently browse without the benefit of cover.

Among the hundreds of regulatory actions that could be negated this bill are:

- Department of Labor final regulations to implement the Family and Medical Leave Act, scheduled to take effect on April 16;
- Department of Education guidance to states and school districts on implementation of the Gun-Free Schools Act;
- Regulations and guidance on the new college student Direct Loan program, which will save the federal government billions of dollars.

Proposed OSHA standards to protect workers from harmful indoor air pollutants;

- Proposed FCC regulations to implement the Children's Television Act;
- Consumer Product Safety Commission protections against choking hazards from toys;
- Expected FCC regulations to implement the Children's Television Act; and
- Education Department regulations and guidance on the new college student Direct Loan program, which will save the federal government billions of dollars.

The National Parks and Conservation Association urges that you vote against final passage of S. 219. Sincerely,

MARY ELIZABETH TEASLY, Interim Director.

DEAR SENATOR: During debate on the regulatory moratorium legislation, S. 219, the Committee on Governmental Affairs adopted an amendment offered by Senator Stevens to prevent any regulations or rules that "withdraw or restrict recreational, subsistence, or commercial use of any federal land under the jurisdiction of the Federal Government." The prohibition against rulemaking effectively eliminates the ability of the Bureau of Land Management, the National Park Service (NPS), and the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection. We encourage you to support efforts to eliminate this provision from the bill when it is considered on the Senate floor.

The National Parks and Conservation Association (NPCA) is concerned about the bill's likely impacts on management of the
DEAR SENATOR: We are writing in opposition to S. 219, the Regulatory Transition Act of 1995. The Regulatory Transition Act imposes a moratorium on developing or implementing all significant regulatory actions from November 9, 1994 to December 31, 1995. The moratorium also sets deadlines to carry out significant regulatory actions. The regulatory moratorium is a blunt instrument that is at odds with regulatory reforms and, in fact, the moratorium is a threat to public protections and must be opposed. Every poll, including those of the American Lung Association, shows it is clear that the American people want stronger federal protections for our environment and our health and safety. The moratorium would directly undermine that objective. The proposed bill will have unintended consequences and proposals to exempt certain activities is not a solution to making the bill workable. This is a concept that demands a regulatory agency that wants stronger federal protections. They have listed laws that they can pass other laws to dismantle these federal laws and protections. By passing this bill, Congress could undo the implementation of many laws. Conservative Republicans asked the Senate to rethink S. 219 carefully over 200 national public interest groups has asked the Senate to rework and preserve public health and safety protections. The last election showed great public concern over the size and efficacy of the government. However, this should not be seen as a desire to weaken environmental health and safety standards. The latest Times-Mirror poll says that 82% of the public wants such standards to become stricter. Congress must not jeopardize our health and safety in a hasty attempt to address the problems of the federal government. S. 219 will have just this effect. The "Regulatory Moratorium" begins the process of dismantling the federal government. These anti-regulatory measures go far beyond an attempt to make government more responsive and efficient—they threaten the ability of government to fulfill its primary mission: protection of the common good. Below are the NPS actions, notices, regulations or rules that would not be implemented because of the Stevens Amendment. These are not the type of actions that are starving America's business engine. Alaska Denali National Park and Preserve—implementation of general management plan. Glacier Bay National Park and Preserve—pre-registration requirements for mountain climbing and information for mountaineering activities in the park. Katmai National Park—rules to determine safe distances for human contact with bears in the park. Alaska wide—establishing regulations for subsistence hunting on federal lands. Arizona Grand Canyon National Park—issuance of general management plan. Lake Mead National Recreation Area—implementation of general management plan for Willow Beach. California Joshua Tree National Park—notice of intent to prepare an environmental impact statement for a wilderness and backcountry management plan. Juan Bautista de Anza National Historic Trail—issuance of draft comprehensive management plan. Florida Big Cypress National Preserve—requirement for bonding and environmental compliance for all oil and gas operations within the park. Dry Tortugas National Park—regulations to protect certain locally threatened shell fish from harvest; adjustment of boundary lines. 

DEAR SENATOR: On behalf of The Commission on Social Action of Reform Judaism and the Central Conference of American Rabbis, I urge you to oppose S. 219. The Regulatory Moratorium. If passed, this bill will jeopardize the protection of our food and drinking water, worker health and safety, civil rights, motor vehicle safety, and the well being of our children. This bill and others like it are part of a systematic attack against government regulation. Although stemming from legitimate concerns about bureaucracy and regulatory entanglements, they respond to these concerns with a cure that is worse than the illness. These anti-regulatory measures go far beyond an attempt to make government more responsive and efficient—they threaten the ability of government to fulfill its primary mission: protection of the common good. More environmental compliance at the park. New York City of Rocks National Preserve—issuance of final comprehensive management plan for the park. Louisiana Jean Lafitte National Historic Park and Preserve—require to address excessive nutria population. Maryland Everglades National Park—rules to achieve consistency with state fishing guidelines. Timucuan Ecological and Historic Preserve—issuance of management and land protection plans. Hawaii Kaloko Honokohau National Historic Park—implementation of general management plan for the park. Alaska Denali National Park—implementation of general management plan within park boundaries. 

DEAR SENATOR: I am writing to you, on behalf of the National Safe Kids Campaign, to express our serious concerns regarding S. 219, the Regulatory Transition Act of 1995. We urge you to vote against S. 219, the Regulatory Transition Act of 1995. Sincerely, GARY D. BASS, Executive Director.

GARY D. BASS, Executive Director.

March 27, 1995

DEAR SENATOR: This week the Senate is expected to take up the proposed regulatory moratorium bill (S. 219). The UAW strongly opposes this proposal that threatens to weaken or eliminate hundreds of safeguards that now protect families and children in their homes, workplaces and communities.

We urge you to vote against S. 219 when it comes to the Senate floor.

This legislation would have far-reaching consequences for the way the federal government carries out its responsibilities to safeguard public health, the environment and workplace safety. The moratorium bill would stop the issuance of most new federal regulations, retroactive to November 9, 1994. This moratorium would remain in place through the end of 1995, or until Congress approves a comprehensive overhaul of federal safeguards. The bill would effect regulations that are expected to have an annual impact on the economy of $100 million or more. This is an arbitrary threshold that makes no distinction between good and bad regulations.

A number of key amendments that would have improved S. 219 were rejected by narrow margins in the Senate Governmental Affairs Committee. The UAW was disappointed that an attempt to exempt worker safety and health protections from the moratorium was defeated on a tie vote. In addition, other amendments to exempt food safety programs, toxics, and drinking water protections were defeated as well.

Although powerful timber and grazing industries and other special interests were able to obtain exemptions from the regulatory moratorium, few exemptions were provided for regulations that deal with safeguards for ordinary citizens. Thus, the net effect of S. 219 would be to stop regulations that deal with

HEATHER PAUL, Ph.D.,
Executive Director
THE HUMANE SOCIETY OF THE UNITED STATES
Washington, D.C.

DEAR SENATOR: On behalf of The Humane Society of the United States (HSUS), the leading animal protection organization in the country with over 23 million members and constituents, I am writing to urge you to oppose S. 219, the Regulatory Transition Act of 1995.

This bill will irreparably harm efforts to protect the public and the environment on which we depend, including endangered species, our public lands, and animal protection efforts generally. The public at large will also be harmed, through paralysis of government oversight of food safety, safe workplaces, drinking water quality, and safety, civil rights, and other critical areas.

The HSUS is gravely concerned about the breadth and scope of attacks against environmental and consumer regulations in general. Federal regulations have provided effective protection for endangered wildlife and wild lands, nourishing the American spirit while supporting a strong economy and a healthy environment. Without these protections American would not be able to enjoy the splendor of national parks or the mysteries of wild animals such as bison and bald eagles.

S. 219 would jeopardize some of the most critical animal protection laws and regulations. Regulations under the Wild Bird Conservation Act and the newly reauthorized Marine Mammal Protection Act would be stopped, leaving large numbers of wild populations vulnerable to continued depletion. Decisions on listing endangered species, already backed from years of inaction, would be delayed, removing them from consideration for finding creative and economically viable paths toward preventing extinctions.

The American people did not vote last November to dismantle environmental and animal protection legislation they have worked so hard to put in place. Neither did they vote to create an endless tangle of litigation over rule-making to be funded at taxpayer expense. I urge you, then, to vote no on S. 219.

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The HSUS is gravely concerned about the breadth and scope of attacks against environmental and consumer regulations in general. Federal regulations have provided effective protection for endangered wildlife and wild lands, nourishing the American spirit while supporting a strong economy and a healthy environment. Without these protections American would not be able to enjoy the splendor of national parks or the mysteries of wild animals such as bison and bald eagles.

S. 219 would jeopardize some of the most critical animal protection laws and regulations. Regulations under the Wild Bird Conservation Act and the newly reauthorized Marine Mammal Protection Act would be stopped, leaving large numbers of wild populations vulnerable to continued depletion. Decisions on listing endangered species, already backed from years of inaction, would be delayed, removing them from consideration for finding creative and economically viable paths toward preventing extinctions.

The American people did not vote last November to dismantle environmental and animal protection legislation they have worked so hard to put in place. Neither did they vote to create an endless tangle of litigation over rule-making to be funded at taxpayer expense. I urge you, then, to vote no on S. 219.

Sincerely,

HEATHER PAUL, Ph.D.,
Executive Director
THE HUMANE SOCIETY OF THE UNITED STATES
Washington, D.C.
workplace health and safety, such as the proposed ergonomics standard, worker protections like the Family and Medical Leave Act, and public health measures such as regulations dealing with food poisoning.

For example, the UAW is strongly opposed to S. 219. In our judgment, this measure would undermine the ability of the federal government to play a positive role in safeguarding the health and safety of our children, families, workplaces, and our communities. We urge you to vote against S. 219 when the Senate takes up the legislation.

Sincerely,

A LAN R EUTHER,
Legislative Director.
PUBLIC CITIZEN,

DEAR SENATOR: Sometime in the next week, you will be asked to vote against public health and safety. The Senate may vote on S. 219, the Regulatory Transition Act, a regulatory moratorium which slams the door on government efforts to protect American people. The Senate may also consider a bill to give Congress a veto power over regulations, a provision which will inappropriately bring enforcement of laws back into the political arena.

On behalf of Public Citizen and its members, I urge you to oppose these attacks on public health and safety.

The regulatory moratorium is a crude, poorly understood, meat-axe approach to an extremely complicated issue. The moratorium will disrupt thousands of pending programs, such as those to upgrade public and private meat inspection systems. American children are already dying from E. coli contamination of their food—contamination which could be prevented. American children will continue to die as a result of further delay on these types of safeguards.

The regulatory moratorium would override statutes which mandate that Americans support, without the scrutiny of public debate. Polls show that Americans want stronger federal protection for public health and safety. If Congress wants to repeal the Clean Air Act, the Food, Drug and Cosmetic Act or the Occupational Safety and Health Act, they should do it by repealing either of those statutes, rather than attack the regulatory system on which these protections are built. The regulatory moratorium would be costly to taxpayers and business, and any money wasted would be wasted while federal agencies charged with implementing laws passed by Congress are stopped in their tracks. Delays in regulations effecting planning could be prevented. American children will continue to die as a result of further delay on these types of safeguards.

The regulatory moratorium would cost us all. By one estimate, the moratorium could be thrown out the window by S. 219. In a rush to score political points, S. 219 would delay these urgently needed standards, leaving the public exposed to health threats which have already caused tremendous pain and suffering.

Sincerely,

T ED D ANSON,
President.
CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER,

U.S. Senate,
Washington, D.C.

DEAR SENATOR: American Oceans Campaign is a national, non-partisan organization working to protect our world’s oceans and marine environment. We strongly urge you to oppose S. 219, the Regulatory Transition Act of 1995.

This bill will have devastating effects on our nation’s fisheries, coastal programs, and rules to ensure public health and safety, such as protections in the Safe Drinking Water Act and Clean Water Act. Even negotiated rules agreed to by all parties to address the health of drinking water supplies across the country.

American Oceans Campaign strongly opposes S. 219. Uniform federal protections and safeguards are necessary to ensure public health and conserve our precious natural resources. Government reform is essential, but public and environmental protections should not be eviscerated in the process. S. 219 uses a sledgehammer where a surgeon’s scalpel is needed. Any revisions should be made on a case by case basis, not in an ad hoc fashion. We are available to assist you in this endeavor, as we support common sense initiatives like ending subsidies to polluters and encouraging polluters to clean up.

In poll after poll, American voters overwhelmingly support strengthening federal environmental and public health protections. It is incumbent on Congress to craft the most responsible policy for the nation. S. 219 is not responsible legislation. We urge you to resist any temptation to pass any bill which threatens protections for the American people and the air we breathe, water we drink, and land on which we live.

Sincerely,

T ED D ANSON,
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CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER.

U.S. Senate,
Washington, D.C.

DEAR SENATOR: The Center for Marine Conservation, a national conservation organization representing over 50,000 members, state and local environmental organizations, consumer groups, state and local governments and environmental organizations. This team agreed to develop modest controls on DBPs and more immediate public health threats, the EPA convened a “negotiating team” to develop regulations. Representing all sides of the debate on providing safe drinking water were included in this negotiation process—public health groups, state and local governments, consumer groups, state and local governments and environmental organizations.

This carefully constructed agreement, balancing public health risks and costs, would be thrown out the window. S. 219 has a rush to score political points, S. 219 would delay these urgently needed standards, leaving the public exposed to health threats which have already caused tremendous pain and suffering.

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T ED D ANSON,
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CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER.

U.S. Senate,
Washington, D.C.

DEAR SENATOR: The American Public Health Association representing over 50,000 health professionals and community health leaders along with its 52 state affiliated organizations opposes S. 219, the Regulatory Transition Act. The bill would create a moratorium on the development or implementation of any new federal regulation until the end of 1996.

APHA believes that this legislation and other cost benefit and risk assessment proposals (as currently drafted) present a threat to public health and the environment. They would be used to delay the implementation of necessary public health and environmental protections already enacted. The moratorium would be used to weaken the existing safeguards and to delay or prevent the implementation of new laws.

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FERNANDO M. TREVINO, PhD, MPH,
Executive Director.
CENTER FOR MARINE CONSERVATION,

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FERNANDO M. TREVINO, PhD, MPH,
Executive Director.
CENTER FOR MARINE CONSERVATION,

DEAR SENATOR: The Center for Marine Conservation and its 125,000 members urge you to oppose S. 219 when it reaches the Senate...
The bill imposes a moratorium on the development and implementation of all federal regulations from November 9, 1994 through December 31, 1995, even regulations mandated by court order. The moratorium falls on the environment:

1. The commercial fishing industry would be severely affected if you halt regulations allowing allocatable harvests and bycatch limits, including groundfish stocks, and limiting access to certain other federal fisheries.
2. Regulations authorizing the nonlethal determination of marine mammals would be blocked, exposing fishermen to prosecution under the Marine Mammal Protection Act.
3. Regulations establishing a plan to manage the Florida Keys Marine Sanctuary, designated by Congress in 1992 would be blocked, delaying the protection of the Keys fragile marine resources so essential to the local economy.

4. All listings and critical habitat designations under the Endangered Species Act—regardless how imminent the extinctions—would be halted and certain species with listings pending, like Pacific salmon and steelhead trout, could become extinct.

The moratorium would stop roughly 900 regulations, many of them meritorious and important actions ordered by Congress. Examples include pending regulations to foster commercial electric power industries, regulations to provide for safety in nuclear facilities, and renewable energy incentives. This blunderbuss approach to government policy-making cannot be defended. Even regulations that protect the public against “imminent threat to human health or safety” would be delayed while the House undergoes a prolonged review within the OMB.

To prevent unintended results, such as the cancelling of the duck hunting season, the House adopted a series of exceptions. Exceptions for good regulations turns government on its head; it is the bad regulations that need to be addressed. If certain regulations impose undue burdens, as some do, they should be carefully judged on their individual merits. Carving out exceptions to the moratorium on an ad hoc basis can never replace the considered, legislative process, with full opportunity for public debate and legislative hearings.

We urge you to reject this dangerous and ill-conceived proposal, and oppose S. 219 when it is considered on the Senate floor. Very truly yours,

ROGER E. MCMANUS
President

NATIONAL AUDUBON SOCIETY

DEAR SENATOR: I am writing to express our serious concerns with S.219, the proposed regulatory moratorium to be considered by the Senate within the next few days. Although the moratorium exempts regulations that protect the public against “imminent threat to human health or safety or other emergency” would be delayed while the House undergoes a prolonged review within the OMB.

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is this legislation the first step in undermin-
in the regulatory system as it currently operates? It is not, the report indicates, a necessary step. The legislation is a tool to be used to ensure that regulations are efficient and effective, but it is not the end-all solution. As John Sweeney, President of SEIU, states, the legislation is a "necessary evil" in the fight against unnecessary regulations.

To understand the impact of this legislation, it is important to consider the regulatory process and the role of government in protecting the public. The regulatory process is complex and often prone to inefficiencies. However, this legislation is not the answer. It is a tool that can be used to ensure that regulations are effective, but it cannot be used to solve all regulatory problems.

The legislation is not the only tool available to Congress. There are other ways to address regulatory problems, such as targeted amendments and hearings. Congress has the power to ensure that regulations are effective and efficient, and it is important to use these tools to achieve this goal.

In conclusion, the legislative moratorium is a tool that can be used to address regulatory problems. However, it is not the only tool available. Congress must continue to monitor the regulatory process and work to ensure that regulations are effective and efficient. The legislative moratorium is a step in the right direction, but it is not the end-all solution. There is still much work to be done to ensure that regulations are effective and efficient.
unsafe food. In January, the U.S. Department of Agriculture released a proposed Hazardous Analysis Critical Control Point regulation to improve meat and poultry inspection. This rule would mandate rigorous sanitation requirements and scientific testing for bacteria in meat and poultry processing. While the minority argued that E. coli was indeed a serious health threat, it would probably be described as “imminent threat” and therefore it should be specifically included as an exemption in the bill. Chairman Roth stated, “S. 219 depends on the use of common-sense judgment by the President. ‘Imminent threat’ is not intended to pose on insurmountable obstacle. . . . We are actually empowering the President to take appropriate actions to deal with imminent health and safety problems.”

Senator Glenn also proposed an amendment to exempt actions by EPA to control microbial and disinfection byproduct risks, such as cryptosporidium, in drinking water supplies. Cryptosporidium killed over 100 people in Milwaukee, Wisconsin, and made 400,000 sick. Again, this amendment was rejected, with the bill’s proponents citing the Presidential discretion to exempt rules that deal with imminent health and safety problems.

At the very end of the markup, however, the Committee reversed this thinking by accepting an amendment to exempt rules relating to lead poisoning prevention. Senator Roth observed, “I don’t think it falls within the exemptions [of “imminent threat”], but we are willing to accept the amendment.” This broad amendment would exclude from the moratorium any rule that would protect the public from exposure to lead from house paint, soil or drinking water. Included in the regulations that would be exempted by the moratorium would be requirements that home buyers and renters be informed if there are known lead hazards prior to making purchases or rental decisions. A separate moratorium on the transportation of liquids would be enacted as well.

As stated earlier, other health and safety mandates were rejected, even though it is not at all clear that they will fall under the exemption for “imminent threat” and health safety threats. For example, an amendment to exempt the regulations issued by the U.S. Department of Transportation for determining whether a railroad crossing warning device is necessary and the installation of such a device. The Committee also accepted an amendment that would exempt the Federal Alcohol Administration from the moratorium.

The major report tries to resolve the uncertainties left from the markup by stating that USDA’s meat inspection rules should be exempted “so long as there are no accompanying extraneous requirements or arbitrary rules”. We are at a loss to understand the meaning of that condition. The report also states that “this Committee does not intend this exemption area to apply to OSHA and EPA regulations.” The minority has no legal authority for determining whether a railroad crossing device is necessary and the installation of such a device. The Committee also accepted an amendment to exempt the Federal Alcohol Administration from the moratorium.

The majority report stated should not be included in the moratorium. The word gets all over the country that this legislation is how inequitable and unfair this process is. There is no legislative record in the Committee to support the findings, let alone discussion, of the “good” regulations referred to in this Committee report. Following striking examples of rules that the majority report stated should not be included in the moratorium and for which the Committee is absolutely no legislative record.

The Committee accepted as amendment to the majority report of 1993 (27 U.S.C. 507(e)); “final regulations governing the alteration of producer recall information on containers of distilled spirits, wine and beer under the Termination Act of 1920 (27 U.S.C. 201 et seq.)” for open-head fibre drums used for the transportation of liquids.”

The retroactivity of the moratorium stops regulations that have already been issued and need unnecessary confusion. The bill applies both prospectively and retroactively. It would apply to all significant regulatory actions that occurred as of November 9, 1994. Many businesses have already spent money to comply with regulations, or made investments based upon regulations that have been issued. Retroactively suspending final rules could give a competitive advantage to businesses that chose to ignore regulations issued since November. Similarly, it is unfair to businesses and individuals who have complied with the regulatory process, playing by the rules, and counting on the finality of the regulations in effect.

The Committee’s treatment of these regulations and the “imminent threat” exemption leaves a completely inconsistent record. And clearly defined. The majority report stated should not be included in the moratorium.

What deserves to be exempted “just in case” and what does not? There was much discussion of the moratorium at the hearing, and what some of the unintended consequences might be. Clearly the Committee decided that rules related to public health (e.g., meat and poultry inspections, drinking water safety) did not need to be specifically exempted “just in case” they were not exempted under other provisions in the bill. Others, including some that had potential to be exempted “just in case” by other language in the bill, were nonetheless included as specific amendments. For example, the Committee accepted an amendment to exempt any regulations issued by the Department of Agriculture for the benefit of Persian Gulf War Veterans for disability from undiagnosed illnesses. While some on the majority argued that the rule to allow veterans to receive such compensation would be included under exemptions for “benefits” or for “military affairs,” the Committee decided to exclude it just in favor of this amendment.

The Committee also accepted an amendment that would exempt agency action that “establishes, modifies, opens, closes, or con- ducts a regulatory program for a commercial, recreational, or subsistence activity occurring that season would not be affected by the moratorium. . . . Senator Cochran stated, “The point of the moratorium was never to interfere with warranted business. This word gets all over the country that this legislation is going to have this unintended consequence. So the point of the amendment is to make clear that nobody can misunderstand this.”

In addition, the Committee decided to accept an amendment that would exempt from the moratorium the regulations issued by the Department of Transportation on existing responsibilities regarding highway safety warning devices. The intent of this amendment was to ensure that the moratorium does not interfere with the authority of the Federal Highway Administration and states for determining whether a railroad crossing device is necessary and the installation of such a device. The Committee also accepted an amendment that would exempt the Federal Alcohol Administration from the moratorium.

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structure that the bill uses is cumbersome and one that encourages extensive lobbying throughout the life of the moratorium. In order to exempt a rule, the agency head must make a determination in writing that a rule would not have a significant effect on the majority. If the President disagrees, the Senate is required to present that determination to the President who must then review it and make a determination whether or not to support the agency’s position. If the President agrees, he must file a notice in the Federal Register, stating that a rule has been exempted from the moratorium (or, if it appears that the President previously exempted something, no longer exempt). The requirement of monthly reports means that the agency heads and the President will be routinely lobbied and affected by covered rulemakings as to whether or not a rulemaking should be in or exempt from the moratorium. It is a nightmarish process except from the perspective of a lobbyist.

The five-month extension for deadlines is arbitrary, unnecessary, and merely draws out this problematic legislation. The Committee bill includes in the moratorium all deadlines that have been imposed either by a court or statute with respect to a significant regulatory action. Senator Levin offered an amendment to strike this section of the bill so that statutory and judicial deadlines would not be affected by the moratorium. Deadlines are dates that have been set previously by the and are imposed by both the Congress and the President—to require that a regulatory action be taken by a date certain. Congress did not set those deadlines unwittingly because we were concerned enough about the particular situation to place the timing for action into law. The Consumer Product Safety Commission rule on choking hazards of toys for small children is one such example. Congress passed a law in 1994 requiring the CPSC to act by July 1, 1994, on rules implementing toy labeling provisions. Similar rules have courts which have set deadlines based on extensive legal records and proceedings. As with the issue of retroactivity, inclusion of deadlines in the moratorium is useless, because many of these deadlines involve rules that are already final and have already become part of the regulatory structure that the bill uses. Such legislation will not likely affect these rules.

Moreover, the Committee bill establishes a new and longer time period for the moratorium (the deadline). Deadlines for significant regulatory actions is from November 9, 1994, to December 31, 1995, but for statutory or judicial deadlines, the moratorium extends for five months beyond December 31st, to May 31, 1996. The majority states that the purpose for the extended deadline is to avoid all the deadlines coming into effect at the same time the moratorium is lifted from the rulemakings. We do not see the logic in this argument nor do we know of one request from an agency that such an extended moratorium be provided for deadlines.

Many of the terms and definitions are unclear and will likely compound the problems of unenforceable. For example, the bill’s definition of “significant regulatory action” includes any “statement of agency policy, guidance, or rules.” There was no discussion of the majority of this definition is actually what this would actually cover. Thus, when the Committee accepted an amendment to include in the “significant” definition any action that is doing anything to the rational, subsistence, or commercial use” of public land, the majority was unable to explain what would or would not be included. The amendment has widespread, detrimental effects for public lands. Meriting separate discussion is the amendment by Senator Stevens that the Committee adopted concerning Federal agency actions on Federal lands. The Stevens amendment added to the definition of “significant regulatory action” (and thus to coverage of the moratorium) any agency action which “withdraws or restricts recreation, subsistence, or commercial use of any land under the control of a Federal agency.”

The Committee had an extensive discussion of the amendment, and the Subcommittee has demonstrated that the scope of the amendment is sweeping and would stop not only regulatory actions but virtually all enforcement of regulations on Federal lands. The amendment means that National Park Service employees would not be able to carry out basic management responsibilities in our national parks. The Park Service had suggested that it would be impossible to prevent hot rods from racing in national parks, restrict access to fragile archaeological sites, or close dangerous passes on snow-covered peaks. As the President and the concerned associations have said, “This prohibition against rulemaking effectively eliminates the abilities of the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service and the Forest Service to manage federal lands for resource protection.” According to the Wilderness Society: “This sweeping moratorium undermines fundamental protections for our national parks, national wildlife refuges, national forests, and all other public lands.” The same strong point was made by other conservation and environmental groups. The Committee’s adoption of the Stevens Amendment demonstrates the lack of understanding the Committee had in respect to the full consequences of its actions on this bill.

3. CONCLUSION

The Committee hearing on February 22, 1995, and the mark-up on March 7 and 9, 1995, highlighted the problems with the moratorium proposal. The majority report only compiles these issues. In the views above we have again discussed many of these issues. Unfortunately, the concerned associations involve only those examples that we know of now. We believe there could well be many other important rules that would be inadvertently or otherwise improperly be stopped. The public will be the victims of such arbitrary congressional action. The moratorium is a bad idea.

There are many examples of many rules that should be examined and even rescinded. We would support any reasonable effort to target specific regulatory problem areas—again, that is what the President is currently doing. We cannot, however, support an arbitrary, across-the-board freeze. We should fix the regulatory process, we should not freeze it and the benefits that flow from it.

J OHN GLENN.
S AM N UNN.
C ARL LEVIN.
J OHN G LENN.
D AVID K AKA.

EXAMPLES OF REGULATIONS STOPPED BY THE MORATORIUM (S. 239)

(1) Improved Poultry Inspections (USDA)
(2) Seafood Safety (HHS)
(3) Motor Vehicle Safety Standards for Passenger Car and Commercial DOT
(4) Standardization of Aviation Rules
(5) Airport Rates and Charges
(6) Federal Head Start
(7) Airline Crew Assignments
(8) Flight Attendant Duty Period Limitations and Rest Requirements

(9) Alcoholic Beverage Labeling
(10) Agreement Establishing Water Quality Standards
(11) Economic Growth and Opportunity
(12) Meat and Poultry Inspection Efforts
(13) Standards for Nuclear Waste Disposal
(14) Cleanup of Nuclear Facilities
(15) Drinking Water Standards

Worker Safety

(1) Logging Safety
(2) Safe Practices for Diesel Equipment in Underground Coal Mines
(3) Worker Exposure to Cancer Causing Agents
(4) Reducing Exposure to Tuberculosis in the Workplace
(5) Worker Exposure to Reproductive and Developmental Risks

ECONOMIC GROWTH AND OPPORTUNITY

(1) Cruise Ship Access to Glacier Bay, Alaska
(2) Energy Efficient Appliances
(3) Forestry Regulations
(4) Timber Payments to Native Tribes
(5) Landowner Relief

GOVERNMENT REFORM

(1) Personal Use of Campaign Funds
(2) Public Financing for Presidential Candidates
(3) Political Campaign Disclaimers
(4) Government Securities Large Position Reporting Requirements

PUBLIC HEALTH AND SAFETY

(1) Improved Poultry Inspections (USDA)
(2) Seafood Safety (HHS)
(3) Motor Vehicle Safety Standards for Passenger Car and Commercial
(4) Standardization of Aviation Rules
(5) Airport Rates and Charges
(6) Federal Head Start
(7) Airline Crew Assignments
(8) Flight Attendant Duty Period Limitations and Rest Requirements

(9) Alcoholic Beverage Labeling (Treasury)
(10) Agreement Establishing Water Quality Standards
(11) Economic Growth and Opportunity
(12) Meat and Poultry Inspection Efforts
(13) Standards for Nuclear Waste Disposal
(14) Cleanup of Nuclear Facilities
(15) Drinking Water Standards

OTHER

(1) Fisheries management
(2) Noncitizen Housing Requirements
(3) Preference for Elderly Families
(4) Continuation of Federal Home Loan Mortgage Corporation and Federal National Mortgage Association Housing Goals
(5) Community Development Block Grants
(6) Avoiding Homeowner Foreclosure
(7) Reducing FHA Loan
(8) Increasing Home Ownership Opportunities for First Time Buyers
(9) Family and Medical Leave
(10) Procedure for Removal of Local Labor Organization
(11) Emergency Broadcast System (FCC)
Mr. GLENN. Let me say on the issue of what might be covered by the moratorium: The reported Senate bill covers significant rules and related statements or actions, as well as any wetlands determinations, and any actions—not just rules—that affect the use of the wetlands. The list of rules that I am submitting for the RECORD only covers the category of “significant” rules—those having an annual impact on the economy of over $100 million, or are otherwise determined to be of major importance. This list has 58 entries. I have no idea how many wetlands determinations there might be during the moratorium. I also doubt that anyone could come up with a reliable list of all the actions that might be taken by any Federal agency relating to public lands—no trail closing, maybe no closing picnic areas at night, or restricting the number of people who can climb up the Statue of Liberty. I do not know.

But this is not all. In addition to the Senate bill, we must remember that the House-passed bill covers all rules, significant or insignificant. This could total over 4,000 a year, if you include every little rule. I saw one list, just of important agency rules that might be covered by the House bill, and it had over 147 entries. The thought of simply stopping government decisions, to show that we are serious about regulatory reform, if just about the dumbest things Congress could do. Let us reform the regulatory process, not freeze it. Let us show the American people that we are doing our job, not that we are out to lunch.

In addition to understanding the moratorium, it was very important to understand the status of regulatory reform. Again, according to the Governmental Affairs Committee's majority report, the supporters of the moratorium have said that “the purpose of the temporary moratorium is to give Congress enough time to pass legislation to comprehensively change the regulatory process.”

In addition to our committee's hearing on the moratorium, Chairman ROTH held regulatory reform hearings on February 8, 15, and March 8. The result was the committee's mark-up last Thursday, March 23, 1995, in which we considered, amended, and voted favorably on a bill—15 to 0. Every member of the committee, Democrat and Republican alike, voted to pass out a real tough, regulatory reform bill.

We should be back working on the committee report right now, but here we are—debating the moratorium—wasting time on damage control, when we could be doing real regulatory reform.

We in the Governmental Affairs Committee are, of course, not alone in the regulatory reform effort. The majority leader's bill—S. 343—will probably be marked up this week by the Judiciary Committee. They, too, have heard several hearings.

The Energy Committee is also ready to mark up a bill that will, I believe, provide Government-wide reform. When one undergoing agency review of current rules, with a report due to the President by June 1, and these regulatory reform bills that should all be ready to come to the floor within a matter of a few weeks, there is no need for the moratorium. Even if one could ever explain how and why it was needed in the first place.

Let us get on with the business of governing and of real reform. Let us leave the ill-conceived moratorium where it belongs—in the museum of stupid ideas.

Mr. President, I do not know if anyone could disagree with the Senator from Nevada when he talks about the intrusion of rules and regulations on our society. It is an issue on that.

We have all had many people come up to us at public events back in our States and talk about how they are being impacted by rules and regulations, that they think are nonsensical and really don't have any rationality. I have agreed with them.

But that is not the issue here. We all favor regulatory reform. We passed out of the Governmental Affairs Committee, by unanimous vote of that committee—Democrats and Republicans—last week, a regulatory reform bill, which has within it a legislative veto provision. There are some differences between that and this proposal today. But as I have already said, my basic problem goes even more deeply than just the differences between these two bills. The House-passed moratorium bill throws out the baby with bath water. It throws out the good rules with the bad, and needlessly.

The Senator from Nevada was talking of the alternative, about how many of these rules should come back to us, instead. Do you know why we have so many regulations that are nonsensical now? We had testimony that 80 percent of the rules and regulations—80 percent of them—should be rewritten or even killed because we specifically required them to be written in legislation. We required them to write them. If there are excesses, should they come back for review? Yes, and I do not quarrel with that. I support a legislative veto. There is no problem with that. But I do not think a moratorium that just throws out the good with the bad makes any sense at all. And I can tell you again what things will be affected by this.

We had testimony in committee by Rainer Mueller, and we had a press conference this morning with Nancy Donley, both of whom had lost children to E. coli bacteria. The USDA, U.S. Department of Agriculture, has new rules that have been developed by the FDA, new inspections for meat that would prevent that happening. Here are people who have actually lost children, and we are talking about putting in a moratorium that would stop a rule that might save other families from having to go through that same kind of tragedy.

We are talking about final rules on airline safety. There is probably not a person in this Chamber who has not flown on an airline rules that are being promulgated to take care of things such as airline crew assignments; standardization of aircraft rules; we have air worthiness of aircraft engines. These are things that involve the safety of the American public. We are talking about we can put a moratorium on things like that just because we want to throw a broad net, but we are going to catch all these things.

We have had some bad rules and regulations—I am the first one to say that here—and we ought to correct those. But to say at the same time that we are going to throw out these things that are safety and health matters for the people of this country to get the few bad regulations, I just do not think makes any sense.

Why do I bring it up when the Senator from Nevada is discussing a 45-day hold over? Because I know the original sponsors of this legislation want the same bill the House passed, which is far more draconian and throws out most of everything. That is what they passed over in the House.

We debated this bill in committee and had many amendments, some were accepted, many were rejected. The bill was then reported out of committee. Now we have see the fallback position, that rather than bringing up that straight moratorium here on the floor, we will have a 45-day review, almost a 45-day moratorium. But this 45-day idea is what would go to conference with the House on the far more draconian that they already have passed over here.

What happens when you get to conference with the House? I do not know. But I know the tendency will be, since the original intent of the sponsors here in the Senate was to do what the House has already done, probably to want to compromise in the direction of the House. That is what concerns me very, very much.

The bill as proposed here is one that would affect all rules, as I understand it, retroactive to November 9. As I also understand it, any Member can call up a rule for review.

Now, the Governmental Affairs Committee has passed out a regulatory reform bill, a comprehensive regulatory reform bill that covers this idea of a legislative veto in that legislation. But what we do with that legislative veto is we might apply it to major rules and make it prospective so it does not go back and undo things that business, industry, and consumers already are paying for. In that legislation we provided that it would take a petition
by 30 Members to bring a rule back up for consideration.  
Now, I thought that was probably a little high. I thought we did not need 30. I am sure we could debate that on the Senate floor when that legislation comes out. Whether we need 10 Members on a petition or some other number, or the number of Senate members that say, “Yes, this is bad,” should reconsidere that rule or that regulation, and bring that back up here on the floor.”

“We cannot have it where just one Member can call something up, and say, “This is bad.” This leads to piecemeal work, and I disagree. Although it might be something that is acceptable for all the rest of the whole United States. I do not think we want to waste our time on things like that.

Much has been made out of the fact that the President could exempt imminent health and safety matters. In committee, I challenged this time after time to please have the sponsors define “imminent.” They could not do that. “Imminent” means something, according to Webster’s dictionary. “Highly likely to happen right now. It is impending, right now. That would not cover such things as aircraft safety or airworthiness of airline engines. These are design things. They are new criteria. Nothing is imminent. Even though it improves safety of the aircraft involved or the crew training involved. We do not expect the airplane to go down within hours or not complete the flight. But the overall safety of airlines is of major significance. Why should things like that ever be held up for a moratorium? Why should we have to debate about what is or is not “imminent?”

This is just one problem with the moratorium. And now our attention is turned to the 45-day legislative veto. But what we really should be doing, instead of piecemealing this effort, is to deal with the whole regulatory reform problem.

Again, that is the legislation that we voted out of the Government Affairs Committee last week. Reports on that will be written and then we would be able to bring that up on the floor and debate the whole regulatory reform process, including a legislative veto.

The danger of this one being brought up separately is that it will go over and be conferenced with the House, as I understand what is being proposed here. That means we are up against the House with their complete moratorium, going clear back to shortly after the election last fall. That is far more draconian. And it lasts a year. It lasts until the ends of this year.

If our conferences on the bill would give in to some of the House provisions, it means we really are placing Americans, our greater number of Americans, at risk for this year. That is, if what is was agreed to.

I repeat, I do not disagree with the legislative veto. We are the ones that caused much of the problem. Why should we not go back on major rules and reconsider those where we believe people over in the agencies really have gone too far, where they have not sufficiently reflected the will of the Congress.

I do not see why we cannot bring up the Regulatory Reform Act of which a legislative veto is a part, not just pick out some of this legislation. Nor need we go to conference with the House. That is the danger in this, as I see it.

Mr. President, so far there have been only about 127 examples that have come out of the different agencies. 127 examples, and I can get on the short basis of items that would be held up, that I feel, and many other Members on our committee and the administration felt, were things that should not have a moratorium applied to them.

But is that a complete list? No. We do not even know at this point what other E. coli situations or cryptosporidium situations may exist out there across this country, because we do not yet have a complete review of all things that were regulations. That is ongoing right now.

President Clinton issued a directive to all the departments and agencies and said, “Scan all the rules and regulations, go through them all, see which ones are too intrusive, which ones should be taken out, which ones should be modified, and give me a complete list of all those, a complete review of all rules and regulations across Government.” Now that is in the process. It is in the process now. It is not a 2- or 3-year study. It is not something that goes on into the future.

We get it by June 1. June 1, it turns out, is only 30 working days from now. If you look at the calendar and count out the Easter break and what we planned there, June 1 is just 30 working days from right now. I counted it this morning on the calendar myself, just to see what time we would have on this.

The administration has guaranteed us we are going to have that list by the 1st of June. Why go ahead and do a partial job of looking into rules and regulations when we have a complete list that is going to be available for us on the 1st of June? Do you know how many significant rules, those that have a $100 million impact or above, are made every year in this country? Between 800 and 900 that was the testimony we had in committee. So when we have come up just with 127 rules that would be particularly affected by moratorium legislation, we are just nibbling around the edges. They are going through, not only those 800 to 900 over the last year, but the 800 to 900 per year that they have done back for a long time. There are going to be several thousands of these rules that will be reviewed. We will get recommendations. Then we can take action on these things.

We can take action on some we separate out, some we may not agree with the administration about. I may disagree with them on a lot of them and be willing to go back and repass those things, or if necessary send them back to committee here to be reconsidered, if that is what is necessary. I am that dedicated to getting to real, honest-to-goodness regulatory reform that is going to last.

I support it. I worked on it the last 3 years in the Governmental Affairs Committee when I was still chairman, and I am still working on it now.

Our new committee chairman, Senator Feinstein, has picked up where he is pushing regulatory reform, to his everlasting credit. I complimented him the other day in public and will do so here on the floor again today. He really has been a champion in pushing regulatory reform. And what we voted out last week is an excellent bill. It is a tough regulatory bill. It is not draconian; it is very realistic. That is what we should be doing, considering regulatory reform on that basis, and not just picking out a little moratorium portion of it. That is what the 45-day legislative veto would apply specifically. We have got in hand a bill through which we can really make major regulatory reform, which is what we are all after.

As I started my comments, we have all heard over and over again the unhappiness of our people back home, of business and industry and farms and just individuals, impacted in their daily lives by rules and regulations that should never be out there.

I heard somebody berating the Clinton administration on this a couple of days ago. That is not the problem. The rules and regulations have been building up for the last 10 years or more. You can see a huge increase in regulations—really a bipartisan increase—thinking about all laws that led to those rules. So I look forward to having bipartisan solutions to this problem, also. I think we do it by taking a broad approach to regulatory reform, of which legislative review is one part of it. I think that for consideration separately. We should be doing, considering regulatory reform, to his everlasting credit. I would support that.

I know my distinguished colleague from Michigan, Senator Levin, who has worked very hard on regulatory reform on the Governmental Affairs Committee, probably is as expert in this area as anyone we have in the Senate—I know he favors that, and I do, too. I see nothing wrong with that.

I do not like it going back. I do not like it retroactive.

I hope, Mr. President, we could get together, perhaps, and work this out so we get leadership to bring up the regulatory reform package, the total bill of which something like this is a part, and bring it up at a very early date. If we can do that, then the done thing will be a great service for this country. We will have gone a long ways toward telling people that, yes, we know the regulatory impact has been too heavy. We are doing something about it.
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But at the same time, we should not be saying that we are going to throw out important health and safety rules. And why would I even think of doing that? Not even because we disagree with all those rules and regulations, but because we are just saying everything should go out, even the good—this would be necessary to fix the process. Let’s not make it worse.

Mr. President, I think we are on limited time—parliamentary inquiry; are we on limited time this morning?

The PRESIDING OFFICER. Time is limited.

Mr. GLENN. How is time divided?

The PRESIDING OFFICER. Three hours was accorded to each side for today.

Mr. GLENN. Mr. President, ask unanimous consent that a Washington Post editorial dated March 26, 1995, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

From the Washington Post, Mar. 26, 1995

GOOD MOVE ON REGULATION

The United States has become an over-regulated society. It is not just the volume or even the cost of regulation that is the problem, but the haphazard pattern—a lack of priorities. The Government too often acts as if it were by battle major and minor risks, widespread and narrow, real and negligible, with equal zeal. The underlying statutes are not a coherent body of law but a kind of archaeological pile, each layer a reflection of the headlong and political impulses of its day. The excessive regulation discards the essential. Too little attention is paid to the cost of the whole and the relation of cost to benefit.

The election results last November at least in sounding a note of regret and impatience about this—and rightly so. The Republican-led Congress so understood and set about to fix this system, which unlike some things, if you try to fix, can actually be "broke." The trick is to make sure the fix will itself be the right one, and one that will not end up killing good regulation along with bad.

The Senate Governmental Affairs Committee last week unanimously reported out a bipartisan regulatory reform bill the likely effect of which would be to improve the process rather than mangle it. It’s a vast improvement over the merely anti-regulatory legislation too hastily passed several weeks ago by the House, as well as various rival bills in the Senate, including a proposal by the Senator from Oklahoma and myself, “A restoration of common sense,” Sen. William Cohen, a member of the governmental affairs committee, called the bill, and he is right.

The House voted both to impose a clumsy retroactive freeze on federal regulatory activity, a measure that was weakened and weakened and weakened in a single stroke the carefully worked out, separate regulatory standards in a broad array of health and safety and environmental legislation. The committee bill would do neither of those things. Rather, it would require cost-benefit and other studies of all new major regulations and the regulatory process generally. Some of these are already done by executive order, others not.

With the studies as part of the basis for judgment, all major new regulations would then be submitted to Congress. The two houses then would be presented with all of which to disapprove them; a resolution of disapproval would have to be signed and could be vetoed by the president. Some advo
cates of regulatory reform would politicize and harm the regulatory process. We think that, to the contrary, it would serve to legitimize and strengthen regulations once issued by putting a sounder political footing. Congress, under the present dispensation, can have it both ways. It passes broad regulatory statutes with laudable goals—clean air, clean water, pure food and drugs—and then denounces as heavy-handed and too costly the resulting regulations. Given a legislative veto, it would have to take responsibility for the fruits of its own handiwork. If some regulations were then struck down before they could take effect, it would finally be up to the voters to decide whether that was good or bad.

The bill bill would also require agencies to do cost-benefit analysis and risk assessments of existing major regulations over a number of years; to do comparative risk analyses in order to make sure that within theirpurviews they were attacking the greatest risks first; and to take part in the compilation of a “regulatory accounting” every two years, setting forth the benefits and compliance costs of regulations government-wide. The idea is to give Congress and the executive branch alike a better idea of how they have now on which to make regulatory policy.

The measure would not solve all regulatory excess. But it would put the regulatory process on a steadier footing and expose regulatory decisions to the political process early on and in a healthy way. It’s a good framework, and we hope Mr. Dole and the leadership will help get the job done.

Mr. President, I ask unanimous consent also that during the consideration of S. 219, Jenny Craig of my staff be granted the privilege of the floor during consideration of this bill.

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

Mr. GLENN. Mr. President, I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Senator from Oklahoma yield me a few minutes?

Mr. NICKLES. I yield the Senator such time as he desires.

Mr. REID. Mr. President, and more important, I want to make sure there is no misunderstanding about the substitute. We do not intend to throw the baby out with the bath water, but I think what we have is a reasonable framework to review all regulations promulgated by Federal agencies. This is not a blanket. We can pick and choose those that we feel are appropriately reviewable. It saves those regulations, which will be the vast majority of them, and those which are bad we can take a look at.

I repeat, one of the reasons I like this approach so much is it will have regulators be more cautious in the regulations that they promulgate. We know, following the Chada decision, that regulators have said they do not care what we think of the regulations they promulgate; there is nothing we can do about it. This substitute will no longer go forward unless we have a two-thirds vote in both houses together would have a set period in which to negotiate. Mr. Dole and the leadership, I believe, are good legislation. I believe it is something that will make this body proud. I believe it is something that the American public wants. The American public does not want us to stop all regulations. There are some good regulations. I went over some of them. We know the Food and Drug Administration does some good work, and they have gotten better in recent years.

So I want the substitute passed. I want it passed by an overwhelming majority so that when we go to conference with the House, we will have a strong position with which to negotiate. Mr. President, I hope that this legislation, this substitute, that has been offered by the Senator from Oklahoma and myself, will be supported by a large bipartisan vote. This legislation is among the best that I think I have ever worked on. It answers a significant problem that big business faces, that small business faces, and the American public generally feels; that is, too much regulation.

Interestingly, as I have indicated, all business is not opposed to regulation. We know there is a basis for regulation. And, in fact, I served as the chairman of the small business committee for 4 years, and would have this year but for the fact that the Republicans took control of the Senate. We did, I think, some very good work there. We dealt with all kinds of toxic substances.
one of the groups I worked with that was continuously before my subcommit-
tee was the Chemical Manufacturers Association as we dealt with things they deal with.

There is an interesting article in the Atlanta Journal of January 11 that talks about the Chemical Manufacturers Association as was surprised to read this. The Chemical Manufacturers Association, which has more than 180 members, including large companies like Dow, Du Pont, and Monsanto, said:

We are not necessarily in favor of revolutionizing how we approach regulations, because some of them, according to Chemical Manufacturers, are good.

The article says:

The association supports regulatory reform reform but it also sounds downright worried that some of the extreme anti-environmental rhetoric now coming out of Congress will lead to deregulation schemes that will get out of control and go too far.

That is a quote from an official of the Chemical Manufacturers Association, from the same article:

Reform, let me say this very clearly, is not the same as repeal. The current system of regulations has accomplished a great deal over the past quarter of a century. We do not want to undo that success, and we do not want to tolerate any retreat from our commitment of protecting the people and the environment.

I could not say it any better. That is also how I feel. What are we charged to do in this body is to make what we have better. That is what this substitute does. It does not repeal all regulations. It does not say we are not going to have any more regulations. It is not a blanket moratorium. What it says is that in the future, bureaucrats, be careful what you do because we are watching, and we have a regulatory veto that meets the constitutional requirements of the U.S. Supreme Court.

Mr. President, I hope that my colleagues on this side of the aisle will understand what is going on here. We have a bipartisan bill. The Senator from Oklahoma and the Senator from Nevada are sponsoring a substitute amendment that we believe should have unanimous support, if not heavy support. It is a commonsense way to approach regulatory reform. It is not regulatory repeal. I hope that my friends on this side of the aisle will join in this venture to improve the way regulations are handled in this country.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator Reed, from Nevada, for his comments, and I would like to respond briefly to some of the statements that were made by my friend and colleague from Ohio, Senator Glenn.

I think the thrust of what I heard in his comments was that he was afraid, if we pass this and go to conference, that we might have that terrible House bill. Let me just state it is my intention, if this bill succeeds in passing this bill — and I expect that it will be successful in passing this bill—to do everything I can do to get the House to concur with the Senate position. I think the Senate bill, I tell my friend from Ohio—I was a sponsor of both—that this substitute legislation reported by the Governmental Affairs Committee. I think substitute is a better approach. Let me tell my friend and colleague from Ohio that, one, the substitute is permanent. The House bill has a Senate provision that the debate S. 219 has a substitute is reported out of the Governmental Affairs Committee, are temporary moratoriums. Those will expire as soon as we pass a comprehensive regulatory reform bill. That may be a couple of months.

So the temporary moratorium bill has received a lot of attention and a lot of partisan bickering, and there may be a very short period of time that it would be in effect, even if it did pass and even if it survived a Presidential veto, because there are some important things. The President indicated he would veto it. The House did not have quite the interest that I had a substitute is reported out of the Governmental Affairs Committee, are temporary moratoriums. Those will expire as soon as we pass a comprehensive regulatory reform bill. That may be a couple of months.

So the temporary moratorium bill has received a lot of attention and a lot of partisan bickering, and there may be a very short period of time that it would be in effect, even if it did pass and even if it survived a Presidential veto, because there are some important things. The President indicated he would veto it. The House did not have quite the interest that I had a substitute is reported out of the Governmental Affairs Committee, are temporary moratoriums. Those will expire as soon as we pass a comprehensive regulatory reform bill. That may be a couple of months.

S. 219 as reported out of committee also has exemptions for a regulation which has as its purpose the enforcement of criminal laws or a regulation that has as its principal effect fostering economic growth, repealing, narrowing, streamlining the regulation administrative process or otherwise reducing regulatory burdens. I have heard some people, including the President of the United States, say the moratorium bill would throw out all regulations, good ones and bad ones. As I have stated, there are clearly exceptions for good regulations.

We also have an exemption for routine administrative actions and regulations related to public property, loans, grants, benefits, or contracts. I mention that one because the President of the United States said that if this moratorium bill is adopted, we will not be able to buy or sell property in Arlington National Cemetery or that we would not be able to have duck hunting, both of which are routine administrative actions.

I just mention that, I am not here to defend this bill. I look at all those eight exemptions. The committee added a couple of others. My point being there are lots of exemptions. The President would probably exempt a great number of regulations under these. In addition, he would probably veto the moratorium legislation. So my thought is why not do something that we can pass? Why not do something that the President can sign? Why not do something that would not be temporary? Why not do something that would have, I believe, a long-lasting impact in reducing the impact of expensive, unnecessary regulations?

There are thousands of potential regulations. How many would Congress move on? On how many would Congress vote on? On how many would Congress say pass? Probably only a few. But at least it would make Congress responsible.

I wonder how many Members of Congress have said, well, we passed the law—for example the Americans With
Disabilities Act or the Clean Air Act or maybe it was some other very well-intentioned bill—and then a Member of Congress is flabbergasted to find out, that a city in your State is no longer in compliance with the Clean Air Act, and therefore the city is not able to accept a new plant or new factory because of clean air or clean water. The Member would say, I did not know. Where did this happen? The Member would be told it happened as a result of the Clean Air Act. How did that happen? It happened as a result of regulations that were just issued and, therefore, the city in your State is noncompliant. Well, it came from regulations implementing the clean air bill. On and on, people kind of washing their hands.

Well, the legislation was well-intended, it had good intentions, but now the regulations have become so cumbersome, so expensive, so Congress is kind of washing its hands. The regulators say, no, Congress said so. And now they are implementing hundreds and maybe thousands of pages of regulations. My point is that Congress should walk their talk. They should hold the regulating agencies accountable. So of all the thousands of regulations that are in process, we are saying Congress should have a 45-day expedited procedure where we can stop them if we think they are egregious or if we disagree with their intent.

I am pleased that the more comprehensive bill that Senator GLENN alluded to that passed the Governmental Affairs Committee, that will likely be taken up on the Senate floor sometime in May, did call for congressional review. But I might mention, as I understand the legislation approved by the Governmental Affairs Committee, the 45-day review provision applies only to significant regulations. Why should we limit this Congress to only review significant regulations? If we want to repeal a regulation—and under our bill it takes a majority of both Houses to pass it—we should have that opportunity.

Again, of the thousands of regulations that we will pass each year, a few, but at least we will have the opportunity to hold bureaucrats accountable whether it is a small regulation or large regulation.

I think the proposal that we have, the substitute that we have is a commonsense approach. It is not outlandish. I will just repeat what my friend and colleague, my intentions were to try to convince our colleagues in the House that this approach achieves the same objective they are trying to achieve in the House on limiting unwarranted regulation and it is something we can pass and it is something we should pass and hopefully get the House to recede to the Senate when we go to conference.

Mr. GLENN addressed the Chair.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

The Senator from Oklahoma brings up the key phrase that we debated long and hard in the Governmental Affairs Committee. Let me read from our minority report of that bill: The bill's exemption of rules that addresses any "imminent threat to health and safety" is unclear and the majority report's interpretation leaves unanswerable questions about what would and would not be covered. The bill would permit the President, upon written request by an agency head, to exempt a significant regulatory action from the moratorium upon a finding that it is necessary because of an imminent threat to human health or safety or other emergency.

That is the same language that is in the proposal by my distinguished colleague from Oklahoma that we are considering here.

For certain amendments in the markup, the majority argued that specific exemptions were unnecessary because of the broad exemption authority given to the President under section 5 of S. 219. The majority could not, however, provide a consistent interpretation of "imminent" or how it would be applied.

Now, let me tell you what we did. In committee, I repeatedly asked for a definition of "imminent." I even got the definition out of Webster's, which said "impending, immediate," and so on. It would not cover such things as airline safety, even though we know those rules and regulations should not be held up; there are no reasons why they should be held up.

But of more immediate importance this morning is this. I would ask my distinguished colleague from Oklahoma to listen to what I proposed in committee. I proposed in committee the E. coli prevention standards that he referred to, that we make an exemption for them; E. coli is a threat. We know that. We have had deaths from it. The amendment was voted down.

I brought up an amendment on cryptosporidium. It killed 100 people up in Wisconsin, and 400,000 fell ill. Once again, it was voted down as not being something that should be exempted. They were against it. Now, with that being the situation, I do not know what can be classified as imminent health and safety threats. While people have died, I'm not sure it would qualify as an "imminent threat" and therefore covered under that exemption.

So that is the reason I do not understand what we are doing. I appreciate the statement by my colleague from Oklahoma that he wants to convince the House that their bill is bad and that this one would be better. I certainly take him at his word on that.

Why not consider this then? Consider the substitute, which has passed a draconian—and I would repeat that word, which my distinguished colleague repeated himself—a moment ago quoting me—regulatory moratorium bill, the result of the conference, when it comes back to us, would be unamendable.

Now, maybe I am wrong about this as being their strategy. Perhaps I am too suspicious. Maybe that is not the purpose of the substitute. Maybe the sponsors really just intended to use S. 219 as a convenient vehicle for the content of their comprehensive regulatory reform bill, such as S. 343 or S. 291, comes to the floor, as they will, since both bills have been reported out of the Governmental Affairs Committee and both contain provisions for legislative veto of major regulations.

I do not know why we cannot wait until S. 343 or S. 291 comes to the floor. Maybe, just want their amendment to be considered now on other reasons. I think there would be an easy way to test whether the purpose of this amendment is to get it to a moratorium on regulations in a conference with the House or whether they just want their amendment considered as a stand-alone proposal. The test is whether there will be an objection to consider the substitute as a stand-alone bill.

If I made a unanimous consent request to consider the amendment as a stand-alone bill, what would be the response be on the other side. But that would take away any opportunity as to what the intent of this legislation is.

I will not proceed with it at this point, but if I asked for unanimous consent—I am not asking for it formally now—but if I ask unanimous consent that the Nickles-Reid substitute amendment to S. 219 be sent to the desk as a stand-alone bill and that it be given immediate consideration, and that S. 219 be put aside indefinitely or until the Senate takes up and disposes of either S. 343 or S. 291, or other similar bills on comprehensive regulatory reform, would the distinguished Senator from Oklahoma object to that? I would ask why.

Mr. NICKLES. I apologize. I was in another conference.

But if the thrust of the Senator's question was I would object to having a unanimous consent request that we
have this as a freestanding bill instead of S. 219.

Mr. GLENN. The reason I asked is be- cause the Senator says he wants to go to conference with the House and does not plan, of course, to give in to the moratorium in the House, even though he proposed the same thing originally. Then it is just to get the legislative veto, which the House already voted out of the Governmental Affairs Committee in the regulatory reform bills, why not set S. 219 aside? We would let this amendment proceed as a freestanding bill, if it is intended just for the legislative veto, why not set it aside? We could recede. Both sides have to get the Senate¿s conferees. If we could convince the House could recede. Both sides have to be ready to go to conference very soon. If we could, we could possibly have a bill on the President's desk in a short period of time.

Mr. GLENN. The House is going to have to take action one way or the other. Why not take action on this? You are saying you hope to convince the House to go along to your persuas- ion on the substitute to the moratorium. Why not pass the legislative veto separate- ly and send it over to the House? They would take action on it, and it would get to the President¿s desk in the same length of time. The way you are talking about it, there is going to have to be a conference with the House on this bill, with the chance that we may wind up with most of what is in the House bill now. We do not know how strongly they may feel about this. I would feel much better about this if we passed this as a freestanding bill. And if the intent of the sponsors is as they say it is, then I do not see why you would object to this procedure.

Mr. REID. Will the Senator from Ohio allow the Senator from Nevada to respond to the question?

Mr. GLENN. Yes.

Mr. REID. We have the underlying bill that is now before the Senate. To- morrow, it has been the decision of the Senator from Oklahoma and the Sen- ator from Nevada to offer a substitute. Of course, if the substitute passes, the vehicle that will be before the Senate will be our substitute.

I say to my friend from Ohio, it is pretty standard procedure around here to say, "Why don't you drop your amendment? You can bring it up as a freestanding bill."

Well, we know why we do not want to do that. Because momentum would be lost for our legislation. It seems to me quite clear if our sub- stitute passes, there will be a signifi- cant opportunity. If in fact—and I men- tioned this in my earlier statement—if, in fact, the Senate, in a strong biparti- san fashion, passes this substitute, it will give the Senate conferees real di- rection on how to deal with the House. I support the substitute. I do not sup- port the underlying legislation.

Mr. LEVIN. Will the Senator yield?

Mr. GLENN. Let me just ask one question, then I will yield, because I have held the floor long enough already and I know the Senator wants to speak.

Mr. LEVIN. No, I just wanted you to yield for a statement.

Mr. GLENN. Go ahead.

Mr. LEVIN. Is it not true, in fact, that we would pass this more quickly if it were done as a freestanding bill, as was just adopted by the House, because you could then avoid the conference?

Mr. GLENN. Absolutely. I think that would be exactly the case.

I come back to my previous point, and I did not get an answer to that. I would like to, here on the Senate floor, finally and at last hear a definition of imminent threat to health and safety or other emergen- cy.

Now, I know Webster's definition. But the definition of imminent threat did not explicitly include in committee E. coli or cryptosporidium.

I would like, here on the Senate floor, before I have to decide how I am going to vote on this bill, to have a clear definition of imminent threat to health and safety or other emergencies.

In committee, they said, "Well, we leave this up to the President." That is not good enough; we are critical around here all the time of what the President interprets or does not inter- pret out of legislation.

What is a clear-cut definition of im- minent threat to health and safety?

Mr. NICKLES. Would the Senator like a response?

Mr. GLENN. Yes.

Mr. NICKLES. I would just tell my colleague, in looking at the bill on page 9, its says "the President finds in writing." The Presidents makes that determination.

I just want to tell my colleague that would not have subject it to judicial review. So if the President finds, if the President determines that E. coli, or anything else, is an imminent threat to health and safety or other emergency, it would be exempted. We give that kind of discretion. I happen to think that is a very broad provision, where we would give that to the President and not try to limit it, not try to micromanage it.

As the Senator knows, he alluded to the fact, there are thousands of regula- tions. To go through and try to enum- erate which ones would qualify and which ones would not, we would be looking at a bill that would be very dif- ficult. We were not trying to do that.

I just as when the original legislation was passed, we did not plan to hunt- ing would be exempted because we did have a provision that said routine ad- ministrative action would be taken. And, as an author of this, we did not feel that it was necessary to go through and define 4,000 exemptions. That was not our intent.

But the approach that Senator Reid and I are now taking, I think is a good one, because we do not have to get into that debate.

One of the reasons I think the bill that was reported out of the Govern- mental Affairs Committee is not worth very much is because almost all regula- tions could be exempted. There are 4,300 regulations that are in process. The Governmental Affairs Committee said the bill only applies to significant regulations. That is about 900 out of the 4,500. Then all of the exemptions, apply to those 900; Many more of the 900 would be exempted under the exemptions outlined in the bill.
So this bill only lasts for a few months and probably only applies to a few hundred regulations. The House bill is somewhat broader, but we end up with almost nothing, because I think the President could determine it as a threat to public health and safety or a routine regulation or a regulation fostering economic growth. He could drive a very broad path through these exemptions.

So I am saying that the approach of Senator REID and myself is to let the President go forward on the routine regulatory framework and, Congress, you can review those regulations and, if we get a majority vote in both Houses of Congress for disapproval, we can try to stop them. If the President still disagrees with us, he has the veto, and we will have to override the veto. That is not an easy challenge.

Mr. GLENN. Mr. President, giving the President broad authority is one thing and giving him broad interpretative authority over what is imminent and what is not is another matter entirely.

When the committees of Congress and when we on the floor refuse to define “imminent,” and we say that is up to the President and his people and we give him broad authority in that area, when the President depends on his people to give him advice on what is imminent or what is not, they go back to what was intended in the legislation in the Congress.

What they have to go on right now is a vote in the Governmental Affairs Committee that said that standards to protect the public from E. coli or cryptosporidium should not be exempted. It is not clear to me whether they would be exempted under the “imminent threat” exception or not. I voted to exclude them from the moratorium just to make sure. I do not think we have a good definition of “imminent.”

I read from Michigan wants to make some remarks, and I will not belabor this any further. If we do not adequately define imminent threat to health or safety or other emergency, we leave it up to the President and then we will criticize him in specific cases if his judgment is not what we agree with. We should have a better definition of this term. We were unable to get it in committee. We were unable to get it on the floor, too, as far as I see it. The legislative history right now would show that standard to protect against E. coli and cryptosporidium are not clearly and explicitly exempted from the moratorium.

I reserve the remainder of time. I ask how much time we have left on our side.

Mr. NICKLES. If the Senator from Michigan will give me a couple minutes, I am not here to debate the underlying bill. But on the committee report, page 14, “Section 5. Emergency exceptions; exclusions”:

It is the committee’s understanding that the President has ample authority to except from the generation of rules and regulations that are necessary to make food safe from E. coli bacteria, so long as there are no accompanying extraneous requirements on businesses. Several witnesses so testified at this committee’s hearing.

I can read on, but I think the committee report will show the committee did not explicitly exempt the authority and would be able to make that determination.

Mr. President, the point I make now and hopefully, my colleagues will comprehend is that under the proposal of Senator REID and myself, regulatory agencies can make their regs, they can promulgate their rules and regulations. Senator REID and I are saying they have that authority; they can do so, and except for the big ones, they all go into West except that we have the opportunity to have expedited procedures to rescind them or to repeal them. On the large ones, the ones that have significant impact, they would be postponed, there would be a moratorium of their effective date for 45 days to give Congress a chance to review those.

That, I think, is a proper check and balance on the regulators. So if the administration came out with regulations dealing with E. coli, if nobody pushed resolutions of disapproval, they would go into effect. If the administration has regulations dealing with air traffic safety or something, they would go into effect unless both Houses passed a resolution of disapproval. So it puts the burden on Congress to select which ones are wrong.

My colleague from Ohio makes a good point in saying under the previous legislation, under the legislation that was reported out of the Governmental Affairs Committee, all discretion was given to the President; the President makes the determinations, the President determines the exemptions.

I think he had ample opportunity under the legislation, as passed out of the Governmental Affairs Committee, to exempt lots of regulations, maybe all regulations. He could say there is a positive health impact or threat to danger, or threat to health and safety or that they have a positive economic impact.

So he could exempt anything, I think, under the bill that passed out of the Governmental Affairs Committee. That was all given to the President. It is the President’s authority to make the determination on the exceptions. That was the bill that was reported out of the Governmental Affairs Committee.

We are saying, no, Congress has a responsibility. Congress should be making some determinations. Congress can let these rules go into effect if we desire. Under Senator REID’s approach and mine, Congress would take the initiative, and if we do not like the rule or regulation, we have an expedited procedure to review it and possibly repeal it. So it puts some of the burden back on Congress instead of, under the bill as reported out of committee, all the burden was on the executive branch.

I think it is a good approach, and I hope my colleagues will concur.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask the Senator from Ohio if he can yield me 20 minutes.

Mr. GLENN. I yield whatever time is needed.

Mr. LEVIN. Mr. President, the bill that we will be taking up tomorrow, S. 219, the regulatory moratorium bill, is really Government at its worst. It is arbitrary, it is extreme, it is unfair, it is a reckless piece of legislation.

As Senator GLENN has already described, S. 219 would stop or suspend all new regulatory actions (except those approved before November 9, 1994, and December 31, 1995. In other words, it is also retroactive. It not only stops regulations from being issued this year through December 31, it goes back, picks an arbitrary date and suspends all regulatory actions from November 9 to the present, even those that are final and effective; even those that people, industries, and businesses have counted on, have changed their method of operation in order to accommodate, even those which industry and businesses have pleaded with us to put into effect. And there are such regulations, and I will get into some of those in a moment.

The Governmental Affairs Committee amended S. 219 in reporting it to the floor by applying it to significant regulations 800 to 900 in any one year. But the committee did not alter the retroactive feature of this bill.

I want to go back and look at how this thing started in the House.

According to an article that appeared in the Washington Post on March 12, lobbyists gamed the system in the House as the bill was being drafted in order to keep the rules out that they wanted to take effect and keep the rules in that they wanted to stop.

First, they started with an effective date of November 9, arguing that the day after the election had significance for pending regulations, but then they changed the date from November 9 to November 20. This is in the House. Why did they do that? Why was it November 20 instead of November 19 or November 18 or November 21? Because one Member of the House whose support they wanted had a rule that he cared about, that he wanted to go into the House. It was an act of political borrowing. He had been waiting for that marketing order. He did not want
that one caught up in the moratorium. That one took effect November 19. So he said, "Well, make it November 20 and now you have my support." So they picked the first day after that particular rule took effect. Forget the fact that the moratorium blocks all other marketing orders, like cherries or sugar or anything else for anything.

The principle involved in this decision was not that marketing orders should be exempt because they are central to the promotion and sale of key commodities; the principle that was operating in this case was the principle that was central to the promotion and sale of the water bottles they catch up a rule that finally gives us some sanity in the area of bottled water.

The water bottlers have been waiting for a decade for this rule; they want it. They have been asking for a rule to label bottled water so that the public understands. It says "spring water," or "artesian water," or "seltzer water," or "well water," or whatever it is. The bottling industry wants rules so the public is not misled. They want rules in order to restrict the amount of particular chemicals that can be in bottled water. They have been waiting for this rule. They wrote us in strong opposition to this moratorium, because it catches up rules that they have been waiting for.

Now, the textile folks are exempted, and it is fine with me. But how about the water bottles; they are not exempted? What is the rationale for this? What is the reason behind that? Where is the fairness behind that?

Now, as the House bill came over to the Senate, this is the way it looked. It applies to all regulatory actions, big and small, with the exception of permit agencies to receive comments from the public on pending rulemaking. This is the House bill, I emphasize. This is the one we are going to face in conference. All regulatory actions are stopped in the House bill, not just final regs. Agencies are not able to receive comments from the public—aggravating halt. It applies retroactively. It indiscriminately exempts some rules and not others. It does not exempt any rule pertaining to public health and safety, except it has an imminent threat stamp. Well, as the Senator from Ohio says, the definition of "imminent" is not there. So we have to try to figure out now whether or not the President is going to exempt a rule that the Product Safety Commission is going to promulgate on bike helmets. Is that an imminent threat? They are looking at a rule which will require that items which are sold as bike helmets to protect the heads of bicyclists from injury, in fact, be structurally strong enough so that they will be able to perform that function. That is the Product Safety Commission that is doing that.

The industry wants it; they want these regs. But is that an imminent threat? Is the President just supposed to pick some kind of decision out of the air? Does that depend upon what the prediction is as to how many people will die within what period of time? Is that imminent? Is it one person a year? If it averages one per month, is that imminent or not? If it averages 10 per month, is that imminent or not?

There is another thing the House bill does. Again, I emphasize this is how we are going to face in conference. The Senate bill makes some changes—the underlying Senate bill. But the House bill extends statutory and judicial deadlines. In other words, there is a rule which is required to be done by a certain day, to come into effect as of a particular date, in that case, the bill says, well, we want it to be longer by 5 months. The moratorium for December 31 is not good enough if the deadline for a rule has been set by a statutory deadline. But there, for some reason—totally inexplicable to me—the deadline is extended 5 months beyond December 31. Mind you, if Congress set a statutory deadline for a rule to come into effect, and that one is moratorium until December 31, that becomes May 31. I do not know that logic. They tried to change that one in committee in the Senate version without any success. We never got an explanation as to the logic of that one. You would think if we set a deadline for a rule to come into effect, we would treat ourselves as well, at least when there is no such deadline for a regulation coming into effect. But we do not. This moratorium, I believe, is a diversion from the real job of drafting tough regulatory reform legislation.

We hope that we could just set this moratorium idea aside and get on with the real work of regulatory reform, the real work that the committees of this Congress are doing, which the Governmental Affairs Committee did by unanimous vote in adopting the Roth regulatory reform approach. Another committee of this Senate is doing work on regulatory reform. That is the serious work. Timely item review, cost-benefit analysis, looking at each regulation, to weigh whether or not its benefits outweigh the costs.

In our bill, having a legislative veto provision—which I think is a very important and significant approach, one that I have supported here. As a matter of fact, one which I supported before I got here. When the moratorium bill that the committee took up, S. 219, came before the committee for markup, it was a
There were 22 amendments at our markup. I want to go through this markup briefly just to show how arbitrary this bill before the Congress is.

Senator COCHRAN offered an amendment to exempt any action taken to ensure the safety and soundness of a farm credit system institution, or to protect the farm credit insurance fund. That amendment was accepted.

Senator PRIOR offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial or business transaction, or any permissory activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action. That amendment was designed to exempt a regulation that permits duck hunting season to open. That was accepted.

Senator AKAKA offered an amendment to exempt the promulgation of any rule or regulation relating to aircraft on national parks by the Secretary of Transportation or the Secretary of the Interior, if the procedures specified in the advance notice of proposed rulemaking, published on March 17, 1994. That amendment was accepted.

Senator GLENN offered an amendment to exempt any regulatory action to improve air safety including such an action to improve airworthiness of aircraft engines.” That amendment was accepted. Senator GLENN offered another amendment to exempt any regulatory action that would upgrade safety and training standards for commuter airlines to those of major airlines. That amendment was accepted.

Senator THOMPSON offered an amendment to exempt any clarification of existing responsibilities regarding highway safety warning devices which was intended to cover railroad crossings. That amendment was accepted.

Senator GLENN offered an amendment to exempt any regulatory action to bring compensation to Persian Gulf war veterans for disabilities or undiagnosed illnesses as provided by the Persian Gulf Veterans Benefits Act. That amendment was accepted.

Senator GLENN offered an amendment to exempt any regulatory action by the EPA to protect the public from exposure to lead paint. This one was adopted. But when it came to a rule to protect against tainted meat, that exemption from the moratorium was rejected.

Now, maybe somebody can come up with a logic here as to why we should proceed without a moratorium to a rule on lead paint, but we should not proceed without a moratorium to a rule which protects citizens from tainted meat.

I think we ought to proceed with both unless on a one-by-one basis Congress, pursuant to a legislative veto, feels that a regulation is not consistent with the law that drives it or is not worth the cost.

That is the alternative approach to this moratorium. That is the coherent approach. That is the approach where we will be forced to rationally look at any regulation, one by one, not lumping them all together in one bushel basket and stopping the whole bushel, eliminating the eight, which people have picked out of the bushel, but where we deal rationally with regulations one on one.

Then Senator GLENN offered an amendment to exempt any regulatory action which enforces constitutional rights of an individual. That one was adopted. Constitutional rights are not exempt from the moratorium.

Senator GLENN offered an amendment to exempt any regulatory action which relates to control of microbe risks in drinking water supplies. That is the one that addresses the concern about cryptosporidium in public drinking water. That was rejected.

Is the lead paint threat more imminent than the cryptosporidium threat? That is the decision of this committee, and, therefore, one is going to be subject to a moratorium and the other one is exempt. It beats me what the logic is. I do not see it.

I offered an amendment to exempt any significant regulatory action the principal purpose of which is to protect or improve human health or safety and for which a cost-benefit analysis has been completed and the head of the agency taking such action has concluded, to the extent permitted by law, that the benefits justify the cost. That one was rejected on a 7 to 7 vote.

There is so much inconsistency in this bill that it is really the totally wrong way for Congress to legislate.

One rule is exempted just in case it might get caught by the moratorium, but a similar rule is not exempted because, well, it appears that it would not be caught by the moratorium.

There is no rhyme or reason to why the committee specifically exempts air safety regulations and lead paint regulations but not any other regulatory rules. There is no rhyme or reason to that.

Surely we want to protect ourselves from dangerous situations in the air, from lead paint, from dangerous meat, and from cryptosporidium. We want to protect ourselves from all. Where is the logic?

Now, I offered an amendment which the committee accepted. Here is the way this amendment read: “We will exempt rules to enforce regulations that establish or enforce statutory rights that prohibit discrimination on the basis of race, religion, sex, age, national origin or handicap or disability status.” That one was accepted. Those are exempt from the moratorium.

But then I offered an amendment rejected by the committee—I cannot figure the logic it—to exempt any significant regulatory action which enforces constitutional rights of an individual. That one we did not exempt. Statutory rights that prohibit discrimination are exempt, but regulations to enforce constitutional rights are not exempt from the moratorium.

The committee accepted an amendment by Senator McCain to exempt actions that “limit it to matters relating to negotiated rulemaking carried out between Indian tribal governments and at agency under the ‘Indian Self-Determination Act Amendments of 1994.’” That was accepted, no problem with that exemption.

But how about an amendment to exempt any regulation issued pursuant to the consensual product of regulatory negotiation—not just the ones relating to Indian tribal governments but any product of regulatory negotiation; not just that product?

So, it went, and so we have just a hodgepodge of exemptions that defy consistency or rationality.

We also add items of coverage to the moratorium. Senator GRASSLEY offered an amendment that the committee adopted which added the interagency memorandum of agreement concerning wetlands determinations to the moratorium. Mind you, this is just an interagency memorandum of agreement concerning wetland determinations to the moratorium. Mind you, this is just a memorandum between agencies. That one is added to the moratorium on regulations. So that one is suspended during the moratorium period.
Senator STEVENS offered an amendment to extend the moratorium to include any action that "shall impose or continue any... of any commercial use of land under the control of a Federal agency"—any action, not just a regulation or rule, any action restricting the "commercial use of land under the control of a Federal agency".

We are still trying to figure out the ramifications of that amendment. Already the results are pretty stunning.

Under the Stevens amendment, the Federal agencies in charge of protecting Federal lands would presumably not be able to carry out enforcement procedures against individual actions that could despoil the land or endanger human life. For instance, the National Park Service could presumably not close a dangerous pass in a national park because of drifting snow; it could not stop hikers using certain paths in a park that may be dangerous because of bears or high water.

The Department of the Interior has reviewed this amendment. Here is what it predicts if this amendment ever became law:

The Bureau of Land Management would not have authority to enforce existing permits for mineral leases; the Bureau of Reclamation would not be able to regulate boating, swimming and fishing on Federal land near dams and reservoirs; the Fish and Wildlife Service would not be able to regulate a variety of recreational activities on wildlife refuges; the National Park Service would not be able to regulate activities that might impair visitor enjoyment or protect the parks; the Department of Defense could not obtain additional public lands for military purposes without qualifying for Presidential exemption.

It goes on and on. Those are the impacts of the amendment just adopted in committee, which is added to a moratorium on regulation.

I just cannot believe that the members of the Governmental Affairs Committee intended that the Government be so limited in its ability to protect its people and its natural resources, but that is what we did in reporting this bill to the full Senate.

As I have said, this bill also has another strange provision added in committee concerning statutory and judicial deadlines. That provision adds an additional 5 months to the length of a moratorium where deadlines have been established by either statute or a court case with respect to a regulation.

The first question is why would we want to include deadlines in the moratorium bill in the first place—particularly statutory deadlines where we, in Congress, have stated explicitly the date by which we want a rule issued? But, second, why should regulations with statutory or judicially imposed deadlines be singled out for an additional 5-months moratorium?

When I asked the committee members, it was their conclusion the answer that I got was that it would be too much for the agencies to handle all of the proposed and final regulations coming into effect at the same time when the moratorium ends, as well as the deadlines. But that does not make any sense. The lifting of a moratorium on proposed and final regulations does not force the agencies to take any scheduled action with respect to those regulations, and to the extent that the agencies do take action they will have the entire period of the moratorium to prepare for taking those actions. Moreover, when I asked why any agency had asked for this kind of consideration, so to speak, the answer was "no."

But the report of the committee is just as telling. The report contains a list of selected rules that are referenced for purposes of determining whether or not they are covered by the moratorium. The committee members did not consider these rules individually. Most of them—maybe all of them—were not even mentioned in the committee markup or in documents circulated to committee members. Yet they appear in the report as though the committee acted intentionally and knowingly on them.

Here is one—this is from the committee report:

"The Department of Transportation is currently considering whether alternative standards to the existing HM-121 standards are appropriate for drums that are used for the transportation of liquids. If the Department of Transportation determines that such alternative standards are appropriate, the bill would result in eliminating an unnecessary regulatory burden on the fibre-drum industry."

"What is wrong with that? Nothing. That is great. I am all for exempting them from the moratorium. Do not want any unnecessary regulatory burden on the fibre-drum industry more than I want it on any industry. But here is a typical exception from the moratorium. It suddenly appears in the committee report. We never discussed this. It is just heller-skelter, willfully. Can you get a Senator to put a little reference in there to exempting some regulation from a moratorium?"

"Here is another one. Similarly, the Bureau of Alcohol, Tobacco and Firearms is about to issue final regulations governing trade practices under the Federal Alcohol Administration Act that could simplify alcohol promotional practices. If so, these regulations could be excluded from the moratorium under this provision. Terrific, I am all for it."

"What about the hundreds of others that should be excluded from the moratorium that are not named in here? What is the origin of naming one or two regulations, unless we want to go the heller-skelter, willfully way and name hundreds of regulations that ought to be exempted that will reduce burdens on industry?"

"How about that bottled water regulation that the bottled water industry has been waiting for, for a decade, one decade? Let me read the letter from the Water Bottlers Association."

"On behalf of the Bottled Water Association I am providing, at your request, information. * * * Et cetera, et cetera."

In addition to this final rule, I will describe two additional amendments to the bottled water standard of quality which, according to FDA, will be published this spring. IBWA strongly supports the finalization of these public health standards as well.

The December 1, 1994 final rule, which was identified at your committee hearing last Wednesday, significantly adds to the number of standard of quality levels that must be met by a bottled water product and as a result, will be a significant benefit to American consumers. Briefly, it establishes or modifies allowable levels in bottled water for 9 inorganic chemicals (ICs) and 26 synthetic organic chemicals (SOCs) including 11 synthetic volatile organic chemicals (SVOCs), 14 pesticides, and polychlorinated biphenyls (PCBs). The final rule presently becomes effective on May 1, 1995. Once effective, this rule will fair or misleading nameplates to American consumers that the bottled water they drink is the safest in the world. IBWA strongly supported FDA's efforts to finalize these rules and the Agency has consistently worked with FDA to develop and implement these rules. While IBWA members already voluntarily test for these substances, as part of a voluntary annual inspection program which is a condition of membership, making this final rule effective will ensure that the entire bottled water supply sold in the United States, from both domestic and foreign sources, will conform to the valuable public health and safety standards.

This is their conclusion. I think it will resonate with every Member of the Senate.

The three standard of quality rules described herein have a material impact on the bottled water industry and country. The standard of identity rules ensure that consumers are not misled and legitimate bottled water producers not injured in their trade or commerce or in the free and open competition of the bottled water industry. IBWA is an imminent health hazard that probably nobody can argue that there is an imminent health hazard that is so close to finalization, arbitrarily frozen. IBWA strongly supports the efforts of your Subcommittee to ensure that an illegitimate damaging possibility does not become a reality.

Presumably maybe we could have exempted bottled water standards. Or maybe somebody can argue that there is an imminent health hazard that these address. It is pretty hard to argue. These have been in the works for a decade. What is so arbitrary about this bill, what is so unfair, is that it singles out some, picks them out of the blue, some pending regulations and says we will exempt these. We will exempt the textile regulations from this moratorium but these other 800, well, who knows about them? Let me emphasize. I am familiar with that textile regulation. I want to exempt it from the moratorium, too. But what other harm would have an equal claim to be exempt from the moratorium?

What about mammograms? On this floor on a bipartisan basis we had a law passed that required high-quality standards for mammograms and that
they be uniform. We had speeches from Members all over this floor saying how important it was to have a substitute that would constitute a legislative veto for this moratorium. This is the kind of high-quality standards. We lose thousands of women unnecessarily to breast cancer because we do not have high-quality mammograms in this country. And we all sit around here and stand around here and make speeches as to how critically necessary it was that we get these standards in place. Where are they? Caught in a moratorium. Or are they caught? Is it imminent? Is it legally immi-
nent? Is there less of a claim for an exempt moratorium for a mammogram regulation than it is for the duck hunting season? I have to share with Senator GLENN the same strong feeling. We do not want to mess up the duck hunting season. So we should exempt them. I have no problem with doing that. But what about mam-

mograms? Is there less of a claim? I do not think so.

This bill has been turned into a vehicle for special interest pleading. That is what is so fundamentally disturbing about the moratorium. Who gets in and who gets out depends on whether you can get a Member’s ear or atten-
tion and time to get a particular re-
quest in. In some cases it is a request to be excluded from the moratorium. In others it is a request to be covered by the moratorium. What about those who do not have the lobbyists or the re-
representatives to adequately argue their case? What about them?

This represents arbitrary Govern-
ment at its worst. What is ironic is that it is part of an effort to reduce the intrusion of arbitrary Government, an effort that I share.

There is going to be a substitute of-
fered, the principle of which is an im-
portant principle and it is a principle that I very strongly support. The prin-

ciple is that we as a Congress should be forced to look at the product of our laws and not just write general laws. We as a Congress should be forced to look at regulations that come out of the law and then move on to the next problem and think we have solved the problem and think we have solved the problem.

There are two charts here which I ask unanimous consent that David Davis, a Fellow in my office, be grant-
ed floor privileges during the consider-
ation of S. 219. The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON, Thank you, Mr. President.

Mr. KYL. Mr. President, I would like to follow through on some of the re-
marks of the Senator from Michigan.

Mr. GLENN. Mr. President, par-
liamentarily I would defer. Did we have the exceptions for emergencies and that many regulations, most regula-

tions that he had raised, that it con-
stitute. You have concerns expressed I think with either a moratorium or a look-

back except that during the look-
back to November 9, 1994, the regu-
lations remain in effect. And so there should be no real concern because those regulations remain extant and they are only stopped if the House and Senate decide that they need to be changed. And the 45-day moratorium with the exceptions for emergencies and for public health and safety rea-
sons that require an immediate imple-
mentation of a regulation is not really much of a delay considering the fact that many regulations, most regula-
tions are delayed 30 days from imple-
mentation anyway. It seems to me the opportunity to look at these regula-

tion if it con-
form to congressional intent is good and that we give up very little because the regulations already in effect re-
main in effect until we look at them and those regulations which are not in effect are only delayed for a pe-

period of 45 days.

The concern that many of us have is twofold: The cost of regulations to our families, to our businesses and to soci-

ey in general and also the burden of regulations today cry out for solution. There are two charts here which I think I would like to briefly use to demon-
strate that point. The pages of the Federal Register is some rough meas-
ure of the burden of these regulations, and we are almost up now to 67,000,

which means that we can see from the year 1976 that regulations went all the way up to 73,000 pages dur-

ing the 1978 and 1979 period, down to a low during 1986 of about 44,000 pages in the Federal Register; last year, almost

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the conclusion of his remarks, he
got to the point that I would like to put it this way, the Nickles-Reid sub-
stitute which he indicated would most assuredly answer many of the ques-
tions that he had raised, that it con-
stituted the concept of legislative veto that would enable the House and Sen-
ate to examine these regulations each the Senate, S. 219, that the Senator spoke of are answered, it seems to me, by the Nickles-Reid sub-
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back except that during the look-
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ing the 1978 and 1979 period, down to a low during 1986 of about 44,000 pages in the Federal Register; last year, almost
And by the way, that is pretty fine print so we are not talking about regulations just of one or two to a page. This demonstrates in at least some gross way the size of the burden that we are imposing on people. I do not know and what is in all of these regulations. We spend billions of dollars trying to comply with the law. We all remember as school kids we learned the phrase “ignorance of the law is no excuse,” but in fact Americans, all of us, are ignorant of that law. We cannot possibly know what is in them. These regulations are not even translated by the executive branch of Government to the people. That is what I had learned in high school and in college.

That gets to the second chart, Mr. President. The cost of Government per household 2 years ago, 1993, for the Federal regulatory burden was $5,000 compared to the Federal tax burden of $12,000. As a matter of fact, depending upon which study you look at, the cost by the end of 1993 of complying with Federal regulations overall, counting business and households, was just about equal to the Federal tax burden.

So if you include businesses as well as families in this, what you find is that we are paying as much to comply with regulations as we are money to the Federal Treasury. In rough dollar terms, about $1 trillion we pay into the Federal Treasury, about $1.3 trillion, as I recall. And the cost of complying with regulations is somewhere in that rough area, of roughly $1 trillion a year.

It is hard for any of us to comprehend what $1 trillion is, but for the average household we can understand $6,000 a year to comply with Federal regulations. We know that it is hard to know what is in them all. We know that it is expensive and burdensome. We know that they are not all necessary.

That is what our effort is all about, to have the Congress have at least the opportunity to look at them before they go into effect, to say, yes, that is needed, that is what we intended, let it go. Or, wait a minute, this goes far beyond what the Congress intended when we passed this law. This is not the kind of burden that we intended to impose upon society, upon our families, upon small businesses, for example. Or for some other reason to say, take it out, hold this regulation up; this is not an appropriate extension of the law.

Mr. President, I just want to conclude with this story. When I first went to law school, I remembered thinking about the difference between administrative law and statutory law. I had never had occasion to think about that distinction before. The legislative branch passes laws, the executive branch signs those laws and then implements them. That is what I had learned in high school and in college.

However, I came to appreciate a distinction, that when you get to the way it really works in the real world with the Federal Government, you have the legislative branch passing laws that are usually not very many pages. Now, we like to talk about all these big laws and most of them are not that big. And then we tend to forget about it. This is something that is clearly not an emergency from happening. It is then the job of the executive branch of Government to translate that into all of the rules and regulations by which the law is implemented.

A funny thing happens. The regulators end up taking far more space in the Federal Register writing many, many times the number of words to explain precisely what it is that Congress meant. And Congress does not go back and look at that until constituents come to us and say, “Do you realize what you did when you passed this law? Do you realize what this regulator is making me do?” Frequently we say, “Well, now, that is not what we intended.” But if we never get around to changing the regulations, to literally having to go back and amend the law.

Well, this allows us a more efficient procedure, a shortcut, if you will, an opportunity before the fact, before the regulations hurt people to say, time out, Mr. President, the Congress did not intend for you to be in the executive branch, you are going beyond what we intended when we passed the law. So scale it back in this regard and then that will be what we intended and that is what our constituents then can live with.

I believe that this is long overdue. I have constituents back home who have pleaded with me to please try to do something to solve this problem. And I think that in the Nickles-Reid amendment we have really come to a good balance. We have found a way to look at old regulations and to consider new regulations and a way to ensure that they conform with congressional intent without preventing the executive branch through proper administration to deal with the public safety and the like. I think it is a good balance, and I think it is important for us to adopt this kind of approach. I am looking forward to the next day or two of debate hoping that we can get the Nickles-Reid substitute passed, go to conference with the House version of their bill, and quickly get a bill signed and sent to the President for his signature.

I thank the Chair. Mr. BOND addressed the Chair.

The PRESIDING OFFICER. Mr. BOND is the Chairman of the Senate Committee on Commerce, Science, and Transportation. Mr. President, the Presiding Officer.

Mr. BOND. Mr. President, I rise in strong support of the Nickles-Reid amendment. My friend and colleague from Arizona has done an excellent job of pointing out the burdens of regulation. I will not reiterate those, but I will make them a part of my full statement in the RECORD.

He has talked about the annual costs and economic terms of regulations. This is a study—I understand done in 1992 by Thomas D. Hopkins on the regulatory policy in Canada and the United States. He is talking about billions of dollars, in 1991 dollars, and shows back in 1977 they were running slightly under $550 billion, but at that time we projected that the 1995 burden would be about $600 billion annually.

Now, before me, I have two stacks of regulations the Clinton administration has put forward since the election. I would have stacked them one on top of the other for more dramatic impact, but I am sure I would have been in violation of some regulation of OSHA because they could be very dangerous if you stacked up all of this material and put it where it could fall over on somebody. Unfortunately, it is the business of Washington, the individual in business, to hire people, to provide a product or a service. How are we going to keep up with the minute details, the tremendous volume of directions that you are giving to us. How are we supposed to run our business and still read all this stuff?

Now, by the way, just received today, March 27, 1995. You think you have problems getting to sleep tonight. This is what you need to read today as the regulatory burden that the Government is proposing to put on you today.

This is today’s reading. The admonition that the problems of today are sufficient, do not worry about tomorrow; well, the Bible did not understand that the Federal Register could make the burdens of today as significant as this. But this is what the small business person is supposed to know and supposed to follow.

The Clinton administration has proposed 4,300 regulatory actions and has some 2,000 final rules planned. This is going to enable this administration to surpass the dubious record of the Carter administration in the issuance of new regulations.

Another way of looking at the volume of regulations is how many bureaucrats does it take to write the regulations? In 1970, we had 28,000 people in the Federal bureaucracy telling us how to run our lives and what kind of regulations we have to obey. By today, glory be, that number has risen to 127,842 people trying to tell the small business person in my hometown, your hometown, or anywhere in this country how they live their lives and what they own.

Now, let me make clear as we begin this debate, we are not saying all regulations are bad. And I do not believe any of the proponents of this legislation or this amendment are going to say that. People still rely, as they...
must, as they should, on the Government to provide basic functions to ensure we have clean water to drink, ensure safe and effective medicines to take, and safe food to eat. I want to be able to rely on that. But the people I talk to, the people I am hearing, want Government brought under control. They are looking at the Government and seeing how it runs and thinking to themselves, “You could never run a business that way.”

The question I suggest, Mr. President, is how to get the best results from the regulations we must have? How do we use our finite resources best? If we waste time and effort and energy on complicated or unwise or overly prescribed regulations, we cannot put those resources and that time into being productive. It results in loss of jobs and a lower standard of living.

We ought to take a look at these regulations and ask some important questions. And that is what this 45-day period under the Nickles-Reid amendment to the budget is to do. And let us enable us to say: Would this regulation actually improve things or would it endanger lives? Could the same amount of spending be applied better in another way? Is this regulation the best way of rescuing a life, or would it be better spent in our globally competitive economy?

Let me just take two examples that might be under the heading of risk assessment.

According to the Office of Management and Budget, under the EPA’s hazardous waste disposal ban, $42 billion would have to be spent before one single premature death is prevented. Again according to OMB, under EPA’s formaldehyde occupational exposure limit, $119 billion to prevent one premature death. That is not to say that it is not a laudable goal to prevent deaths that would result from exposure to hazardous substances. The question we must ask is whether this is the best way to allocate these billions of dollars in resources and the time.

Would it be different, in fact, save more lives and prevent more ill health?

The money spent complying with regulations might be better spent. If society is to use the resources it does to comply with the formaldehyde occupational exposure limit, $119 billion, and spent it on developing new lifesaving drug therapies, then 331 new drugs and spent it on developing new life-saving drug therapies, then 331 new drugs might be produced.

The question is whether we must ask is whether this is the best way of protecting the environment and seeing how it runs and thinking to themselves, “You could never run a business that way.”

Mr. President, I think that the kind of thing that, if it came up here for a 45-day look, we could say, “I don’t think so.”

I do not think we really need to go into all that detail. I do not think we really need to have everybody in America read this in case they would become a good Samaritan and rescue somebody in serious, serious condition.

These are the kind of things that are driving small businesses, individuals in all walks of life nuts in this country today.

Another example: The head of the Occupational Safety and Health Administration testified before Congress the horror stories were not true. He testified that OSHA does not require material safety sheets for the normal use of consumer products, and workers must be informed of risks only when they are regularly exposed to high levels of substances that actually pose health risks.

This is a copy of a citation issued last July to a specialty food shop in Evanston, IL, for a serious violation and a proposed $2,500 fine. What is the violation? The company did not have a written hazard communication program. The primary chemicals used are used in the kitchen and bathroom. The chemicals are not dangerous were not limited to but included automatic dishwashing detergent and bleach. And for failure to have a hazardous notification—this is a serious violation and “the employer did not develop, implement and maintain at the workplace a written hazard communication which describes how the criteria will be met.”

As I said, the primary chemicals used were automatic dishwashing detergent and bleach. My goodness, I used automatic dishwashing detergent this...
morning. I did not have a hazard noti-

But, Mr. President, businesses across

I think these problems are what the

Stop weighing us down with

1994 was: Enough is enough, get off our

systems that often do not make any

I tell you, I have gone

Do we have the message: We are going
to get after somebody and we won’t have

Frankly, I think that a 45-day period

We have somebody come in and talk about
regulations and we say, "Oh, well, I’ll get
after somebody and we won’t have to have
you comply with that particular provision."
But rather than try to come in after, would it not make sense for us to take a good hard look up front? That is what Congress needs to do.

Frankly, I think that a 45-day period before Congress will have a very salutary effect because I just believe that many people in the executive agencies are getting the message: We are going to start taking a look at what you write, and if you do not want it to be overturned, let us make it simple. Do not write it so complicated that people cannot understand it.

I have a U.S. Department of Housing and Urban Development notice to renters on lead-paint poisoning. These are all single-saced sheets. There are four sheets in the notice. Somebody who is getting assistance in housing is going to be able to read all that and understand it? I tell you, I have gone through it and I have gotten lost and I have had some training, supposedly, in reading regulations.

I do not think that we are serving our people well when we put burdens of tremendous regulations on them, kill a lot of trees to boot and wind up with systems that often do not make any sense.

I believe one of the messages that the people of America gave us in November 1994 was: Enough is enough, get off our back.

Stop weighing us down with these kinds of overly restrictive, pro-
scriptive regulations.

Regulations to protect health and safety, simple ones that people can un-
derstand, that is fine. We anticipate those when we pass legislation calling for regulations. It is time that we in Congress get back into the process and made sure that we stop some of this idi-

One group that thrives on the confu-

The Congress passes laws in a very sloppy
manner. They don’t spell things out in great
detail the way they should, because that re-
quires hard work and technical expertise, and those are two things that are in short
supply in Congress.

Congress’ reliance on agency bureau-
crats to flesh out lawmakers’ inten-
tions gives unelected officials vast dis-
ccretionary powers, but “oftentimes regulators are confused about what Congress wants and then Congress loses control over what regulators do. The regulators prescribe very unwork-
able solutions, and Congress says that’s not what we had in mind, but by then, we’re all stuck with the regulat-
ons.”

lost jobs, businesses that can’t grow, prod-
technology without regard for cost or risk.

The 45-day layover adds to the checks and bal-
ances between the legislative branch and the executive branch by returning major regulations to Con-
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sional intent.

For too long Congress has taken the
credit for solving the crisis of the hour—but when the check comes due, Congress has ignored the costs to States, cities, business, and individu-
als—no more.

This makes Congress accountable for its laws—many of our environmental laws do not allow the agency to take corrective action.

This forces us to confront antiquated laws—sometimes the facts of the situa-
tion changes, so today the law means something quite different than when it was passed. Example: When the Delaney clause was adopted in 1958, we
were measuring contaminants in parts per million, today we’re measuring in parts per billion or parts per quadrillion. The advance in technology has converted the Delaney clause from a reasonable rule to a ridiculous one.

A vote for the Nickles amendment is a vote for accountability in Congress and the agencies.

Who can disagree with that? If a ma-

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technology without regard for cost or risk.
President, I rise in support of the Nickles regulatory review substitute bill. I am proud to be a cosponsor of this bill. Senator Bond and I and Senator Nickles have been working for months, really, trying to see what we could do to give the business people and the individuals in our country some relief. In fact, Congress passes laws that create the impotence to the regulators. But if the regulators do not do what is envisioned by the Congress, it is our responsibility to step in and to say, “No, this is not really what we intended. In fact, Congress intended for you to go in this direction.”

This bill will inject some democracy into what has been an increasingly arbitrary regulatory process. Americans have the right to expect that their Government will work for them, not against them. Instead, Americans have had to fight their Government to drive their cars, graze cattle on their ranches, build a porch on their homes, or operate their small businesses in a reasonable, commonsense manner.

This legislation would provide lawmakers with a tool for ensuring that Federal agencies are, in fact, carrying out Congress’ regulatory intent properly and within the confines of what Congress intended and no more.

Again, I get to the point about the habit of issuing regulations which go so far beyond the intended purpose we hardly recognize them anymore. This bill is simply an extension of the system of checks and balances which has served our country so well for more than two centuries.

In November, the message came loud and clear from the voters of America: “We’re tired of bigger Government; we are tired of business as usual in Washington, DC, and we are tired of the arrogance that we see in our Federal Government.”

Nothing demonstrates that arrogance more than the volumes of one-size-fits-all regulations which pour out of this city and impact on the daily lives of American people. The voters went to the polls because they felt harassed by the Government that issues these regulations without considering the impact on small business.

The egregious stories about the enforcement of some of these regulations have become legendary, and the people are asking us to call a timeout, and that is what we are doing today.

Common law has always relied on a reasonable-person approach. The standard behind our laws should be what would a reasonable person do in these circumstances? But many of our Federal regulations have been designed to the point of dictation. Reasonable or otherwise, must act in every single situation, something that is impossible to do. In short, we must make reasonable persons not an oxymoron in this country. We have literally taken the commonsense out of the regulation and completely failed to allow for the application of common sense. It is for that reason that this debate is dominated by example of Government regulators out of control.

When you have the city of Big Spring, TX, being forced to spend $6 million to redesign its reservoir project, to protect the Concho snake, which they are told is endangered, only to find out that the Concho snake is not really endangered after all, but after they have spent the $6 million, you find the unreasonable man coming to the forefront.

When you have a plumbing company in Dayton, TX, cited for not posting a OSHA requirement to post emergency phone numbers on that wall. Or when the Beldon Roof Co. in San Antonio, TX, is cited for not providing disposable drinking cups to their workers, despite the fact that the company went to the additional expense of providing high-energy drinks free to their employees in glass containers, which the employees in turn used for drinking water. In this case, you have a company going the extra mile and being cited because they did not meet a lesser standard.

What about when the EPA bans the smell of fresh bread from the air and forces bakeries, like Mrs. Baird’s, to spend $5 million for a catalytic converter to take that smell out of the air? A rancher from Fort Davis, TX, allowed a student from Texas A&M to do research on plants on her ranch. She discovered a plant which he thought to be endangered and reported his findings. The Department of the Interior subsequently told Mrs. Espy that she could no longer graze her cattle on the ranch on which her family had grazed cattle for over 100 years because her cattle might eat this particular weed. It took a lawsuit and an expenditure of over $1 million to get the Department reversed its ruling and declared that the weed was in fact not endangered.

And then there is Rick’s High-Tech Auto Motive Service in Katy, TX; they have eight employees. Ten months ago, he spent $30,000 purchasing a console analyzer and an additional $3,500 in training. But new EPA regulations came out for inspection and maintenance which pulled the rug out from under him, and he will now have to fire at least two employees.

And Howard Goldberg in El Paso, TX, owns Supreme Cleaners. Two years ago, he bought all new equipment. When the State implementation program mandated that he install recovery dryers, it cost him an additional $19,000 and rendered his new equipment totally useless and also unsalable. He is a dry cleaner. He is a small business person.

These numerous horror stories which have come forward since we began our efforts for regulatory reform provide evidence of a Government out of control. It demonstrates the need to introduce common sense and reasonableness into the system where these qualities are sorely lacking.

That is why one of the messages sent by the American people in 1992, and again in 1994, was: We have had enough. Fix this.

The question is: Have the people in Washington heard the message? Will it be in time? I am not sure, because I am not sure some people in Washington yet realize the frustration level of people in America. With this bill, we are sending a message to America: Signal received.

It is going to be difficult, but we are going to reverse this disastrous trend. Our goal must be to put the Federal Government’s financial house in order, decrease the size of the Federal Government, return Federal programs to the States, reauthorize the 10th amendment of the Constitution of this country, which said that the Federal Government will have limited powers and everything else will be left to the States and to the people.

The Federal Government was supposed to be a strong, but small, efficient Government, with very limited powers, and I think we have gone in the other direction.

What are the stakes here? Mr. President, if we are going to be able to compete in the new global economy, we must change the regulatory environment and the litigation environment so our businesses can compete.

To put this in perspective, for business, the cost of complying with current Federal regulations is $430 billion a year. The overall cost to the economy of regulatory compliance, if you put the mandates on State and local governments, is $900 billion. Now, to put that in perspective, our income tax brings in approximately $700 billion. So when you are writing out your taxes in the next few weeks, look at the stealth tax that you are paying, and that is going to be double—double—what you are writing the check for, and that is the real Federal encroachment on your life.

We need to let people manage their own lives and their own money instead of having Washington do it, I think we
and was perfectly capable of giving it to the American people.

We need to turn the regulatory engines around. The Nickles substitute is an important first step on the road to regulatory reform in this process.

I have been working on this legislation with Senator Nickles and Senator Bono. I hope my colleagues will side with the American people, who have called on us to get the bureaucracy under control and vote in favor of a bill that will begin to tell the American people that we got the message in November 1994, and we are going to do something about it.

Mr. President, that is the mission. That is what we must do. We must show the people of this country that things are changing in Washington, DC, that they are getting the message inside the beltway and relief is on the way. That is what this bill will do. I urge my colleagues to support it.

Thank you, Mr. President.

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. 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. Mr. President, I listened with interest to the previous two speakers, and I have also listened today to Senator Glenn from Ohio who has spoken on this subject, as well as the Senator from Michigan, Senator Levin, and others.

This subject is regulations. I suspect it is safe to say that not many people like regulations. It is also safe to say that the fewer regulations probably the better, for most parts of our country. However, there are certain specific areas I think most people would say we want the regulations are there and work. For example, there are important regulations relating to air safety. I have flown some in my life. I have not flown nearly as much as the Senator from Ohio who has his own plane and has orbited the Earth, as a matter of fact. He understands when you take off with a bearing and leave the ground there are certain regulations about at what height you can stay.

If a plane is flying east, it can fly at a certain altitude. If it is flying west, it can fly at another altitude. It may or may not be cumbersome, but it is comfortable when flying east to understand the person flying west is not flying at your same altitude.

That is a regulation, and one that is perfectly reasonable, of course. There are a lot of regulations in our country that have grown of public need.

I was reading the other day about the early part of the year—1905, 1906—when there were scandals in this country about the quality of meat, and some stories about some meatpacking plants. The plants were infested with rats. In order to get rid of the rats in the meat factory plant, they put out bread laced with poison. So the rats would eat the bread laced with poison, and the poison would kill them. The dead rats came out of the same shoots as the meat, and of course the public scandal was that that injured the people of this country, and citizens finally got wanted to know what they were eating. Were they eating beef, or pork, or chicken, or rat, or poison, or poisoned bread, for that matter?

From that grew a series of increasingly tough standards with respect to meatpacking in this country. Finally, when people began to purchase meat from the grocery store shelves, they understood that this was inspected. It was produced under certain conditions that required safety and cleanliness. And people had some confidence in that product.

Those series of regulations now over nearly 80 or 90 years were born not of someone's interest in interfering, but were born of the interest in public health and safety. That is true of a lot of regulations.

It is also true, as previous speakers have alleged, that regulations often become oppressive, and regulations that flow from well-intended law become regulations that do not make any common sense when issued, and are not able to be complied with toy mom and pop businesses on the Main Streets of our country.

In many cases, regulations have caused substantial anguish and substantial anxiety. I think that unreasonable and excessive regulations has caused a lot of people to go very sour on the subject of Government itself.

I do not disagree at all that if we miss the message in the last election, we missed something important. The message was clear. The message is that the American people want some change. Among the important changes that this Congress will offer shall be changes with respect to Federal regulations.

There is a right way to do that and a wrong way to do that. Some would say that we should just throw everything out. They contend that all regulations are essentially bad and we must get rid of them.

That is not, in my judgment, a thoughtful way to do it. In my judgment that is a very thoughtless way to approach it. A thoughtful way to do this is to decide that we need to make sure when decisions are made by the U.S. Congress on the subject of clean air, clean water, poultry inspection or dozens of other things that the American people feel are important to their lives, that the rules and regulations that flow from that are rules and regulations that make common sense and that stick with the intent of the legislation itself.

Now we have a couple of proposals floating around, some of which I think make a great deal of sense, and some of which make no sense at all.

I know Senator Glenn and Senator Levin have talked about the bill that we dealt with in the Governmental Affairs Committee recently on the subject of the regulatory moratorium. The proposal was, “Gee, we have this message in the last election. Regulations are essentially bad. So let's have a moratorium and prevent any regulation from moving at this point, until a date certain. Just throw a blanket over all of them and decide we will shut this down completely.”

Well, I did not support that. I do not think that makes any sense. When the moratorium bill was marked up in the Governmental Affairs Committee, we raised a number of examples and offered amendments. It became clear to me that those who proposed the moratorium had no notion at all about what the consequences would be. Some of the consequences would be just as inflammatory and detrimental as the consequences of saying there is no problem here at all, and let the current circumstance stand.

For example, we raised questions about many rules that are now in the pipeline that really need to be issued. A regulation that deals with standards on mammography. Should that not be issued? Sure, it probably should be issued.

A rule that deals with improving inspection techniques for meat and poultry to prevent the loss of lives because of E. coli and other food contaminates. We received testimony from a father who lost a son to E. coli infected meat. He obviously believes very strongly we ought not interrupt the process of making sure that regulations needed to improve that area continue to move.

We should not have a moratorium on regulations that deal with that sort of thing. We should not prevent timely issuance of rules needed to control the microbial and disinfection byproduct risks, such as cryptosporidium in our drinking water. The cryptosporidium issue came from recent outbreak in Milwaukee, WI, in which over 100 people died and hundreds of thousands of people became ill.

Those are the kind of things that get prevented when we establish a moratorium. We would interrupt very laudatory regulatory goals that we ought not interrupt some as those dealing with nuclear waste, with work safety, with seafood inspection, and a whole series of other things.

Let me give another example. If we say we will have no regulations at this time, all I raise is where there are some good regulations we want.

There is a regulation, for example, about to be issued allowing a larger harvest of shrimp in the Gulf of Mexico because the previous regulated harvest can now be increased. There are more shrimp out there. So by regulation, they will allow that to increase.
I say to the proponents of the moratorium bill, would you not want that to be able to proceed? Why should we have those folks out there making their living on shrimp be prevented from harvesting a greater number of shrimp that now is deemed appropriate? We should not have a moratorium on a regulation like that. That is a helpful regulation.

So, those are the kind of things when we propose a moratorium that I think render the proposal of a moratorium pretty much a thoughtless proposal. That does not make much sense. It is sort of saying we cannot differentiate, or we cannot distinguish, or we do not have the time for judgment.

So, we will shut everything down. Shut down, then, the good with the bad. And we shut down a whole range of things that I, think, can in a detrimental way affect people's daily lives.

That is why the moratorium bill I think is not being brought to the floor. We could be of these benefits of the moratorium. We offer amendments, almost none of which were accepted. And, interestingly enough, after it was passed out of the Governmental Affairs Committee over our objections the decision has been made, I think, that this moratorium bill is probably not a good idea.

Well, it is nice to see that that judgment was made. Now we can go on to some other things. We have since written the Governmental Affairs Committee which deals with comprehensive reform of the regulatory process which I did support, which Senator Röhn, the chairman of that committee, and the ranking minority member, Senator Glenn supported. It makes eminent good sense.

It says Congress and Federal agencies must change the way we do business on regulations. When we pass a law, and we decide we want to do something that is appropriate, and good for this country, such as the Clean Air Act, we want to make sure that the regulations that come from that are regulations that meet a common sense standard and are regulations that can conform to cost-benefit analysis and risk assessment made prior to the issuance of the regulation.

We will also have proposals on the floor of the Senate that provide for a legislative veto so that significant regulations made by our Federal Government would have to provide a time window by which the Congress review those regulations and decide to veto those regulations if the Congress said, "This is not what we want at all. This is not what this Congress intended," and we can veto those regulations.

Both of those approaches make good sense to me and are the right way to deal with regulatory reform issue. Regulatory reform is not being debated as to whether we should have regulatory reform. The debate is how. Those who bring the issue of the moratorium to the floor or through the committees, I think, have understood their remedy for how to reform the regulations is an inappropriate remedy. This is why we see them stalling on that and deciding they will not bring it.

The "how" that is appropriate, I think, are the two approaches on cost-benefit analysis and risk assessment, and the legislative veto that are incorporated in the recently passed Governmental Affairs Committee bill. I think this is a rare instance, and I would like to see more instances, where Republicans and Democrats are hands and agree that this makes good public policy. This makes good sense.

That is that we have here on the issue of regulations. This is not a case of who can bring the biggest stack of regulations to the Chamber. I suppose as we debate these things we will have a wheelbarrow carting out all the regulations. Sign me up for saying some of them are dumb. Some of them make no sense. Sign me up for saying at least we want to know who is doing it and know who is doing it. This is why we think this makes good public policy.

I was thinking as I was waiting to speak today, we have learned a lot. That also is what has caused Members to develop different standards in our lives.

When I was a young boy, my father ran a gasoline station, and the gasoline station, like all gasoline stations in our country, would accept automobiles to do oil changes and lube jobs and so on. You would bring a car in and put it up on a hoist and drain the crankcase oil, and we would put it in this big barrel. I lived in a town of 300 people, with dirt streets. When barrel got full at my dad's station, our station and the other station in town, because there were two—that is called competition in a small town—both stations did a public service with their used oil.

When it was time and the barrel was full, my dad would have me go get the little co-op tractor, hook it up to this tank and they had a pipe across the back with some holes in the pipe that you could unleash and then I would drop used oil on Main Street and drip that used oil on Main Street of our hometown. So did the other gas station, and the other station in town, because that was blacktop, at least in our small town at that point. You would drop used oil on Main Street to keep the dust down on Main Street. Of course now, if I were doing that, I suppose I would be sent to Leavenworth or the dust down on Main Street. Of course now, if I were doing that, I suppose I would be sent to Leavenworth or if I were doing that, I suppose I would be sent to Leavenworth or if I were doing that, I suppose I would be sent to Leavenworth or if I were doing that, I suppose I would be sent to Leavenworth or if I were doing that, I suppose I would be sent to Leavenworth.

The fact is today he probably would not have cut off his fingers in that combination because now they have chain guards and safety devices. All of that, yes, might be a nuisance for some people, but it is also something that saves fingers and hands and accidents. So we have made a lot of progress in a lot of these areas.

I again want to say I think the question about regulatory reform is appropriately asked, not whether we have regulatory reform, because all of us in this Chamber believe that we need to reform our regulatory system; the question is how?

The answer for me is that a moratorium is a relatively thoughtless approach and one in which we simply say, "Let us not be thinking about the specifics, let us sort of throw a blanket over all of it and not worry about what the consequences of it might be. Let us decide we cannot issue standards on mammograms, mammogram machines. Let us decide we cannot issue standards on the regulation of computer airlines. Let us decide we cannot do all of these things because we have decided a moratorium is the right approach."

A moratorium is not the right approach. The right approach is for us to do what we have done already in a risk assessment bill and for us also to decide that we can, even as we look at regulatory reform, do some things that I think will get the agencies to understand that risk assessment must relate to regulations, to the consequences of the regulation for the American people.