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 like 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 raised a lot of these questions about it. We offered 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 now 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 another bill in the Governmental Affairs Committee which deals with comprehensive reform of the regulatory process which I did support, which Senator ROTH, 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 represents something 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 that are proposed by agencies 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 meant at all. This goes far afield from 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 the 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 will join 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 when I am flying at 5,500 feet, I want to know the guy flying in my direction is at 6,500 feet, because the regulation separates each plane by 1,000 feet.

There are a lot of good regulations that are necessary for health and safety for good living in our country. I certainly want to support those at the same time as we try and streamline this whole area.

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 of 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 drive up and down Main Street and drip that used car oil on Main Street of our hometown. So did the other gas station, for that matter. So both of us were performing a public service and everybody thought it was great 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 somewhere. It really is a very serious felony offense.

Why? Because what we learned over the years is you destroy or you injure your drinking water. This seeps into groundwater and you cause all kinds of human health problems.

So what we have done over the years is we have learned a lot about water and air and safety. We have done a lot of very good things with respect to regulations.

I was around one day in my father's station when a fellow named Pete, who was kind of a handy guy, was working on a combine and Pete cut off all his fingers. I just happened to be there. There were no chain guards or anything on combines at that point. He was fixing a chain and the chain around the sprocket—there were no safety features, no guards—he was trying to monkey with the chain, the thing engaged and cut off all his fingers. The nearest hospital was 50 miles away and my father asked me to pick up all the fingers that were there. There was not microsurgery then, I should say, but we took him and his fingers 50 miles to a hospital. They could not reattach his fingers because we did not know about microsurgery back then.

The fact is today he probably would not have cut off his fingers in that combine 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 mammographies, 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 regulation, to the consequences of the regulation for the American people.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, I see the minority leader is here. If he will indulge me for about 2 more minutes, I

would like to make one additional point on another subject today because I think it is important. I wanted to make it last week but I did not. I was not able to. I want to make it today.

Last week it was announced that the January trade deficit, the merchandise trade deficit, in our country was $16.3 billion, the worst in our history.

The reason I mention that is we have seen great angst on the floor of the Senate and the House about the Federal budget deficit, and it is an enormously important problem for our country, which we must address. But it is almost a conspiracy of silence with respect to the trade deficit. We are suffering the worst trade deficit in human history in this country. The merchandise trade deficit is terrible and it is growing, higher than it has ever been. It relates to jobs moving from our country overseas.

I want to show my colleagues just two charts. The January trade deficit shows our trade problems with China and Japan and Mexico have all grown. There is not one major trading partner with which this country does business where we now have a positive trade balance—not one. Japan is well over $65 billion a year. We have a trade deficit with Japan of $65 billion a year. With China, we now have a trade deficit of nearly $30 billion a year. You can see what has happened. It has grown exponentially. This is an outrage. This means the loss of American jobs and American opportunity.

You can see what is happening with Mexico. This chart simply reflects the January balance. Multiply it by 12. We start with a surplus, 1992; 1993 a small surplus, 1994 a minuscule surplus. Now in January of this year we have the first deficit. If you multiply that deficit by 12, you will find out what some of us who opposed NAFTA have said for a long, long while. We are going to be stuck with a big trade deficit with Mexico.

The fact is the devaluation of the peso has meant American goods are much, much more expensive in Mexico and Mexican goods are much, much cheaper here in the United States.

I might also observe that the trade deficit with Japan—and I do not have a chart on that at this point—the trade deficit with Japan has increased at the very time the dollar has fallen against the yen to some of its lowest levels ever.

This trade strategy is not working. It is a bipartisan failure. This country needs a new Bretton Woods Conference that takes trade out of foreign policy and decides to stand up for the interests of this country. Not protectionist, not building walls, but to decide that this trade strategy hurts America and one-way trade rules that allow our country to be a sponge for everything everyone makes and allow their countries to keep American goods out is a trade strategy that we must stop.

It is time for us to decide, nearly 50 years after the end of the Second World War, that our trade policy ought not be a foreign policy. Our trade policy ought to be to stick up for the economic interests of Americans: producers, workers, entrepreneurs, risktakers. They deserve this country to stick up for their interests and demand fair trade—not preferential trade, fair trade. Fair trade from Japan, fair trade from China, fair trade from Mexico, fair trade from all of our trading partners. Anything less than that, in my judgment, is failing this country.

As I said, I think there is almost a conspiracy of silence about the worst trade deficit in human history. I do not understand why. Our Trade Ambassador, Mickey Kantor, is the best we have had since I have been in Washington, DC. He has taken on Japan and taken on China. But, still the problem gets worse with both China and Japan. I hope one of these days we can find others who feel as I do that that trade strategy is hurting this country and there is a better way and a new day to set this country right.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Democratic leader.

REGULATORY TRANSITION ACT OF 1995

Mr. DASCHLE. Let me commend the distinguished Senator from North Dakota for his comments on both issues. I will talk more about trade on another day, but certainly what the Senator said about the wisdom of the moratorium could not be better said. I appreciate his leadership and that of the distinguished ranking member of the Governmental Affairs Committee, who is on the floor now and who has already discussed this matter at some length.

Mr. President, I think it is fair to say, it is accurate to say that the moratorium is dead. There is no moratorium. It is over. There will not be a moratorium in spite of whatever decisions or promises the House may have made. The clear recognition in the Senate is that the moratorium is worse medicine than the disease itself, that the cure in this case is too broad, too problematic, and far too imprudent for us to support. So the moratorium is over. It is dead. I am very pleased that legislation is now pending to replace this moratorium that will be debated tomorrow.

Let me say, if it reappears, then I am confident that Members, at least on this side of the aisle in this Chamber, will again kill it. Everyone recognizes we must deal with problematic regulations. Everyone recognizes that this is not a partisan issue, that indeed we have to confront the proliferation of regulation and recognize that there are some which simply do not make sense.

Bringing balance and common sense to the regulatory process is something Democrats have argued for a long time. With bipartisan support, the Governmental Affairs Committee approved just last week a better and more meaningful way to address regulatory problems. As I understand it, the Judiciary Committee and the Energy Committee are meeting this week to do the same thing. So by the end of the week, three committees of the Senate will have done what we should do: Develop a framework to analyze and address many of the problems that have proliferated as a result of irresponsible regulation.

In my view, that is what we should do. That is the subject of the President's review that will be made available to us before the end of June, and I am very pleased that the White House as well as the Congress is working on this in a very comprehensive way.

Comprehensive reform is what is necessary, not the shortsighted, simplistic approach recommended by some of our Republican colleagues, especially on the House side.

So the moratorium is dead. And I think that this week we can come up with a meaningful way to achieve regulatory reform. Hopefully, this will be the first in a two-step process, one that provides us with an opportunity to deal with regulations in a meaningful way.

Frankly, we could have accomplished comprehensive reform in one step. We could have done it at a later date, once we have had a more thorough debate. That would have been my preference. But certainly, this can work. I think there is broad base of support for examining alternatives to the moratorium and we will begin that process tomorrow.

I think the Reid-Nickles legislation can give us an opportunity to review regulation in a selective and meaningful way. It can at least begin to address some of the problems that many of us have articulated with regard to reform for some time.

Again, the way to accomplish regulation reform is not through a sweeping moratorium that halts the progress of the good along with the bad. We should always be wary of temporary ''one-size-fits-all'' solutions that do not address the underlying source of the problem. It is an approach that will have unintended negative consequences. It is our responsibility here in the Congress to distinguish between the rules that are good and necessary and those that must be fixed or scrapped altogether. Clearly, the authors of the moratorium do not seem to feel such a need and would stop even those rules that would have broad-based support. That is what I would like to address this afternoon.

I would like to cite a few examples of the kinds of rules that a moratorium would have stopped, had it passed. Fortunately, because the moratorium, as I said is dead, we do not have to worry about it. But had a moratorium been passed, these types of rules would have been detrimentally affected. I want to address those briefly this afternoon.