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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, March 28, 1995, at 12:30 p.m.

Senate

MONDAY, MARCH 27, 1995

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend John Lloyd Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Senate and Lord of our lives, as we begin a new week filled with opportunities masquerading as complex problems, we claim Your promise, ''Call on Me, and I will answer you, and show you great and mighty things which you do not know.''—Jeremiah 33:3. So we press on with confidence to the work ahead. Irrespective of the intensity of our problems, You are with us. The bigger the problems, the more of Your abiding presence we will receive. The more complex the problems, the more advanced will be the wisdom You offer. Equal to the strain of each problem, will be the strength You release.

We ask for a fresh anointing of Your spirit. Our talents, training, and experience are insufficient to deal with the problems we face. We need Your x-ray discernment into the potential blessing wrapped up in what we call problems. Endow us with vision to see clearly the solutions we would not have discovered without Your help. Give us courage to follow Your guidance. Make us lodestar leaders who are on fire with enthusiasm. Set us ablaze with greater patriotism for our country and deeper commitment to our calling to be courageous problem-solvers by Your grace and guidance. Then make us compelling communicators who are able to share Your solutions and inspire others.

Thank you, Lord, for a week filled with serendipities, Your interventions to help us live at full potential for Your glory. Through Jesus Christ our Lord. Amen

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, I want to announce to my colleagues that there will be a period for morning business until the hour of 11:30 a.m. with Senators permitted to speak therein for up to 5 minutes each. Senator THOMAS will be recognized for up to 10 minutes.

At 11:30 we will begin 6 hours of debate on the subject of S. 219, the moratorium bill. There will be no votes during today's session, though I hope, if Members on either side have amendments which might be acceptable, that they will come to the floor and offer those amendments. Otherwise, there will be general debate.

Then on tomorrow at 10 o'clock we will be back on S. 219, the moratorium bill.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 10 minutes.

Mr. THOMAS. Thank you very much, Mr. President.

SELF-EMPLOYMENT TAX CREDIT

Mr. THOMAS. Mr. President, I rise to talk a little bit about the self-employment health insurance tax credit that was passed last Friday. This was the right thing to do. This was something that we needed to do and need to continue so that it will be retroactive for this tax year.

But I want to make the point that we have not finished yet. Last Friday was simply a reinstatement of what we have had in the past. But we need to go further. Last Friday's bill reinstates the 25-percent tax deduction for premiums on health care insurance for 1994 and increases the deduction to 30 percent for tax years beginning in 1995 and thereafter.

This is a very important issue, a very important item to Americans, and a very important item to health care. There are 12 million self-employed business men and women across this country, 19,000 of whom reside in Wyoming. These business men and women can now proceed with the filing of their 1994 tax returns knowing that a portion

• This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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of their health insurance can be deducted. April 15th is grim enough, of course, with Uncle Sam digging deeper and deeper into the pockets of the American people. At least Congress can make it a deduction that is retroactive and finally make it permanent. That is the least that can be done because self-employed business owners, 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, prohibiting the use of 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 to do those incremental 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.

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 PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Morning business is now closed.

REGULATORY TRANSITION ACT OF 1995

The PRESIDING 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 about $581 billion, by some sources. It is hard to figure 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 not been well thought out, or 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.

So 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 a lot of 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. Many of those regulations had been held up during the previous year. It happened to be an election year, and they were held up and published in the Federal Register on November 14.

So we wanted to stop those or at least we wanted to have a chance to

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. It expires 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 bipartisan 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. All too often 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.

The alternative 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 regulations. Congress 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 sine 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 calendar is enabled 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 discharges the committee from further consideration of the resolution 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 moved to proceed to the resolution of 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 passes one body, it is eligible for 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 veto 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 had the pleasure of working 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 from Nevada 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 sit down and tell some of the 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.

Randy 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 as the Montana loggers, 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.

Randy 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 Espanosa: 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.

Robert 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 statements from folks who testified at that committee hearing as they were given to me.

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 saw mill industry. My son, Alan is the third generation in the business and works with me.

We have a logging and sawmill operation that can be operated by two or ten men, but with OSHA standards and Workmans Compensation rates, there is no way we can hire one man. You wonder why there is so much unemployment? Its called cause and effect.

The rules and regulations that OSHA has at this time are so far out of line that they will break every small operator.

Sure, our business is dangerous but so are a lot of other industries and sports.

We are professionals in our business and we have an excellent Safety Team in the Logging 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 they are trying to prevent.

When they break us all—they will have to feed us because surely 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 for a logging company in the state of Idaho, I work 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 diesel to start fires anymore and that we can't fuel any of our machines with the engines running. Do you people realize that you are talking to adults not five year old kids. 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 as least let's us use some common sense.

Sincerely,

TERRY STREETER,
Foreman, Babbitt Logging, Inc.

Senator Burns, members of the committee: My name is Paul Tisher. I live in Libby, Montana, My partner's name is Paul Brown and we own and operate TBC Timber, a small family-owned business. We've been in business for 15 years and have nine employees other than ourselves. We are (also) working members of our crew.

One of the new rules which concerns us most is under D. General Requirements #5 called Environmental Conditions. It read: All work shall terminate and each employee shall move to a place of safety when environmental conditions, such as but not limited to, electrical storms, high winds, heavy rain or snow, extreme cold, dense fog, fires, mudslide and darkness may endanger an employee in the performance of their job. Senator, the interpretation of these conditions can mean many things to different people. I can tell you, there have been many times when our crew has had to sit out a storm, whether it be wind, rain, or snow. But, the weather will be what it will be, and we as stewards of this land will be out there in the elements to support our families and sustain our communities.

Another proposed rule that ties in with these environmental conditions is under Tree Harvesting #2 Manual Felling Section #3. It reads: Each tree shall be checked for accumulations of snow and ice. Accumulation of snow and ice that may create a hazard for an employee shall be removed before felling is commenced in the area or the areas shall be avoided. I hope that OSHA didn't intend for us to remove the snow and ice by ourselves, especially knowing that this would create an even greater hazard. That leaves us with the two things that usually remove snow and ice from trees, and that is wind or rain. Senator, this really becomes confusing at this point. We can't work if there's too much snow or ice in the trees. So we finally get a good hard rain or some chinook winds that remove all the snow and ice, but we can't work under these conditions either. Then as conditions turn colder it starts to snow and we get more build up in the trees. This can go on for six or seven months in Montana and leaves us wondering how we're going to be able to work under this type of rule.

Who from OSHA can determine if conditions are too dangerous to work in? What degree of wind, rain, snow, cold or fog will constitute a total shutdown or the ensuing penalties if operations are still working when they arrive. What experience do they have in logging procedure and working with outdoor elements that tell them one or more of these conditions is too dangerous? We feel that the decisions on Environmental Conditions should be left to the people who make their living doing this and not by the Federal Government.

Being members of the Montana Logging Association, we as a crew have all had training in First Aid, CPR, Blood Borne Pathogens, Material Safety Data, and Safe Operating Procedures. This training is done annually and is a key to recognizing unsafe or potentially unsafe conditions. Holding ourselves to these standards has become the norm in this profession we call logging.

Having said that, I would like to comment on a procedure used by OSHA compliance officers during a jobsite visit. That is the use of a video camera when questioning employers and employees about the training they have had in reference to what I just talked about. This, ''Camera In Your Face'' session gives one the feeling that you've already done something wrong or why would the want to get it on film in the first place. I am sure that somewhere, in all of the many hours of training we have had, someone will forget something, but that doesn't mean all of a sudden we are in a hazardous situation. With the camera rolling and knowing that the wrong answer to a question can result in a training violation and cost an employer up to $7000 per violation and also knowing that you haven't done anything wrong and that you're not in a hazardous situation nor have you created a hazardous situation for a fellow worker, is frustrating and intimidating to the point that the easiest of answers can be forgotten.

Senator, logging always has been and always will be a dangerous occupation. We do not take this lightly. It is very clear to us that training for, and providing a safe work place will not only send us all home safely every night but it is also essential for a company to stay in business. If we believe in and practice these things then why do we need the Federal Government to enforce what is already being done. Common sense has been around a lot longer than OSHA and it will be on the job when OSHA isn't. Please Senator, lets not put any more rules into place that would jeopardize the use of good common sense.

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 fellow yet, who 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 found out—and I am not a logger. I have been in the woods a little 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. In other words, when you take down a tree, you have to use the Humboldt cut. I had not heard of that. And neither, by the way, had the guy who wrote the rules. He said he just heard about it but he was not really familiar with what a Humboldt cut was. Basically, when you fell a tree, it is to prevent a kickback when the tree goes down. And that happens every now and again. In a select cut, no matter how remote or how steep, that tree can only be taken by mechanical means. Now, in some places you just do not get mechanical harvesters. What do you do? You let the tree 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 with basically very little 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, ''Good Heavens, Senator, we never would get a law in place,'' at which I just grinned. I rested my case. Sometimes we should not have some of these laws passed. Maybe it should take a little longer. Maybe they should be debated a little more.

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 wonder 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 business.

So I thank any 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 rulemaking, 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 are supposed 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 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—once you 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 them out. 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 with in 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 I am saying, 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 congratulate my friend from Nevada, Senator REID, and my friend from Oklahoma. I wish his Oklahoma State Cowboys a lot of luck come this weekend.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). 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. He has had 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 this. 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 and improved dramatically 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.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, tomorrow, pursuant to the order—the bill not being before the Senate today—an amendment will be offered by the senior Senator from Oklahoma and this Senator as a substitute to S. 219. 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.

We have, Mr. President, an airline industry that has the greatest safety record in the world; food that meets very safe 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 businessowners must hire legal departments—and I do not say ''lawyers''; 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

comply with the labor laws, the environmental laws, the tax laws. The reality has led Americans to become frustrated and skeptical of their Government as a result of overregulation.

In a survey conducted by the Times Mirror, they found that, since 1987, the number of Americans who believe regulations affecting businesses do more harm than good has jumped from 55 to over 63 percent. It was not very good in 1987. It has only gotten worse, though.

Why are we concerned?

Well, Mr. President, if we look at the new regulations that have been promulgated by Federal agencies—and this does not count State and local agencies; we are not going to have any impact on that.

But I have in my possession, and I show the Presiding Officer, regulations received since the 9th day of November 1994, that are economically significant, and those that are not economically significant.

Remember, for us, those are terms of art. For the American public, they are not. We are talking about those that are economically significant, to be over $100 million.

But look at them—page after page of these regulations. Those that are economically significant, 3 pages; those not economically significant, 12 pages of fine print.

Market promotion program regulations; Department of Defense selection criteria for clothing and realigning military installations. It covers everything. Protest disputes and appeals.

I would like to read that in more detail.

Wool and mohair payment programs for shorn wool, wool and unshorn lambs, and mohair, even though, as you know, Mr. President, we repealed the law, but we are still promulgating regulations in that regard.

Here is one that 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 Thanksgiving, is it really fresh? We have regulations promulgated on that.

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

So I 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 reason, for thinking that regulations do more harm than good.

I believe, Mr. President, that if you look at some, I should say, 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 people understand, I am not against all regulations. I just want some commonsense 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 regulations, about when you go to the airport and they have overbooked the airplane and you wanted to go across the country; 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 important, because we have had outlandish regulations.

A company, Amoco York County Refinery, was required to spend $31 million to reduce a small amount of benzene from its wastewater treatment plant when it could have reduced five times as much benzene elsewhere in the refinery at a cost of only $6 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 regulatory scheme that is in our substitute is that there will be fewer regulations promulgated because they know there will be a legal setup, a legal framework to review these regulations.

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 introduced legislation last year that passed the Senate and was killed in conference that would have put dollar limits on regulations.

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

I believe the way to eliminate many of these problems is to establish a safety mechanism that will enable Congress 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 indicated I have cosponsored with Senator NICKLES, goes a long way toward accomplishing this goal in a bipartisan fashion. I think this is important because I believe Americans want Congress to work together to make their Government work for them and not against them.

This bill, in my opinion—our 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 if we can get this 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 unnecessary regulations. The mechanics of this bill have been explained extremely well by the Senator from Oklahoma, and I am going to touch on it briefly.

It provides a 45-day period for Congress 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 Congress to hold Federal agencies accountable before they become law and start impacting the regulated community.

Mr. President, if the rule does not meet the $100 million threshold, the regulation will go into effect but will still be subject to fast-track review. Even significant regulations may go into effect immediately if the President, 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 judicial review.

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

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 Presiding 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 scholars, 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 Naturalization Service v. Chadha was that Congress had excluded the President altogether from its repeal of the Kenyan's stay of deportation. By sending any ''resolution of disapproval'' to the President for a final decision, Congress sidesteps the separation-of-power questions raised by the Chadha case.

So we are covered legally in this matter. If, during the course of the debate, we need to get into more legal argument, I will be happy to talk to the chairman of the Governmental Affairs Committee, or anyone else concerned.

Mr. President, I believe that this is a significant step forward from the underlying bill. I believe this substitute will allow an orderly process whereby we can review regulations that the

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 this 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 this body and, hopefully, when the matter goes before the conference, they will see the wisdom of adopting this very workable procedure to rein in runaway Government bureaucracy.

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 had a chance to listen to it because I think it is well reasoned and shows there is bipartisan support for, 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, just as 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.

1. 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 unwisely weighing down our people, our businesses, and our State and local governments. Too often, Federal agencies are getting away with sloppy work that ends up costing jobs and economic growth across our great country. Yes, we need regulatory reform. But no, we do not need the regulatory moratorium.

The moratorium legislation has been described as providing a brief time out for agencies to pause and reflect on their regulations. It is, however, much more than that. It basically stops work on all significant regulations and related policy statements and guidance for as much as 19 months. The moratorium period is retroactive from November 9, 1994, through December 31, 1995, with an additional 5-month delay; that is, until the end of May 1996 for statutory or judicial deadlines for agency action.

This moratorium is unprecedented, and just plain wrong. It would stop good and bad regulations, alike. It's the old story of the thoughtless, stupid parent throwing out the baby with the bath water. I hope my remarks today will help my colleagues appreciate the heavy, heavy price that would be paid by the American people for this bill—death, injuries, disease, accidents, lost wages, lost investment, lost opportunities. A heavy price, indeed, for a freeze that fixes nothing.

Again, at what price. Just before coming to the floor, I met with Nancy Donley who every day relives the loss of her child to an E. coli infection caused by tainted hamburger. USDA's reform of its meat inspection regulations would be stopped by the moratorium. I don't think there is one supporter of the moratorium who would dare look Mrs. Donley in the eye and say that we should stop the very rules that can save other families from the horrible tragedy she, and hundreds of other parents like her, have suffered.

The moratorium is wrong, just plain wrong.

Before I discuss the bill in detail, let me make one point very clear. Tomorrow, when the bill is formally taken up, I understand that its proponents will offer a substitute amendment. They will seek to replace the moratorium provisions with a proposal for a congressional veto of regulations. I want to be sure that my colleagues understand what is going on here.

First, the plan for the substitute amendment shows that the proponents of the moratorium have finally realized how bad the moratorium really is. While they apparently cannot admit to its stupidity, they also cannot bring themselves to fight for it. So, they want to hide behind something new, something different, something that will not be ridiculed—and with the understanding that if the Senate passed it, there would be a conference with the House, in which the House-passed moratorium would be negotiated. Since conference reports are unamendable, this is a strategy for bringing to the Senate a moratorium that cannot be fixed. It is a blatant attempt to get through the back-door what the Republicans are now too ashamed to bring through the front-door—where it would be subject to sunshine and amendment.

As for the planned substitute, it is a legislative veto for rules. Versions of this proposal are found in current regulatory reform bills.

In fact, the Committee on Governmental Affairs, on which I serve, just last Thursday, March 23, voted unanimously—15 to zero, all the Republicans and all the Democrats—in favor of a legislative veto as an essential element in our comprehensive bipartisan regulatory reform bill. Let me add that for this larger accomplishment, the entire Senate owes a great deal of thanks to our committee chairman, Senator ROTH of Delaware. He has shown real leadership in fashioning a tough, very tough, bipartisan regulatory reform bill. This is the real reform bill that we should be discussing, not the moratorium.

Now, the legislative veto proposal, itself, is not a new idea. It is, I think, safe to say that it owes more to one of our colleagues, than to anyone else now in the Senate. The legislative veto is truly the brainchild of my good friend and colleague from Michigan, CARL LEVIN. Senator LEVIN has, since he came to the Senate 17 years ago, repeatedly proposed and argued for the legislative veto. Each and every version being considered in this Congress amounts to yet another revision of the Levin proposal of 1979.

I support the legislative veto. It will mean a significant increase in our work—we must all realize this fact—but it keeps accountability where it belongs—here, in Congress. Also, as a part of a comprehensive reform of the regulatory process, the legislative veto can play an important role in providing review and accountability. At the same time, it avoids endless litigation and extensive judicial review, which is a major problem, indeed a fatal flaw, in other regulatory reform proposals.

So, again, I support the legislative veto. But I do not support it as a moratorium substitute—not at all. First, we should not deal with the legislative veto as a stand-alone bill, because, as I said, it is in, and should be considered in the context of, the regulatory reform bills now moving toward the floor. Second, and even more importantly, it would be very dangerous for us to vote for the legislative veto as a substitute for S. 219. As I already said—the House has enacted a moratorium proposal.

If we pass S. 219, whatever its contents, it will be conferenced with the House-passed moratorium bill. We

should not allow this result. We must not allow support for the legislative veto to divert us from the profound dangers of the underlying moratorium proposal.

To avoid this result, and whatever happens with any substitute, the entire Senate should go on record opposing any conference report that might contain any moratorium.

2. THE LEGISLATIVE RECORD OF THE REGULATORY MORATORIUM

Let me now review the moratorium proposal and what we discovered in considering this bill in the Governmental Affairs Committee.

The proposal originated in the House as H.R. 450. I ask unanimous consent to insert into the RECORD copies of two articles from the Washington Post, ''Forging an Alliance for Deregulation,'' dated March 12, 1995, and ''Truth Is Victim in Rules Debate,'' dated March 19, 1995, as well as a Post op-ed, by Jessica Matthews, dated March 5, 1995.

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

[From the Washington Post, Mar. 12, 1995]

FORGING AN ALLIANCE FOR DEREGULATION—REPRESENTATIVE DELAY MAKES COMPANIES FULL PARTNERS IN THE MOVEMENT

(By Michael Weisskopf and David Maraniss)

The day before the Republicans formally took control of Congress, Rep. Tom DeLay strolled to a meeting in the rear conference room of his spacious new leadership suite on the first floor of the Capitol. The dapper Texas Congressman, soon to be sworn in as House majority whip, saw before him a group of lobbyists representing some of the biggest companies in America, assembled on mismatched chairs amid packing boxes, a huge, unplugged copying machine and constantly ringing telephones.

He could not wait to start on what he considered the central mission of his political career: the demise of the modern era of government regulation.

Since his arrival in Washington a decade earlier, DeLay, a former exterminator who had made a living killing fire ants and termites on Houston's wealthy west side, had been seeking to eradicate federal safety and environmental rules that he felt placed excessive burdens on American businesses.

During his rise to power in Congress, he had befriended many industry lobbyists who shared his fervor. Some of them were gathered in his office that January morning at the dawn of the Republican revolution, energized by a sense that their time was finally at hand.

The session inaugurated an unambiguous collaboration of political and commercial interests, certainly not uncommon in Washington but remarkable this time for the ease and eagerness with which these allies combined. Republicans have championed their legislative agenda as an answer to popular dissatisfaction with Congress and the federal government. But the agenda also represents a triumph for business interests, who after years of playing a primarily defensive role in Democratic-controlled Congresses now find themselves a full partner of the Republican leadership in shaping congressional priorities.

The campaign launched in DeLay's office that day was quick and successful. It resulted last month in a lopsided vote by the House for what once seemed improbable: a 13-month halt to the sorts of government directives that Democrats has viewed as vital to ensuring a safe and clean society but that many businesses often considered oppressive and counterproductive. A similar bill is under consideration in the Senate, where its chances of approval are not as certain.

Although several provisions of the ''Contract With America'' adopted by Republican House candidates last fall take specific aim at rolling back federal regulations, the moratorium was not part of that. In fact, as outline that day in DeLay's office by Gordon Gooch, an oversized, folksy lobbyist for energy and petrochemical interests who served as the congressman's initial legislative ghost writer, the first draft of the bill called for a limited, 100-day moratorium on rulemaking while the House pushed through the more comprehensive antiregulatory plank in the Contract.

But his fellow lobbyists in the inner circle argued that was too timid, according to participants in the meeting. Over the next few days, several drafts were exchanged by the corporate agents. Each new version sharpened and expanded the moratorium bill, often with the interests of clients in mind—one provision favoring California motor fleets, another protecting industrial consumers of natural gas, and a third keeping alive Union Carbide Corp.'s hopes for altering a Labor Department requirement.

As the measure progressed, the roles of legislator and lobbyist blurred. DeLay and his assistants guided industry supporters in an ad hoc group whose name, Project Relief, sounded more like a Third World humanitarian aid effort than a corporate alliance with a half-million-dollar communications budget. On key amendments, the coalition provided the draftsman. And once the bill and the debate moved to the House floor, lobbyists hovered nearby, tapping out talking points on a laptop computer for delivery to Republican floor leaders.

Many of Project Relief's 350 industry members had spent the past few decades angling for a place of power in Democratic governing circles and had made lavish contributions to Democratic campaigns, often as much out of pragmatism as ideology. But now they were in the position of being courted and consulted by newly empowered Republicans dedicated to cutting government regulation and eager to share the job.

No congressman has been more openly solicitous in that respect than DeLay, the 47-year-old congressional veteran regarded by many lawmakers and lobbyists as the sharpest political dealer among the ruling House triad that includes fellow Texan Richard K. Armey, the majority leader, and Speaker Newt Gingrich of Georgia.

DeLay described his partnership with Project Relief as a model for effective Republican lawmaking, a fair fight against Democratic alliances with labor unions and environmentalists. ''Our supporters are no different than theirs,'' DeLay said of the Democrats. ''But somehow they have this Christ-like attitude what they are doing [is] protecting the world when they're tearing it apart.'' Turning to business lobbyists to draft legislation makes sense, according to DeLay, because ''they have the expertise.''

But the alliance with business and industry demonstrated in the push for a moratorium is not without peril for Republicans, many GOP strategists acknowledge. The more the new Republican leaders follow business prescriptions for limited government in the months ahead, the greater the risk that they will appear to be serving the corporate elite and lose the populist appeal that they carried with them into power in last November's elections.

William Kristol, a key Republican analyst whose frequent strategy memos, help shape the conservative agenda, said the way congressional leaders deal with that apparent conflict could determine their prospects for consolidating congressional power. ''If they legislate for special interests,'' he said, ''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 biology 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 Albo Pest Control, a little outfit 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 houses. 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 at first considered a dangerous 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 government 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 and fair society. The greater 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 sewerage.

DeLay nonetheless was gaining notice in the world of commerce. Businessmen would complain about the cost of regulation, which the government says amounts to $430 billion 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 chits was to raise campaign funds for other candidates. The large number of open congressional seats and collection of strong Republican challengers offered him an unusual opportunity. He turned to his network of business friends and lobbyists. ''I sometimes overly prevailed on'' these allies, DeLay said.

In the 1994 elections, he was the second-leading fund-riser for House Republican candidates, behind only Gingrich. In adding up contributions he had solicited for others, DeLay said, he lost count at about $2 million. His persuasive powers were evident in the case of the National-American Wholesale Grocers Association PAC, which already had contributed $120,000 to candidates by the time DeLay addressed the group last September. After listening to his speech on what could be accomplished by a pro-business Congress, they contributed, another $80,000 to Republicans and consulted DeLay, among others, on its distribution.

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

At the center of the campaign network was Mildred Webber, a political consultant 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 challengers, drafting talking points for the neophyte candidates and calling the lobbyist bank when they needed money. Contributions came in from various business PACs, which Webber bundled together 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 beer lobbyist. ''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 Competitiveness in the Bush administration under fellow Hoosier Dan Quayle. McIntosh won and was named chairman of the House regulatory affairs subcommittee. He hired Webber as staff director.

It was with the lopsided support of such Republican freshmen 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 73 newcomers.

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 40 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, at their first post-election meeting, discussed the need for an immediate move to place a moratorium on federal rules. More than 4,000 regulations were due to come out in the coming months, before the Republican House could deal with comprehensive antiregulatory legislation.

DeLay agreed with the business lobbyists that a regulatory ''timeout'' was needed. He wrote a letter to the Clinton administration Dec. 12 asking for a 100-day freeze on federal rule-making. The request was rejected two days later by a mid-level official who described the moratorium concept as a ''blunderbuss.'' DeLay then turned to Gooch to write legislation that would do what the administration would not.

At the Jan. 3 meeting in DeLay's office, Paul C. Smith, lobbyist for some of the nation's largest motor fleets, criticized Gooch's draft because it excluded court-imposed regulations. He volunteered to do the next draft and came back with a version that addressed the concerns of his clients. Under court order, the EPA was about to impose an air pollution plan in California that might require some of Smith's clients—United Parcel Service and auto leasing companies—to run vehicles on ultraclean fuels, requiring the replacement of their fleets.

Smith removed the threat with a stroke of his pen, extending the moratorium to cover court deadlines. He also helped Webber add wording in a later amendment that extended the moratorium from eight to 13 months.

Peter Molinaro, a mustachioed lobbyist for Union Carbide, had a different concern: He wanted to make sure the moratorium would not affect new federal rules if their intention was to soften or streamline other federal rules. The Labor Department, for example, was reviewing a proposal to narrow a rule that employers keep records of off-duty injuries to workers. Union Carbide, Molinaro noted in an interview, had been fined $50,000 for violating that rule and was eager for it to be changed.

For his part, Gooch wanted to make sure that the routing, day-to-day workings of regulatory agencies would not be interrupted by a moratorium. His petrochemical clients rely on the Federal Energy Regulatory Commission to make sure natural gas and oil, used in their production processes, flow consistently and at reasonable rates.

Gooch said he had ''no specific mission'' other than helping DeLay. ''I'm not claiming to be a Boy Scout,'' he added. ''No question I thought what I was doing was in the best interests of my clients.''

THE WAR ROOM

On the first day of February, 50 Project 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 lining up a sufficient number of Democratic cosponsors. 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 participants, was assigned to a Project Relief lobbyist, often one who had an angle to play.

The nonprescrition 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 official whose firm is based in Greenville, S.C., targeted South Carolina congressman John M. Spratt Jr.

Federal Express, with its Memphis hub, took Tennessee's John S. Tanner. Southwestern Bell Corp., a past campaign contributor to Blanche Lambert Lincoln of Arkansas, agreed to contact her. Retail farm suppliers 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 advised lawmakers on the eve of debate Feb. 23 that this was a key vote, one that would 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 respond to challenges from Democratic opponents. His rapid response team included Smith, the motor fleet lobbyist, to answer environmental questions; James H. Burnley IV, an airline lobbyist who had served as transportation secretary in the Reagan administration, to advise on transportation rules; and UPS lobbyist Dorothy Strunk, a former director of the Occupational Health and Safety Administration, to tackle workplace issues. Project Relief chairman Gates and lobbyists for small business and trucking companies also participated.

When Republicans leaders were caught off guard by a Democratic amendment or alerted to a last-minute problem by one of their allies, Smith would bang out response on his laptop computer and hand the disk to a McIntosh aide who had them printed and delivered to the House floor.

The final vote for the moratorium was 276 to 146, with 51 Democrats joining DeLay's side. Still 14 votes short of the two-thirds needed to override a veto, the support exceeded the original hopes of Project Relief leaders.

One week later, DeLay appeared before a gathering of a few hundred lobbyists, lawmakers and reporters in the Caucus Room of the Cannon House Office Building to celebrate the House's success in voting to freeze government regulations and, in a pair of companion bills, curtail them. He stood next to a five-foot replica of the Statue of Liberty, wrapped from neck to toe in bright red tape, pulled out a pair of scissors, and jubilantly snipped away.

Standing next to him, brandishing scissors of his own, was the chairman of Project Relief.

[From the Washington Post, Mar. 19, 1995]

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

(By Tom Kenworthy)

As Congress wages war on the federal regulatory system, anecdotal evidence of nonsensical rules and innocent victims has been a powerful weapon in the push to enact measures that will temporarily halt rule-making, protect property owners and ensure new regulations are worth the cost.

Many of these purported examples, however, have the ring of truth, but not the substance.

Consider the ''regulatory overkill'' cited by Rep. Michael Bilirakis (R-Fla.) during 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 Environmental Protection Agency since 1976. The drinking water standard is now not two or three parts per billion, but 50 parts per billion. And according to EPA officials, the arsenic found in water and the arsenic found in shrimp and other seafood are chemically quite different. The type of arsenic found in seafood is organic; in water, arsenic is predominantly inorganic, and far more toxic.

Bilirakis, a former judge, declined a request for an interview, but his press spokesman explained that Bilirakis relied on his colleague, Rep. John L. Mica (R-Fla.), whose use of the shrimp example during a congressional hearing last year was reported in The Washington Post.

While rhetorical exaggerations or sloppy staff work are not new phenomena in congressional debates, the determination of

House Speaker Newt Gingrich (Ga.) and other Republican leaders to 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 an unusually short period. And nothing in the contract deals with an area as complicated as regulatory reform or generates as much apocryphal rhetoric on both sides.

Veteran Democrats, who in some cases helped write the regulations now under attack, warned their colleagues during the debate of the consequences of moving so quickly. Rep. John D. Dingell (D-Mich.) said of the regulatory moratorium: ''The unknown and unintended consequences caused by the hurried consideration 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 but tests show it causes one 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 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 deals with carcinogens that could show up in 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. Changes of this magnitude should be based on a vigorous debate with all of the facts on the table. What we saw was instance after instance of stories that don't even 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 if a portion of their property loses 20 percent or more of its value because of rules governing wetlands, endangered species and other environmental restrictions—was also fertile ground for embellished anecdotes.

During the House debate, Rep. W.J. ''Billy'' Tauzin (D–La.), a leading advocate of the property rights 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 Gautreaus, said Tauzin, built a home after getting approval 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. According to Tauzin, the Corps then swept 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. In testimony prepared last week for delivery to a House task force on wetlands, Chaconas said he strongly supports wetlands regulation. He said he was victimized not by the government but by the Gautreaus, and that now his family ''is being played as pawns by politicians to justify their opposition to current wetlands law.''

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 being advised 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.

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

HORROR IN THE HOUSE

(By 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 the 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 only on pineapples. (Truth: 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 them, thereby cleaning its sewage by the required 30 percent. (Truth: No one had to add fish wastes to the water—that's how they've been routinely disposed of. The 30 percent standard is the price of being exempted from secondary sewage treatment. Anchorage's complaint is about having to meet the most basic primary treatment standard.)

There is also the OSHA 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—and ignored—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 the balanced budget amendment, it is in part an admission of failure. Out of frustration at its inability to correct those laws and regulations that are flawed, Congress has grabbed at a measure to indiscriminately weaken all regulations, good and bad.

Far more perniciously, the bill is also a blackdoor attempt to undo 35 years of environmental progress, a step for which there is so little public support that it would never be attempted frontally. Do not be misled. The measure effectively repeals the Clean Air Act, the Clean Water Act and every other statute that makes health, safety or environmental protection the guiding standard. If it becomes law, cost-effectiveness and ''flexibility'' (left undefined for the courts to figure out) will replace those standards.

What cost-effectiveness and flexibility appear to mean, in the opinion of former Republican senator Robert Stafford, is that providing asthma drugs to children who go to school near a paper mill could be the preferred choice over pollution controls on the mill. Former interior secretary James Watt's hat and suntan lotion solution to ozone depletion also leaps to mind.

The bill tries to pin down the Gulliver of government regulation in the worst possible way—with analyses, paperwork and endless opportunities for delay in the courts. It requires 22 separate analyses before a regulatory action. It opens 60 new bases for judicial challenge. EPA things the agency would need nearly 1,000 additional employees to fulfill its requirements.

Cost-benefit analysis is made a rigid, one-size-fits-all solution to every regulatory choice. While it is a modestly useful aid to decision-making, cost-benefit analysis cannot bear this burden. It does not reduce one whit the scientific and economic uncertainties that bedevil regulatory disputes, nor sidestep the need for value judgments. All its does is to put the guesswork into a formal analytical framework.

At the end, however, an assumption is an assumption no matter how sophisticated the mathematical trappings. The answers 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 judgment can provide because any factor to which a number cannot be attached must be dropped 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.

This latest bit of 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, bureaucratic heavy-handedness—and makes them worse. It lessens regulators' opportunities to use common sense and makes them personable liable to huge fines for such crimes as ''misallocating resources.'' It turns normal conflict-of-interest provisions inside out. Its intent 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 what Americans want. But genius and the trap of Gingrich's 100-day deadline is that not only is there no time for legislators to understand what they're doing, neither the media nor the public can keep up. Major bills fly out of committee and onto the floor in a day or two and before anyone has taken a close look at one, another has taken its place. The House bill has a close match in the Senate sponsored by Majority Leader Robert Dole. And while the administration has made noises about a veto, so far the silence from the bully pulpit has been deafening.

Plenty of laws and regulations need reform. There's only one way to achieve it—the old-fashioned way, one law at a time, individually, on the merits.

Mr. GLENN. These articles show how the moratorium sprung from the minds of people intent not on a better or smarter Government, but a dumber Government—slow, inefficient, less likely to act on behalf the public interest.

A review of the progress of the House bill confirms my view 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 exemptions ranged 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:

> Senator 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 hearing 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 the impact of the moratorium on USDA regulations. Witnesses from the Department of Transportation and the Food and Drug Administration described specific health and safety rules that would be stopped by the moratorium. Examples of such rules from other agencies provided a clear picture of the potential destructive impact of the moratorium on important government actions on behalf of public health and safety.

While other witnesses told of regulations that certainly should be reviewed, if not rescinded, the thought of stopping all rules, including the meat inspection rules, in an effort to get at those bad rules, was simply not convincing. And ironically, one witness pointed out that the revised moratorium proposal before the committee would only stop significant rules, the very rules that already undergo the most rigorous regulatory analysis under Presidential Executive order.

Finally, Sally Katzen, Administrator of OMB's Office of Information and Regulatory Affairs [OIRA] told of 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 about requirements for 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 legislative 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 ask Senator PRYOR from 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.

Fourth, an exemption for any rule to enforce ''statutory rights that prohibit discrimination on the basis of race, religion, sex, age, 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.

Ninth, an exemption for negotiated rulemakings under the Indian Self-Determination Act Amendments of 1994.

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.''

Even 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 ''protect the public from exposure to lead from house paint, soil or drinking water,'' but rejected an amendment to exempt EPA rules to ''control of microbial and disinfection supplies.'' Why lead and not water—don't my Republican friends recall that Cryptosporidium in drinking water killed over 100 people in Milwaukee, WI, and made 400,000 people sick?

The committee accepted an amendment to exempt rules that would clarify responsibilities among railroad

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 to reform the regulatory process, 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 assessments.

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 constituents 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, however, 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 that we'll 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 when they support the moratorium. I only hope 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 unwielding, 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'' of public land, I am, again, at a loss. 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 passes on snow-covered peaks. As the National Parks and Conservation Association has 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.''

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 the moratorium period'' (no longer action ''made effective'' during the moratorium); extends moratorium period to ''time beginning November 9, 1994, and ending on December 31, 1995, unless an Act of Congress provides for an earlier termination date for such a period.'' limits judicial review language to ''No determination under this Act shall be subject to adjudicative review before an administrative tribunal of court of law.''

(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 agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping, if a Federal law prohibits such activity in the absence of agency action.'' (voice vote, 3/7).

(4) Akaka amendment to exempt ''the promulgation of any rule or regulation relating to aircraft overflights on national parks by the Secretary of Transportation or the Secretary of Interior pursuant to the procedures specified in the advanced notice of proposed rulemaking published on March 17, 1994, at 59 Fed. Reg. 12740 et seq.'' (voice vote, 3/7).

(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 to improve safety, including such an action to improve airworthiness of aircraft engines.'' (voice vote, 3/7).

(7) 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).

(8) Glenn amendment to exempt ''any regulatory action by the Environmental Protection Agency that would protect the public from exposure to lead from house paint, soil or drinking water.'' (voice vote, 3/9).

(9) Thompson amendment to exempt ''any clarification of existing responsibilities regarding highway safety warning devices'' (intended to cover railroad crossings). (voice vote, 3/9).

(10) McCain amendment to exempt actions ''limited to matters relating to negotiated rulemaking carried out between Indian tribal governments and that agency under the 'Indian Self-Determination Act Amendments of 1994 (Public Law 103–413'.'' (voice vote, 3/9).

(11) Grassley amendment to include in the moratorium actions to ''carry out the Interagency Memorandum of Agreement Concerning Wetlands Determinations for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act (59 Fed. Reg. 2920); or any method of delineating wetlands based on the Memorandum of Agreement for purposes of carrying out subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).'' (voice vote, with opposition, 3/7).

(12) Stevens amendment to extend the moratorium to include any action that ''withdraws or restricts recreational, subsistence,

or commercial use of any land under control of a Federal agency, except'' with respect to ''military or foreign affairs or international trade'' or ''principally related to agency organization, management, or personnel.'' and to define ''public property'' as ''all property under the control of a Federal agency, other than land'' (in order to preclude any Presidential exemptions of public land rules under the public property exemption in section 5(F). (accepted 8–5, 3/7).

(13) Glenn amendment to exempt ''any regulatory action to provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses, as provided by the Persian Gulf War Veterans' Benefits Act.'' (accepted 8–6, 3/9).

Rejected:

(1) Glenn amendment to exempt ''any regulatory action to reduce pathogens in meat and poultry taken by the Food Safety and Inspection Service of the U.S. Department of Agriculture, including Hazardous Analysis Critical Control Point (HACCP) regulations.'' (rejected 7–7, 3/7).

(2) Glenn amendment to exempt ''any regulatory action by the Environmental Protection Agency that relates to control of microbial and disinfection byproduct risks in drinking water supplies.'' (rejected 7–8, 3/9).

(3) Glenn amendment to exempt ''any regulatory actions to ensure safe and proper disposal of radioactive waste, as well as any action regarding decontamination and decommissioning of NRC-licensed sites. (rejected 7–8, 3/9).

(4) Levin 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 costs.'' (rejected 7–7, 3/7).

(5) Levin amendment to: Eliminate retroactivity of the moratorium, making the period ''from the date of enactment of this Act until December 31, 1995'' (rather than starting on November 9, 1994); require the President to ''publish in the Federal Register a list of all rules covered by [the moratorium]'' (a one-time reporting rather than a monthly reporting requirement); and limit the moratorium to significant, final rules (no longer extending the moratorium to a ''substantive rule, interpretative rule, statement of agency policy, guidance, guidelines, or notice of proposed rulemaking''). (rejected 7–8, 3/9).

(6) Levin amendment to exempt any deadlines from the moratorium that are statutorily or judicially mandated. (The amendment deletes ''Section 4. Special Rule on Statutory, Regulatory, and Judicial Deadlines''). (rejected 7–8, 3/9).

(7) Levin amendment to delete the five month extension of the moratorium for deadlines. (the current bill states that ''any deadline for . . . any significant regulatory action . . . is extended for 5 months after the end of the moratorium, whichever is later.'') (rejected 7–8, 3/9).

(8) Levin amendment to exempt ''any significant regulatory action which is the consensual product of regulatory negotiation pursuant to the Regulatory Negotiation Act.'' (rejected 7–8, 3/9).

Tabled:

(1) Levin amendment to exempt ''any significant regulatory action which enforces constitutional rights of individuals.'' (Table 8–7, 3/7).

S. 219 as amended was reported out of Committee on March 9, 1995 (vote 6–5).

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,

Washington, DC, March 16, 1995.

DEAR SENATOR: I am writing you on behalf of the General Board of Church and Society, the public policy advocacy agency of The United Methodist Church, to express strong opposition to S. 219, the Regulatory Transition Act.

On March 4, 1995, our Board of Directors from throughout the country stated the following: ''Public protections, such as those dealing with food safety, safe drinking water, worker health and safety, equal educational opportunity, civil rights, motor vehicle safety, toxic pollution, the well-being of children, and health care, are under attack through Congressional initiatives [such as S. 219] to reduce or eliminate federal laws and regulations. We believe the federal government has an important role in protecting the public interest and in improving quality of life. We believe that undermining federal safeguards will cause serious harm to people and the environment. These Congressional initiatives also jeopardize services provided by public charities and religious and governmental entities valued by our society . . . Accordingly, we oppose any actions that might be taken by the Congress to undermine 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 popular cry of cutting red tape lead to the sacrifice of the health and wholeness of our children and God's Creation. Vote no on S. 219.

Sincerely yours,

DR. THOM WHITE WOLF FASSETT,
General Secretary.

THE LEAGUE OF WOMEN VOTERS,
March 16, 1995.

To: Members of the U.S. Senate.
From: Becky Cain, President.
Re: Anti-Regulatory Legislation.

The League of Women Voters is deeply distressed over current anti-regulatory legislation designed to seriously undermine the regulatory process as it applies to health, safety and environmental protections. We urge you to oppose such legislation.

We believe that extreme anti-regulatory measures would subvert the federal government's authority and ability to protect the health and well-being of the American people. For many years, we have watched the progress as the lives of citizens have been improved through the projections provided by federal regulations. By requiring risk/benefit analysis and additional layers of review, the proposed legislation will not streamline regulatory procedures, but will complicate and add years and costs to the regulatory process.

The League of Women Voters has long supported efforts to assure that government provides opportunities for citizen participation in government decision making, promotes the conservation and wise management of natural resources in the public interest and protects the well-being of our citizens—particularly children. We believe that the underlying premise that regulations should be based solely on the basis of their cost to the private and public sectors is fundamentally wrong. It is essential that the benefits to the American people, such as health and safety, be an integral and paramount part of the regulatory process.

The League is equally concerned about the ''takings'' provisions of anti-regulatory proposals. Again, legislation is couched in pro-citizen terms, but would result in a more burdensome regulatory process. The ''takings'' proposals being considered by Congress would require the government to compensate property owners when a government regulation may reduce value by even a small amount. The affected regulations include those that protect the environment, provide for food safety, and protect individual citizens. ''Takings'' legislation could cost federal, state and local governments billions of dollars, while costing citizens their health and safety.

The League of Women Voters urges you to consider thoughtfully and carefully the current anti-regulatory moves on Capitol Hill. While there may be individual regulatory processes that need some streamlining, extremist proposals are not the solution. It is critical that we not lose sight of the purpose of these regulations, which is to provide a cleaner environment and a brighter future for our children. We urge you to vote against extreme anti-regulatory legislation brought before the Senate.

CENTER FOR SCIENCE
IN THE PUBLIC INTEREST,
March 16, 1995.

DEAR SENATOR: On behalf of our more than 800,000 members nationwide, the Center for Science in the Public Interest (CSPI) urges you to oppose S. 219, the Regulatory Transition Act. CSPI is a non-profit consumer advocacy organization that focuses on matters relating to nutrition and health.

We urge you to oppose S. 219 because the bill will prevent government agencies from issuing new regulations that will: Modernize our nation's meat safety inspection system and reduce thousands of deaths now caused by contaminated food; set new nutritional standards for school lunches and improve the dietary habits of our nation's children; establish safety standards for the labeling and packaging of iron supplements, which have caused fatal poisoning in children.

These are just a few of the many essential measures that government agencies should be allowed to take in order to safeguard our health and safety. Efforts to impose a moratorium on new government regulations could cost thousands of American lives. A moratorium means that government agencies responsible for protecting consumer health will be stopped in their tracks and prevented from doing their jobs.

Accordingly, we urge you to oppose S. 219.

Sincerely,

BRUCE SILVERGLADE,
Director of Legal Affairs.

CONSUMERS UNION,
March 16, 1995.

DEAR SENATOR: Consumers Union urges you to vote NO on S. 219, the Regulatory Transition Act of 1995, when it comes to a vote on the Senate floor next week. S. 219 is a bad idea for consumers and for the public health and safety.

S. 219, with few exceptions, would paralyze until the end of this year most agency activities to develop health and safety—as well as other important—regulations.

Among the pending rulemakings that the bill would halt is one by the U.S. Department of Agriculture to deal with deadly bacteria in our meat and poultry supply. You are well aware of the recent, tragic deaths and serious illnesses that have resulted from e. coli bacteria in meat. The Department should be congratulated and encouraged to, not delayed from, dealing with this serious public health problem—and others like it.

Also pending is an Environmental Protection Agency rulemaking to deal with cryptosporidium in public water supplies. This is the bacterium that recently caused one-hundred deaths and four-hundred thousand illnesses when it contaminated Milwaukee's water supply. This proposed testing standard, too, as well as other pending EPA public health rules, would be frozen in mid-process by S. 219.

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,
Codirector.

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 environmental, 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 against 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 an exemption for regulatory activities that present an ''imminent threat to health or safety or other emergency'' or for enforcement of criminal laws. However, the bill does not define an ''imminent threat to health or safety''. Would a regulation that has been in progress for a year be considered an ''imminent'' threat?

The proposed bill places a higher premium on protecting rules for duck hunters than for our children. There is a specific exemption from the moratorium for rules dealing with duck hunting, but when Committee amendments were offered dealing with protections for children, Republicans defeated them. We think that is inappropriate.

The coalition also feels that the moratorium raises serious Constitutional concerns. In one fell swoop, the bill suspends the power of the executive branch to implement laws and of the courts to enforce regulatory adjudication. This bill has enormous repercussions for the separation of powers established under the Constitution and will seriously limit the ability of the President to faithfully execute the laws of the land.

There are many unintended consequences of the bill. For example, an amendment offered by Sen. Stevens (R-AK) adds to the definition of ''significant'' any agency action that in any way ''restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency.'' He stated that he doesn't want commercial activity on public lands to suffer because of the moratorium. However, this would block virtually all pro-environmental agency actions on public lands, including national parks, and would only serve to hurt the environment, permitting as it does new agency rules to accommodate ''forest health'' logging.

Overall, the coalition believes that a regulatory moratorium is a flawed idea. No number of exemptions from the moratorium will be enough to fix the bill.

Discussions are occurring at the present time concerning the substitution of alternative bills such as legislation allowing a Congressional veto of regulations. Under such a plan, the Congress would have 45 days to review final ''major'' rules and then be able to pass a Joint Resolution to disapprove of any such rules. The President could veto the resolution and then the Congress would have authority to override the veto. Such a bill would have a chilling impact on the agency regulatory process and permit powerful special interests to shape regulations by threatening Congressional action. Accordingly, the Coalition opposes such a substitute to S. 219.

CITIZENS FOR SENSIBLE SAFEGUARDS

STATEMENT OF PRINCIPLES

Public protections, such as those dealing with food safety, safe drinking water, worker health and safety, equal educational opportunity, civil rights, motor vehicle safety, toxic pollution, the well-being of children, and health care, are under attack through Congressional initiatives to reduce or eliminate federal laws and regulations. The following organizations believe the federal government has an important role in protecting the public interest and in improving quality of life. We believe that undermining federal safeguards will cause serious harm to citizens. These Congressional initiatives also jeopardizes services provided by public charities and religious and governmental entities valued by our society.

Buried in the Contract with America's rhetoric about shrinking government and rolling back red tape is a plan to undo laws, and safeguards that citizens have struggled long and hard to champion. We strongly support improving laws and safeguards that protect citizens while recognizing the need to reduce unnecessary and red tape. The zeal to minimize regulatory burdens, however, must be balanced with the need to ensure 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 preserved.

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 overseas 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, Natural Resources Defense Council, OMB Watch, Public Citizen, Service Employees International Union, Sierra Club Legal Defense Fund, United Auto Workers, United Cerebral Palsy Associations, United Methodist Church, and US PIRG. OMB Watch chairs the coalition.

Signers (as of 3/3/95):

20/20 Vision; Action 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 Rivers Alliance; Common Agenda Coalition; Communications Workers of America; Community Nutrition Institute; Community Women's Education Project; Consumer Federation of America; Cornucopia Network of 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 Research Foundation; Environmental Working Group; Epilepsy Foundation of America; Families USA; Family Service America; Food and Allied Service Trades Department, AFL–CIO; Food Research and Action Center; Friends Committee on National Legislation; Friends of the Earth; Frontlash; Great Lakes United; Hamlet Response Coalition; Harmarville Rehabilitation Center; Health and Development Policy Project; Helen Keller National Center; Humane Society of the United States; Interfaith Impact; Inter/National Association of Business, Industry and Rehabilitation; International Association of Fire Fighters; International Brotherhood of Teamsters; International Chemical Worker's Union; International Federation of Professional and Technical Engineers; International Ladies' Garment Workers' Union; International Longshoreman's and Warehouseman's Union; International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers; Izaak Walton League of America; James C. Penney Foundation; Justice for All; Kentucky Waterways Alliance.

Ozone Action; Pacific Rivers Council; People For the American Way Action Fund; Philaposh; 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 Council of Washington; Safefood Coalition; Scenic America; Service Employee's International Union; Sierra Club; Sierra Club Legal Defense Fund; Society For Animal Protective Legislation; 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 Electrical, Radio, and Machine Workers of America; 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 Work Adjustment Association; Western Massachusetts Coalition for Occupational Safety & Health; Western New York Council on Occupational Safety and Health; Wider Opportunities for Women; Women Employed; Women of Reform Judiasm, 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,
Washington, DC, March 16, 1995.

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 regulatory action affecting the environment, public health or safety, or impacting the economy by $100 million or more in any calendar year would be halted.

I am writing to urge you to oppose S. 219, the Regulatory Moratorium bill. This legislative bludgeon, adopted by the House in February, would halt major federal environmental programs, such as regulations implementing the Clean Air Act, or establishing new guidelines for mineral development on public lands.

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 Stevens 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, 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.

* * * * *

NATIONAL WILDLIFE REFUGE ASSOCIATION,
March 16, 1995.

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 unchecked resulting in the needless loss and harassment of wildlife and, in some cases, that refuge visitor safety is compromised. Following are examples of scenarios that can be 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 hunting seasons overlap 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. Under current regulations hunters are permitted to shoot at big game in the clearing once out of their vehicles and off the road. Naturally, not all shots connect with their targets and, in the case of more powerful rifles, can conceivably reach the lake. But during the time of season overlap, duck hunters can be found along the edge of the lake. Because of the potential safety hazards, the refuge manager intends to alter hunting patterns during the overlap. The Stevens amendment will make it impossible for the refuge manager to rectify this dangerous situation.

Chincoteague NWR (VA), E.B. Forsythe NWR (NJ): While beach-oriented recreational activities are permitted approximately nine months of the year on these two refuges, the areas must be closed from May through August while piping plovers nest along the beach. Under the Stevens amendment, seasonal closures would be prohibited and recreational activities would be permitted that could seriously impact plover nesting activities.

Crystal River NWR (FL): In wintertime, Crystal River draws nearly a quarter of the known manatee population because of a warm spring that flows into the cooled waters. During this time, the FWS closes the refuge to boating and jet-skiing in an effort to help the manatees avoid being struck by boat and jetski hulls, and cut by hazardous propellers. The Stevens amendment would prohibit this seasonal closing, thereby exposing the concentrated numbers of manatees to increased hazards.

The National Wildlife Refuge System is the only public land system dedicated primarily to the conservation of wildlife. In addition it also provides significant opportunities for recreation including hunting, fishing, wildlife viewing, hiking and other wildlife-dependent activities. By enacting legislation that permits incompatible commercial and recreational activities to continue on our Nation's Wildlife Refuges, the Congress is not only jeopardizing our valuable wildlife resources but also the recreational opportunities that depend on them. Please oppose the Stevens amendment to S. 219.

Sincerely,

GINGER MERCHANT,
Executive Vice President.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, March 16, 1995.

DEAR SENATOR: On behalf of the 2.2 million members of the National Education Association, I strongly urge you to vote against S. 219, the Regulatory Transition Act of 1995.

S. 219 would place a moratorium on a broad range of important federal regulations until December 31, 1995, and retroactively freeze regulations in effect since November 9, 1994. If enacted, S. 219 will undermine and negate many important safeguards and protections for Americans, and lead to confusion and uncertainty among state and local governments and employers attempting to comply with federal laws.

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 currently being developed by the Education Department that are necessary to implement the provisions of the reauthorized Elementary Secondary Education Act;

Education Department 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;

Expected FCC regulations to implement the Children's Television Act; and

Consumer Product Safety Commission protections against choking hazards from toys.

This bill would drastically curtail the ability of the federal government to ensure that workers have safe workplaces; that Americans have safe food, drinking water, and clean air; and that children are protected from a broad range of hazards. NEA again urges that you vote against final passage of S. 219.

Sincerely,

MARY ELIZABETH TEASLY,
Interim Director.

PHYSICIANS FOR SOCIAL RESPONSIBILITY,
Washington, DC, March 16, 1995.

DEAR SENATOR: A proposed freeze on federal regulations (S. 219) and risk assessment legislation (S. 343) would effectively paralyze our national ability to protect the public health. So concludes one of America's leading pediatric and environmental medicine experts, Philip J. Landrigan, M.D., who testified on the severe public health impact of comparable legislation in the House. This legislation would sabotage America's ability to contain deadly, emerging threats such as cryptosporidium in drinking water and particulate air pollution. Public health impacts are critical in evaluating the merits of freezing federal regulations or requiring costly, cumbersome new risk assessments, far in excess of those already used by government agencies. Listed below are just a few reasons why S. 219 and 343 would undermine public health in America and should be rejected:

A freeze and endless studies would grind public health agencies to a halt ''[E]normously cumbersome and extraordinarily bureaucratic requirements imposed on the regulatory process in the name of government simplification will seriously hinder'' the prevention of disease. (House Commerce Subcommittee testimony of Philip Landrigan, M.D., 2/2/95, p. 1, ¶ 3) The goal is to save lives, not to engage in unending study. (Landrigan testimony p. 7, ¶ 1)

A costly new layer of bureaucracy would harm public health A ''dreadful and tragic misuse of legislative power [would] enshrine the false science of quantitative risk assessment as the law of the land,'' creating ''a grossly obese and unnecessary bureaucracy'' that would ''set the stage for disease, disability and untimely death'' in America. (p. 7, ¶ 2)

Less gridlock saves kids; More gridlock hurts workers Removing lead from gasoline is one of the most successful federal efforts ever to protect children's health, saving money and improving Americans' lives. But with a moratorium and the detailed regulatory analysis Congress is considering, we would still have lead in gasoline—and more childhood lead poisoning—today. Meanwhile, additional risk assessment required for an OSHA benzene standard wasted seven years and may have caused nearly 500 workers to die needlessly from leukemia. ''The human consequence of this insistence upon quantitative tidiness has been grim.'' (p. 5, ¶ 6)

Public health regulations save workers' lives and American jobs Contrary to massive job loss claims, public health regulations not only protect workers, but can also help save American jobs by stimulating efficient, less dangerous production (Testimony Addendum p. 2).

Very truly yours,

JOSEPH M. SCHWARTZ,
Associate Director for Policy.

NATIONAL PARKS AND CONSERVATION ASSOCIATION,
Washington, DC.

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 control of a Federal agency.'' This prohibition against rulemaking effectively eliminates the abilities of the Bureau of Land Management, the National Park Service (NPS), 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

National Park System. The NPS is not perceived as a regulatory agency; yet, the NPS depends upon regulations to protect the resources of our national parks. The moratorium would be retroactive to November 9, 1994. Since that time the NPS has issued a number of significant rules, which include: recreational fishing rules for the Everglades National Park that are consistent with state fishing regulations, closure of high visitation areas to hunting at Pictured Rocks National Seashore, protection for archeological resources in all cultural and historical parks, authority to eliminate most solid waste sites within park boundaries, altering approved off-road vehicle areas at Cape Cod National Seashore in order to protect the endangered piping plover, implementing a pre-registration period for mountain climbing in Denali National Park.

NPCA does not believe any of these regulations are overburdensome, nor are they stifling the productivity of the country. These examples demonstrate why the Stevens amendment to S. 219 overreaches.

In addition to the efforts listed above, the NPS is working on regulations that will: require greater environmental compliance at oil and gas development sites within the parks; limit flights over parks where noise and safety have become a concern; limit fishing activities in parks where stocks are becoming depleted; and put in place more stringent limits on solicitation within the boundaries of national park units. These are efforts to improve visitor services, ensure safety, and, most importantly, protect our national heritage.

IMPACTS OF THE REGULATORY MORATORIUM REQUIRED BY THE STEVENS AMENDMENT TO S. 219

NATIONAL PARK SERVICE

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 stalling America's business engine.

Alaska

Denali National Park and Preserve—preregistration requirements for mountain climbing and information for mountaineering activities in the park.

Glacier Bay National Park and Preserve—new regulations to adjust daily number of permitted entries of vessels into the bay; also rules to prohibit commercial fishing within park boundaries.

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.

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.

Idaho

City of Rocks National Preserve—issuance of final comprehensive management plan for the park.

Louisiana

Jean Lafitte National Historic Park and Preserve—temporary closure to address excessive nutria population.

OMB WATCH,
Washington, DC, March 16, 1995.

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 suspends court order deadlines to carry out significant regulatory actions.

The regulatory moratorium is a blunt instrument that has little to do with regulatory reforms and, in fact, the moratorium is a threat to public protections and must be opposed. Every poll, including those of exiting voters last November, shows an electorate that wants 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. Thus, the concept of a moratorium is fundamentally flawed.

The proposed bill also raises serious constitutional concerns by prohibiting the executive branch from implementing the laws of the land and prohibiting the courts from enforcing regulatory adjudications. In selected cases, Congress would let the executive branch implement laws but not without going through a series of bureaucratic hoops. This bill has enormous repercussions for the separation of powers under the Constitution and will seriously limit the ability of the President to faithfully execute the laws of the land.

The moratorium is a means for gutting federal laws and protections. By passing this bill, Congress could undo the implementation of many laws. Conservative Republicans are using the moratorium as a vehicle to stop federal protections until such time as they can pass other laws to dismantle these protections. They have listed laws that they want to rewrite such as the Endangered Species Act, Clean Air and Water Acts, Occupational Safety and Health Act, Truth in Lending Act, and the Community Reinvestment Act.

The effect of this legislation would be to essentially shut government down. This was not the intent of the voters in November. The public wants to streamline government and to make it work more efficiently. But the public also wants improved protections and safeguards. It does not want to throw the baby out with the bath water—which will be the results of a regulatory moratorium.

The moratorium has enormous consequences yet there has been virtually no debate on the proposed bill. The public has a right to know about what Congress is planning and a right to publicly debate these plans. Let's not resort to backhanded approaches, such as the regulatory moratorium, to achieve outcomes that may be inconsistent with popular sentiment.

We urge you to vote against S. 219, the Regulatory Transition Act of 1995.

Sincerely,

GARY D. BASS,
Executive Director.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
March 16, 1996.

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.

This moratorium is extremely far reaching, severely constraining the regulatory abilities of the FDA, EPA, FAA, USDA, DoE, FEC, INS, FCC, and the Transportation, Labor, Health and Human Services, and Housing and Urban Development Departments. In addition, rather than eliminating bureaucracy, this bill will create a new form of delay. For these reasons, a coalition of over 200 national public interest groups has asked the Senate to rethink S. 219 carefully 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. The moratorium will prevent federal agencies from taking actions necessary to protect the public. S. 219 would suspend all final regulations approved by any government agency since November 9, 1994 and prohibit any work on new regulations until December 31, 1995.

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NATIONAL SAFE KIDS CAMPAIGN,
Washington, DC, March 16, 1995.

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 believe this bill jeopardizes regulations that will protect our children from preventable injuries—the number one killer of children ages 14 and under.

Each year, unintentional injuries kill nearly 7,200 children and leave 50,000 disabled. Not only is there a staggering emotional toll to childhood injury, but there is a monetary toll as well—unintentional injuries cost society $13.8 billion annually.

Fortunately, prevention saves lives and money. One dollar spent on a bike helmet saves society $30; one dollar spent on a child

safety seat saves society $32; one dollar invested in a poison control center saves society almost $8; one dollar spent on a smoke detector saves society between $44 and $70. However, prevention fails when safety products are defective.

A fundamental component of successful injury prevention is the sensible regulation of certain consumer products which pose a danger to children. However, S. 219 would undermine the progress being made towards the safe and sensible regulation of products which could harm children.

Specifically, the President is given too much discretion under Section 5(2)(A) to determine whether a regulatory action should be exempted because there is an ''imminent threat to human health or safety.'' The intent of this provision is vague and will result in an additional, unnecessary bureaucratic layer. This provision flies in the face of the intent of the bill—to streamline the regulatory process. Indeed, Section 5(2)(A) could easily delay or stop important regulatory activity that could save children's lives.

S. 219 could result in needless injuries and deaths to children. Responsible regulations such as the children's safety regulations currently under consideration save lives and dollars. These activities and others like them should move forward. Prevention-related regulations which save lives and dollars include:

Requirements for child-resistant packaging for certain household products and medications.

There were 1.2 million reported poison exposures among children ages 12 and under in 1992. The primary source of poisonings were cosmetics, personal care items and cleaning products. Final rules are currently being developed for packaging standards for several household products and prescription drugs.

Safety standards for bicycle helmets to ensure that all helmets sold meet certain accepted effectiveness criteria. Each year, approximately 300 children ages 14 and under are killed in bicycle-related incidents—often as a result of head trauma. Currently, helmets may be sold which do not provide adequate protection against head trauma. At the express direction of Congress, a standard for bicycle helmets drawing from existing voluntary standards is currently being developed.

Performance standards for baby walkers. In 1993 alone, 25,000 children required emergency room treatment due to the use of baby walkers. The Consumer Product Safety Commission (CPSC) is currently working on a Notice of Proposed Rule making to develop design or performance requirements for baby walkers.

Toy labeling and choking reporting regulations. In 1992, there were 142,700 toy-related injuries to children ages 14 and under. The Child Safety Protection Act of 1994 required the Consumer Product Safety Commission to issue rules banning certain small toys, establishing standards for toy labels identifying choking hazards, and requiring the reporting of choking incidents related to toys. The CPSC approved the final rules in February, 1995.

Flammability Standard for Upholstered Furniture. Each year, approximately 1,000 children ages 14 and under die in residential fires. More than 60 percent of these children are ages 4 and under. Playing with matches and lighters is the leading cause of fire deaths and injuries in young children. A substantial proportion of fires are associated with the flame ignition of upholstered furniture. A proposed flammability standard currently is being developed by the CPSC.

The National SAFE KIDS Campaign is the first and only nationwide campaign solely dedicated to the prevention of unintentional childhood injuries. The Campaign with its more than 170 State and Local Coalitions, through community-based programs that provide education, promote environmental and product modifications, and support appropriate public policy. On behalf of the Campaign, our Chair, Dr. C. Everett Koop, M.D., and the children whose lives are saved daily through sensible regulations, I ask that you oppose the regulatory moratorium proposed in S. 219.

Sincerely,

HEATHER PAUL, Ph.D.,
Executive Director.

THE HUMANE SOCIETY OF THE UNITED STATES,
Washington, DC, March 16, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of The Humane Society of the United States (HSUS), the largest animal protection organization in the country with over 2.3 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 drinking water, worker health and safety, civil rights, and other critical areas.

The HSUS is gravely concerned about the breadth and scope of attacks against environmental and animal protection 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 wonders of national parks or the mysteries of wild animals such as bison and bald eagles.

S. 219 would jeopardize some of the most critical wildlife and animal protection laws. 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 backlogged from years of inaction, would be delayed, further limiting the options for finding creative and economically viable paths toward preventing extinctions.

The American people did not vote last November to eliminate the 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 and rule-making to be funded at taxpayer expense. I urge you, then, to vote no on S. 219.

Sincerely,

JOHN W. GRADY, Ph.D.,
Vice President,
Wildlife and Habitat Protection.

WOMEN'S LEGAL DEFENSE FUND,
Washington, DC, March 16, 1995.

DEAR SENATOR, The Women's Legal Defense Fund urges you to oppose S. 219 and S. 343. These so-called ''regulatory reform'' bills would gut the enforcement of some of our most important environmental, consumer, civil rights, and health and safety protections.

S. 219, the regulatory moratorium, would retroactively freeze all regulations issued since November 9, 1994. This bill could stop or delay the enforcement of existing rules affecting:

Mammogram quality—The moratorium would suspend regulations designed to ensure minimum quality standards for breast cancer screening. These regulations could mean the difference between life and death for countless women; holding them up in the name of reform plays games with women's lives.

The Family and Medical Leave Act—The Department of Labor's final rule implementing the FMLA would be suspended under the proposed moratorium. The final rules clarify many uncertainties in the law's application: employers and employees should not be deprived of this guidance just as they are learning their rights and responsibilities under this new law.

Child support—Rules to improve paternity establishment would be suspended. At a time when Congress is working to strengthen child support enforcement, delaying the implementation of these rules would be counterproductive.

S. 343 threatens to dismantle the federal government's ability to protect us, our children, and our environment by bringing the rulemaking process to a grinding halt. Agencies would be required to perform time-consuming risk assessment and cost-benefit analyses, not only on proposed new regulations, but also on any existing ''major'' regulation that is challenged. And costs of implementation would be the paramount concern, not the health and safety of American workers and their children.

If enacted, S. 219 and S. 343 would have a truly devastating effect on women and their families. Please vote against these draconian measures.

Sincerely,

JUDITH L. LICHTMAN,
President.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, DC, March 13, 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 or 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, toxic waste disposal and safe 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

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 these reasons, 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, our families, our workplaces, and our communities. We urge you to vote against S. 219 when the Senate takes up the legislation.

Sincerely,

ALAN REUTHER,
Legislative Director.

PUBLIC CITIZEN,
Washington, DC, March 16, 1995.

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, including efforts to upgrade archaic 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 statutory mandates which 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 debate the substance of those statutes, rather than attack the regulatory system on which these protections are built.

The regulatory moratorium would be costly to taxpayers and to business. Taxpayer money would be wasted while federal agencies charged with implementing laws passed by Congress are stopped in their tracks. Delays in regulations effecting planning cycles will add to business costs.

Special business interests have been able to win exemptions for regulations that will help line their pocket books. But the American public has not been able to get a special exemption for government safeguards that will protect our very lives.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, March 16, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the Natural Resources Defense Council, a national membership organization dedicated to the protection of public health and the environment, I urge you to vote No on the regulatory moratorium (S. 219) and regulatory reform bills now pending before the Senate. These bills would place polluters before the public and undermine 25 years of bipartisan environmental success.

Regulatory Moratorium. S. 219 would block new rules aimed at protecting the public and streamlining government. For example, the bill would bar the regulation of cryptosporidium, the parasite that contaminated Milwaukee's drinking water, sickening 400,000 and killing more than 100 people. A moratorium on new rules is the wrong tool to identify and fix defects in existing rules.

Nor is the solution a proposal now being considered as an alternative to a regulatory moratorium—a 45-day delay in issuing rules pending Congressional review. Every rule will have its special interests pounding the pavement on Capitol Hill to stop it, diverting limited Congressional resources from more pressing matters.

I also urge you to oppose efforts to expand any moratorium to actions other than rulemakings. Amendments like that offered by Senator Stevens in the Government Affairs Committee preventing any action that ''restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency'' will bring to a halt efforts to preserve our public lands for future generations. Restricting actions to enforce existing limitations on the use of public lands will penalize law-abiding citizens who have been good stewards of our federal lands.

AMERICAN OCEANS CAMPAIGN,
Washington, DC, March 15, 1995.

U.S. Senate,
Washington, DC.

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 Vote No on 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 disinfection by-products and cryptosporidium in drinking water would be halted. Such safeguards are critical to protecting the public from known carcinogens and dangerous pathogens in 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 pollution prevention programs.

In poll after poll, American voters overwhelmingly support strengthening federal standards for environmental and public health protection. As public servants, 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 this or any bill which threatens protections for the American people and the air we breathe, water we drink, and land on which we live.

Sincerely,

TED DANSON,
President.

CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER

TWO GOOD REASONS TO OPPOSE S. 219

1. Urgently needed protections to control the deadly bug cryptospordium and cancer-causing chlorine by-products would be stopped.

The Safe Drinking Water Act [SDWA], last amended in 1986, does not include regulations on cryptospordium, the protozoa from animal wastes that caused 400,000 people to become ill and over 100 to die in Milwaukee in 1993. Cryptospordium, giardia and other bacteria contribute largely to the nearly one million people that the Centers for Disease Control estimate are made ill from their drinking water each year. A recent report documented 116 water-borne disease outbreaks in the U.S. 1986–1994. Due to chronic under-reporting, this is just the tip of the iceberg.

Many people are at higher risk to serious illness or even death from cryptospordium and giardia, including infants and children, pregnant women, people with AIDS and the elderly.

The SDWA also fails to adequately control dangerous by-products of chlorine and similar disinfectants. These disinfection by-products (DBPs) are found in the drinking water of over 100 million people. A recent study by doctors from Harvard and Wisconsin found that DBPs may be responsible for 10,700 or more rectal and bladder cancers per year. Doctors from the Public Health Service found that certain birth defects are significantly associated with DBPs. EPA has found that DBPs can also cause liver and kidney damage.

2. S. 219 hijacks the political process

Responding to the new scientific and public health data documenting these real and immediate public health threats, the EPA convened a ''negotiating team'' to develop reasonable, cost-effective solutions. Representative from all sides of the debate on providing safe drinking water were included in this negotiation process—public water systems, state and local health agencies, consumer groups, state and local governments and environmental organizations.

This team agreed to develop modest controls of DBPs and microbial contaminants, to gather more information and research and to continue negotiations after gathering this information. The drafting of the rules controlling cryptospordium and DBPs was a ground-breaking effort to include all parties in the decision making process.

This carefully constructed agreement, balancing public health risks and costs, would 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.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 16, 1995.

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, Regulatory Transition Act. The bill would create a moratorium on the development or implementation of any new federal regulation until the end of 1995.

APHA believes that this legislation and other cost benefit and risk assessment proposals (as currently drafted) present a threat to human health and safety. Important contributions have been made over the past few decades to the nation's public health and its environment by the enactment of reasonable and scientifically based legislation. This bill will halt substantial progress on a number of important initiatives on tobacco, food safety and workplace hazards.

We urge you and your colleagues in the Senate to oppose this legislation and other attempts to limit the ability of federal agencies to safe lives and prevent injuries.

Sincerely,

FERNANDO M. TREVINO, PhD, MPH,
Executive Director.

CENTER FOR MARINE CONSERVATION,
Washington, DC, March 15, 1995.

DEAR SENATOR: The Center for Marine Conservation and its 125,000 members urge you to oppose S. 219 when it reaches the Senate

floor. 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 particularly hard on the environment:

1. The commercial fishing industry would be severely affected if you halt regulations allocating allowable harvests and bycatch limits in the New England and Alaskan groundfish fisheries, and limiting access to certain other federal fisheries.

2. Regulations authorizing the nonlethal deterrence 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 competition in the electric power industry, regulations to provide for safety in nuclear facilities, and renewable energy incentives. This blunderbuss approach to government policy-making should not be condoned. Even regulations that protect the public against ''imminent threat to human health or safety or other emergency'' would be delayed while they undergo 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 a thoughtful 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,
Washington, DC, March 16, 1995.

DEAR SENATOR: I am writing to express the opposition of the National Audubon Society to S. 219, the ''Regulatory Transition Act of 1995.'' The regulatory moratorium embodied in S. 219 would have serious unintended consequences that would harm public health and the environment by delaying important rules and creating chaos and confusion in the regulatory process.

Because of our long-standing interest in the protection of public lands, the National Audubon Society opposes the Stevens Amendment to S. 219. This proposal would prohibit the federal government from taking almost any regulatory action that restricts ''recreational, subsistence or commercial uses'' on public lands. Such regulations would qualify as ''significant,'' according to this amendment, and thus would be frozen under the moratorium. If this legislation passes, federal agencies would be unable to manage an enormous variety of mining activities, logging, off-rode vehicle use, development of oil, gas and geothermal leases, and other uses of public lands, all of which may cause serious harm to the nation's natural resources.

Finally, Audubon also opposes any attempts to substitute an ''alternative'' moratorium for S. 219, including a potential proposal to institute a 45-day period in which Congress may disapprove new regulations. Such a bill would allow special interests who oppose a regulation an opportunity to defeat the rule while it is being reviewed.

On behalf of the 550,000 members of the National Audubon Society, I urge you to oppose S. 219, the regulatory moratorium bill, in the interest of protecting our public lands, the environment and public health and safety.

Sincerely,

ELIZABETH RAISBECK,
Senior Vice President for Regional and Government Affairs.

ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICIALS,
Washington, DC, March 16, 1995.

DEAR SENATOR: On behalf of the Association of State and Territorial Health Officials (ASTHO), which represents the public health departments in each state and U.S. territory, 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.

ASTHO applauds many senators' earnest efforts to streamline the federal bureaucracy. State agencies are very familiar with the burdens necessitated by collaboration with the federal government. However, state health officers have serious concerns with the substance of S. 219.

The bill makes absolutely no distinction between overly burdensome regulations and those which are necessary to improve the public's health. In fact, members of the Government Affairs Committee acknowledged that certain regulations deserved exemptions from the moratorium. Among the public health-oriented regulations to be affected by the moratorium are the following:

Food safety: federal safeguards against food poisoning requiring increased sanitation in food processing.

Safe mammograms: uniform quality standards for mammograms enforced by an inspection and certification program.

Child labor: strengthening provisions so that a job may not interfere with a child's schooling, health or well-being.

Drunk driving prevention: Establishes criteria for grants to support states that impose stricter drunk driving rules for underage drinkers.

Safe drinking water: a final rule to require drinking water supplies to be tested for cryptosporidium, a life-threatening parasite which sickened 400,000 people in the Milwaukee area recently.

Although the moratorium exempts regulations that would pose an ''imminent health or safety danger'', this exception is meaningless without a clear definition that includes ongoing public health concerns, regardless of ''immanence.'' (Revised language in section 5 might read: an exemption is granted to a regulatory action if it is necessary because of ''the reasonable expectation of endangerment of the public's health'' or safety or other emergency . . .)

We urge you to contact your state health department before voting on this bill. In their unique role as the entity statutorily responsible for the health of the population, they can give you an accurate perception of how the moratorium will affect your state's public health efforts.

ASTHO's position is that this regulatory reform effort requires more scrutiny before passage. Thank you for your consideration.

Sincerely,

CHRISTOPHER ATCHISON,
Director, Iowa Department of Public Health and President, Association of State and Territorial Health Officials.

DEFENDERS OF WILDLIFE,
Washington, DC, Mar. 16, 1995.

DEAR SENATOR: On behalf of Defenders of Wildlife's over 100,000 members, I am writing to urge that you oppose S. 219, the Regulatory Transition Act of 1995.

As you know, this legislation would impose a fourteen-month moratorium on federal regulations and virtually all actions taken to restrict commercial, recreational and subsistence uses on public lands. S. 219 is a blunt instrument that would stop implementation of a broad range of new rules needed to protect public health, the environment and wildlife. The bill would also open our national parks, forests and refuges to commercial exploitation and recreational excesses that could have long-lasting impacts for wildlife and their habitats.

The Stevens amendment, added to S. 219 during consideration by the Governmental Affairs Committee, would have especially serious consequences for wildlife. Under this provision, federal agencies would be prohibited from taking virtually any action to restrict ''recreational, subsistence, or commercial'' activities on the public lands. This provision would have broad national impacts including:

Hindering federal land managers from taking quick action to protect the public from fires, floods and other disasters through the imposition of road closures and other access restrictions (before making each closure order, a Presidential exemption would be required);

Precluding the National Park Service from regulating activities that might impair visitor enjoyment or harm wildlife such as altering approved off-road vehicle areas at Massachusetts' Cape Cod National Seashore to protect the endangered piping plover;

Precluding the Fish and Wildlife Service from regulating recreational activities on national wildlife refuges (an action which could force refuge managers not to allow an activity at all) such as regulating boating and jet-skiing to protect endangered manatees at Florida's Crystal River National Wildlife Refuge;

Precluding the Forest Service from balancing resource values and uses as mandated under the National Forest Management Act such as in the agency's efforts to maintain viable wildlife populations in Alaska's Tongass National Forest, the nation's largest national forest, through the establishment of habitat conservation areas.

* * * * *

United Steelworkers of America, AFL–CIO/CLC,
Washington DC, March 15, 1995.

DEAR SENATOR: The Senate may soon consider S. 219, The Regulatory Moratorium Bill.

While the Committee approved several limited modifications to the moratorium (i.e., any regulation dealing with ''an imminent threat to human health and safety or other emergency''), this legislation itself is an imminent threat to the health, safety, and well-being of millions of Americans who depend upon their Federal government to protect the quality of the food they eat, the water they drink, the medicines they take, and the health and safety of the places where they work.

What possible purpose can such a moratorium accomplish? Is there some special value to arbitrarily stopping Federal agencies from issuing regulations for 9½ months? Or

is this legislation the first step in undermining the organic laws which protect Americans from risks which they cannot control themselves?

It has become increasingly apparent in recent weeks with the passage of legislation on so-called unfunded mandates, paperwork reduction, regulatory reform, and private property rights that the real agenda of many in Congress is not to make government more efficient or effective, but inoperative. It would simply stop government from regulating at all wherever and whenever possible. The regulatory moratorium is only the latest legislative vehicle for accomplishing this political objective.

* * * * *

SERVICE EMPLOYEES INTERNATIONAL UNION, AFL–CIO, CLC,
Washington, DC, March 9, 1995.

DEAR SENATOR: On behalf of the Service Employees International Union's 1.1 million members, I urge you to oppose S. 219—the Regulatory Moratorium. This legislative proposal will not, as its proponents claim, ''reform government,'' Instead, S. 219 will bring much of government to a grinding halt and prevent important safeguards and protections from being instituted.

SEIU is particularly concerned about the impact this moratorium will have on our members' safety and health in their workplaces. In the service and public sectors, where our members work, the rates of injuries and illnesses are continuing to increase with no adequate safeguards. For instance, in our nation's nursing homes, the rate of worker injuries now exceeds that for construction workers, having doubled in the last ten years. Back injuries and other crippling ergonomic injuries are the fastest growing type of injury among American workers.

S. 219 is designed to stop immediately the progress OSHA has made for worker health and safety by issuing long awaited and needed standards. For example, OSHA recently issue standards to protect healthcare workers from exposure to blood diseases, including HIV and hepatitis B infections. With the re-emergence of tuberculosis, healthcare workers and patients are now at increased risk of infection. Many workers and patients are contracting and dying from diseases that are resistant to current antibiotics. Workers need OSHA to issue standards to ensure that they are protected from these and other workplace hazards and diseases. Legislating moratoria on all regulations will stymie OSHA's work to address this as well as other growing health epidemics.

SEIU believes the federal government must play a role in protecting workers and their families. While we recognize the need to reduce time delays and streamline lengthy processes, priority. Accordingly, I urge you to oppose S. 219.

Very truly yours,

JOHN J. SWEENEY,
International President.

MINORITY VIEWS

1. OVERVIEW: REGULATORY REFORM, NOT A FREEZE

The regulatory moratorium established by S. 219 would suspend all significant proposed and final regulations, policy statements, guidance and guidelines issued or to be issued from November 9, 1994, through December 31, 1995—and all statutory and judicial deadlines for such actions from November 9, 1994, through May 1996. While comprehensive regulatory reforms is clearly needed for the Federal government, this legislation is not an appropriate or necessary way to achieving such reform as its proponents claim.

S. 219 as reported by our Committee is dangerous; it does not distinguish between good and bad regulations. It suspends regulations designed to protect public health and safety but exempts regulations solely because they may ease administrative requirements. It is arbitrary and reckless. Based seemingly on whim, it exempts some regulations but not others even though the regulations may be comparable.

There are indeed overly burdensome rules and regulations. As the majority points out, the cumulative costs of Federal regulations have risen over the past twenty years. (The majority states, however, that the cost of regulations is ''conservatively estimated'' at $560 billion for 1992. That estimate is highly questionable and is certainly not ''conservative''. A GAO review of that estimate submitted to the Committee on March 8, 1995, suggests serious problems in the methods used in that particular study.) Congress must be sensitive to this fact. We must ensure that the laws we pass meet public needs effectively and efficiently. The mounting costs of regulations require that we closely examine both the regulatory process and the laws that result in regulations. But, we must not ignore the significant improvements that regulations can bring to the daily lives of Americans. For example, since the Occupational Safety and Health Administration came into being in 1970, the workplace fatality rate has dropped by over 50 percent. The Food and Drug Administration has made our food and medicines safer. Thanks to the work of the Environmental Protection Agency, our country now enjoys cleaner air and water.

Clearly the work of government is not finished. The government still has a vital role to play in protecting public health and safety, ensuring equal opportunities in education, employment and housing, promoting a healthy economy, and protecting the environment. With diminishing resources, the question becomes how we can provide these services in a cost-effective way. The Congress and the Executive Branch must work together to continue to improve the way the government does business, and in fact several initiatives are already underway—from government streamlining and reengineering to regulatory reform.

Much more is at stake, however, than merely improving government processes. The regulatory moratorium legislation implies that Federal agencies have simply run amok by issuing too many regulations and that process controls will fix everything. This is just not true. As stated in one of the hearings before the Committee, perhaps 80 percent of all agency rules are required by law. Agencies regulate because the law requires them to do so. Thurs, while the majority accurately describes the increase in regulations over the last twenty years, it ignores the twenty years of legislation (most signed by Republican Presidents) that led to this increase in rules. While nameless ''regulations'' may be a convenient whipping boy, it ignores the reality of the harder task of tackling individual substantive law. This is a major reason that, while the majority report suggests that there is universal support for a moratorium, the proposal is, to the contrary, actually quite controversial. More than 200 groups have opposed the moratorium, including the American Heart and Lung Associations, the Child Welfare League of America, the Consumer Federation of America, the Epilepsy Foundation of America, the Leadership Council on Civil Rights, the League of Women Voters in the U.S., and the National Council of Senior Citizens.

Finally, whatever the interests of its proponents, the moratorium legislation is truly unnecessary. The President has required all Federal agencies to review their regulations and to report back by June 1 on those which should be eliminated or changed. This report will provide the information we need to reform regulations *and* programs smartly, avoiding arbitrary and potentially grave, unintended consequences. In addition, there are various regulatory reform initiatives underway in this and other committees to strengthen our regulatory system—risk assessment, cost-benefit analysis, review of existing rules, centralized regulatory review, and more. A moratorium does nothing toward real regulatory reform.

2. THE FLAWS OF S. 219

While proponents of the moratorium state that its purpose is to improve efficiency and effectiveness and allow for ''Congress to rationalize the regulatory reform process,'' the moratorium is ironically an inefficient, ineffective, and irrational approach. The moratorium will create delays in good regulations, waste money, and create great uncertainty for citizens, businesses, and others. The report speaks of the regulatory process being ''ossified, unresponsive, and inefficient.'' The moratorium will only add to that. For example:

While the moratorium purports to be a neutral ''time-out'' for all significant regulatory actions, the targeted rules and the variety and number of exceptions are evidence that the legislation is really an example in political ''ticket fixing.''

During the Committee mark-up numerous exceptions to the moratorium were accepted. Members offered twenty-two amendments to S. 219. Many were to exempt specific health and safety rules from the moratorium; others were to exempt broad categories of regulations; two were put forth that would expand the scope of the moratorium. Thirteen amendments were accepted, eight rejected, and one tabled. There appeared to be very little logic in what was rejected or accepted. Although meat and water safety amendments were defeated, others, such as exemptions related to commuter air safety, railroad crossing safety, duck hunting, and lead poisoning prevention, were passed. We fully supported all amendments that would limit the moratorium. The inconsistency, however, of the majority only heightens our concerns about the legislation.

The bill's exemption of rules that address any ''imminent threat to health and safety'' is unclear and the majority report's interpretation leaves unanswered many 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 the regulatory action ''is necessary because of an imminent threat to human health or safety or other emergency'' (sec. 5(a)(2)(A)). For certain amendments in the mark-up, the majority argued that specific exemptions were unnecessary because of the broad exemption authority given to the President under section 5 of the legislation. The majority could not, however, provide a consistent interpretation of ''imminent'' or how it would be applied.

For example, an amendment to exempt regulatory actions to reduce pathogens in meat poultry was rejected. This amendment would address rules to update inspection techniques for meat and poultry and would provide a safeguard against E. Coli and other contamination. Mr. Rainer Mueller, whose son died from E. Coli-contaminated hamburger, testified before the Committee on February 22, and poignantly described the personal tragedy and ultimate price paid for

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 not be considered ''imminent,'' 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' is not intended to pose on insurmountable obstacle. . . . We are actually empowering the President to take appropriate action in such situations. . . .''

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 stated, ''I do think it fails within the exemptions [of ''imminent threat''], but we are willing to accept the amendment.'' This broad amendment would exclude from the moratorium any action by the EPA that would protect the public from exposure to lead from house paint, soil or drinking water. Included in the regulations that would be affected 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, and that all lead abatement workers are certified to professional standards of practice.

The majority report attempts to resolve the uncertainties left from the mark-up 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's regulations prescribing ergonomic protection standards,'' but that the Bureau of Alcohol, Tobacco and Firearms rule on alcoholic beverage container recall information ''could be excluded from the moratorium under this provision.'' The minority is simply at a loss to understand the majority's logic, or the legislative record on which to base such findings.

The Committee's treatment of these regulations and the ''imminent threat'' exemption leaves a completely inconsistent record. And despite the majority's suggestion, ''imminent'' will not cover most important health and safety rules. The statutory language refers to ''imminent threat to human health or safety *or other emergency* '' (emphasis added). Moreover, the definition of ''imminent'' is ''likely to occur at any moment, impending; threateningly or menacingly near or at hand.'' Most health and safety rules, while designed to addressed pressing problems, simply can not be described as emergency rules in any common understanding of the term.

What deserves to be exempted ''just in case'' and what does not? There was much discussion on the intent of the moratorium, 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 through other language in the bill, were nonetheless included as specific amendments. For example, the Committee accepted an amendment to exempt any regulatory action to provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses. While some on the majority argued that the rule to allow the Secretary of Veterans Affairs to provide such compensation would be already included under exemptions for ''benefits'' or for ''military affairs,'' the Committee decided to vote in favor of this amendment ''just in case.''

The Committee also accepted an amendment that would exempt agency action that ''establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping.'' This amendment would ensure that duck-hunting season would not be affected by the moratorium. Senator Cochran stated, ''The point of the moratorium was never to interfere with this kind of regulation. . . . [T]he 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 certain that nobody can misunderstand this.''

In addition, the Committee decided to accept an amendment that would exempt from the moratorium any clarification by the Department of Transportation of existing responsibilities regarding highway safety warning devices. The intent of this amendment is to clarify state and local authority for determining whether a railroad crossing device is necessary and the installation of such a device. The Committee also accepted amendments related aircraft safety, commuter plane safety, and aircraft flights over national parks.

As stated earlier, other health and safety amendments were rejected, even though it is not at all clear that they will fall under the exemption for ''imminent'' health and safety threats. For example, an amendment to exempt rules relating to safe disposal of nuclear waste and to decontamination and decomissioning standards for NRC-licensed facilities was not accepted. The Chairman argued that this would qualify as an ''imminent threat'' and would therefore not be needed. However, it is difficult to argue that some waste, which has been sitting in temporary storage for decades, now presents an ''imminent'' hazard, or that standards for decontaminating or decommissioning NRC-licensed sites, which have been under development for some time, now fall under an ''imminent'' exemption.

The Committee accepted as amendment to exempt any actions to establish or enforce rights that prohibit discrimination on the basis of race, religion, sex, age, national origin, or handicapped or disability status. Directly after accepting this amendment, the Committee voted to table an amendment that would have exempted any actions to enforce the constitutional rights of individuals, on the grounds that there was ''a certain amount of ambiguity.'' These amendments are similar to ones included by the Committee in the unfunded mandates legislation. As Senator Levin stated, ''This is a lot less ambiguous than [other amendments adopted by the Committee]. These are constitutional rights, and constitutional rights have been clearly defined. . . . If we are going to protect statutory rights to non-discrimination, . . . surely we ought to give the same protection to constitutional rights that are being implemented or enforced by law. . . . We should not put constitutional rights on a lower level than the statutory rights.''

The Committee accepted an amendment to exempt any rules under the Indian Self-Determination Act which had been the product of regulatory negotiation. Yet, when Senator Levin proposed an amendment to exclude all consensual rulemakings, the amendment was rejected.

In addition to the indiscriminate acceptance and rejection of amendments in Committee on specific rules, the majority report lists rules that are meant to be covered by the moratorium. In not one instance did the Committee in any of its deliberations make any finding on the merits of any of these rules. There may well be good arguments for stopping some or all of these rules, but that is not the point. The majority is creating exemptions from specific agency decisions with no legislative record.

The juxtaposition in the majority report of these so-called ''bad rules'' with what appear to be special interest ''good rules'' shows 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 the Committee report. Consider the following striking examples of rules that the majority report stated should not be included in the moratorium and for which the Committee has absolutely no record:

''final regulations governing the alteration of producer recall information on containers of distilled spirits, wine and beer under the Federal Alcohol Administration Act of 1935 (27 U.S.C. 105e)'';

''final regulations governing trade practices under the Federal Alcohol Administration Act of 1935 (26 U.S.C. 201 et seq.)'' relating to ''alcohol promotional practices'';

''the final rules issued by the United States Department of Agriculture (and published in the Federal Register on Dec. 6, 1994) on meat derived from advanced separation machinery''; and

Department of Transportation ''HM–181 standards . . . for open-head fibre drums used for the transportation of liquids.''

The retroactivity of the moratorium stops regulations that have already been issued and creates unnecessary confusion. The bill applies both prospectively and retroactively. It would apply to all significant regulatory actions that occurred as of November 9, 1994. Retroactively stopping rules is extremely unfair to businesses and individuals who have complied with the regulatory process, playing by the rules, and counting on the finality of the regulations already in effect. 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 companies that made investments to comply with those regulations. Regulatory reform should be prospective not retroactive; to do otherwise is wasteful and confusing.

Moreover, the stated purpose of the moratorium is to stop regulatory actions that may benefit from future regulatory reform legislation. However no regulatory reform bill that the Senate is now considering would apply retroactively. So rules that are final since November 9, 1994, would not be covered by the regulatory analysis requirements proposed under any pending reform legislation. Thus, subjecting such rules to a moratorium accomplishes nothing, except to suspend the effectiveness of the rule for the period of the moratorium.

Reporting and decision requirements will completely bog down the President. The

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 meets one of the exceptions and then present that determination to the President who must then review it and make a determination whether or not to support the agency head's recommendation. If the President agrees, he must file a notice in the Federal Register, stating that a rule has been exempted from the moratorium (or, it appears, whether a rule previously exempted is no longer exempt). The requirement of monthly reports means that the agency heads and the President will be routinely lobbied by persons 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 statute—passed by both houses of Congress and the President—to require that a regulatory action be taken by a date certain. Congress did not set those deadlines unwittingly; we set them 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 for choking hazards. Similarly, we 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 effective. Regulatory reform legislation will not likely affect these rules.

Moreover, the Committee bill establishes a new and longer time period for the moratorium as it applies to deadlines. The moratorium 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 unintended consequences. For example, the bill's definition of ''significant regulatory action'' includes any ''statement of agency policy, guidance, guidelines.'' There was no discussion by the majority of what this would actually cover. Thus, when the Committee accepted an amendment to include in the ''significant'' definition any action that ''withdraws or restricts recreational, subsistence, or commercial use'' of public land, the majority was unable to explain what would or would not be included.

The Stevens amendment has wide-reaching, 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 recreational, subsistence, or commercial use of any land under the control of a Federal agency. . . .''

The Committee had an extensive discussion about the amendment in an attempt to fully understand its scope. While there was considerable uncertainty during the mark-up as to the actual effect of the amendment, subsequent review 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. That means 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 passes on snow-covered peaks. As the National Parks and Conservation Association has 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 amendment would undermine fundamental protections for our national parks, national wildlife refuges, national forests, and all other public lands.'' The same strong point has been made by other conservation and environmental groups. The Committee's adoption of the Stevens Amendment demonstrates the lack of understanding the Committee had with 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 many problems with the moratorium proposal. The majority report only compounds these issues. In the views above we have again discussed many of these issues. Unfortunately, the outlined problems 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 inappropriately be stopped. The public will be the victims of such arbitrary congressional action. The moratorium is a bad idea.

There are most probably 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.

JOHN GLENN.
SAM NUNN.
CARL LEVIN.
DAVID PRYOR.
JOSEPH I. LIEBERMAN.
DANIEL K. AKAKA.

EXAMPLES OF REGULATIONS STOPPED BY THE REGULATORY MORATORIUM (S. 219)

PUBLIC HEALTH AND SAFETY

(1) Improved Poultry Inspections (USDA)
(2) Seafood Safety (HHS)
(3) Motor Vehicle Safety Standards for Passenger Car Brake Systems (DOT)
(4) Standardization of Aviation Rules (DOT)
(5) Airport Rates and Charges (DOT)
(6) Head Impact Protection (DOT)
(7) Airline Crew Assignments (DOT)
(8) Flight Attendant Duty Period Limitations and Rest Requirements (DOT)
(9) Alcoholic Beverage Labeling (Treasury)
(10) Pesticide Regulation Flexibility (EPA)
(11) Flammability Standard for Upholstered Furniture
(12) Meat and Poultry Inspection Efforts (USDA) (exemption rejected by GAC)
(13) Standards for Nuclear Waste Disposal (EPA) (exemption rejected by GAC)
(14) Cleanup of Nuclear Facilities, Decontamination and Decommissioning Standards (NRC) (exemption rejected by GAC)
(15) Drinking Water Standards (exemption rejected by GAC)

WORKER SAFETY

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

ECONOMIC GROWTH AND OPPORTUNITY

(1) Cruise Ship Access to Glacier Bay, Alaska (DOI)
(2) Energy Efficient Appliances (DOE)
(3) Forestry Regulations (Streamlining timber payments to tribes) (DOI)
(4) Landowner Relief Under Spotted Owl Regulation (DOI)
(5) Personal Communications Systems Auctions (FCC)
(6) Cable Rate Restructuring (FCC)
(7) Lower Electric Rates (FERC)
(8) Utility Rate Recovery (FERC)
(9) Shrimp Harvesting (DOC)

ENVIRONMENT

(1) Alternative fuel Providers (DOE)
(2) Great Lakes Protection (DOT)
(3) Standardizing Regulations for Domestic Shipments of Hazardous Waste (DOT)
(4) Prevention of Oil Spills (DOT)
(5) Agreement Establishing Water Quality Standards for San Francisco Bay Delta (EPA)
(6) Reducing Toxic Air Emissions (EPA)
(7) Cleanup at Uranium Processing Sites (EPA)
(8) Wetlands Determinations and Delineations (amendment to include in the moratorium, accepted by GAC)
(9) Withdrawals or Restrictions of Recreational, Subsistence, or Commercial Use of Public Land (amendment to include in the moratorium, accepted by GAC)

GOVERNMENT REFORM

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

OTHER

(1) Fisheries management (DOC)
(2) Noncitizen Housing Requirements (HUD)
(3) Preference for Elderly Families, Reservation for Disabled Families in Section 8 Housing (HUD)
(4) Continuation of Federal Home Loan Mortgage Corporation and Federal National Mortgage Association Housing Goals (HUD)
(5) Community Development Block Grants Economic Development Guidelines (HUD)
(6) Avoiding Homeowner Foreclosure (HUD)
(7) Reducing FHA Fund Losses (HUD)
(8) Increasing Home Ownership Opportunities for First Time Buyers (HUD)
(9) Family and Medical Leave Act (DOL)
(10) Procedure for Removal of Local Labor Organization Officers (DOL)
(11) Emergency Broadcast System (FCC)

(12) Video Dialtone (FCC)
(13) Caller ID (FCC)
(14) Recovery of License Fees (NRC)
(15) Enforcement of Constitutional Rights of Individuals (exemption tabled by GAC)

Mr. GLENN. Let me say on the issue of what rules 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 public land. 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 is 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 thing 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.

3. REAL REGULATORY REFORM

In addition to understanding the moratorium, it is also 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 markup 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, voted to report 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 working on real 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 had several hearings.

The Energy Committee is also ready to mark up a bill that will, I believe, provide Government-wide reform.

When one consider the ongoing 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 simply 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. I agree with him 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 defy 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—Democrat and Republican—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 the rules and regulations—are written 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 proposed that make 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. We have new 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 saying 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 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 bill that they already have passed over there.

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. It is 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 make it apply to major rules and make it prospective so it does not go back and undo things that business, industry, and communities already are planning 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, we do need a number of Senators that say, ''Yes, this is bad, so we should reconsider 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 affects my State and I disagree,'' although it might be something that is agreeable 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 after time to please have the sponsors define ''imminent.'' They could not do that. ''Imminent'' means something, according to Webster's dictionary, that will happen right away—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 Governmental Affairs Committee just last week. Final 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 conferees on the bill would give in to some of the House provisions, it means we really are placing Americans, a far greater number of Americans, at risk for this year. That is, if that is what 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 this out separately so that it can now 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 that we were able to get on the short basis of items that would be held up, that I felt, 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 have not yet had a complete review of all the rules and 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 overbearing and 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 up this morning on the calendar myself, just to see what time we would have on this.

The administration has guaranteed us repeatedly, the Office of Information and Regulatory Affairs, Sally Katzen, 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 or so, but the 800 to 900 per year that passed 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. We need that. 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 ROTH, has picked this up and 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 this or a legislative veto portion of that for consideration separately. We have at 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 the 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 that legislation, and if the 45-day legislative veto would apply prospectively, 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 we will have done 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.

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 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 makes no sense.

That is what I disagree with on a moratorium, and what I disagree with strongly on the approach the House took. If we want to see who is at fault with regulations into the future, then, as I said earlier, we look in the mirror. Let's stop this. Let's be a part of fixing 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, I ask unanimous consent that a Washington Post editorial dated March 26, 1995, entitled ''Good Move on Regulation,'' 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 overregulated society. It is not just the volume or even the cost of regulation that is the problem, but the haphazard pattern—a lack of proportion. The government too often seems to be battling 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 archeological pile, each layer a reflection of the headlines and political impulses of its day. The excessive regulations discredit 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 some degree reflected resentment and impatience about this—and rightly so. The Republican-led Congress so understood and set about to fix this system, which unlike some things the government tries to fix, clearly is ''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 majority leader Bob Dole. ''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 and to standardize and weaken in a single stroke the carefully worked out, separate regulatory standards in a broad array of health and safety and environmental legislation. The Senate 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 together would have a set period in which to disapprove them; a resolution of disapproval would have to be signed and could be vetoed by the president. Some advocacy groups complain that this 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 them on 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 would also require agencies to do cost-benefit analyses and risk assessments of existing major regulations over a number of years; to do comparative risk analyses in order to make sure that within their purviews 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 basis than they have now on which to make regulatory policy.

The measure wouldn't solve all regulatory excess. But it would put the regulatory process on a steadier and more rational 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 Senate stick to something like it.

PRIVILEGE OF THE FLOOR—S. 219

Mr. GLENN. 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 our 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, 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 Chadha 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 allow bureaucrats to say that to Congress. If they are in very tight with their President, and we review those regulations and turn them down and the President wants to veto them, then it is up to us as a legislative body to see if we can get a two-thirds vote to override the veto. I would rather not have it that way, but that is what we have to have in order to work within the confines of the Chadha decision.

We have here a substitute that is on all fours—totally and irrevocably constitutional. I was necessarily off the floor for a minute, but I did understand that my friend from Ohio, the senior Senator from Ohio, indicated that E. coli, the disease that swept this country that was so difficult—if this were, in effect, the substitute, they could not issue such a regulation to deal with that disease. That is not true. We specifically have an exemption in our substitute that would allow matters of public health and safety to go forward.

There is also an argument that has been propounded that this legislation, the substitute, is a broad net that will kill a large number of regulations just to get at a few bad ones.

I hope that is not the case. But I hope, in reverse order, if there are a large number of bad regulations, that they will not be proposed.

Finally, Mr. President, this Senator does not like the underlying legislation. That is why I am so much in support of the substitute. I believe the substitute is 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 within 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 toxic subcommittee 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. But

one of the groups I worked with that was continually before my subcommittee 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. I 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 but it also sounds downright worried that some of the extremist, 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.

Says Fred Webber, president 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 we are 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, bureaucrat, be careful what you do because we are watching, and we have a regulatory veto scheme 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 want to pass 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 REID 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 we are successful in passing this bill—and I expect that we 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 is preferable to the moratorium 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 and the Senate bill, the one that was 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, both of which are in doubt somewhat. The President indicated he would veto it. The House did not have quite the votes to override the veto. I do not think we would have the votes to override the veto in the Senate. I do not mind sending the bill to the President and letting him veto it. However, that is not my intention. I would like to pass significant regulatory relief regulation this year and have the President sign it.

I think the substitute that Senator REID and I are proposing will do that. I think the President will sign it. I see no reason why he will not sign it. I am interested in passing the bill that Senator REID and I are offering, the 45-day congressional review substitute which will be permanent law. So, whereas the temporary moratorium may succeed, if it were successful, in delaying some regulations for a few months, that time period would soon be gone and you would have nothing. This would be permanent law. This would be a significant response. This would give real energy, I think, for Members of Congress to review the regulators and to hold them accountable.

So I tell my friend and colleague from Ohio that, if I should be appointed a conferee, I would work very energetically to see that the Senate's position would prevail. I am very familiar with both pieces of legislation. I have heard my colleague from Ohio mention the underlying bill, the one reported out of the Governmental Affairs Committee, and he also referred to the House bill as a terrible bill and one that would throw out all regulations and cut out all of these rules and regulations whether they are good or bad. I disagree with that interpretation.

Looking at the bill as reported, S. 219, it has all kinds exemptions. One of the reasons I am not as excited about S. 219 as reported is because we have so many exemptions. I question how effective it would be. There are many regulations that will be covered by these exemptions. We have exemptions for imminent threat to human health and safety and other emergencies. I have heard E. coli mentioned. I have heard problems about drinking water. I have heard of air traffic problems or flight safety.

I think that the President, under the bill reported out of the Governmental Affairs Committee and also by the House, could exempt all of the rules mentioned previously by my colleague from Ohio. However, again, I am not here to debate S. 219 as reported. I am offering a substitute to it. But I think it is important to show for the record that a lot of the scare tactics used against the House-passed bill and the Senate bill that passed the Governmental Affairs Committee are not as egregious, not as outlandish, and not as heartless as some people would indicate.

S. 219 as reported out of committee also has exemptions for a regulation which has as its purpose the enforcement of criminal law or a regulation that has as its principal effect fostering economic growth, repealing, narrowing, streamlining the regulation and 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 exception 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 bury people 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 these 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 pass a resolution of disapproval? 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 constraints. 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 in nonattainment. 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 be more accountable. Congress should hold the regulators 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, my guess is we will only do 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 again repeat to my friend and colleague, my intentions would be 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.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Ohio.

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 unanswered many 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 the regulatory action ''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 the legislation. 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 quite 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 proposal today out from under the umbrella of what the House has done so that we will not have the moratorium as a conferenceable item. Why not have the legislative veto as a separate bill? Why not go to the underlying bill here, S. 219, and not have an amendment? Instead, we could strike the moratorium and consider just the legislative veto amendment by itself, not as something that will go to conference with the House.

I do not know whether my distinguished colleague from Oklahoma would be willing to do that or not, but I have pointed out that the Nickles-Reid substitute, I felt, was perhaps an attempt to avoid Senate debate of the amendment on the underlying regulatory moratorium. If the objective is to go to conference with the House, 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 amendment.

If that is the purpose, they need only to wait until a 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 by 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 they just want their amendment to be considered now for 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, I do not know what the response would 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? If he would, I ask why.

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

But if the thrust of the Senator's question was would I 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 because 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, if the intent is just to get the legislative veto, which we have 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 45-day legislative veto, and not take this to conference with the House.

Mr. NICKLES. As the Senator knows, it takes two Houses to pass anything. The House already passed one bill. If we pass this free standing, then they would have to consider another piece of legislation entirely. They went through a lot of pain to get where they are today. I think that would create a lot of hard feelings over there. I do not want to do that.

I have told my friend and colleague—the Senator said I was against the House bill—I did not say that. I would like to correct my colleague. I would like to correct him on a little bit of the interpretation of the House bill.

But my point is, I favor this approach. I think this is a better approach. I think the moratorium, as the Senator has alluded to, made a lot of sense when we were in January. Now, we are at the end of March.

I would like to have something passed. I believe if we pass this tomorrow, hopefully we can convince the House to pass it—basically recede to the Senate—and we may have a bill on the President's desk very soon; this week, possibly. I would like to see that happen.

I am afraid if we did the freestanding approach that the Senator alluded to, we may end up with nothing. And I think that would be a mistake.

Mr. GLENN. If the Senator will yield, we are talking about not having action in the House. The House would have to consider this, too, and so they would have to go back and reconsider this substitute to the moratorium.

Why not consider this as a freestanding bill, rather than as something to be conferenced between the House moratorium bill that was passed and this bill? Why not consider this separately, if this is a good idea on its own?

Mr. REID. Will the Senator from Oklahoma yield?

Mr. NICKLES. Let me finish replying, but I will be happy to yield. The Senator from Ohio has the floor.

The House has already passed the legislation. If we pass entirely new freestanding legislation, then it has not even made the first hurdle. We are ready to go to conference very soon. If we pass this in the Senate tomorrow, as I hope and expect that we will, the House could recede. Both sides have to appoint conferees. If we could convince our colleagues in the House that this is a better approach, given the fact that the year has already moved along and so on—and I might tell my friend and colleague, originally we were talking about a 100-day moratorium back in November. So time has been moving. This is more permanent, more significant.

If we can convince our House colleagues of that, 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 come to your persuasion on the substitute to the moratorium. Why not pass the legislative veto separately 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 had 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. Tomorrow, it has been the decision of the Senator from Oklahoma and the Senator 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 substitute passes, there will be a significant opportunity. If in fact—and I mentioned this in my earlier statement—if, in fact, the Senate, in a strong bipartisan fashion, passes this substitute, it will give the Senate conferees real direction on how to deal with the House. I support the substitute. I do not support 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 question.

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 emergency.

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 firm 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 interpret out of legislation.

What is a clear-cut definition of imminent 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 might also tell my colleague that we did not have it subject 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 regulations. To go through and try to enumerate which ones would qualify and which ones would not, we would be looking at a bill that would be very difficult. We were not trying to do that.

Just as when the original legislation was drafted, we did not say duck hunting would be exempted because we did have a provision that said routine administrative 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 Governmental Affairs Committee is not worth very much is because almost all regulations could be exempted. There are 4,300 regulations that are in process. The Governmental Affairs Committee says this bill only applies to significant regulations. That is about 900 out of the 4,500. Then all of the exemptions, apply that 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 interpretive 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'' exemption 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 know my friend 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 standards 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.

The PRESIDING OFFICER. The Senator from Ohio has 2 hours 50 seconds—just slightly over 2 hours.

Mr. GLENN. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

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 moratorium the promulgation of rules and regulations that are necessary to make food safe from E. coli bacteria, so long as there are no accompanying extraneous requirements or arbitrary rules. Several witnesses so testified at this committee's hearing.

I can read on, but I think the committee report will show the committee does think the President has that 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 effect as planned, 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 had 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. The President had sole 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 did 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 that 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 regulatory action taken between 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 taken 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 regulatory actions, which are about 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 effect. It was a marketing order for 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 flowers or anything else.

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 of political expedience, picking the date based on the desire to protect the rule for one particular Member.

Well, I have marketing orders that I am interested in, too. We have a cherry marketing order that will affect cherry production. We are number one in the entire market for cherries in the country. That one probably will not take effect—if it does—until later this year. Well, is my marketing order less important than that Representative's marketing order? Is one more significant than the other? Are we going to say, well, we will exempt this and that, and pluck this from the sky and pull this one from the ground, and we will exempt particular rules from this moratorium where a Member has a particular interest, out of thousands that are pending? Is that the way we are going to legislate? That is the way this bill was done in the House—cover barley, and then we will get another vote for a moratorium. It is arbitrary in the way it was done, both in the House and here.

There were a lot of other exemptions that were considered. Lobbyists from many sides bid for exemption. But the House rejected every exemption concerning rules to protect public health and safety and accepted numerous amendments to protect specific business-related items.

For instance, the House exempted from the moratorium a rule that was published on December 2 relative to the conditional release of textile imports; a rule that related to customs modernization; a rule that related to the transfer of spectrum by the Federal Communications Commission, and so forth. If you can catch the interest of a Member, you can get your rule exempted from the moratorium. I do not have any problem with exempting from the moratorium any of those rules. I am all in favor of that, because I do not think the moratorium makes sense. It is not as though I do not think we ought to exempt textiles or we should not exempt spectrum. I think we should have a rational way of legislating, which is to state a principle, not just willy-nilly pick items out of the blue which may have particular appeal to a particular Member.

One of the reasons this moratorium did not make sense is because it would catch up rules such as those enumerated. But it is going to catch up a lot of other rules which make sense, as well. It is not just a textile rule that it catches up. Well, that was exempt. It catches 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 the rule. They have been asking for a rule to label bottled water so that the public knows what it is getting. It says ''spring water'' or ''artesian water'' or ''seltzer water,'' ''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 bottlers; 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. It does not even 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 comment, issue guidance, nothing; stop it, everything. I do not know what we expect the folks at the agencies to do this year. Nonetheless, everything stops in its tracks. They cannot receive comments from the public—a grinding 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 imminent?

Choking toys. The Product Safety Commission, I think, has already issued regulations on toys which are a threat to children under 4 years old, which they can choke on. Now, is it imminent or is it not imminent? We do not know. But none of these are exempted. The bike helmets are not exempted. The E. coli bacteria is not exempted. The choking toy is not exempted. But we have exemptions for all kinds of other things that are more business-related exemptions, such as sale of spectrum by the FCC, or the textile regulation; those are specifically exempted in the House bill. But nothing relating to public health and safety is exempted. Instead, there is an imminent threat requirement that the President has to apply.

There is one other thing the House bill does. Again, I emphasize this is what 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, where there is a rule which is required by law, be it judicial or statutory, 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 statute or by a court. 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 moratoriumed 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 since I got 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

doozy of a markup. 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 PRYOR offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence 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 overflights on national parks by the Secretary of Transportation or the Secretary of the Interior pursuant to 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 devises 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 for undiagnosed illnesses as provided by the Persian Gulf Veterans Benefits Act. That amendment was accepted.

Senator GLENN offered an amendment to exempt regulatory action by the EPA to protect the public from exposure from lead in house paints, soil, or drinking water. That amendment was accepted.

Now, each of those amounts was offered in an effort to exempt particular rules from coverage of the moratorium. I support each one of those amendments. They are fine. The problem is not that there is a problem with the amendments that were adopted. The problem is amendments which nobody offers to cover important regulation which have as much claim to be exempted from this moratorium as the ones that we exempted. Certain Senators, familiar with certain rules, offer an exemption from the moratorium. It gets adopted. That is fine. What about the ones where we are not familiar, acting on a matter of weeks upon thousands and thousands of regulations that get caught up in the net? They are caught up in a moratorium. How many rules are there that are just as important as the ones that we exempt that are still going to be subject to the moratorium, and with similar or even more serious consequences than these rules? There are hundreds of these rules, potentially, since we have been told there is perhaps 800 to 900 significant regulatory actions in any one year.

All these amendments identified about eight, eight that some Senators are familiar with. How many others? We do not have the vaguest idea. Some of them that we do know about we tried to offer amendments on. These are some of the ones that failed. See if there is any coherence to this.

Senator GLENN offered an amendment to exempt any regulatory action to reduce pathogens in meat and poultry taken by the Food Safety and Inspection Service of the U.S. Department of Agriculture. That one was defeated. We accepted the exemption for lead paint. That 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, except for one or two or three, up to 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 by the EPA that 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 refuses to specifically exempt meat safety and cryptosporidium regulations. There is no rhyme nor 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 from the moratorium, 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'.'' Fair enough; 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 a interagency memorandum. This is not a regulation or rule, 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 ''* * * restricts 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 proceedings 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 or plans of operations 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 ever 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 said, this bill also has a rather 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 question 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 whether 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 litany of various 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–181 standards are appropriate for open-head fibre drums used for the transportation of liquids. If the Department of Transportation determines that such alternative standards are appropriate, that decision could 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. I 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 helter-skelter, willy-nilly. 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 through these things in some rational 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 (IOCs) and 26 synthetic organic chemicals (SOCs) including 11 synthetic volatile organic chemicals (VOCs), 14 pesticides, and polychlorinated biphenyls (PCBs). The final rule presently becomes effective on May 1, 1995. Once effective, this final rule provides even greater assurance to American consumers that the bottled water they drink is the safest in the world. IBWA strongly supported FDA's efforts to finalize these quality levels and 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 firms, conform to these 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 safety of all bottled water sold in this country. The standard of identity rules ensure that consumers are not mislead and legitimate bottled water producers not injured due to false or misleading names given to specific types of bottled water. IBWA and its members have devoted enormous time, technical resources, and money for over a decade to develop these federal standards. It would be a major setback to the bottled water industry and consumers to have these federal rules, so close to finalization, arbitrarily frozen. IBWA strongly supports the efforts of you and others to ensure that this highly 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 about the other hundreds that 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 that mammograms in this country meet certain 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 stood around here and made 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 is legally imminent? Is there less of a claim for an exemption from a 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 mammograms? 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 this moratorium. Who gets in and who gets out depends on whether you can get a Member's ear or attention and time to get a particular request 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 representatives to adequately argue their case? What about them?

This represents arbitrary Government 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 offered, the principle of which is an important principle and it is a principle that I very strongly support. The principle 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 these laws we write, not simply vote on the law and then move on to the next problem and think we have solved the first one. Because the regulations that are spawned by our laws can frequently create as many problems as they can cure.

I came to this Senate believing in legislative veto. And I think the first legislative veto in the 1980's was one that I cosponsored for Senator Boren, a so-called Levin-Boren legislative veto on the Federal Trade Commission. We passed it. We would have liked to have had a generic one, by the way, but the Supreme Court intervened and created some problems in the way it was done.

So I am all for legislative veto. I think it ought to be done the right way. I have some suggested changes in the one that is going to be offered as a substitute. But make no mistake about it. We are going to face this moratorium again in conference even if we substitute a legislative veto for this across-the-board regulatory moratorium. That does not unhappily put an end to this arbitrary and reckless approach to Government. We are going to face it again in conference.

It is important that this Senate go on record, not only as favoring the alternative, which is a legislative veto that will be offered, a totally different approach, one that looks at regulations one at a time that forces us in the legislative body to do our work instead of capturing all of the regulatory process in the executive branch in a net, willy-nilly. It is a very different approach. I hope we adopt something like the one that is going to be offered by Senator NICKLES and Senator REID. But it is also important in adopting that substitute that we put to rest, that we end, the threat of a moratorium which we are still going to face in conference, which I believe is one of the most arbitrary pieces of legislation that I have seen in my 16 years in the Senate.

I want to commend Senator GLENN for the effort that he has led against this moratorium. Hopefully tomorrow we will take step one in putting this thing to rest. But he is very right in alerting us to the fact that this is just step one. If we do in fact adopt this alternative approach that we not proceed along with this broad across-the-board regulatory moratorium but instead move to a legislative veto approach, that it is just phase one in this effort. Phase two will be in a conference where the folks who support the moratorium have already indicated publicly that they are going to try to get that moratorium enacted.

Mr. President, again with thanks to Senator GLENN for leading the effort to defeat this moratorium and to get an alternative approach utilizing the legislative veto or regulatory reform, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Texas.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that David Davis, a Fellow in my office, be granted floor privileges during the consideration 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 remarks of the Senator from Michigan.

Mr. GLENN. Mr. President, parliamentary inquiry, if I might. Did we reserve the remainder of our time on this side so we do not have it charged against us?

The PRESIDING OFFICER. That is correct.

Mr. KYL. Mr. President, I listened with care to comments of the Senator from Michigan. I think he raised some legitimate points regarding both the House bill and also the Senate bill, S. 219, which came from the committee.

At the conclusion of his remarks, he got to the point that I would like to speak to; that is, the Nickles-Reid substitute which he indicated would most assuredly answer many of the questions that he had raised, that it constituted the concept of legislative veto that would enable the House and Senate to examine these regulations each one by themselves to determine whether they could conform to the intent of the legislative branch which pass the laws in the first place. I think that is the bottom line here. That is the question.

We should be able to rely upon the majority of the House and Senate to understand what we intended when we passed a law, and whether the regulations being issued by the regulatory agencies conform to our original intent. I suspect in most of those cases we will find that we agree with the regulations being proposed. But in those cases where we do not, we will have the opportunity to say so, and during the debate indicate why we think they perhaps do not conform to our original intent and, therefore, how the agencies can rewrite the regulations.

Most of the consequences of the House bill, or Senate bill, S. 219, that the Senator spoke of are answered, it seems to me, by the Nickles-Reid substitute. You have concerns expressed I think with either a moratorium or a lookback except that during the lookback to November 9, 1994, the regulations 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 reasons that require an immediate implementation of a regulation is not really much of a delay considering the fact that many regulations, most regulations are delayed 30 days from implementation anyway. It seems to me the opportunity to look at these regulations and determine whether they conform to congressional intent is good and that we give up very little because the regulations already in effect remain in effect until we look at them and those regulations which are not emergencies are only delayed for a 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 society in general and also the burden of regulations today cry out for solution.

There are two charts here which I would like to briefly use to demonstrate that point. The pages of the Federal Register is some rough measure of the burden of these regulations, and we are almost up now to 67,000 pages in the Federal Register. You can see from the year 1976 that regulations went all the way up to 73,000 pages during the 1978 and 1979 period, down to a low during 1986 of about 44,000 pages in the Federal Register; last year, almost

65,000, and as I said now almost 67,000 pages in the Federal Register as of this date.

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 defy anybody to understand 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 the law. We cannot possibly know what is in all of these regulations and comply with them, and we hire people to help us with that, spending billions of dollars in the process.

That gets to the second chart, Mr. President. The cost of Government per household 2 years ago, 1993, for the Federal regulatory burden was $6,000 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 businesses as well, 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, time 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 what we intend to happen or to prevent 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 we never get around to changing the regulations. We literally have 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. Regulator friend of ours here 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 emergencies, to deal with 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. The Senator from Missouri.

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 some of 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, as chairman of the Small Business Committee, I suppose the one thing that I hear most from small businesses in my State and in the other States I have visited is that you are killing us with all these regulations. We are in business to make money, 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, 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 person, the individual, the farmer, the retail store owner who is supposed to know everything that is in here.

Oh, 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 anyplace in this country how they live their lives and what they ought to do.

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 that 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 tired of looking at 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 would permit us to do. It would 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 to allocate the resources 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, $4.2 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? If resources were used a different way, could we not, in fact, save more lives and prevent more illness?

The money spent complying with regulations might be better spent. If society could take the resources spent to comply with the formaldehyde occupational exposure limit, $119 billion, and spent it on developing new lifesaving drug therapies, then 331 new drugs could be developed and brought to market. If the $92 billion that it will take to avoid one death under the atrazine/alachlor drinking water standard were used for cancer research, we could quadruple the research budget at the National Cancer Institute for the next 12 years. If we took the $168.2 million that it is estimated to cost to avoid just one death under the benzene nesahp standard, we could put 3,064 more police officers on the street.

Let me give you just a couple of examples, Mr. President, of some of the things that we have heard about before. I think our colleagues have heard about how dangerous it is to rescue a colleague, a fellow worker, who is in danger of death in a collapsed trench. Senator KEMPTHORNE has talked about it.

My one of my favorite columnist Dave Barry, wrote in ''Wit's End'' about this story in Idaho. He said:

But before we do anything, let's salute the Occupational Safety and Health Administration (OSHA) office in Idaho for its prompt action regarding. . .

Improperly attired rescue personnel: Here's what happened, according to an article in the Idaho Statesman.

On May 11, two employees of DeBest Inc., a plumbing company, were working at a construction site in Garden City, Idaho, when they heard a backhoe operator yell for help. They ran over, and found that the wall of a trench—which was not dug by DeBest—had collapsed on a worker, pinning him under dirt and covering his head.

''We could hear muffled screams,'' said one of the DeBest employees.

So the men jumped into the trench and dug the victim out, quite possibly saving his life.

What do you think OSHA did about this? Do you think it gave the rescuers a medal? If so, I can see why you are a mere lowlife taxpayer, as opposed to an OSHA executive. What OSHA did—I am not making this up—was fine DeBest Inc. $7,875. Yes. OSHA said that the two men should not have gone into the trench without (1) putting on approved hard hats, and (2) taking steps to ensure that other trench walls did not collapse, and water did not seep in. Of course this might have resulted in some discomfort for the suffocating victim (''Hang in there! We should have the OSHA trench-seepage-prevention guidelines here within hours!''). But that is the price you pay for occupational health and safety.

Unfortunately, after DeBest Inc. complained to Idaho Sen. Dirk Kempthorne, OSHA backed off on the fines. Nevertheless this incident should serve as a warning to would-be rescuers out there to comply with all federal regulations, including those that are not yet in existence, before attempting to rescue people. Especially if these people are in, say, a burning OSHA office.

But let me tell you what OSHA came up with. They did repeal the fine. They pushed it through in the first place, and then they pulled it back. And now OSHA has decided to provide for that.

So if you are thinking about a rescue situation, and here you are, this is any worker, this is any small contractor on a hazardous site, you have to know this before you try to rescue somebody.

This is from the Federal Register of Tuesday, December 27, 1994, volume 58, page 66,613—that will tell you something. And I quote:

(f) No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger unless:

(1)(i) Such employee is designated or assigned by the employer to have responsibility to perform or assist in rescue operations, and

(ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment, or

(2)(i) such employee is directed by the employer to perform rescue activities in the course of carrying out the employee's job duties, and

(ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

(3)(i) such employee is employed in a workplace that requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water; and

(ii) such employee has not been designated or assigned to perform or assist in rescue operations and voluntarily elects to rescue such an individual; and

(iii) the employer has failed to instruct employees not designated or assigned to perform or assist in rescue operations of the arrangements for rescue, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.

(4) For purposes of this policy, the term ''imminent danger'' means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice ban be abated.

And I close the quote there.

Is that not refreshing to know what the good Samaritan must know before he or she rescues somebody's life?

Mr. President, I think that is 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 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 areas. The chemicals used that were so 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/or 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 notification. Am I in imminent danger? I do not think so.

But, Mr. President, businesses across the country, small companies, are in imminent danger of being hit with a $2,500 fine if they do not have that kind of written hazardous communication warning them about dishwashers and bleaches and automatic detergent.

I think these problems are what the bill, as amended by the Nickles-Reid amendment, intends to fix. Under this bill, Congress is held accountable, as it should be, for delegating responsibility to implement regulations. This measure would give Congress 45 days to review significant regulations and to pass a joint resolution of disapproval to block the implementation. The 45-day layover adds to the checks and balances between the legislative branch and the executive branch by bringing back to Congress major regulations so that we can see if they really do what we meant and, second, if we meant what we said, and, third, are they unnecessarily restrictive or proscriptive?

Too long we in Congress have taken the credit for solving problems. 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-spaced sheets. There are four sheets. You tell me somebody who may be 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, proscriptive regulations.

Regulations to protect health and safety, simple ones that people can understand, that is fine. We anticipate those when we pass legislation calling for regulations. It is time that we in Congress got back into the process and made sure that we stop some of this idiocy before it is placed on the backs of an already overburdened economy, dragged down by more than $600 billion worth of regulatory burden each year.

For small businesses, the burden is disproportionately high. No one can say how many new small businesses were never started, or new products that never get developed, or how many jobs are destroyed because of the burden of regulations out of control.

One group that thrives on the confusion and fear of regulators is regulatory consultants. All across this country consultants profit from helping businesses, especially small businesses, navigate the regulatory maze and figure out how to comply. A new and complex regulation is a boon to these consultants. In the environmental sector, the consulting market was estimated at $9 billion on 1993 by Farkas, Berkowicz & Co., a Washington-based consulting firm. These firms also conduct mock OSHA inspections and make inquiries to OSHA for their clients. Businesses do not want to call OSHA themselves because they are fearful it would trigger an inspection and fines. These are businesses who want to comply and are trying hard to comply, but are too afraid to call the agency themselves.

Congress has been unaccountable for the burdens it creates. Most of the regulatory burden results from the ways laws are written here in Congress. Let me quote from the special report on regulatory overkill published by the Kansas City Business Journal:

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

Congress' reliance on agency bureaucrats to flesh out lawmakers' intentions gives unelected officials vast discretionary powers, but ''oftentimes regulators are confused about what Congress wants and then Congress loses control over what regulators do. The regulators prescribe very unworkable solutions, and Congress says that's not what we had in mind, but by then, we're all stuck with the regulations.''

> Lost jobs, businesses that can't grow, products that can't be developed, a loss of research and development. All of these are fundamental dangers that affect not just business, but ultimately every citizen in this country if the system is allowed to continue unchecked.

That problem, Mr. President, is what this bill seeks to fix. Under this bill, Congress is held accountable for the regulations that result from the laws it passes. The Nickles-Reid substitute will give Congress 45 days to review significant regulations and a chance to pass a joint resolution of disapproval to block implementation.

The Nickles substitute brings accountability to Congress and the Federal agencies.

The 45-day layover adds to the checks and balances between the legislative branch and the executive branch by returning major regulations to Congress to see if they match congressional 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 individuals—no more.

This makes Congress accountable for its laws—many of our environmental laws do not allow the agency to take costs into consideration. Example: RCRA requires EPA to issue rules for land disposal of hazardous wastes that establish treatment standards using the best demonstrated available technology without regard for cost or risk.

This makes Federal agencies accountable for their rules—too often EPA ignores the discression it has. Example: The Clean Air Act Amendments of 1990 required major sources of hazardous air pollutants to engage in enhanced monitoring. EPA has taken these two words into a huge new regulatory program. EPA estimates the proposed rule would cover 30,000 sources at 10,000 facilities at a cost of over $1 billion. This is not for emissions reductions, it's just for monitoring.

This forces us to confront antiquated laws—sometimes the facts of the situation 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 majority in Congress believe a regulation should not be put in place to implement a law passed by Congress, then proper oversight action should be taken. Congress might weigh the consequences of the laws it passes and must ensure that regulatory agencies do not overstep the boundaries set by Congress. Congress delegates a great deal of decisionmaking authority to the regulators and if the regulators abuse that power, Congress should have the power to act quickly and decisively.

Mr. President, I strongly support the Nickles-Reid amendment, and I urge my colleagues to adopt it.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my understanding that Senator DORGAN is not ready yet, so I am going to go forward.

First, I want to thank my colleague from Missouri, Senator BOND. I am

privileged to serve with Senator BOND as cochair of the regulatory reform task force that is trying to put some common sense into the regulations of our country, trying to bring them under control.

Senator BOND and I are having a good time, actually. He has given some of the examples that we have found from ordinary citizens and small business people who are fed up to here with the overregulation of our country, and I applaud him for his efforts. I appreciate the fact that he has just read all of the regulations that are stacked on his desk. I am sure it was great bedtime reading.

Mr. 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 and they delegate the implementation 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.

Agencies have gotten into 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 dictate the way in which a person, 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 common sense out of the equation 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 emergency phone numbers at a construction site, and the construction site is three acres of empty field, and OSHA actually shut the site down for 3 days until the company constructed a freestanding wall in order to meet the 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? Or the case of Mrs. Clay Espy, a rancher from Fort Davis, TX. She allowed a student from Texas A&M to do research on plants on her ranch. He 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 $10,000 before 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 take this 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 is on top of the bill 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

are 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 BOND for years. 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 to make sure 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 1900's—1904, 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 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 easily be complied with by mom and pop businesses on the Main Streets of our country.

In many cases, regulations have caused substantial anger and substantial anxiety. I think that unreasonable and excessive regulation 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 in the last election is that 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 or clean water or 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 had 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 it made 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. The moratorium bill would 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 such 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 point, at all, I raise the question 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 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.

First of all, our meat and poultry inspection process, as everyone understands, is outdated and unable to satisfactorily detect bacterial contamination. The results, as we have seen, can be lethal.

In the last Congress, I was chairman of the Agriculture Nutrition Subcommittee and Research, Conservation, Forestry, and General Legislation. We conducted four hearings to explore the issue of meat and poultry inspection in this country.

At every one of these hearings, there was a clear consensus that we must modernize our meat and poultry inspection system. During the hearing we uncovered a number of troubling facts. For example, it has been estimated that major bacterial pathogens are responsible for up to 5 million illnesses and 4,000 deaths annually. Foodborne illness attack persons at a greater risk such as children and the elderly. In the Pacific Northwest four children died after eating contaminated meat, while hundreds became ill.

That tragic event prompted everyone involved in this issue to seek a more sensitive and responsible alternatives to the current meat and poultry inspection system—one that would prevent such a tragedy from every happening again. In fact, the American meat industry even petitioned USDA to propose a new rule.

The current meat and poultry inspection system is based upon sight and smell and cannot detect the presence of some deadly human pathogens. To correct this problem, the Department of Agriculture on February 3 proposed a regulation to improve the inspection of meat and poultry.

This rule is the product of several years' worth of debate with the scientific community and food industries. As we all know, the moratorium would substantially delay this rule. In the meantime, how many more outbreaks will occur? How many more children will become ill and perhaps die?

Americans enjoy the safest and most abundant food supply in the world. But it can and should be improved. Adopting a science-based meat and poultry inspection process is an important step. The ill-conceived and politically motivated moratorium must not be used to delay implementation of this long-overdue regulation.

The same can be true of seafood inspection.

Mr. President, on January 28, the Food and Drug Administration proposed a rule to improve the inspection of seafood. This is a sensible thing to do, given the desire on the part of most of us to have the safest food supply possible, but the moratorium would block it. Apparently, either those who push this regulatory moratorium are unwilling to support the changes necessary to have a safer food supply, or the moratorium will have the unintended consequence of stopping yet another reasonable and necessary rule. I find neither case acceptable.

The rule, which is based on the same principles used to overhaul the meat and poultry inspections, is designed to better ensure the safe processing and importing of fish and fish products.

The rule will benefit both the seafood industry and consumers. The industry will benefit, as consumers will have greater confidence in seafood products, leading them to purchase greater quantities of seafood, while consumers will benefit by having access to safer fish.

Unless this rule is covered by the safety and health exception—and it is far from clear that it is—then the moratorium will stop this rule in its tracks.

Are we willing to play politics with our food supply, needlessly endangering the public in order to score a few cheap political points? Or are we going to take responsibility for the health of Americans and acknowledge that many of these rules like the seafood safety rule, make sense and should move forward?

The same can be said about head injuries. Mr. President, the Department of Transportation has issued a rule requiring protection against head impacts in the upper interior of cars, light trucks, and light multipurpose passenger vehicles. Each year we delay implementing this rule, 1,000 Americans will lose their lives and several hundred crippling head trauma injuries will occur.

The costs associated with these injuries will continue to drive up health care costs, insurance rates, and time away from work for injured victims.

The greatest tragedy is that these deaths and injuries will have been prevented if the regulations had been kept in place. The moratorium would, at a minimum, delay this rule from taking effect for many months, costing what otherwise would have been preventable deaths and injuries. Is that the result intended by the authors of this moratorium? I cannot believe that it is.

Third, with respect to radioactive waste, although we have identified safer alternatives for nuclear waste disposal, that continues to represent a very serious problem. In spite of the fact that we are making progress, serious problems continue to exist with regard to how we dispose of nuclear wastes in the future. Efforts have been underway for years to identify better places and practices that would assure the safe disposal of nuclear waste for the many thousands of years that the waste remains dangerous.

This year, after considerable deliberation and analysis, the Environmental Protection Agency proposed long-awaited rules for the disposal of nuclear waste. While I do not expect that we are at the end of our quest for safe nuclear waste disposal, these rules represent a giant step in the right direction. This rule would apply in particular to the first national nuclear waste repository, the waste isolation pilot project in New Mexico.

The nuclear power industry and the Defense Department, as well as the Department of Energy, are looking forward to these rules to help create additional certainty and safety in the disposal of nuclear waste. The moratorium would halt the implementation of these rules. Given the high stakes in this debate, including the public health issues, risks and economic factors, does it make sense to place a moratorium on rules that would move us closer to a means of more safely disposing of nuclear waste? I do not think so.

Finally, during the Governmental Affairs Committee markup, Senator GLENN offered an amendment to exempt from the moratorium Environmental Protection Agency regulations to control contamination and disinfection byproducts in drinking water. As many of us remember, the city of Milwaukee not long ago experienced a serious outbreak of disease due to contamination of the city's water supply. In 1993, a microscopic parasite known as cryptosporidium got into Milwaukee's drinking water supply. Ultimately, the outbreak resulted in over 100 deaths and 400,000 illnesses. There are numerous other cities that have experienced the ravages of bacterial contamination in their water supply. Just ask the people of Carrollton, GA; Cabool, MO; or Jackson County, OR. In the wake of these episodes, the committee nevertheless rejected the Glenn amendment. Given the recent experience of residents in Milwaukee and other areas, I cannot imagine how anyone could defend the moratorium on regulations designed to protect the public water supply from contamination.

So, Mr. President, let us be clear. The regulatory moratorium is not a tool of genuine reform. It is a blunt tool of expediency and, if enacted, it would have serious negative consequences.

Fortunately, the moratorium, as I have said, is dead. Real reform requires hard work. Real reform allows a serious consideration of proposals that will allow us to make a difference in the regulatory process by defining good from bad. And that is exactly what we want to do here. We want to provide meaningful alternatives to the moratorium, and I believe that the so-called Nickles-Reid approach is a beginning in that effort. It allows us to assess in a more constructive way which regulations ought to be issued and gives us the opportunity to stop those that are not well-intended or certainly are not prudent. But we will get into that debate tomorrow.

My purpose in coming to the floor today is simply to say that the moratorium is recognized here as something that cannot work, a blunt instrument that in our view is far more serious in remedy than the actual problem that it is trying to cure.

So I am hopeful that as we go through this deliberative process, first with regard to the very limited nature

of the Nickles-Reid amendment, and then ultimately in a more comprehensive way later on, we can deal with the regulatory proliferation as we know it should be dealt with, in a way that provides us an opportunity to use discretion, and in a way that gives us an opportunity to make better decisions about regulations as they affect the American people.

With that, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to respond just briefly to a couple of comments made by the minority leader, Senator DASCHLE, my friend from South Dakota.

I noticed he said the GOP moratorium. We are not debating moratorium because we do have the substitute to it, but in his charts he said it would block better meat, poultry, and seafood inspection. I take issue with that because I do not think it does.

I happen to be the sponsor of the moratorium bill, and, again, we are going to offer a substitute, something I think is even better. But we do have exceptions. We have exceptions for imminent threat to health or safety or other emergencies. That is determined by the President of the United States. Maybe Senator DASCHLE does not have any confidence in the President of the United States, but we allow the President of the United States to make that determination.

It also says protection against head injuries and so on. Again, I think if the President felt that was a threat to health and human safety, he could exempt it. Or if he felt it was necessary for the enforcement of criminal laws, he could have exempted it. Or I heard some comments about the Safe Drinking Water Act, or could not differentiate between good and bad.

Again, in the bill, on page 9 of the bill, it says the President could exempt a regulation if he found that the regulation has as its principal effect fostering economic growth, repealing, narrowing, streamlining rule regulation, administrative process, or otherwise reducing regulatory burdens. The President could exempt it. Senator DASCHLE mentioned safe drinking water. Again, if the President felt it was necessary to enact such a regulation in order to save lives—I heard the comments of hundreds of lives or something—certainly the President would have that authority. As a matter of fact, we did not have judicial review. His authority would have been accepted without court review or anything.

So I just mention that. We do not have to continue debating this bill. I know Senator DASCHLE said the moratorium is dead and now we are looking at this more streamlined Nickles-Reid bill.

Let me compare this to the moratorium. The bill that Senator REID and myself are proposing is congressional review of all regulations. The moratorium bill that passed out of the Governmental Affairs Committee did not review all regulations. It reviewed only a small percentage and then allowed the President to exempt those.

We started out with eight exemptions. The committee added another two or three and then had some exemptions on specific amendments. So there are like 10, at least 10 exemptions in the Governmental Affairs Committee but that only applied to significant regulations.

So for people to say that was so draconian and so unfair and so much a terrible disaster, I would say the Nickles-Reid substitute is a lot more comprehensive because it has the potential of stopping any regulation. It says Congress can review them. It puts the burden on Congress. Granted, the bill that was reported out of the Governmental Affairs Committee had the responsibility on the executive agencies, had the responsibility on the President of the United States. The President would have to exempt those regulations, due to the following exemptions. Now it is on Congress if we are successful.

Congress has the responsibility—and I want to underline the word ''responsibility,'' because Congress, in my opinion, in many cases has abdicated that responsibility. We have passed laws and then we forget about them. We are busy. We do not have time to go in and actually follow up and do congressional oversight. And so we pass the laws, and bureaucrats take over and enforce them and come up with the rules and regulations to make those things happen.

Now Congress is going to have some responsibility to review those rules. Particularly those rules that have significant impact, we are going to have to find out does the rule make sense? Is it a good idea? And maybe even some of those rules that do not have significant impact—maybe they do not have to have $100 million of economic impact—we should review those rules as well, and if our constituents are telling us that these rules are far too costly or too expensive or bureaucratic or too complicated to comply with, maybe we will listen to them and maybe we will stop them. Maybe we will make the administration more accountable. And I think it is one of the reasons why President Clinton should support this legislation. I expect that he will. I expect that he will sign this legislation because this will make the bureaucrats more accountable. They will know if they come up with a regulation, they cannot hide behind the legislation. They know that Members of Congress can have them appear before the various committees and they will have to justify the regulations. If there is a serious opposition to it, they will have to justify it in such a way or else, if we can get a majority vote in both Houses, we can rescind it. We can repeal it. We can stop it. We can reject it, as we should.

Mr. President, I know this chart behind me talks about the number of pages that are in the Federal Register. It shows the growth that we had basically during the Carter years in 1977, 1978, 1979, and in 1980, we reached an all-time high. We had actually 73,258 pages in the Federal Register. It declined significantly under Ronald Reagan's term, fell all the way down at the end of his first term in 1984 down to 48,000-some pages. In 1986, it reached the low point, I guess, of 44,821. In 1988, it had gone up to 50,000. At the end of 1992—and I guess that was the end of President Bush's term—we were up to 57,000. And under President Clinton's term, the first couple of years, the number of pages has increased up to almost 65,000, and seems to be continuing to increase.

A lot of these regulations are good and a lot of them are not good. A lot of them are not well thought out. Some of them need congressional review.

The Senator from Montana talked about having a hearing in Montana a couple weeks ago. Senator BURNS talk about having a hearing dealing with logging and had somebody from OSHA there who had actually been designing the rules and regulations and having that kind of oversight. We need more of that. We need the regulators to know that they can be held accountable by Congress and, if they pass or try to implement egregious rules, that we can have the opportunity to overturn those in an expedited process.

This bill has bipartisan support. I think it is a good substitute. I think it is a better substitute, frankly, than the underlying bill. I happen to be involved in both of these. And I think this one, because it is permanent, because it has, I think, a very good chance of passage and signature by the President of the United States, Mr. President, I think are very positive reasons why it should be enacted. I hope my colleagues would concur.

I yield the floor.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

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

The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 629 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

Mr. GLENN. I thank the Chair.

Mr. President, I hate to take exception with my distinguished colleague from Oklahoma, but he said that we are not debating the moratorium bill.

Yes, we are. I hate to disagree, but we are. That is exactly what we are debating today. That is what is before us.

The proposed Nickles-Reid substitute is one that we will address tomorrow. I know that the debate today has gotten off on that subject a number of times.

The bill that was voted out of committee, S. 219, the moratorium bill, as proposed by the Senator from Oklahoma, with a few changes that were made in the committee, was, as I understand it, almost exactly the same as H.R. 450, the House bill that has already passed. And that is the bill that we are addressing a lot of our concerns toward today, as well as S. 219.

When the Nickles-Reid substitute comes up tomorrow, I may well vote for that. I am not against the legislative veto. What I am concerned about is the moratorium bill. The House passed a devastating bill that is basically the same as S. 219, and that is what we are debating today.

I want to run through some of the regulations that would be stopped under a moratorium. I have about 40 minutes remaining, and I would like to go through some of these particular regulations that would be knocked out if we pass the House bill or if we passed a version that would then go to conference and be changed according to the House bill.

So we are debating the moratorium today and not what may occur tomorrow or what may be addressed tomorrow.

Now what would be affected? Well, we would have a lot of regulations. I will not go through all of them here. We have about 120 of them we could bring up. Some of them have already been mentioned today.

Shrimp harvesting that the States of Alabama, Mississippi, Florida, Louisiana, and Texas want would be cut back. The final rule was published on that December 28, 1994, so that would be affected.

Another one is on fisheries management under the Department of Commerce, National Marine Fisheries Service. The moratorium would affect all States with fisheries. The rules that would be affected restrict the number of fish that commercial fishermen can catch in certain fisheries each year.

They are based on scientific data and designed to allow for the maximum take of fish, while at the same time preventing depletion of fish stocks. Depletion has been a serious problem in many fisheries around the country.

Beneficiary of the rule include all fishermen and the consuming public. So the impact of S. 219 and H.R. 450 would be that many of these management specifications were published after November 20, 1994, and a moratorium could suspend these specifications, potentially allowing unlimited fishing in these fisheries, which could lead to long-term decline in the number of fish available for future fishing.

How about seafood safety administered by the Department of Health and Human Services and the Food and Drug Administration? What States will be affected? All.

The rule: FDA is proposing regulations to utilize hazardous analysis critical control point [HACCP] principles as a most effective way to ensure the safe processing and importing of fish and fishery products. HACCP procedures can be used by food processors and importers. Beneficiaries of the rule include consumers and the seafood industry. Consumers will benefit from safer products and will gain additional health benefits by substituting seafood products in place of other meats higher in fats and cholesterol.

The seafood industry will benefit from increased consumer confidence in safer seafood products and more uniform inspection procedures.

What would be the impact of S. 219 and H.R. 450? Unless this rule is included in a health and safety exception, passage of a moratorium bill will prevent the implementation of a final rule, consumption of seafood may continue to decrease, and consumers' lack of confidence in the safety of seafood products would persist.

That proposed rule was published January 28 of this year, and the final rule is slated for publication in the summer of 1995. That would be knocked out if H.R. 450 and S. 219 prevail.

Another issue: Noncitizen housing requirements of the Department of Housing and Urban Development.

All States would be affected.

This rule would restrict HUD housing assistance to U.S. citizens, nationals, and certain categories of legal immigrants. The beneficiaries of the rule would be citizens and legal immigrants who would be deprived of limited available housing assistance.

What would be the impact of S. 219 and H.R. 450? U.S. citizens and legal immigrants would be deprived of the limited housing assistance offered by HUD and, instead, this housing could be available to illegal immigrants. That final rule was submitted to OMB on December 30, 1994.

Another issue: Continuation of Federal Home Loan Mortgage Corporation and Federal National Mortgage Association housing goals administered by the Department of Housing and Urban Development.

I believe in the Governmental Affairs Committee, the Senator from Oklahoma asked that that be addressed and it was, but it is not in H.R. 450.

All States would be affected.

The rule: By statute, HUD is required to establish housing goals to direct the purchase of mortgages by Freddie Mac and Fannie Mae on housing for low- and moderate-income families, housing located in central cities, housing located in rural and underserved areas, and housing meeting the needs of low-income families and very low-income families.

In October 1993, HUD established these goals for 1993 and 1994. This rule extended into 1995 the 1994 housing goals pending the issuance of a more comprehensive final rule.

Beneficiaries of the rule? Very low- to moderate-income families in central cities and rural areas and other underserved areas.

The impact of H.R. 450 and S. 219: A moratorium could put a halt to Fannie Mae and Freddie Mac meeting housing goals set by HUD in accordance with the law and in recognition of the responsibilities of Fannie Mae and Freddie Mac under their charters. The needs of moderate-, low-, and very low-income families would not be served, and the opportunities for such families to purchase homes would be greatly reduced.

The final rule was published November 30, 1994, after the election.

Community development block grants is another issue also administered by HUD.

All States are affected by this.

The rule establishes guidelines to assist the community development block grant recipients to evaluate and select economic development opportunities for CDBG funds. The rule also makes changes for the use of CDBG funds for economic development.

Who benefits from this rule? State and local communities who receive these CDBG funds. The rule reduces administrative burdens on the recipients and focuses on assisting residents of low- and moderate-income neighborhoods.

The impact of H.R. 450 and S. 219: State and local governments will have limited use of CDBG funds for economic development which will adversely affect the communities served by these State and local governments.

The final rule on this was published January 5, 1995.

We can see just from these few I read so far that if we agree to H.R. 450 from the House or if we pass S. 219 here, which is what is before us at the moment, then, indeed, as the minority leader said a few moments ago, we can assume, I think, that the moratorium is dead; the moratorium is dead.

This is only a beginning. I have probably another 75 or so, and I will not be able to go through all of them today, but I plan to go through a few more to show that I, too, believe that the moratorium is dead and that the more the American people know about what the moratorium, H.R. 450 in the House, proposes and what S. 219, its companion bill here, which is before us today, proposes, the more they will agree that these are ill-considered pieces of legislation and should not have been proposed.

I think whatever changes we may make in this tomorrow and whatever bill we may wind up sending over to the House, I want the record to be full and complete in the Senate that what would happen under that bill in the House, if we accepted it or if we accepted S. 219 here, would be devastating to the lives of all individuals in many of

these different areas. I am just addressing a very, very few on the floor today.

Another one out of the Park Service: Cruise ship access to Glacier Bay.

Only Alaska is affected.

The rule: The Department of the Interior recently decided to allow increased vessel traffic in Glacier Bay. New vessel management plan regulations are planned to implement this policy decision.

The beneficiaries of the rule include travelers to Glacier Bay, area businesses, cruise ship industry, and businesses in Alaska.

The impact of S. 219 and H.R. 450: A moratorium could delay the implementation of this new policy, which could reduce the number of potential cruise ship passengers and diminish trade to businesses in the area.

The rule is planned for publication during 1995.

Another one, administered by the Department of Labor, is the Family and Medical Leave Act regulations.

All States will be affected.

The regulation would implement the Family and Medical Leave Act of 1993, which allows eligible employees to take up to 12 weeks of unpaid leave a year for the birth of a child, adoption of a child, or to care for a seriously ill relative.

The beneficiaries of the rule include both employers and employees, who will benefit from the clarification and guidance provided in the final rules, including, for example, clarification of what a serious health condition really is.

The impact of H.R. 450 and S. 219, without the final rules: Uncertainties raised by the law and the interim regulations would remain.

The final rules were published on January 6, 1995, and they will become effective on April 6, 1995.

Another one is under OSHA, the Occupational Safety and Health Administration, on logging safety. All States are affected. This rule addresses the major causes of logger deaths and serious injuries by providing safety provisions for chain saws, logging machinery, tree harvesting procedures, training, and personal protective equipment.

Logging companies are expected to benefit from over 4,000 fewer lost workday injuries and a standardization of industry safety requirements. This rule is expected to prevent an average of 111 logger deaths, 4,759 lost workday injuries, and 2,639 other serious injuries each year.

The impact of H.R. 450 or S. 219: The logging occupation has the highest death rate of all occupations—14,000 per 100,000 workers—almost three times the private sector rate. If S. 219 would pass, or H.R. 450 were to be accepted, it would allow continuation of the carnage that now takes place in the logging industry. Most of the final rule went into effect on February 9, 1995, with 12 provisions of the final rule having been stayed until August 1995.

Another one is administered by the Labor, Mine Safety and Health Administration. All the coal mining States would be affected. The rule relates to the use of diesel-powered equipment in underground coal mines, which has mushroomed in the past 18 years, without special safety and health regulations or equipment approval regulations necessary to control fire hazards and health concerns of acute and long-term exposure to diesel exhaust gases. This rule will provide basic common sense standards for use of this potentially dangerous machinery.

The beneficiaries of the rule are mine workers and mine operators.

State regulatory officials have strongly supported finalizing diesel regulations. Many mine operators have already begun implementing some improvements in anticipation of the standard rule. The impact of H.R. 450 or S. 219, a moratorium, would allow diesel equipment to continue to be used without specific regulation or safety controls.

In a 13-year period, there were 10 diesel-related fires investigated. Suspension of this rule would stall or halt the good-faith efforts that many mine operators have begun to work toward in improving the use of diesel equipment in underground coal mines. The final rule is to be issued in March 1995—this year. I do not know whether it has been issued yet or not.

Another one from OSHA is a rule to reduce exposure to tuberculosis in the workplace. All States are affected. Based on the Centers for Disease Control recommendation, this proposed rule will protect employees from occupationally acquired tuberculosis, for engineering controls, administrative controls, work practice controls, respiratory protection, medical surveillance, and training. In order to reduce the regulatory burden on facilities with low incidence of TB, this rule will be especially tiered on the basis of the location and type of facility.

The beneficiaries of the rule will be the 4½ million workers covered under this rule, and the employers who will have fewer lost workdays to this disease. The impact of H.R. 450 or S. 219: Unless workplace transmission of TB presented an imminent threat to health and safety, a moratorium could prevent effective control of this virulent disease, especially in high-risk workplaces and locations.

Another area that is covered by the Department of Transportation is standardizing regulations for domestic shipments of hazardous materials. All States are affected. The rule standardizes regulations for shipments of domestic hazardous materials, making them more consistent with similar international regulations.

The beneficiaries of the rule are shippers and carriers of hazardous materials that are engaged in both domestic and international shipments. Without revisions to the final rule, carriers would have to comply with differing rules for domestic and international shipments of hazardous materials.

The impact of S. 219 and H.R. 450: They would increase the cost of doing business for international and domestic shippers and carriers of hazardous materials, placing an unfair burden on U.S. businesses. Moreover, requiring different regulations for domestic and international shipments may stifle exports of hazardous materials, which had a positive balance of trade of approximately $17 billion in 1994. The rule was in effect as of January of this year.

Mr. President, we can go on with others. I would like to state a couple more here in this area, and then I want to get over into some of the nuclear matters.

Airworthiness directives were mentioned by Senator DORGAN a few moments ago on the floor. These are administered by the FAA. All States are affected.

Periodically, the FAA issues airworthiness directives—AD's, as they are known as in the industry. They are designed to rectify potential safety problems in aircraft—potential, not imminent.

Several examples of airworthiness directives that could be suspended are: Restrictions on the operation of the ATR–42 and ATR–72 aircraft in icing conditions following the October crash in Indiana that we remember from last year. Another revision to the airplane flight manual to prohibit takeoff in certain icing conditions unless either an inspection is performed or specific take off procedures are followed. That is applicable to the Fokker F–28 model aircraft; inspection modification of the tail cone release assembly of certain McDonnell Douglas aircraft to ensure that passengers can escape during an emergency evacuation; inspection and repair of landing gear brakes for certain Airbus aircraft. This was prompted by an accident in which an aircraft was unable to stop on a wet runway. Another one: Replacement of bolts, nuts, and washers that hold together parts of the wing flap; the new attachments prevent failures that could cause the aircraft to roll over upon liftoff, and that is applicable to Boeing 757 aircraft. Another requires measures to prevent the sliding cockpit side windows from rupturing in certain Airbus models. Failure to prevent that can potentially result in rapid decompression of the aircraft.

The impact of S. 219 and H.R. 450: The moratorium could prevent these types of directives from being issued. The safety concerns they address, though significant, may not be sufficiently imminent—repeat, imminent—to qualify for an exception under S. 219.

I know we had discussions this morning about the President making his own judgments on these things, because Congress is apparently not willing to define what it means by imminent.

These airworthiness directives were published after November 20, 1994. They

are out there now. If S. 219, as it came out of committee, or H.R. 450, was accepted, those airworthiness directives would not be in effect.

Standardization of aviation rules is another one that is put out by the FAA or followed by the FAA. They standardize regulations between the U.S. and European joint aviation authorities regarding flight operations, aircraft safety considerations.

Commuter airlines safety standards are another one where all States are affected. The proposed rule is supposed to be issued in March of this year, with final rules planned for December 1995. The rule would upgrade the standards for commuter airlines to those of major airlines—something I am sure we all would like to see happen and not be held up by any legislation such as this.

So once again, I say, when the minority leader came out a little while ago and made his statement that the moratorium is dead, I agree with that. These are just a few of the things I have been running through here today. But the moratorium had better be dead, or we are going to have a great deal of discussion on this when it comes back from conference with the House, if the House moratorium legislation would prevail, as was proposed in S. 219, which is before us today here on the Senate floor.

This is not all on airplanes and on health and safety matters.

We also have Government securities, large position reporting required by the Treasury. The proposed rule for public comment was put out on January 24 of this year.

Another is an agreement to establish water quality standards in the San Francisco Bay delta area. The final rule was published January 24 of this year.

We go on and on. Reducing toxic air emissions, the Environmental Protection Agency rule allows industries—this is one industry wants—to obtain pollution credits for voluntarily reducing air pollution before they are required to by law. Thus, this rule allows interested companies—those who now want to invest in clean air—to take credit now for early compliance.

So we get the benefits of cleaner air sooner. Everybody gets a benefit of that. Industry wants that.

Twenty-one companies have applied for the program and 17 more have indicated an interest. This is the proposal that came out November 21, 1994. The final is supposed to come out later this year. That would be held up by any moratorium.

For lead poisoning prevention, most regulations and guidelines have been proposed, and are to be finalized in summer or fall. Lead is a threat to children, regardless of family income, and adversely affects the nervous system, kidney, the hematopoietic system, causing decreased intelligence, impaired neurobehavioral patterns, coma, convulsions, hypertensions, and even death in children. Regulations on these matters would be held up if H.R. 450 or S. 219 would happen to prevail.

Mr. President, I would like to focus for a few minutes on the effects a regulatory moratorium would have on an area which I have long been concerned—health and safety as it pertains to nuclear facilities, nuclear cleanup, and radiation protection. As we shall see, the proposed moratorium will delay a number of important regulatory actions that have been crafted to provide for the public's health and safety—in a cost-effective manner.

Let me start by making a basic observation. Radiation protection, nuclear safety, and radioactive cleanup are complex, technical issues. It follows that the regulations governing these issues are also complex. To wield indiscriminately the meat ax of a regulatory moratorium at the existing nuclear regulatory framework is precisely the wrong way to go about improving this situation.

As currently proposed, the regulatory moratorium would delay the implementation of many important nuclear-related regulations—from standards for nuclear waste disposal to standards for cleaning up radioactively contaminated sites to rules for improving the safe operation of Government nuclear facilities to rules governing health studies of contaminated or potentially contaminated populations.

Now, Mr. President, I do not deny that the existing regulatory framework for radiation protection standards can be improved. But a moratorium is not the way to do it. In fact, I have been working for some time to improve the Federal radiation regulatory framework. I would like to call my colleagues' attention to an October 27, 1994, ''Dear Colleague'' letter which I sent to all Senators on this issue. I would like to quote from the letter, and I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

DEAR COLLEAGUE: I want to draw your attention to the enclosed GAO report on federal radiation protection standards and regulations (Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED–94–190). the GAO finds that:

''Historically, interagency coordination of radiation protection policy, . . . has been ineffective. Time-consuming and potentially costly dual regulation of nuclear licensees has been an issue between EPA and the Nuclear Regulatory Commission (NRC), and standards for major sources of radiation have been lacking for years because interagency disagreements have delayed the completion of regulations.'' ''At present, it is apparent that agencies' radiation standards and protective approaches ultimately reflect a general lack of interagency consensus on acceptable radiation risk to the public.''

Congressional concerns in this area are long-standing. In 1979, I introduced legislation that prompted the Carter Administration to form a federal radiation policy council (later dissolved by the Reagan administration). In 1982, I again introduced legislation which, though never enacted, helped spur formation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC), whose primary purpose is to coordinate Federal radiation policy. The enclosed report indicates that, while there has been limited progress recently, much remains to be done.

A coherent, rational approach to these issues is long overdue. By helping to rationalize this important area of regulation, we will lighten the regulatory burden, streamline the federal bureaucracy and, enhance public protection and public confidence. Another clear benefit from a coherent, consistent radiation protection regime will be a savings of taxpayer dollars from the resulting efficiencies in Federal facility cleanup.

I believe, consistent with GAO's recommendations, the EPA should take the lead to develop a plan for broadening and strengthening its ongoing radiation protection harmonization effort. I have asked that the EPA report to me with a plan for a path forward to rectify the current radiation regulation regime.

Such a plan should be developed with input from effected agencies, including the NRC, DOE, and DOD. Clearly, CIRRPC should serve in a coordinating role to assist in this plan's development. I have asked that this plan be developed prior to the beginning of the 104th Congress. After reviewing the interagency plan, I will consider whether any legislative remedies may be necessary to create a coordinated approach to this field of regulation.

Radiation protection standards affect our entire population. I encourage you and your staff to read this report, and would be interested in any comments you may have. My Governmental Affairs staff contact on this issue is Chris Kline (4–7954).

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

Mr. GLENN. Mr. President, quoting from the letter:

DEAR COLLEAGUE: I want to draw your attention to the enclosed GAO report on federal radiation protection standards and regulations (Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED–94–190). The GAO finds that:

''Historically, interagency coordination of radiation protection policy, . . . has been ineffective. Time-consuming and potentially costly dual regulation of nuclear licensees has been an issue between EPA and the NRC, and standards for major sources of radiation have been lacking for years because interagency disagreements have delayed the completion of regulations. At present, it is apparent that agencies' radiation standards and protective approaches ultimately reflect a general lack of interagency consensus on acceptable radiation risk to the public.''

My letter continues by describing past executive and legislative efforts, including several pieces of legislation which I introduced, the purpose of which was to coordinate Federal radiation policy. The GAO report describes some 26 radiation protection standards, rules and regulations, which, when taken together, still result in gaps, overlaps, and inconsistencies. In my view, and that of the GAO, the radiation protection framework is broken and needs to be fixed.

That is why, Mr. President, on the same day I circulated the ''Dear Colleague'' letter mentioned earlier, I wrote to Administrator Browner of the EPA, Chairman, Selin of the NRC, and Dr. Gibbons of OSTP requesting that they develop a plan for a ''path forward'' to address the inconsistencies, gaps, and overlaps in current radiation protection standards. In my letters to these officials, which I ask to be made part of the record, along with their subsequent responses, I stated that this plan should clearly identify and prioritize the standards and issues which need to be resolved. I asked also that the plan identify feasible milestones on which there is consensus agreement for progress to move forward.

Mr. President, I ask unanimous consent to have these letters printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

HON. CAROL BROWNER,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR BROWNER: Since coming to the Senate, one of my primary interests has been protecting our citizens' health and safety from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated facilities. As you clearly know, the Environmental Protection Agency (EPA) plays a key role in the Federal government with regards to regulating radiation. With this in mind, I wanted to bring to your attention a recent General Accounting Office (GAO) report that directly concern programs under your jurisdiction.

The report ''Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RED–94–190)'' examines the existing set of radiation protection standards and analyzes whether these standards provide a coherent, complete, federal framework for public protection. The report describes a federal regulatory regime for radiation that is inconsistent, overlapping and incomplete. The GAO finds large disparities in the standards established by different agencies and no consensus emerging on what those standards should be. In fact, GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these agree numerically, but others differ.

Over the years I have chaired numerous Governmental Affairs Committee hearings and made several legislative proposals which address this issue. For example, in response to legislation I introduced in 1979, President Carter created a federal radiation policy council. While this organization was disbanded by President Reagan, the problems it was intended to address did not go away. I then introduced legislation in 1982 which would have created an interagency council to address the fragmented and inconsistent nature or radiation protection regulation. This proposal spurred the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). Since the mid-80's I have chaired hearings which have highlighted similar problems with the regulation of medical radiation, as well as the impact of inconsistent radiation protection guidance on federal facility cleanup operations.

The GAO report points out—and I would like to underscore—the progress that has recently been made between EPA and the NRC concerning the recent Memorandum of Understanding on this subject. I congratulate you and your staff for the leadership you have displayed thus far, and strongly encourage you to expand this effort into a government-wide exercise in coordination and harmonization of radiation exposure standards and regulations.

I concur with the GAO's recommendation that the EPA should take the lead in creating coherent, consistent standards in cooperation with other agencies and CIRRPC. A coherent federal approach to these issues is long overdue. By rationalizing this important area of regulation, the EPA could ease the burden on the regulated community while at the same time enhancing public protection and public confidence.

However, past history has proven that initial progress on this subject can easily become ensnared in interagency disputes and bureaucratic infighting. For this reason, I would request that, prior to the date the 104th Congress convenes, EPA and NRC, in coordination with CIRRPC, develop a plan for a ''path forward'' to address the inconsistencies, gaps, and overlaps in current radiation protection standards. This plan should clearly identify and prioritize the standards and issues which need to be resolved. The plan should also identify feasible milestones on which there is consensus agreement for progress to move forward. Should the EPA prove unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body which would be mandated to produce and carry out this plan.

I appreciate your past and ongoing efforts in this very important area, and I am willing to assist future activity in any way that I can. Should you have any questions, please do not hesitate to contact me directly. My staff contact on the Governmental Affairs Committee is Chris Kline (202) 224–7954.

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

Hon. IVAN SELIN,
Chairman, U.S. Nuclear Regulatory Commission, Washington, DC.

DEAR MR. CHAIRMAN: Since coming to the Senate, one of my primary interests has been protecting our citizens' health and safety from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated facilities. As you clearly know, the Nuclear Regulatory Commission (NRC), along with the Environmental Protection Agency (EPA) play key roles in the Federal government with regards to regulating radiation. With this in mind, I wanted to bring to your attention a recent General Accounting Office (GAO) report that raises a number of important issues.

The report ''Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RED–94–190)'' examines the existing set of radiation protection standards and analyzes whether these standards provide a coherent, complete, federal framework for public protection. The report describes a federal regulatory regime for radiation that is inconsistent, overlapping and incomplete. The GAO finds large disparities in the standards established by different agencies and no consensus emerging on what those standards should be. In fact, GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these agree numerically, but others differ.

Over the years I have chaired numerous Governmental Affairs Committee hearings and made several legislative proposals which address this issue. For example, in response to legislation I introduced in 1979, President Carter created a federal radiation policy council. While this organization was disbanded by President Reagan, the problems it was intended to address did not go away. I then introduced legislation in 1982 which would have created an interagency council to address the fragmented and inconsistent nature of radiation protection regulation. This proposal spurred the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). Since the mid-80's I have chaired hearings which have highlighted similar problems with the regulation of medical radiation, as well as the impact of inconsistent radiation protection guidance on federal facility cleanup operations.

The GAO report points out—and I would like to underscore—the progress that has recently been made between EPA and the NRC concerning the recent Memorandum of Understanding on this subject. I congratulate you and your staff for the leadership you have displayed thus far, and strongly encourage you to expand this effort into a government-wide exercise in coordination and harmonization of radiation exposure standards and regulations.

I concur with the GAO's recommendation that the EPA should take the lead in creating coherent, consistent standards in cooperation with other agencies and CIRRPC. A coherent federal approach to these issues is long overdue. By rationalizing this important area of regulation, the EPA could ease the burden on the regulated community while at the same time enhancing public protection and public confidence. The NRC, however, as the federal agency with the most relevant and diverse experience in regulating radiation must provide crucial technical assistance and policy guidance based on your experience in this complex field.

However, past history has proven that initial progress on this subject can easily become ensnared in interagency disputes and bureaucratic infighting. For this reason, I would request that, prior to the date the 104th Congress convenes, EPA and NRC, in coordination with CIRRPC, develop a plan for a ''path forward'' to address the inconsistencies, gaps, and overlaps in current radiation protection standards. This plan should clearly identify and prioritize the standards and issues which need to be resolved. The plan should also identify feasible milestones on which there is consensus agreement for progress to move forward. Should the EPA, in coordination with CIRRPC, the NRC and other agencies, prove unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body which would be mandated to produce and carry out this plan.

I appreciate your past and ongoing efforts in this very important area, and I am willing to assist future activity in any way that I can. Should you have any questions, please do not hesitate to contact me directly. My staff contact on the Governmental Affairs Committee is Chris Kline (202) 224–7954.

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 27, 1994.

JOHN H. GIBBONS,
Director, Office of Science and Technology Policy, Washington, DC.

DEAR MR. GIBBONS: Since coming to the Senate, I have maintained a keen interest in protecting our citizens from unnecessary exposure to ionizing radiation. Radiation protection standards affect all Americans, and directly influence the way that billions of taxpayer dollars are spent as we attempt to clean up contaminated Federal facilities.

Historically, the federal government's program of standards and regulations for radiation exposure have been fragmented, overlapping, and poorly coordinated. In 1979 and 1982 I introduced legislation to address this situation that later prompted the creation of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) which was chartered under the Federal Coordinating Council for Science, Engineering and Technology, Office of Science and Technology Policy. CIRRPC currently reports to the National Science and Technology Committee's Committee on Health, Safety & Food R&D.

In light of CIRRPC's role as a coordinating body for federal radiation policy, I want to bring to your attention a recent General Accounting Office (GAO) report on the current status of federal radiation policy coordination. In its report, ''Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (RCED–94–190),'' GAO finds that despite some initial efforts at coordination between the EPA and NRC, the federal program for regulating radiation risks is characterized by ''ongoing disagreements on jurisdictional and philosophical issues, including protective strategies. Also, in recent years EPA and CIRRPC have coordinated federal radiation policy ineffectively.''

The GAO recommends that EPA and NRC expand on their recent coordinating activities to include the effective participation of other agencies and CIRRPC in pursuing interagency consensus on radiation policy. I have asked that the EPA take the lead in implementing this recommendation and report to me on its plans within 90 days. I want to encourage CIRRPC to assist in this endeavor.

Should EPA, in coordination with CIRRPC and other agencies, be unable to develop and implement such a plan, I will strongly consider introducing legislation to create an interagency body with the mandate to produce and carry out this mission.

A coherent federal approach to these issues is long overdue. By helping to rationalize this important area of regulation, the CIRRPC could lighten the regulatory burden on the regulated community while at the same time enhancing public protection and public confidence. Another important benefit likely to spring from a coherent, consistent federal radiation protection policy is reduced cost to the taxpayer for the cleanup of contaminated federal facilities.

I would appreciate learning of your plans for improving CIRRPC's effectiveness, as well as any other proposals you may have for addressing the issues raised by the GAO. Please do not hesitate to contact me directly should you wish to discuss this matter. My Governmental Affairs Committee staff contact is Chris Kline (202) 224–7954.

Best regards.

Sincerely,

JOHN GLENN,
Chairman.

(Mr. CRAIG assumed the chair.)

Mr. GLENN. Mr. President, I would note that a regulatory moratorium does none of these things. A regulatory moratorium doesn't ask for a plan. It doesn't provide for careful analysis of the existing regulatory framework. A regulatory moratorium is a blind and ignorant attempt to address complex issues.

In late January and February of this year, I received the responses from NRC, EPA, and OSTP. As a result of my efforts the current Federal radiation protection framework is being restructured. The previous coordinating body, the Committee on Interagency Radiation Research and Policy Coordination is being disbanded. While CIRRPC has had some success in addressing some issues, it was widely viewed as being ineffective.

In its place, the National Science and Technology Council, chaired by Dr. Gibbons, has formed a subcommittee to coordinate interagency radiation research activities. This move will more effectively integrate radiation research into the rest of the Federal R&D effort.

I ask unanimous consent to have printed letters concerning this.

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

THE WHITE HOUSE,
Washington, Feb. 10, 1995.

Dr. ALVIN L. YOUNG,
Chairman, Committee on Interagency Radiation Research and Policy Coordination, Washington, DC.

DEAR DR. YOUNG: Thank you for your letter of December 2 regarding the future of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). We owe you a great debt of gratitude for your outstanding service over the years and accept your decision to resign as chairman of the committee.

For a number of years CIRRPC has successfully complemented radiation research and policy activities of the Federal agencies. Under your able leadership CIRRPC has produced a number of highly referenced documents and provided a forum for the resolution of often contentious policy and scientific issues. However, a number of factors have led to a recent examination of CIRRPC as the appropriate body to coordinate radiation matters among agencies, evaluate radiation research and provide advice on the formulation of radiation policies. The creation of the National Science and Technology Council (NSTC) as the Administration's mechanism for addressing interagency science and technology issues, the October 1994 General Accounting Office report on nuclear health and safety, and our efforts to create a government that works better and costs less are some of those factors.

The NSTC Committee on Health, Safety and Food (CHSF) leadership has reviewed CIRRPC's role in relation to the charter and the factors described above and recommended that CIRRPC phase out its activities. I have accepted this recommendation with the understanding the CHSF will establish a new subcommittee to coordinate interagency radiation research activities in accordance with the NSTC roles and responsibilities. Accordingly, the CIRRPC charter will not be renewed.

I want to thank you for your unwavering commitment and leadership over the past decade in the interagency radiation research and policy environs. You clearly have played a critical role in CIRRPC's many successes, and I commend you for your work and dedication.

Sincerely,

JOHN H. GIBBONS,
Assistant to the President for Science and Technology.

THE WHITE HOUSE,
Washington, Feb. 24, 1995.

Hon. JOHN GLENN,
Washington, DC.

DEAR SENATOR GLENN: This letter is to update you on the actions that have been taken since your October 27, 1994 letter regarding the GAO report, ''Consensus on Acceptable Radiation Risk to the Public is Lacking.''

Office of Science and Technology Policy (OSTP) representatives met with the Environmental Protection Agency (EPA), the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE), and with your Governmental Affairs Committee staff to explore better mechanisms to coordinate radiation standards and radiation effects research activities among Federal agencies.

I would like to summarize the results of these discussions. The Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) has undergone a review by its parent committee, the Committee on Health, Safety, and Food (CHSF) of the National Science and Technology Council (NSTC). For over a decade, CIRRPC has coordinated radiation related matters among agencies, evaluated radiation research, and provided advice on the formulation of radiation policies. As a result of the CHSF review, I have decided that CIRRPC's charter will not be renewed. I believe there are more effective and less costly ways of coordinating radiation issues and activities and that we have some excellent mechanisms in place which, with minor reconfiguration, can better achieve national goals.

First, EPA and NRC agreed to expand the scope of the present Interagency Steering Committee on Radiation Clean-up Standards, which currently includes EPA, NRC, DOE and the Department of Defense (DoD). The Steering Committee will immediately begin to develop a consensus on how to address the issues cited in the GAO report, including acceptable radiation risk to the public, the establishment of consistent risk assessment and management approaches, and completeness and uniformity in radiation standards and methods of public education on radiation safety. The Steering Committee will report its progress to OSTP, the Office of Management and Budget (OMB), and to agency heads.

Second, since many of the issues involve ''risk assessment'' in the promulgation of Federal regulations, the Interagency Steering Committee referenced above will bring to the Subcommittee on Risk Analysis those regulatory issues that require review by the senior level of government. I chair the Subcommittee on Risk Analysis which is under the Regulatory Working Group chaired by Sally Katzen of OMB.

Finally, the CHSF will establish a new subcommittee to be charged with coordinating interagency radiation effects research activities across the Federal agencies. This body will provide advice on the needs and priorities of radiation effects research.

EPA and NRC have shared with us their responses to your October 27 correspondence on this same matter. I am encouraged by their efforts to coordinate radiation activities, particularly the development of an EPA/NRC joint risk harmonization white paper.

I deeply appreciate your interest in radiation issues and believe that the recent events, which you have helped promote, will

provide better and more effective coordination in the years to come.

Sincerely,

JOHN H. GIBBONS,
Assistant to the President for Science and Technology.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 27, 1995.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR MR. GLENN: I am responding on behalf of the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) to your letters dated October 27, 1994, concerning the Federal government's responsibility to protect the public from ionizing radiation. Your letters discussed the recent General Accounting Office (GAO) report on this subject, ''Nuclear Health and Safety: Consensus on Acceptable Radiation Risk to the Public is Lacking (GAO/RCED–94–190), and requested that EPA and NRC, in coordination with the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) develop a plan, prior to the date the 104th Congress convenes, for a ''path forward'' to address inconsistencies, gaps, and overlaps in current radiation protection standards.

The GAO report combines 26 radiation-related standards or guidelines into three categories: (1) general public, (2) source—(or media-) specific, and (3) occupational. It also identifies differences in ''estimated lifetime risks'' to members of the public, as well as gaps and overlaps among the standards making up categories 1 and 2. Such inconsistencies are explainable in part by legal mandates, regulatory responsibilities, and varied technical assumptions underlying each of the standards (see attachment). However, we recognize the need for more coherent, complete, and consistent radiation standards, as well as a clear communication of these standards throughout agencies and to the general public.

The report note several ongoing efforts by EPA and NRC to resolve many of these issues. For example, EPA has led an interagency effort to develop and coordinate federal radiation cleanup standards for contaminate sites. The effort has been overseen by the Interagency Steering Committee on Radiation Cleanup Standards composed of senior agency managers. NRC has closely coordinated with EPA in developing standards for the decommissioning of NRC-licensed facilities.

Also, on December 23, 1994 EPA proposed new federal radiation protection guidance for the public. This guidance has been developed with the help of a working group composed of representatives from 13 federal agencies and a representative of the Conference of Radiation Control Program Directors (CRCPD).

Finally, the report cited a Memorandum of Understanding (MOU) signed by EPA and NRC in 1992. The MOU provides a formal mechanism for agency cooperation on issues relating to environmental regulation of radionuclides subject to NRC licensing authority. Among other things, the MOU committed the agencies to ''actively explore ways to harmonize risk goals'' and ''avoid unnecessary duplicative or piecemeal regulatory requirements for NRC licensees, consistent with the legal responsibilities of the two agencies[.]''

Pursuant to the MOU, EPA and NRC are developing a joint Risk Harmonization White Paper which outlines the similarities and differences in the agencies' approaches to radiation risk assessment and risk management. NRC and EPA are currently reviewing a drafting of this paper with other federal agencies involved in enhancing the consistency of federal radiation protection standards. Based on the findings of this white paper, the agencies plan to develop a specific set of actions.

EPA and NRC have also been working to eliminate unnecessary regulatory duplication. For example, on July 15, 1994, EPA published a final rule rescinding its Clean Air Act (CAA) standards (40 CFR 61, subpart T) for NRC-licensed uranium mill tailings disposal sites after the regulations under the Atomic Energy Act (AEA) were revised to conform with the CAA standard. EPA has proposed to rescind the CAA standard for nuclear power reactors (40 CFR 61, subpart I) and intends to issue a final rescission soon. For NRC-licensed facilities other than nuclear power reactors, EPA and NRC have just resolved a key issue and expect to agree soon on a process to rescind subpart I for this category as well. In each case, rescission will be based on a determination by EPA that the NRC program provides an ample margin of safety to protect public health.

There has also been a considerable amount of cooperation between EPA and the Department of Energy (DOE) on radiation protection issues. DOE has and continues to work actively with EPA in such areas as EPA's radiation cleanup standards, federal radiation protection guidance for workers and the general public, CAA radionuclide standards, radiation dose and risk assessment models, and in the development of DOE implementing Orders and rules for radiation under the AEA.

The GAO report recommended that EPA, in cooperation with NRC, take the lead in sustaining and broadening the ongoing EPA-NRC harmonization effort to include the effective participation of other agencies. Your letter underscored this recommendation and requested the development of a plan to address the inconsistencies, gaps, and overlaps in the standards.

As stated in our preliminary response to your letter on November 8, 1994, we welcome your request and agree that more effective federal leadership in radiation policy is needed. We also accept GAO's recommendation that EPA take the initiative in addressing the deficiencies in federal radiation standards. We are taking steps to broaden our ongoing harmonization efforts with the NRC to include senior-level participation from other agencies as part of our ''path forward.'' We have already begun to coordinate this effort with the Office of Science and Technology Policy (OSTP) and the Committee on Health, Safety, and Food (CHSF).

Accordingly, the plan EPA proposes is to continue the efforts of EPA and NRC that are effective and that were cited by GAO; to expand the scope of the Interagency Steering Committee on Radiation Cleanup Standards to include review of other radiation standards; and to select and prioritize new issues for coordination. The committee is an appropriate existing body that can effectively address uniformity of all radiation protection standards. Its membership includes senior level agency representatives from NRC, DOE, EPA, and the Department of Defense (DOD). We also believe there is a need for public information on radiation protection and have incorporated this into our plan.

More specifically, the plan includes the following:

1. Continue to develop the Federal Radiation Protection Guidance for the General Public.

Reach a consensus on how much radiation risk to the public is acceptable.

Hold public hearings on proposed Federal Radiation Protection Guidance for Exposure of the General Public on February 22–24, 1995.

Explore approaches to provide information to the public concerning radiation exposure.

Finalize recommendations on the guidance for the President's approval by January 1, 1996.

2. Complete the draft NRC-EPA Risk Harmonization White Paper.

Complete a coordinated EPA review of the draft white paper by June 1, 1995 and add a description of NRC's and EPA's approaches to selecting acceptable risk standards and dose limits and a discussion of the extent to which the agencies may be subject to legislative constraints which inhibit greater risk harmonization.

Conduct a review of the draft white paper by involved agencies including OSTP by June 1, 1995.

Develop a set of actions based on interagency review of the draft white paper and submit the proposed actions for approval by the Administrator and Commission by September 30, 1995.

3. Based on the white paper, explore development of consistent risk assessment and risk management approaches to ensure consistency of radiation standards and sufficient protection of the public.

Begin implementation of actions developed from the white paper after interagency review and approval by November 30, 1995.

Publish interagency consensus tables of nuclide-specific risks from ingestion, inhalation, and direct exposure for uniform federal risk assessments (Federal Guidance Report No. 13) by February 1, 1996.

4. Reduce gaps and conflicting overlaps in radiation standards.

Expand the scope of the current Interagency Steering Committee on Radiation Cleanup Standards to review, prioritize, and reduce the gaps and overlaps in radiation standards in key policy areas including:

CAA regulation of NRC-licensed facilities;

Low-level radioactive waste disposal standards;

Radioactive mixed wastes;

Naturally-occurring and accelerator produced radioactive materials (NARM);

Recycling.

Hold the first meeting of this refocused, senior level steering committee in February 1995.

The Steering Committee will report its progress to agency heads and OSTP within six months.

This proposal has been shared with OSTP and the principal affected federal agencies whose standards were cited in the report, namely, the NRC, DOE, and the Department of Labor (DOL).

EPA and NRC greatly appreciated your concern and efforts to protect the public from radiation and hope that this plan meets with your approval. We thank you for your offer to assist us and look forward to continuing to work with you on this important public issue.

Sincerely yours,

MARY D. NICHOLS,
Assistant Administrator for Air and Radiation.

ATTACHMENT

GAO recognized that the different risks associated by the report with the standards result in part from different technical assumptions. For example, the first high risk standard in category two is the cleanup standard for radium contamination in soil at uranium mill tailings sites. GAO estimated that this standard (both the EPA standard and the corresponding NRC implementing regulation) results in a lifetime risk or 1 in 50, by assuming that an individual resides on land with extensive deposits of soil contaminated at this level. However, this is an unrealistic

assumption, and such lifetime risks would not likely occur. Given the actual conditions at the 26 sites to which this standard applies, cleanup to the standard will usually result in essentially total removal of the contamination. When this is taken into account, the maximum risk level is substantially lower and, since these disposal sites are located in sparsely populated, arid regions, the chance of exposure is small.

Further, two of the cited standards (NRC's 1982 low-level radioactive waste (LLW) standards and EPA's 1977 uranium fuel cycle standards) are regulations that use an old methodology to specify dose (which can be related to specific risk levels). This methodology has been superseded by the committed effective dose equivalent (CEDE) methodology used by NRC and EPA in more recent rulemakings (e.g. EPA's 1993 high-level waste disposal standards, draft cleanup and LLW disposal standards, as well as NRC's draft decommissioning standards). Therefore, comparing the estimated risks from these two sets of standards is complicated by the change in dose units and dose assessment methodology. However, a detailed analysis shows that although the two sets of standards are numerically different, they nonetheless provide a similar degree of protection.

The report also recognized that the 26 standards or guidelines (see Appendix II of the report) are indicative of the standards' different regulatory applications and separates them into three categories: (1) general public, source- (or media-) specific, and (3) occupational. It correctly distinguishes between standards applicable to all sources of exposure combined (category 1) and standards that apply only to specific sources or individual pathways (category 2). However, the report fails to emphasize that different (lower) standards for category 2 are generally justified. This is because people may be exposed to several different sources or pathways at the same time. On December 23, 1994, (59 Fed. Reg. 66414) EPA proposed new federal guidance that would bring the existing standards applicable to all sources of exposure combined into conformity, and provide explicit guidance for relating these upper bound limits to the (lower) source- and pathway-specific standards.

The other high risk ''standard'' cited in the report, EPA's indoor radon action level, is unlike the other examples in the second category because it is not a regulatory standard. Pursuant to the Indoor Radon Abatement Act, EPA uses a nonregulatory approach consisting of a series of action levels indicating the risks associated with different levels of indoor radon and the cost and technological feasibility of reducing radon exposure. Importantly, the Agency does not recommend the cited level as a ''safe'' or ''acceptable'' level but emphasizes that, since significant health risk exists below the action level, mitigation of indoor radon is valuable at lower levels.

Therefore, although the radiation protection standards listed in Table 1 (and Appendix II) of the report may initially seem inconsistent, further examination reveals that many do in fact provide a consistent degree of protection or are different for legitimate reasons.

The GAO report also noted that the gaps and overlaps in standards reflect individual legal mandates and independent development by agencies to fulfill their different responsibilities. NRC regulates its licensees under the AEA, for the most part, on a *site-by-site* basis under the ''umbrella'' of an upper-bound dose limit. This limit is based on international and national recommendations of the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRP). The limit is coupled with the required application of procedures and engineering controls to reduce potential public doses to levels that are as low as is reasonably achievable (ALARA), which almost always results in significant reductions in actual risk levels.

EPA, in its primary role as a standards-setting (rather than licensing) agency under the AEA and other statues, regulates by *class of facility or source, pollutant, or environmental media*. In setting its standards, EPA uses either a risk objective and considers further risk reduction if it is justified by cost/benefit considerations for the class as a whole, or a contaminant goal (often mandated by legislation) and considers technological feasibility, costs, and other factors in determining levels to be achieved in practice. EPA's standards for radionuclides are also significantly influenced by its effort to be consistent with its regulatory policies for chemicals under environmental statutes, most notably the CAA, Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Although the agencies have often worked together successfully, their differing legal mandates and regulatory responsibilities described above have contributed in large part to the gaps and overlaps cited in the report including: (1) radionuclide air emissions from NRC licensees under the CAA, (2) groundwater protection requirements for radionuclides, (3) radioactive mixed wastes, and (4) NARM.

Mr. GLENN. Now, as far as the regulatory agencies—EPA and NRC—are concerned, they still will play the key role in improving the existing radiation protection framework. As part of the administration's plan, EPA and NRC will expand the scope of the present interagency steering committee on radiation cleanup standards to address other radiation issues identified by the GAO, including acceptable radiation risk to the public, the establishment of consistent risk assessment and management approaches, and completeness and uniformity in radiation standard, and public education on radiation safety.

Mr. President, the decision to expand the scope of this interagency steering committee was made because it had been successful in addressing one of the primary problems identified by GAO, inconsistencies in how different agencies approach radiation protection. This steering committee effectively coordinated EPA's proposed radiation cleanup standards with NRC's proposed decontamination and decommissioning standards. As a result, these two major regulatory actions reflect the same risk and protection levels—something that has been notably absent from previous efforts.

Now Mr. President, some people may argue that the proposed EPA and NRC standards go too far, or not far enough. In fact, I have some concerns that these standards may not be enough to protect the public. However, through this interagency steering committee, any changes that might be made to the rules, based on public and scientific input, will be reflected in both rules. At long last we will begin to move away from the illogical situation that has existed for some time which has led to different levels of protection based solely on the agency that is doing the regulating.

Let me make clear, this interagency committee will have the authority to examine the current radiation regulatory framework, recommend ways that it can be improved—including consolidating or eliminating duplicative standards—and then implement their recommendations. Where legislative action may be needed, I am prepared to assist the committee's effort.

Mr. President, I would note that the proposed moratorium would sabotage the progress that has recently been made to coordinate these standards, resulting in delayed cleanup and increased costs.

Mr. President, a number of other rules concerning nuclear safety and public exposure to radiation will be delayed as a result of this moratorium. Let me list these for the information of my colleagues.

Epidemiology and Other Health Studies Financial Assistance Program [10 CFR 602, Final Rule Published Jan. 31, 1995, DOE]. This rule establishes open and competitive procedures for providing financial assistance relating to health studies. These health studies support the Department of Energy's mission to protect the health of DOE and contractor workers, as well as residents living near DOE facilities.

Standards for Nuclear Waste Disposal—primarily for Waste Isolation Pilot Plant in New Mexico—proposed January 31, 1995, EPA. This proposed rule sets standards for transuranic waste disposal, low levels of plutonium among other radionuclides. This guidance has already been delayed for many years and is critical to solving the nuclear waste disposal problem.

Cleanup at Uranium Processing Sites, EPA. This new final rule, issued on January 11, 1995, sets out cost-effective standards for preventing and cleaning up ground water contamination at inactive uranium processing sites. This rule replaces a restrictive and costly interim standard.

Cleanup of NRC-licensed facilities, NRC. This proposed rule provides cleanup criteria for the decontamination and decommissioning of NRC-licensed sites. These criteria include the cleanup and release of these facilities for unrestricted and restricted use. These standards are the ones I referred to earlier which have been developed in coordination with EPA's general standards for radioactive cleanup.

Rulemaking expected by June 30, 1995. Nuclear Safety Management [10 CFR Part 830, DOE]. This action establishes requirements for DOE contractors and subcontractors for ensuring nuclear safety at DOE facilities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the radiological and

chemical hazards posed by these facilities.

Mr. President, a moratorium on this last rulemaking would result in delays to long-sought efforts to bring DOE's nuclear facilities closer to commercial standards as far as safety is concerned.

To conclude, I strongly support regulatory reform, and good sense efforts to improve the current system. The unfortunate fact, which the proponents of the moratorium do not seem to fully grasp, is that to improve a regulatory system you must first understand what it is you are trying to fix. A meat ax isn't the way to solve the problem; better to use a scalpel to save this patient.

As I have outlined here today, a responsible regulatory reform effort for radiation issues is currently underway. The proposed moratorium would delay this effort for no good reason. I urge my colleague to oppose this moratorium.

I would summarize by saying a moratorium would bring all of this rulemaking to a stop, and the American people would not get the protection they deserve. And that is what we are debating today.

This goes on to describe some of our efforts on the committee to get that as an exception while the bill was in committee, and we failed. It was a party line vote on E. coli. If there is ever an imminent threat to health and safety, that would be it.

During the committee markup, I submitted an amendment to exempt regulatory actions that would reduce pathogens in meat and poultry. That amendment was rejected. I would like to discuss this important rule to show that the moratorium is indeed both dangerous and arbitrary.

This amendment I offered would address rules to update inspection techniques for meat and poultry and would provide a safeguard against E. coli and other contamination. Mr. Mueller, whose 13-year-old son died from E. coli-contaminated hamburger, testified before the committee on February 22.

He stated:

> I am here to tell you about the dire consequences that would result in enactment of this moratorium. In the fall of 1993, my thirteen year old son died from eating a cheeseburger. A new meat inspection rule which would have prevented his death would be stopped by this legislation.

In January, the U.S. Department of Agriculture released a proposed hazardous analysis critical control point [HACCP] regulation to improve meat and poultry inspection. This rule would mandate rigorous sanitation requirements and scientific testing for bacteria in meat and poultry processing.

Under HACCP, workers regularly monitory hazards in a production system on the basis of risk. They identify risks, they monitor the controls, and they sample end products periodically to check the HACCP process.

Under HACCP, emphasis is placed on the process rather than the end product. Instead of monitoring every carcass for a defect, plant employees will regulatory monitor the processing of carcasses: the temperature of storage areas, the cleanliness of the equipment, or the consistency of carcass washes or other solutions used.

The employees will keep records of their observations. Samples of end products will be tested to make sure that the process is working properly and the Government will review company HACCP records.

HACCP has been endorsed by the United Nations, the World Health Organization, the General Accounting Office, the National Food Processors Association, the National Broiler Council, the American Meat Institute, and the Safe Food Coalition. Ten years ago, the National Academy of Sciences recommended that the USDA adopt HACCP for meat and poultry inspections. Industry petitioned USDA to mandate the program. Now the implementation of HACCP is threatened by this moratorium.

The meat and poultry inspection laws were written in 1906. Federal inspectors are limited to touching, smelling, and visually inspecting carcasses to determine whether they are fit for consumption. We all know that inspectors are not going to find harmful bacteria like E. coli without microscopes and sampling. Clearly, this inspection program should be updated.

As you know, the moratorium bill allows for the President to exempt imminent threats to health and safety. The majority in our committee argued that E. coli and other contaminants in meat and poultry would be an imminent threat to health and safety. We simply do not agree. The meat inspection rules are not emergency rules designed to address an immediately pressing event or disaster. They have been under development for several years now.

Therefore, I and others strongly believed that we should specifically exempt these inspection rules from the moratorium.

We cannot afford to pass a law that would end up with more needless deaths. While we do need to reform our regulatory process, we must not give up our responsibility to protect the public health and safety. As Mr. Mueller stated in his testimony before our committee, ''My son paid the ultimate price for eating one of his favorite foods.'' We have the ability to prevent this from happening again, and we should—by opposing the moratorium all together.

Mr. President, I addressed very briefly a moment ago the subject of airline safety. I will make a few more comments about that.

The lack of thought that went into the moratorium is seen in many ways. Once example is the effort it took to ensure protections for airline safety.

In the House, the supporters of the moratorium resisted all arguments for an exemption for airline safety—in committee and on the floor, where they defeated an amendment that contained an exemption for aircraft safety. At the last minute, however, on the floor, the managers of the bill finally realized what a terrible idea it was, so they accepted an exemption.

In the Senate, the moratorium also contained no exemption for airline safety. Even after the bill was redrafted for our committee markup, the supporters did not think it important enough to protect the traveling public from unsafe aircraft equipment and operations.

Finally, in markup, I offered amendments that the majority could not reject. We exempted:

FAA airworthiness directives—these are rules that govern aircraft safety, such as standards for aircraft engines, wing flap repairs, landing gear brakes, et cetera; and

Commuter airline safety standards—these rules would upgrade standards for commuter airlines to those of major airlines.

Mr. President, I ask unanimous consent to include in the RECORD a letter I received from the Airline Pilots Association describing the urgent need for the commuter airline rules.

Commuter carriers, which operate aircraft with fewer than 30 seats, represent one of the fastest growing segments of the U.S. airline market and often dominate airline service to many medium-sized cities and rural areas. This set of rules would require pilots on small commuter aircraft to go through the same training as pilots of the large carriers. The rules will also increase crew flight and rest requirements.

These rules were issued on Friday as proposed rules, and the new rules are supported by both the Regional Airline Association and the Air Line Pilots Association.

The proposed rules will be available for public comment for 90 days. I am sure that some will find provisions to object to, and I am sure that the FAA will make changes. Given the projected cost of these rules—over $275 million—I am also confident that OMB will use its Executive order powers to ensure that the rules are supported by a cost benefit analysis.

This is how the process should work—rules to protect the public from harm or to serve some other purpose are proposed, made available for comment, analyzed, reviewed and discussed. This is government working.

I believe the regulatory process needs reform. I've said that many times now. But, these air safety rules just prove my point about the moratorium. Does the American public want Government shut down, while some in Congress talk about reform, or do they want Government to try to make good decisions and protect them from harm, while we do our job of reform?

That is the issue. Let us work together to reform the regulatory process—which is what we have been doing in the Governmental Affairs Committee. Let us not waste time fighting

over important protections that all agree save lives.

Mr. President, I ask unanimous consent that a letter I received from the Airline Pilots Association describing the urgent need for these commuter airline rules be printed in the RECORD.

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

AIR LINE PILOTS ASSOCIATION,
March 8, 1995.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: It is my understanding that during the committee's deliberations on S. 219, a bill to establish a moratorium on federal rulemaking, that you will offer an amendment to exempt proposed rules that the Department of Transportation and the Federal Aviation Administration plan to issue later this month which would bring commuter airlines up to the same safety standards as the larger carriers. On behalf of the 42,000 members of the Air Line Pilots Association, I wish to express our strong support for this amendment and urge its adoption.

The Air Line Pilots Association has long advocated ''One Level of Safety'' for all U.S. scheduled airline service. These proposed rules were not developed in a vacuum. Many of them have been pending for years and have already undergone intensive review and analysis. Some originated with recommendations from the National Transportation Safety Board. In addition, because of the spate of accidents last year, Secretary Peña, convened a two-day safety conference in January, where hundreds of representatives from industry and government worked together to develop the top 70 priorities for increased air safety. ALPA was deeply involved in this process and we believe the regulations that will be put forward later this month will go a long way on the road toward the goal of ''Zero Accidents.'' Now is not the time to delay, it is the time to proceed.

ALPA understands and agrees with the goals of eliminating burdensome, costly regulations and to bring common sense into rulemaking. However, safety should not be compromised in the process. The traveling public should not have to wait for a fatal accident before the government acts. We should be in the business of preventing accidents rather than responding to them.

I strongly urge that the committee adopt your amendment and allow these much needed safety regulations to go forward.

Sincerely,

J. RANDOLPH BABBITT,
President.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes 54 seconds remaining.

Mr. GLENN. Mr. President, we could go on for a number of hours here reading all of these things, but I think I have made my point. I hope today we could agree that a straight moratorium, as proposed by S. 219, which is the bill we are debating here today—the substitute has not been laid down yet, and H.R. 450, its companion piece over in the House—is indeed ill thought out, ill considered, and bad for America and the American people, American business and industry.

In what time I have remaining I would like to just read a short table of contents of different regulations. Some of these have several regulations that would be held up if we passed this moratorium legislation. All of these have some beneficial effect on the American public, or in particular businesses or industries.

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Mr. President, I read all these to show the diverse nature of what we are dealing with here. This is not some little minor matter. It affects all businesses and industries. A moratorium would affect health and safety for this country and all of our people. I go on at this length today talking about these things because H.R. 450 has already passed over in the House. When we go to conference, we will be dealing with all these things I mentioned today and more. We have not even listed all the impacts of what this moratorium would do.

I realize tomorrow we will have the Nickles-Reid substitute for this, which provides for legislative veto. I have favored legislative veto. But I do not want to see it combined in conference with some of the things I have mentioned here today, which go too far and which I think never should have been proposed to begin with.

Our status on regulatory reform is this: We have passed regulatory reform out of the Governmental Affairs Committee. It is a good bill. Senator ROTH deserves a lot of credit for bringing that bill to the floor and making it a good, tough, solid bill. We should not be just picking little bits and pieces, such as a legislative veto, out of that bill. Those are parts of that bigger bill, and it is voted out now. It will be ready for floor action shortly. I see no reason why we should be picking out pieces of it for separate legislation unless the intent is to go to conference with the House and come back with something that goes part way toward what the House has done with H.R. 450 and which has been proposed here in the Senate with S. 219.

The President last September issued a directive to all Government agencies and departments to go through all rules and regulations and come up with a sweeping proposal for correcting the problems we have with the rules and regulations in effect now—all of them.

That will be with us on the 1st of June. They have committed to having

it to us on the 1st of June. So this legislation just makes little sense to me. We will have the President's proposals before us on the 1st of June, which is just about 30 working days from now if you take out the Easter break period. We will be able to take up those considerations along with regulatory reform and not even try to do something where we go to conference with the House on their moratorium bill.

I may have more to say on this subject tomorrow. We will be looking forward to the proposal I know the distinguished Senator from Oklahoma is going to make tomorrow. But I hope we could get ahead with regulatory reform on a broad front and not just on this narrow issue of legislative veto. If we make it something that has to be conferenced with the House, as I see it, we can only lose.

If we go over to the House with this and we say it is this or nothing, the House is liable to not agree with that. I do not know where we go from there with compromise, which is usually the way we get by our conferences.

So, Mr. President, we will have more to say on this tomorrow, I am sure. I have asked for extensive things to be put in the RECORD today, I realize. But I think it is so important because, as the minority leader said a little while ago here on the floor, the moratorium is dead. If it is not, it should be. We want to make sure that it is.

As for the legislative veto, we may be able to vote on that tomorrow. I do not know. If we can say the moratorium is dead and regulatory or legislative veto is what we are really going to stick with, and we are not going to come back with something that accommodates the House, then I think legislative veto may be the way we all want to go. We might even get a unanimous vote tomorrow. I do not know.

I thank the Chair. I look forward to more debate on this subject tomorrow.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have just a couple of very brief comments.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 70 minutes and 20 seconds.

Mr. NICKLES. It will be my intention to yield most of that time in just a few moments.

Mr. President, after listening to the long list of regulations that are so important and so effective, I wonder how we could be safer with big Government doing so many wonderful things for us and saving so many lives. When you listen to the litany of regulations affecting everything, all the way down to safety zones for America's Cup—I did not know we had regulations dealing with safety zones for America's Cup, but I am sure they will be a lot safer. But I hasten to add that the bill that was before us only applied to regulations that had significant economic impact. So the moratorium that passed out of the Governmental Affairs Committee would not have limited the regulations dealing with safety zones for America's Cup. It would have had no impact on them. As a matter of fact, most of the regulations that were mentioned would not have been impacted by the legislation that was reported out of the Governmental Affairs Committee because the committee decided to only impact significant regulations.

I have heard a couple of my colleagues say the moratorium bill is dead. But I should mention that the bill that Senator REID and I are pushing has a moratorium on significant regulations for 45 days to give Congress a chance to review them, and maybe a chance to repeal them. So there is a moratorium on significant regulations, just as there is a moratorium that passed out of the Governmental Affairs Committee. The Governmental Affairs Committee moratorium would last until we pass a comprehensive bill. We may pass a comprehensive bill in 45 days and have it signed by the President. Or it could last until the end of the year. I make mention of that.

I think when people said there is no moratorium, actually we have a moratorium on significant regulations. That is what was in the bill that was passed out of the Governmental Affairs Committee. But we have it for different purposes. In the bill that passed out of the Governmental Affairs Committee, it said we would exempt the small regulations and then the President could exempt. The moratorium would only apply to significant regulations, and then the President had lots of exceptions, A through H in exceptions, that the President could determine would be exempt. My thought was that they ended up with almost no regulations covered.

The substitute that Senator REID and I will be pushing allows Congress to review all regulations. It is not just the significant ones that we are able to review for all regulations. Hopefully, Congress will do that. Hopefully, Congress will do a better job. We may even have the opportunity to review the safety zones for America's Cup. I do not know why I am intrigued by that. But I did not know the Federal Government had to be involved in making safety zones for America's Cup. You would think that they would be quite able to do that without the big hand of Federal Government. Maybe that is necessary. I am not sure.

But I see my friend and colleague from Rhode Island. Mr. President, it is my intention to yield back the remainder of the time shortly after Senator CHAFEE's comments.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished senior Senator from Oklahoma for the time he has given me. My comments will not be too long.

Mr. President, tomorrow the Senator will vote on an amendment by the Senators from Oklahoma and Nevada; that is, a complete substitute to the moratorium bill that is currently before us in the Senate. When we take that action, the Senate will be on record in opposition to a 1-year moratorium. Will they be for a moratorium? Yes. But it is a 45-day moratorium, as the Senator from Oklahoma pointed out, solely applying to what are defined as significant regulations.

But this concern that I have is when the Reid-Nickles substitute goes to conference with the House bill, that some version of the moratorium incorporated in the House bill will come back from that conference. The moratorium in the House bill applies to all regulations, and it is for a year.

I share the concern that others have voiced that the legislation that comes back from the House will include some significant moratorium, or let us say 6 months, or maybe even a year. I would vigorously oppose a conference report if it included that type of moratorium.

There are many other problems with the House-passed bill. First, the House bill makes no distinction between good regulations that are needed and poor regulations that are poorly designed and unneeded.

For instance, the Senator from Michigan has mentioned the rules-setting quality standards for bottled drinking water which are to be issued by the Food and Drug Administration this coming April, next month. These rules would be blocked by the House bill. The bottled water industry actually wants these rules to restore consumer confidence. They have been urging FDA action, the Food and Drug Administration action, for years, but they would be blocked by the House bill. The proponents in the House would say President has the power to exempt rules like that for bottled drinking water because they are needed to address an imminent threat to public health and safety. But it is hard to believe that the bottled water industry would want the President of the United States to declare that their product represents an imminent threat to health and to the people of the United States before this rule could be issued.

There are many other regulations that are supported by the regulated community that would be suspended by the House bill. For example, last December, EPA, the Environmental Protection Agency, and the Fish and Wildlife Service, issued a rule that resolves a 20-year dispute between agriculture interests, the cities, and environmentalists over waters discharged into the San Francisco Bay. This comes under the Clean Water Act. Reaching an agreement involving all those California interests was some accomplishment. Even though all the affected interests now support the agreement, it would be set aside for a year under the House bill. As a result, sensitive wetland resources in the San Francisco Bay area would experience further damage for no good reason.

One frequently heard argument for the House moratorium of 1 year is the need to establish new procedures for development and review of major regulations. What we need, the reason we have to have this year's waiver, is we need some new approaches. We have to have a cost-benefit analysis and risk assessment. But most major rules already use those tools. There are many regulations that are necessary to protect health, safety, and the environment that have been designed by using cost-benefit analyses and risk assessments. These would be needlessly delayed by the moratorium.

For example, in February, the U.S. Department of Agriculture proposed changes to meat and poultry inspections to prevent life-threatening infections. The science supporting that regulation is not going to be different between now and next year. They are already using risk assessment and cost-benefit analyses. Yet, that rule would be set aside. There is a possibility of more lives being endangered in the interim.

Those on the other side supporting the House measure would say, ''Oh, well. Those foods currently represent an imminent threat to health, and the President could, therefore, exempt them from the delay.'' But that action by the President of the United States could be challenged in court and in the House bill. There is judicial review in the House bill. Thus, they could be held up for a considerable time.

Another major concern with the House bill that has not been discussed here on the floor is the impact of the moratorium on the efforts by the States to carry out the Clean Air Act and other laws. Let me explain. The way the Clean Air Act works is State plans to reduce smog and carbon monoxide pollution must be promulgated as Federal regulations before they become effective. In other words, the State comes up with a plan, files a plan, and the EPA then issues the regulations. But it is the Federal Government that issues the regulations. EPA actually proposes the State plan in the Federal Register.

What the EPA does is take what the States have given them, puts it in the Federal Register, considers comments and then promulgates the State plan as a Federal rule. States have been working for 4 years to develop new plans under the 1990 amendments to the Clean Air Act. Just as they are completing this difficult job, the House bill would impose a year-long recess on their efforts. These are plans, mind you, that are written by the States, and they are going to be delayed.

Now, what is the purpose of all that? The House moratorium is also retroactive. It repeals regulations already in effect only to reinstate them at a later time, a year from now. This is going to cause a lot of confusion in the regulated community and actually can impose some very unfair costs on some industries.

Example: Under the moratorium bill passed by the House, the Clean Air Act program for reformulated gasolines that became effective last January 1 would be suspended, which would cost the oil companies that are complying with this rule tens of millions of dollars as noncomplying gasoline, nonreformulated gasoline would be allowed to enter into the reformulated market areas. Now, perhaps this will surprise some.

By the way, this is not some kookie regulation dreamed up by a bunch of tree huggers from EPA. Reformulated gasoline is a requirement of the Clean Air Act that was added to the law by an amendment on the floor sponsored by the two leaders, the current Democratic and current Republican leader; namely, Senators DOLE and DASCHLE. That came when the Clean Air Act amendments were before the Senate in 1990. The regulation went into effect last January 1. But that is during the period covered by the House moratorium. So the requirement would be suspended.

The oil companies subject to the regulation have built up stocks of millions of gallons of reformulated gasoline to meet the demand in their markets. Information from the Congressional Research Service indicates the oil industry now has 1.85 billion—that is not million, that is billion, B as in billion—gallons of reformulated gasoline in storage right now.

If the House moratorium bill should be enacted, the reformulated gasoline requirement would be suspended and cheaper conventional gasoline could be brought into those markets. The oil companies that are complying with the law could probably still sell their reformulated gasoline. Sure, they could sell it, but they would have to obviously do it at the price of conventional gasoline, which is some 3 cents a gallon less expensive because of the costs that have gone into making the reformulated gasoline. So that will be a loss of about $55 million—$55 million—if the House moratorium were enacted.

Mr. President, my vote on the final bill will, of course, depend upon the amendments that might be offered and adopted during the course of this debate. But I did want to join with others to express my grave concerns about the House moratorium bill. Should I vote for this bill later this week, I would oppose any report that came back from the conference with a regulatory moratorium, that is, a year, 6 months, something to that effect, which is quite different from the 45-day delay that is in this legislation here before us.

I thank the Chair.

Mr. NICKLES. Mr. President, I know of no other Senators who wish to speak on this issue. So I will yield back the remainder of our time.

MORNING BUSINESS

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the impression simply will not go away; the enormous Federal debt greatly resembles the energizer bunny on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game, when they go home to campaign about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted for one bloated spending bill after another during the 103d Congress, which could have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of Friday, March 24, at the close of business, the total Federal debt stood—down to the penny—at exactly $4,846,988,457,046.59 or $18,399.25 per person.

The lawyers have a Latin expression which they use frequently—''res ipra loquitur''—''the thing speaks for itself.'' Indeed it does.

TRIBUTE TO GOVERNOR MIKE O'CALLAGHAN

Mr. REID. Mr. President, today, I rise as a matter of personal privilege to share with the Senate a Nevadan whose life is a role model for all Americans. This man, Mike O'Callaghan, has not only had an impact on me personally, but also the State of Nevada, our country, and many parts of the world. Mike O'Callaghan is a man of unbridled energy who has had an enviable and remarkable career as a war hero, an educator, a public servant, a distinguished State Governor, a newspaper editor and publisher, and a citizen of the world.

I first met Mike O'Callaghan in 1956 when he began teaching U.S. Government classes at Basic High School in Henderson, NV. He had been decorated as a marine in the Korean conflict and was awarded 2 Purple Hearts, a Bronze Star with valor, and a Silver Star for heroism. Unfortunately, he had also lost a leg in battle, but he never used that injury as an excuse.

I learned a lot about government from Mr. O'Callaghan, but I learned more about life. He was my boxing coach, my adviser, my mentor, and my friend. And he was largely responsible for helping me obtain scholarships and personally assisting me with money to go to college.

This was not unusual, for Mr. O'Callaghan took an active interest in all of his students and pushed all of them to do their best. We stood in awe of him, we feared him, and we deeply respected him, and all of us students were better because of him.

While I was away in college and law school, Mike continued working for

others as Las Vegas chief probation officer and as Nevada's first director of health and human services. He also worked in various capacities in the Federal service including being a program management director at Job Corps and also leading region 9 of the Office of Emergency Preparedness, the predecessor to the Federal Emergency Management Agency.

In 1970, as a distinct underdog, he ran for Governor of Nevada and in one of the State's biggest upsets, he was elected chief executive of the State. That same year, I was fortunate to have been elected Lieutenant Governor. Once again, Mike O'Callaghan took me under his wing as my mentor and teacher. He guided the State through turbulent times and provided the kind of leadership that only one of his strength and determination could.

After leaving the Governor's mansion, Mike O'Callaghan returned to the private sector but he never left public life. He became editor of the Las Vegas Sun, and as publisher of the Henderson Home News and the Boulder City News, Governor O'Callaghan has been a staunch advocate for working people, for families, and for the community. He upholds the great principle that ''The vital measure of a newspaper is not its size, but its spirit—that is, its responsibility to report the news fully, accurately and fairly.''

In addition, Governor O'Callaghan has worked tirelessly to help those in underdeveloped countries to be more democratic and economically viable. He has served as a peace negotiator in Central America, monitored elections in Iraq, and facilitated distribution of food and humanitarian supplies all over the world. Whether it is working with Mosquito Indians in Nicaragua, refugees in Iraq, or impoverished residents of Mexico, Mike O'Callaghan has indeed proven himself to be a citizen of the world, and he has been revered everywhere he has traveled.

But his best work in a foreign land has been his assistance to the people of Israel. From his role as a tank mechanic to his position of cabinet adviser, the people of Israel have always benefited from his involvement.

I am proud to have Mike as my friend and he continues to be my teacher. He and his wife, Carolyn, and their five wonderful children have made Nevada a better place for all of us who live there. They have given much more than they will ever get in return. In fact, Mike O'Callaghan's most noteworthy contribution to me has been the example he has set as a father and grandfather.

On April 2, 1995, Governor O'Callaghan will be honored by Hadassah for his unceasing efforts on behalf of others. I want the entire country to know of Mike's achievement and to join those of us in Nevada in paying tribute to this great leader.

MEASURES PLACED ON THE CALENDAR

The following bills, previously received from the House, were read the first and second times by unanimous consent and placed on the calendar:

H.R. 421. An act to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes; and

H.R. 517. An act to amend title V of Public Law 96–550, designating the Chaco Culture Archeological Protection Sites, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–51. A resolution adopted by the Assembly of the Municipality of Florida, Puerto Rico relative to nuclear devices; to the Committee on Energy and Natural Resources.

POM–52. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Energy and Natural Resources.

''LEGISLATIVE RESOLUTION 49

''Whereas, the Clinton Administration and the Congress of the United States are considering proposals to sell the five federal power marketing administrations, including the Western Area Power Administration, in order to fund a tax cut for middle-income Americans; and

''Whereas, Nebraska's publicly-owned electric utilities receive a low-cost hydroelectric power from federal dams operated by the Western Area Power Administration, the University of Nebraska receives approximately eighty percent of its power from the Western Area Power Administration, and the privatization of the Western Area Power Administration will significantly increase wholesale power costs for electric utilities statewide which will result in increased rates for Nebraska ratepayers; and

''Whereas, Nebraska is the only all-public-power state in the nation, with Nebraska's electric utilities offering rates among the lowest ten percent in the nation, and selling the Western Area Power Administration will lessen this rate advantage which will detrimentally impact economic development in Nebraska and will also burden the existing agriculture and business industry in Nebraska, including the fact that a portion of the federal hydropower allocated to Nebraska is specifically designated for irrigation; and

''Whereas, the Nebraska Power Association has estimated that this proposal could cost Nebraska ratepayers more than fifty million dollars annually, the proposal is unnecessary and burdensome, and the ratepayers purchasing electricity through the Western Area Power Administration have repaid a major part of the original investment with interest; now, therefore, be it

''Resolved by the members of the Ninety-fourth Legislature of Nebraska, first session:

''1. That the Legislature opposes the sale, transfer, exchange, lease, or other disposition of the Western Area Power Administration due to the significant fiscal impact such a sale would have on Nebraska ratepayers.

''2. That the Clerk of the Legislature transmit a copy of this resolution to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Nebraska delegation to the Congress of the United States.''

POM–53. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Energy and Natural Resources.

''ENROLLED JOINT RESOLUTION NO. 3, SENATE

''Whereas, the Federal Energy Regulatory Commission has prepared an environmental impact statement analysis for the Altamont Natural Gas Pipeline; and

''Whereas, the Altamont Natural Gas Pipeline will have a significant adverse economic impact upon the employment and service-related sectors of certain areas of the state of Wyoming; and

''Whereas, the adverse economic impact will affect local, county and Wyoming state government; and

''Whereas, the Altamont Natural Gas Pipeline will also have an adverse effect upon natural gas producers in this state since the pipeline will carry natural gas produced in Canada and will carry such gas into an already declining market; and

''Whereas, the pipeline may have adverse impacts upon historical resources in South Pass; Now, therefore, be it

''Resolved by the members of the Legislature of the State of Wyoming:

''Section 1. That Congress direct the Federal Energy Regulatory Commission to reconsider in its final environmental impact statement the socioeconomic impacts arising from construction of the pipeline and the adverse economic impacts and resultant effects upon the employment, government and natural gas industry in this state caused by importation of natural gas from Canada.

''Section 2. That Congress direct the Secretary of the Interior to prevent issuance by the Bureau of Land management of the required right-of-way grant across public lands in Wyoming until the Federal Energy Regulatory Commission has completed reconsideration of the socioeconomic impacts of the project.

''Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Interior and to the Wyoming Congressional Delegation.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 226. A bill to designate additional land as within the Chaco Culture Archeological Protection Sites, and for other purposes (Rept. No. 104–19).

S. 444. A bill to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes (Rept. No. 104–20).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER: S. 625. A bill to amend the Land Remote Sensing Policy Act of 1992; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD (for himself and Mr. COCHRAN): S. 626. A bill to amend the Watershed Protection and Flood Prevention Act to establish a waterways restoration program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LEAHY, Mr. MOYNIHAN, and Mr. GRAHAM): S. 627. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mr. HELMS): S. 628. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. SIMPSON, and Mr. PRESSLER): S. 629. A bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands; to the Committee on Environment and Public Works.

By Mr. D'AMATO: S. 630. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY: S. 631. A bill to prevent handgun violence and illegal commerce in firearms; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself and Mr. COCHRAN):

S. 626. A bill to amend the Watershed Protection and Flood Prevention Act to establish a waterways restoration program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WATERWAYS RESTORATION ACT

Mr. HATFIELD. Mr. President, development of the water resources of the United States have been a vital factor in the growth and prosperity of this country. Our water resources have brought us a strong agricultural base, power generation, navigation, and domestic and industrial water supplies. However, the gains we have made in terms of productivity and efficiency have in many cases exacted a toll on our water resources. Despite a concerted effort to improve the quality of our waterways, recent estimates indicate that 38 percent of our rivers, 44 percent of our lakes, and 97 percent of the Great Lakes remain degraded.

This is a continuing problem worthy of the earnest efforts of each of us. The Clean Water Act has made great improvements in the quality of the Nation's waterways. The goals of the Clean Water Act reauthorization legislation now pending on the Senate calendar certainly focus much needed attention on the continuing dilemma we face with respect to our water resources.

Today, I am proud to join with Senator THAD COCHRAN, to introduce the Waterways Restoration Act in the hope of providing additional tools to improve the waterways of the United States. The legislation I introduce today is the companion to legislation introduced in the House by Congresswoman ELIZABETH FURSE of Oregon. I compliment Congresswoman FURSE for her fine leadership in this area and I am proud to introduce the Senate version of this fine proposal.

The Waterways Restoration Act would establish a technical assistance and grant program for waterway restoration programs within the Soil and Conservation Service [SCS] at the U.S. Department of Agriculture. No new money would be required to fund this program. Rather, the program would draw on existing funds by redirecting 20 percent of the SCS's existing Watershed Protection and Flood Prevention Program budget to fund nonstructural, community-based projects.

Waterway restoration is a cost effective way to control flooding, erosion and pollution runoff. This legislation would fund local projects to establish riparian zones, stabilize stream banks, and restore areas polluted by urban runoff. Both urban and rural areas would be eligible for project funding. The bill also contains an environmental justice provision that would place a priority on projects in historically disadvantaged communities overlooked by Federal cleanup efforts.

Mr. President, this is sound, progressive legislation. It addresses in an effective way the pressing water resource problems continuing to face this Nation. As we search for ways to reinvent our Government to make it more responsive to the citizens of this country, we should look more and more to proposals—like this one—that draw on the initiative and ingenuity bubbling over in our communities rather than one-size-fits-all, top-down Federal programs. As Congresswoman FURSE has noted, this is a funded Federal nonmandate, which allows communities to design and implement the restoration projects they want for the streams, creeks, and rivers in their neighborhoods.

I look forward to working with members of the Senate Agriculture Committee to advance this meritorious proposal.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 626

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Waterways Restoration Act of 1995''.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) restoring degraded streams, rivers, and other waterways to a natural state is a cost effective means of controlling flooding, excessive erosion, sedimentation, and nonpoint pollution, including stormwater runoff;

(2) protecting and restoring watersheds provides critical ecological benefits by restoring and maintaining biodiversity, providing fish and wildlife habitat, filtering pollutants, and performing other important ecological functions;

(3) waterway restoration and protection projects can provide important economic and educational benefits by rejuvenating waterfront areas, providing recreational opportunities such as greenways, and creating community service jobs and job training opportunities in waterway restoration for disadvantaged youths, displaced resource harvesters, and other unemployed persons;

(4) restoring waterways helps to increase the fishing potential of waterways and restore diminished fisheries, which are important to local and regional cultures and economies; and

(5) low income and minority communities frequently experience disproportionately severe degradation of waterways, but historically have had difficulty in meeting eligibility requirements for Federal watershed projects under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) due to Federal policy obstacles such as local cost share requirements and formulas for assessing costs and benefits that favor high land values.

(b) POLICY.—Congress declares it in the national interest to—

(1) protect and restore the chemical, biological, and physical components of waterways and associated ecological systems such that the biological and physical structures, diversity, functions, and dynamics of the waterways and systems are restored;

(2) replace deteriorating stormwater structural infrastructures and physical waterway alterations that are ecologically damaging with cost effective, low maintenance, and ecologically sensitive projects;

(3) promote the use of nonstructural means to manage and convey streamflow, stormwater, and flood waters;

(4) increase the involvement of the public and youth conservation or service corps in the monitoring, inventorying, and restoration of watersheds to improve public education, prevent pollution, and develop coordinated citizen and governmental partnerships to restore damaged waterways; and

(5) benefit business districts, local economies, and neighborhoods through the restoration of waterways and the development of multiuse greenway corridors.

SEC. 3. DEFINITION OF WORKS OF IMPROVEMENT.

Section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) is amended by striking ''Each project'' and all that follows through ''of the project.''.

SEC. 4. WATERWAYS RESTORATION PROGRAM.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''SEC. 14. WATERWAYS RESTORATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) BIOTECHNICAL SLOPE PROTECTION.—The term 'biotechnical slope protection' means the use of live or dead plant material, alone or in conjunction with an inert material, to repair and fortify a watershed slope, roadcut, stream bank, or other site vulnerable to excessive erosion, using systems such as brush piling, brush layering, brush matting, fascines, joint plantings, live stakes, seeding, stem cuttings, and pole cuttings.

''(2) CHANNELIZATION.—The term 'channelization' means removing the meanders and vegetation from a river or stream to accelerate storm flow velocity, filling habitat to accommodate land development or existing structures, or stabilizing a bank with concrete or riprap.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a tribal or local government, flood control district, water district, conservation district (as defined by section 1201(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(2))), agricultural extension 4–H program, nonprofit organization, or watershed council; or

''(B) an unincorporated neighborhood organization, watershed council, or small citizen nongovernmental or nonprofessional organization for which an incorporated nonprofit organization is acting as a fiscal agent.

''(4) FISCAL AGENT.—The term 'fiscal agent' means an incorporated nonprofit organization that—

''(A) is acting as a legal entity that can accept government or private funds and pass the funds on to an unincorporated community, cultural, or neighborhood organization; and

''(B) has entered into a written agreement with the unincorporated organization that specifies the funding, program, and working arrangements for carrying out a project under the program.

''(5) GREENWAY.—The term 'greenway' means a floodplain, floodprone, or project right-of-way that provides flood risk reduction, floodwater conveyance, fish and wildlife habitat, or ecological benefits, and that may provide public access, including a waterfront.

''(6) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from tax under section 501(a) of the Code.

''(7) PROGRAM.—The term 'program' means the waterways restoration program established by the Secretary under subsection (b).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(9) STRUCTURE.—The term 'structure' means a physical project component used to restore a native ecosystem, including a rock, wood cribwall, geotextile netting, geogrid, dirt-filled gabion, weir, gully check dam, jack, groin, or fence.

''(10) WATERSHED COUNCIL.—The term 'watershed council' means a representative group of local watershed residents (including representatives from the private, public, government, and nonprofit sectors) organized to develop and carry out a consensus watershed restoration plan that includes restoration, acquisition, and related activities.

''(11) WATERWAY.—The term 'waterway' means a natural, degraded, seasonal, or created wetland on private or public land, including—

''(A) a river, stream, riparian area, marsh, pond, bog, mudflat, lake, or estuary; or

''(B) a natural or humanmade watercourse on public or private land that is culverted, channelized, or vegetatively cleared, including a canal, irrigation ditch, drainage way, or navigation, industrial, flood control, or water supply channel.

''(12) YOUTH CONSERVATION OR SERVICE CORPS PROGRAM.—The term 'youth conservation or service corps program' means a full-time, year-round youth corps program or a full-time summer youth corps program as described in section 122(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)).

''(b) ESTABLISHMENT.—The Secretary shall establish and carry out a waterways restoration program, under which the Secretary shall provide technical assistance and grants, on a competitive basis, to eligible entities to assist the entities in carrying out waterway restoration projects.

''(c) ADMINISTRATION.—

''(1) OBJECTIVES.—A project shall be eligible for assistance under the program if the project is designed to achieve ecological restoration or protection and—

''(A) flood damage reduction;

''(B) erosion control;

''(C) stormwater management; or

''(D) water quality enhancement.

''(2) USES.—Funds made available for an eligible project may be used for—

''(A) restoration and monitoring of a degraded waterway, including revegetation, restoration of a biological community, or a change in land management practices;

''(B) restoration or establishment of a wetland or riparian environment as part of a multiobjective stormwater management system, in which the restored or established area provides stormwater storage, detention, and retention, nutrient filtering, wildlife habitat, and increased biological diversity;

''(C) reduction of runoff;

''(D) stream bank restoration using the principles of biotechnical slope stabilization;

''(E) establishment and acquisition of a multiobjective floodplain riparian and adjacent floodprone land, including a greenway, for sediment storage, floodwater storage and conveyance, wildlife habitat, and recreation;

''(F) removal of a culvert or storm drain to reestablish natural ecological conditions and reduce flood damage;

''(G) organization of a local watershed council, in conjunction with the implementation of an on-the-ground action education or restoration project;

''(H) training of a participant, including a youth conservation or service corps program participant, in restoration techniques, in conjunction with the implementation of an on-the-ground action education or restoration project;

''(I) development of a waterway restoration or watershed plan that will be used within a grant agreement period, referred to in subsection (d)(2), to carry out a specific restoration project;

''(J) restoration of a stream channel to reestablish a meandering, bankfull flow channel, riparian vegetation, or a floodplain to—

''(i) restore the functions and dynamics of a natural stream system to a previously channelized waterway so that channel dimensions and floodplain zones are appropriately sized to the watershed and the slope of the watershed, bankfull discharges, and sediment sizes and transport rates; or

''(ii) convey larger flood flows as an alternative to a channelization project;

''(K) release of a reservoir flow to restore a riparian or instream habitat;

''(L) a watershed or wetland project that has undergone planning pursuant to another Federal, State, tribal, or local program and law and has received any necessary environmental review or permit; and

''(M) an early action project that a watershed council wants to implement prior to the completion of the final consensus watershed plan, if the project meets the watershed management objectives of the council and is useful in fostering citizen involvement in the planning process.

''(3) LOCATION OF PROJECT.—A project may be carried out under the program on—

''(A) Federal lands; or

''(B) State or private lands, if the State or the private land owner is a sponsor or cosponsor of the project or otherwise consents.

''(4) PRIORITY PROJECT.—In determining funding priorities, a project shall have priority if the project—

''(A) is located in or directly benefits a low income or economically depressed area that is adversely impacted by poor watershed management;

''(B) restores or creates a business or occupation in the project area, including a public access opportunity for a waterfront greenway;

''(C) provides an opportunity for a participant in a Federal, State, tribal, or local youth conservation or service corps and provides training in waterway restoration, monitoring, and inventory work;

''(D) serves a community composed of minorities or Native Americans, including a project that develops an outreach program to facilitate the participation by minorities or Native Americans in the program;

''(E) is identified as a regional priority, planned in a regional context, and coordinated with Federal, State, tribal, and local agencies;

''(F) will restore wildlife or a fishery that has commercial, recreational, subsistence, or scientific concern;

''(G) trains or employs a fisher or other resource harvester whose livelihood has been adversely impacted by habitat degradation;

''(H) provides a significant improvement in ecological values and functions in the project area; or

''(I) was approved under this Act prior to the date of enactment of this section, and the project meets or was redesigned to meet the requirements of this section.

''(5) COST-BENEFIT ANALYSIS.—A project shall only be eligible for assistance under the program if an interdisciplinary team, established under subsection (e), determines that the local social, economic, ecological, and community benefits of the project based on local needs, problems, and conditions equal or exceed the local social, economic, ecological, and community costs of the project.

''(6) FLOOD DAMAGE REDUCTION.—A project to reduce flood damage shall be designed for the level of risk selected by the local sponsor and cosponsors to best meet—

''(A) the needs of the local sponsor and cosponsors for reducing flood risks;

''(B) the ability of the local sponsor and cosponsors to pay project costs; and

''(C) community objectives to protect or restore environmental quality.

''(7) INELIGIBLE PROJECT.—A project involving channelization, stream bank stabilization using a method other than biotechnical slope protection, construction of a reservoir, or construction of a structure shall not be eligible for assistance under the program unless the project is necessary for the reestablishment of the structure, function, and diversity of a native ecosystem.

''(d) PROGRAM ADMINISTRATION.—

''(1) DESIGNATION OF PROGRAM ADMINISTRATORS.—The Secretary shall designate a program administrator for each State who shall be responsible for administering the program in the State. Except as provided by paragraph (2), the Secretary shall designate the State Conservationist of the Natural Resources Conservation Service as the program administrator of the State.

''(2) APPROVAL OF A STATE AGENCY.—

''(A) IN GENERAL.—A State may submit to the Secretary an application for designation of a State agency to serve as the program administrator of the State.

''(B) CRITERIA.—The Secretary shall approve an application of a State submitted under subparagraph (A) if the application demonstrates—

''(i) the ability of the State agency to solicit, select, and fund projects within a 1-year grant administration cycle;

''(ii) responsiveness by the State agency to the administrative needs and limitations of

small nonprofit organizations and low income or minority communities;

''(iii) the success of the State agency in carrying out State or local programs that are similar to the program; and

''(iv) the ability of the State agency to jointly plan and carry out with Indian tribes programs similar to the program.

''(C) REDESIGNATION.—If the Secretary determines, after a public hearing, that a State agency approved under this paragraph no longer meets the criteria set forth in subparagraph (B), the Secretary shall so notify the State and, if appropriate corrective action has not been taken within a reasonable time, withdraw the approval of the State agency as the program administrator of the State and designate the State Conservationist of the Natural Resources Conservation Service as the program administrator of the State.

''(3) TECHNICAL ASSISTANCE.—The State Conservationist of a State shall carry out the technical assistance portion of the program in the State regardless of approval under paragraph (2)(B).

''(e) ESTABLISHMENT OF INTERDISCIPLINARY TEAMS.—

''(1) IN GENERAL.—There shall be established in each State an interdisciplinary team of specialists to assist in reviewing any project application submitted under the program.

''(2) APPOINTMENT.—The interdisciplinary team of a State shall be composed of—

''(A) individuals to be appointed on an annual basis by the program administrator of the State, including at least 1—

''(i) hydrologist;

''(ii) plant ecologist;

''(iii) aquatic biologist;

''(iv) biotechnical slope protection expert;

''(v) landscape architect or planner;

''(vi) member of the agricultural community;

''(vii) representative of the fish and wildlife agency of the State; and

''(viii) representative of the soil and water conservation agency of the State; and

''(B) 4 representatives from Federal agencies (5 representatives from Federal agencies located in coastal States), to be appointed on an annual basis by the appropriate regional or State director of the agency, from—

''(i) the Natural Resources Conservation Service;

''(ii) the Environmental Protection Agency;

''(iii) the United States Fish and Wildlife Service;

''(iv) the Corps of Engineers; and

''(v) the National Marine Fishery Service (in coastal States).

''(3) AFFILIATION OF REPRESENTATIVES.—A representative appointed pursuant to paragraph (2)(A) may be an employee of a Federal, State, tribal, or local agency or a nonprofit organization.

''(4) FEDERAL ADVISORY COMMITTEE ACT.—Sections 9, 10(a)(2), and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an interdisciplinary team established under this subsection.

''(5) NOTICE.—An interdisciplinary team shall provide adequate public notice before conducting a meeting under this section, including notification in the official State journal.

''(f) CONDITIONS FOR RECEIVING ASSISTANCE.—

''(1) PROJECT SPONSOR AND COSPONSORS.—

''(A) REQUIREMENT.—To be eligible for assistance under the program, a project shall have as project participants—

''(i) a citizens organization; and

''(ii) a State, regional, tribal, or local governing body, agency, or district.

''(B) PROJECT SPONSOR.—A project participant referred to in subparagraph (A) shall be designated as the project sponsor. The project sponsor shall make the grant application and have the primary responsibility for executing the grant agreement, submitting invoices, and receiving reimbursements.

''(C) PROJECT COSPONSOR.—A project participant that is not the project sponsor shall be designated as the project cosponsor. The project cosponsor shall, jointly with the project sponsor, support and actively participate in the project. There may be more than 1 cosponsor for a project.

''(2) USE OF GRANT FUNDS.—Grant funds made available under the program shall not supplant other available funds for a waterway restoration project, including developer fees, mitigation, or compensation required as a permit condition or as a result of a violation of this Act or any other law.

''(3) MAINTENANCE REQUIREMENT.—At least 1 project sponsor or cosponsor shall be responsible for ongoing maintenance of the project.

''(g) SELECTION OF A PROJECT.—

''(1) APPLICATION.—To receive assistance to carry out a project under the program in a State, an eligible entity shall submit to the program administrator of the State an application in such form and containing such information as the Secretary may by regulation require.

''(2) REVIEW OF APPLICATIONS BY INTERDISCIPLINARY TEAMS.—

''(A) TRANSMITTAL.—Each application for assistance under the program received by the program administrator of a State shall be transmitted to the interdisciplinary team of the State established pursuant to this section.

''(B) REVIEW.—On an annual basis, the interdisciplinary team of each State shall—

''(i) review the applications transmitted to the team pursuant to subparagraph (A);

''(ii) determine the eligibility of proposed projects for funding under the program;

''(iii) make recommendations concerning funding priorities for the eligible projects; and

''(iv) transmit the findings and recommendations of the team to the program administrator of the State.

''(C) PROJECT OPPOSITION BY CERTAIN REPRESENTATIVES.—

''(i) IN GENERAL.—If 2 or more of the members of an interdisciplinary team of a State appointed pursuant to clause (vii) or (viii) of subsection (e)(2)(A) or clause (ii), (iii), or (v) of subsection (e)(2)(B) are opposed to a project that is supported by a majority of the members of the interdisciplinary team, a determination on whether the project may receive assistance under the program shall be made by the Chief of the Natural Resources Conservation Service.

''(ii) CONSULTATION.—In making a determination under this subparagraph, the Chief shall consult with the Administrator of the Environmental Protection Agency, the Director of the Fish and Wildlife Service, and, in coastal areas, the Assistant Administrator of the National Marine Fisheries Service.

''(iii) MONITORING.—The Secretary shall conduct such monitoring activities as are necessary to ensure the success and effectiveness of a project determination made pursuant to this subparagraph.

''(3) FINAL SELECTION.—The final determination on whether to provide assistance for a project under the program shall be made by the program administrator of the State and shall be based on the recommendations made by the interdisciplinary team of the State pursuant to paragraph (2)(B).

''(h) GRANT APPLICATION CYCLE.—

''(1) IN GENERAL.—A grant under the program shall be awarded on an annual basis.

''(2) GRANT AGREEMENTS.—The program administrator of a State may enter into a grant agreement with an eligible entity to permit the entity to phase in a project under the program for a period of not to exceed 3 years, subject to reevaluation each year as part of the annual funding cycle.

''(i) NON-FEDERAL SHARE.—

''(1) IN GENERAL.—Except as provided by paragraph (2), the non-Federal share of the cost of a project under this section, including structural and non-structural features, shall be 25 percent.

''(2) ECONOMICALLY DEPRESSED COMMUNITIES.—The Secretary may waive all or part of the non-Federal share of the cost of a project that is carried out in an economically depressed community.

''(3) IN-KIND CONTRIBUTIONS.—Non-Federal interests may meet any portion of the non-Federal share of the cost of a project under this section through an in-kind contribution, including a contribution of labor, involvement of a youth service or conservation corps program participant, material, equipment, consulting services, or land.

''(4) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue regulations to establish procedures for granting waivers under paragraph (2).

''(j) LIMITATIONS ON COSTS OF ADMINISTRATION AND TECHNICAL ASSISTANCE.—Of the total amount made available for any fiscal year to carry out this section—

''(1) not more than 15 percent may be used for administrative expenses; and

''(2) not more than 25 percent may be used for providing technical assistance.

''(k) CONSULTATION WITH A FEDERAL AGENCY.—In establishing and carrying out a program under this section, the Secretary shall consult with the heads of appropriate Federal departments or agencies, including the Administrator of the Environmental Protection Agency, the Assistant Secretary of the Army for Civil Works, the Director of the United States Fish and Wildlife Service, the Commissioner of the Bureau of Reclamation, the Director of the Geological Survey, the Chief of the Forest Service, the Assistant Administrator for the National Marine Fishery Service, or the Director of the National Park Service.

''(l) CITIZENS OVERSIGHT COMMITTEE.—

''(1) ESTABLISHMENT.—The Governor of each State shall establish a citizens oversight committee to evaluate management of the program in the State. The membership of a citizens oversight committee shall represent a diversity of regions, cultures, and watershed management interests.

''(2) COMPONENTS TO BE EVALUATED.—Program components to be evaluated by a citizens oversight committee established under paragraph (1) are—

''(A) program outreach, accessibility, and service to low income and minority ethnic communities and displaced resource harvesters;

''(B) the manageability of grant application procedures, contracting transactions, and invoicing for disbursement for small nonprofit organizations;

''(C) the success of the program in supporting the range of the program objectives, including evaluation of the environmental impacts of the program as implemented;

''(D) the number of jobs created for identified target groups;

''(E) the diversity of job skills fostered for long-term watershed related employment; and

''(F) the extent of involvement of youth conservation or service corps programs.

''(3) ANNUAL REPORT.—The program administrator of each State shall issue an annual report summarizing the program evaluation under paragraph (1). The report shall be signed by each member of the citizens oversight committee of the State and shall be submitted to the Secretary.

''(4) FEDERAL ADVISORY COMMITTEE ACT.—The requirements of sections 9, 10(a)(2), 10(e), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a citizens oversight committee established under this subsection.

''(5) NOTICE.—A citizens oversight committee shall provide adequate public notice before conducting a meeting under this section, including notification in the official State journal.

''(m) FUNDING.—

''(1) FUNDING PRIORITY.—The Secretary shall give priority to a waterways restoration project under this section in making funding decisions under this Act.

''(2) TRANSFERRED FUNDS.—The Secretary may accept the transfer of funds from other Federal departments and agencies to carry out this section.

''(3) APPLICABILITY OF REQUIREMENTS.—Funds made available to carry out this section, and financial assistance provided with the funds, shall be subject to this section and, to the extent the requirements are consistent with this section, other provisions of this Act.''.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. LEAHY, Mr. MOYNIHAN, and Mr. GRAHAM):

S. 627. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT

Mr. HATCH. Mr. President, up until now those of us who have supported reforming the application of the antitrust laws to baseball have been divided between competing approaches. I, together with Senators MOYNIHAN, GRAHAM, and others, introduced S. 415. Senator THURMOND, together with Senator LEAHY, introduced S. 416.

I am pleased to introduce today a bill that brings together these competing approaches and that has the consolidated support of Senator THURMOND, Senator LEAHY, Senator MOYNIHAN, and Senator GRAHAM. We believe that this bill will bring about sound reforms that ensure that baseball is treated fairly and properly under the antitrust laws. We believe that in the long run our bill will contribute to constructive labor relations between the players and the owners. We believe that the reforms proposed by this bill are worth making even apart from the existence of the ongoing dispute between baseball owners and players.

Let me emphasize that our bill would not impose a big-government solution to the current dispute between the owners and the players. On the contrary, it would get government out of the way by eliminating a serious government-made obstacle to settlement.

Seventy-three years ago, the Supreme Court ruled that professional baseball is not a business in interstate commerce and is therefore immune from the reach of the federal antitrust laws. This ruling was almost certainly wrong when it was first rendered in 1922. Fifty years later, in 1972, when the Supreme Court readdressed this question, the limited concept of interstate commerce on which the 1922 ruling rested had long since been shattered. The Court in 1972 accurately noted that baseball's antitrust immunity was an ''aberration'' that no other sport or industry enjoyed. But it left it to Congress to correct the Court's error.

A limited repeal of this antitrust immunity is now in order. Labor negotiations between owners and players are impeded by the fact that baseball players, unlike all other workers, have no resort under the law if the baseball owners act in a manner that would, in the absence of the immunity, violate the antitrust laws. This aberration in the antitrust laws has handed the owners a huge club that gives them unique leverage in bargaining and discourages them from accepting reasonable terms. This is an aberration that Government has created, and it is an aberration that Government should fix.

The legislation that I am introducing would provide for a limited repeal of professional baseball's antitrust immunity. This repeal would not affect the two matters that owners say that the immunity legitimately protects: Namely, franchise relocation rules, and the minor leagues. Under our bill, major league baseball's ability to control franchise relocation and to deal with the minor leagues would remain unchanged. Our bill also would not affect any other sport or business.

I urge my colleagues in the Senate and the House to support this legislation.

Mr. THURMOND. Mr. President, I rise today in support of the Major League Baseball Antitrust Reform Act of 1995, which I am cosponsoring with Senator HATCH, Senator LEAHY, and others. Our legislation would repeal the antitrust exemption which shields major league baseball from the antitrust laws that apply to all other sports and unregulated businesses in our Nation. This bill is a result of discussions between myself and Senators HATCH and LEAHY following the recent hearing which I chaired on this important issue. I am particularly pleased that this legislation focuses on the ongoing policy issues relating to baseball's special antitrust exemption.

The Hatch-Thurmond-Leahy legislation eliminates baseball's antitrust exemption, with certain exceptions, and is based on S. 416, the Major League Baseball Antitrust Reform Act, which Senator LEAHY and I introduced on February 14, 1995. One substantive change has been made to include a provision relating to franchise relocation, in order to address concerns raised by some about the practical effect of ending baseball's antitrust exemption. As I have previously stated, however, it is my belief that it may be worthwhile reviewing the franchise relocation issue as it relates to all professional sports.

The Hatch-Thurmond-Leahy legislation would also maintain the status quo for the minor leagues. It is important to protect the existing minor league relationships in order to avoid disruption of the more than 170 minor league teams which exist throughout our Nation. the Hatch-Thurmond-Leahy bill also makes clear that it does not override the provisions of the Sports Broadcast Act of 1961, which permits leaguewide contracts with television networks.

Our bill is not specially drafted in an attempt to resolve the baseball's current labor dispute. The legislation does not affect the so-called nonstatutory labor exemption, which shields employers from the antitrust laws when they are involved in collective bargaining with a union. Removing the antitrust exemption will not automatically resolve baseball's problems, but I believe it will move baseball in the right direction.

I noted earlier that as the chairman of the Senate Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I held a hearing on baseball's antitrust exemption on February 15, 1995. At the hearing, the subcommittee heard from both players and owners on whether the exemption helps or hurts the sport, and what effect repeal would have on labor relations and other issues. the subcommittee very directly told the owners and players that it is up to them to resolve their differences quickly and play ball for the sake of the American public.

Mr. President, I do not believe that the Congress should interfere in baseball's ongoing labor dispute. But it is my belief that the Congress should repeal the Court imposed antitrust exemption and restore baseball to the same level playing field as other professional sports and unregulated businesses. By removing the antitrust exemption, the players and owners will have one less distraction from their negotiations, and the Congress will no longer be intertwined in baseball's special antitrust exemption.

By Mr. KYL (for himself and Mr. HELMS):

S. 628. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

FAMILY HERITAGE PRESERVATION ACT

Mr. KYL. Mr. President, I rise today with my colleague from North Carolina, Senator HELMS, to introduce the Family Heritage Preservation Act, a bill to repeal Federal estate and gift taxes, and the tax on generation-skipping transfers. A companion bill, H.R. 784, was introduced in the House of Representatives last month by Congressman CHRIS COX of California.

The Federal estate tax is one of the most wasteful and unfair taxes currently on the books. It penalizes people for a lifetime of hard work, savings, and investment. It hurts small business and threatens jobs. It causes people to spend time, energy, and money finding ways to avoid the tax—by setting up trusts and other devices—when they could otherwise devote those resources to more productive economic uses.

The estate tax is particularly onerous for small family businesses. According to a 1993 survey by Prince & Associates—a Stratford, CT, research and consulting firm—9 out of 10 family businesses that failed within 3 years of the principal owner's death said that trouble paying estate taxes contributed to their companies; demise.

That is a travesty. As if the Federal Government didn't tax enough during life, it has to prey upon people and their grieving families ever after death. As a constituent of mine, Pearle Wisotsky Marr, wrote in a recent letter to me:

> Since my father died, our lives have been a nightmare of lawyers and trust companies with the common theme, 'you have to protect the family business.' It was hard enough trying to recuperate after my father's long illness, and then adjusting to the reality he was gone.

That's wrong, and it's economically destructive. The Marr family built up a small business from just one employee 35 years ago to 200 employees today. Creating badly needed jobs in the community is not something for which the Marr family should be penalized. It's something that should be encouraged.

A study published by the Institute for Research on the Economics of Taxation [IRET] looked at how the Nation's economy would have performed had the transfer taxes been repealed in 1971. The simulation showed that, by 1991, the gross domestic product [GDP] would have been $46.3 billion higher, there would have been 262,000 more full-time equivalent jobs, and the stock of capital would have been $398.6 billion greater than the respective actual amounts in that year.

The report went on to project that if the transfer taxes were repealed in 1993, the nation would experience significant economic benefits by the year 2000. ''GDP would be $79.22 billion greater, 228,000 more people would be employed, and the amount of accumulated saving and capital would be $630 billion larger than projected under present law.''

These taxes have an impact on Americans of all income levels. As noted in the IRET's report, ''by discouraging private saving and capital formation, these taxes depress labor productivity and real income. Transfer taxes, thus, impede labor's upward mobility.''

Mr. President, I invite my colleagues to join me in cosponsoring the Family Heritage Preservation Act. I ask that the text of the bill be reprinted in the RECORD.

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

S. 628

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family Heritage Preservation Act''.

SEC. 2. FINDINGS.

Congress finds that:

(1) Hard working American men and women spend a lifetime saving to provide for their children and grandchildren, paying taxes all the while. Throughout their lives, they pay taxes on the income and gains from their labor and their investment. Because of the heavy burden of income taxes, property taxes, and other levies, it is enormously difficult to accumulate savings for a family's future. Worst of all, when the purpose of that hard earned saving is about to be achieved, families discover that between 37 percent and 55 percent of their after-tax savings is confiscated by Federal inheritance taxes.

(2) These transfer, estate, and gift taxes punish lifelong habits of thrift; they discourage entrepreneurship; they penalize families; and they have a negative effect on other tax revenue sources.

(3) These taxes raise almost no material revenue for the Federal Government. In fiscal year 1994, they produced only 1 percent of total Federal revenues.

(4) The waste and economic inefficiency caused by inheritance taxes is well known. American families employ legions of tax accountants and lawyers each year to set up trusts and other prolix devices designed to avoid these onerous levies. The make-work imposed upon the economy comprises billions of dollars.

(5) In order to pay these excessive taxes, many small businesses must liquidate all or part of their assets. By causing business closures, these taxes constrict business activity, increase unemployment, and reduce tax revenues to the Federal Government.

(6) Independent analyses indicate that, were these onerous taxes repealed, the Nation's GDP, Federal and State tax revenues, employment base, and capital formation would increase substantially. According to one such survey, repealing these taxes would increase GDP by $79,220,000,000, create 228,000 new jobs, and increase savings by $630,000,000,000 by the end of the century.

(7) Repealing these taxes will ensure economic fairness for all American families and businesses, as well as economic growth and prosperity for the Nation as a whole.

SEC. 3. REPEAL OF FEDERAL TRANSFER TAXES.

(a) GENERAL RULE.—Subtitle B of the Internal Revenue Code of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after the date of the enactment of this Act.

By Mr. THOMAS (for himself, Mr. SIMPSON, and Mr. PRESSLER):

S. 629. A bill to provide that no action be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands; to the Committee on Environment and Public Works.

GRAZING PERMIT RENEWAL LEGISLATION

Mr. THOMAS. Mr. President, I rise today to introduce legislation that is of very significant importance to the farmers and ranchers in my State of Wyoming and throughout the West.

Let me preface by saying that Wyoming is more than 50 percent owned by the Federal Government. That includes BLM lands and includes forest lands and park lands, of course. So the decisions made by public land managers is very important to us.

Recent decisions by the court have indicated that the U.S. Forest Service and perhaps the BLM, as well, must now complete environmental impact statements on environmental assessments on all term grazing permits that expire on December 31 of this year.

As most of you know, much of the land in these western States is intermingled private land, Federal land, State land. So that in order to put together an economic unit of livestock, there is private land, generally, with the water, and winter feeding, and summer grazing is quite often on Federal land. And these ranchers graze there with a permit based on animal unit months and they are 10-year permits generally.

Under this new environmental assessment, the review must be done under NEPA regulations. This is in addition to the environmental assessments that are already made on the forest plan. Each 10 years, each forest goes through a plan. They talk about grazing, they talk about mining, they talk about oil and gas, and other uses of these various lands.

The problem now is that, in addition to that already done evaluation on grazing, the courts at least have implied that there has to be this new environmental assessment on each of these grazing leases.

There are approximately 4,500 Forest Service grazing leases that expire at the end of this year. There are nearly 200 of those in Wyoming.

The problem is twofold. The first part of the problem, which I think has to do with what we are talking about here, is that we already have a mechanism for taking a look at the impact of grazing on forests. We do this in a very extensive process every 10 years, and it can be amended and renewed at any time.

Furthermore, those rangers and BLM employees who supervise this, any time that there is damage to grazing lands, they have the authority to do something about it. So it is redundant. It is an expense that we do not need to have.

The second problem is that, assuming that it did go forward, there is no way that these can all be done prior to the end of 1995, when these grazing permits expire, and we are faced with the proposition of not having the opportunity to put these animals on public lands, and eventually the impact would be that farmers and ranchers would very likely go out of business.

So, Mr. President, this bill simply says that the NEPA requirements that

go below the Forest Service level would not have to be carried out.

I think it is very consistent with what we are doing here on regulations. It is very consistent with saving a very important economic industries in the West. I urge my fellow Senators to take a look at this bill, particularly those of us from the West, and I urge the support of those who come from outside of the West for the enactment of this important bill.

Because of recent court cases, it has been determined that the U.S. Forest Service must now complete an environmental assessment [EA] or full-blown environment impact statement [EIS] on all term-grazing permits that expire on December 31 of this year, in order to comply with National Environmental Policy Act [NEPA] guidelines.

This is in addition to the environmental analysis that is already required under NEPA for individual forest plans, which considers grazing, timber sales, mining, oil and gas permits and other actions on Forest Service System lands. This is a redundant process, and since the Forest Service has decided that livestock grazing is a continuation of an existing use for which environmental concerns have been addressed in forest plans, creates an enormous workload burden for the agency.

What is worse, is the fact that no grazing permit will be reissued without the proper environmental evaluations. Forest Service officials will have to scramble to complete all of the work that will be required, and the chances of some permits being altered or dropped altogether are high. This creates a great deal of uncertainty for folks who depend on these permits for grazing livestock as their livelihood.

The bill that I am introducing today corrects this problem by stating that no action needs to be taken under NEPA for renewal of a grazing permit on national Forest Service lands, which was not already addressed in the forest plan.

Nationwide, approximately 4,500 Forest Service grazing permits expire at the end of this year—and within the next 3 years—1995–97—a large majority of grazing permits will expire throughout the country.

In my State of Wyoming, 191 Forest Service grazing permits expire at the end of this year. I have heard from many ranchers who are extremely concerned about this process, and are worried they will not be able to graze their livestock if NEPA compliance is not completed in a timely fashion.

While farmers and ranchers continue to become more productive and more efficient, they are continually faced with increased paperwork and Federal intrusion into their lives.

Likewise, even though President Clinton requested an increase of $25 million for the Forest Service's fiscal year 1996 budget to help complete NEPA requirements, no permit holder is safe from losing their grazing privileges.

Mr. President, it is critical for Congress to address this issue and prevent the economic problems that will occur if some relief is not given. With issues such as grazing fees and rangeland reform resurfacing again, it is important to stop this heavy-handed directive, which will put many small- and medium-sized ranchers out of business, and potentially destroy the practice of multiple use on Forest Service lands.

I am proud to sponsor this piece of legislation because farming and ranching are valuable assets to Wyoming and the rest of the Western United States. Besides addressing the short-term crisis that exists with the number of grazing permits set to expire this year, the initiative also addresses the long-term effects for permits expiring in the years to come. I believe we have an excellent opportunity to work with the Forest Service and ranchers alike, on a bipartisan basis, to change this unnecessary burden and restore hope to America's farm and ranch families. I urge my colleagues to support this bill and look forward to working with them in the coming months.

Mr. President, I yield the floor.

By Mr. D'AMATO:

S. 630. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

IRAN FOREIGN SANCTIONS ACT

● Mr. D'AMATO. Mr. President, I am introducing the Iran Foreign Sanctions Act of 1995.

Two months ago when I introduced S. 277, the Comprehensive Iran Sanctions Act of 1995, many stated that while a total trade embargo between the United States and Iran, as called for in S. 277, could have a real effect on Iran, the effects on foreign corporations would be negligible. This bill is designed to address this issue.

My legislation will place procurement and export sanctions on any foreign person or corporation that has engaged in any trade with Iran in any goods or technology, as defined in the Export Administration Act of 1979. Simply put, a foreign corporation or person will have to choose between trade with the United States or trade with Iran.

As long as Iran continues to support terrorism, seeks to obtain weapons of mass destruction, and continues its abysmal human rights practices, foreign companies and persons will be proscribed, with only a few exceptions, from trading with the United States.

There is great precedence for this approach and I will list some of these instances:

The Comprehensive Anti-Apartheid Act, which authorizes the President to limit the importation into the United States of any product or service of a foreign country to the extent to which that country benefits from the sanctions imposed on South Africa by this act;

The Foreign Relations Act of 1994, which incorporated the Nuclear Proliferation Prevention Act, providing for a ban on U.S. Government procurement from any third country company which assists another country to acquire nuclear weapons;

Missile Technology Control Regime sanctions attached to the Arms Export Control Act [AECA] and the Export Administration Act [EAA] that denies U.S. Government procurement; licenses for the transfer of any item on the U.S. munitions list [AECA] or the dual-use technologies list [EAA]; and the importation into the United States of any product of the foreign company; and

The AECA also has similar sanctions for chemical and biological weapons proliferation, as does the Iran-Iraq Non-Proliferation Act of 1992, as well as various anti-Arab boycott pieces of legislation.

Mr. President, my legislation has precedent, and as such, I feel is a useful tool to counter those who state that any ban on U.S. companies will only hurt U.S. companies. I want to send the message that when you deal with Iran, you are making a mistake. We cannot afford to provide this brutal regime with the hard currency so vital to its existence. As long as companies trade with Iran, we will have a regime that is capable of supporting terrorism and aggression.

If there is anything that we can learn from last week's revelations of the positioning of Iranian chemical weapons in the Straits of Hormuz, it is that Iran is a dangerous and aggressive nation with which appeasement will not work.

We cannot sit back and wish this entire problem away, we have to take action and send the message to the world that Iran's actions can no longer be tolerated. Until the regime stops these offensive and violent actions, the world will not trade with it or deal with it at all.

Mr. President, I urge my colleagues to support this bill because it is important for the United States and our allies. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 630

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Foreign Sanctions Act of 1995''.

SEC. 2. IMPOSITION OF SANCTIONS ON PERSONS ENGAGING IN TRADE WITH IRAN.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall impose the sanctions described in subsection (b) if the President determines in writing that, on or after the date of enactment of this Act, a foreign person has, with requisite knowledge, engaged in trade with Iran in any goods or technology (as defined in section 16 of the Export Administration Act of 1979).

(2) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate with requisite knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(b) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(B) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(c) SUPERSEDES EXISTING LAW.—The provisions of this section supersede the provisions of section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (as contained in Public Law 102-484) as such section applies to Iran.

SEC. 3. WAIVER AUTHORITY.

The provisions of section 2 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 4. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(4) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(5) NUCLEAR EXPLOSIVE DEVICE.—The term ''nuclear explosive device'' means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) DEFINITION.—For purposes of this subsection, the term ''requisite knowledge'' means situations in which a person ''knows'', as ''knowing'' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2).

(7) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(8) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).●

By Mr. BRADLEY:

S. 631. A bill to prevent handgun violence and illegal commerce in firearms; to the Committee on the Judiciary.

HANDGUN CONTROL AND VIOLENCE PREVENTION ACT

● Mr. BRADLEY. Mr. President, handgun violence is redefining the American way of life. We must own up to this reality and bring desperately needed rationality to our gun laws. This is why I rise today to introduce the Handgun Control and Violence Prevention Act of 1995. This legislation is one more important step in ensuring that the madness of gun violence in this country will be brought to an end.

Every year, more than 24,000 Americans—65 a day—are killed with handguns, in homicides, by committing suicide, and by unintentional injuries. Handguns account for only one-third of all firearms, but are responsible for over two-thirds of all firearm-related deaths. Handguns are used in over 80 percent of all firearm murders. Ninety-five percent of the people injured by a handgun each year require emergency care or hospitalization. Of these, 68 percent require overnight care and 32 percent require a hospital stay of 8 days or more. In 1991, the United States led the developed world with 14,373 gun murders, as compared to 186 gun murders in Canada, 76 in Australia, 60 in England, and 74 in Japan. One difference between the United States and the other countries cited is that the other countries all have much stricter gun control laws.

Mr. President, these statistics are not just idle numbers. A few days ago, Sheila Gillespie, a 65-year-old widowed mother of four, was shot in the forehead when she got out of her car to open her garage door at her home in West Caldwell, NJ. Two carjacking assailants, ages 17 and 19, followed her home, viciously shot her, stole her 1990 Honda and were later apprehended driving the car. Ms. Gillespie, who attended mass every day at her local church and is well-known as an outgoing and friendly person, is currently fighting for her life in an intensive care unit at University Hospital in Newark, NJ.

Moreover, a few days after the senseless shooting in West Caldwell, four people were murdered and another critically injured in an apparent robbery attempt at a postal substation in my hometown of Montclair, NJ. Mr. President, two postal workers, Ernest Spruill and Scott Walensky, and two customers, Robert Leslie and George Lomaga, were forced into a backroom and made to lie down on the floor. They were then shot at point blank range, execution style, with a 9-millimeter Taurus semi-automatic pistol containing a high capacity magazine holding 15 deadly, flesh-ripping Black Talon bullets. A third customer, David

Grossman, entered the post office as the robbery was in progress. He was shot in the face and is currently fighting for his life in the hospital.

Mr. President, the victims of the Montclair massacre were shot by an assault weapon. Because of a bullet from an assault weapon, Mr. President, Blanche Spruill, who telephoned her husband of 34 years, Ernest, at the post office on the day of the murder and got no answer, will never see nor talk to him again. Mr. President, because of a bullet fired from an assault weapon, Scott Walensky will never again see his wife, Mary Ann, or his three children. Mr. President, this is exactly the type of situation we intended to prevent when the assault weapons ban was passed in the 1994 omnibus crime law. Thus, any discussion regarding a repeal of the assault weapons ban must begin with the tragic fact that the wife of Scott Walensky is now a widow and his three children are now fatherless.

Everyone is aware of the devastating gun violence that occurs on the streets of urban America. However, the recent mass murder in Montclair occurred in a community that was described in the recent issue of New Jersey Monthly as ''a desirable community where parents feel safe allowing young children to ride their bicycles around town.'' The plague of gun violence has engulfed America, and, Mr. President, the American people want to know one question from their elected officials: When will the spiraling, senseless gun violence occurring in the cities and suburbs of this country cease? This legislation, Mr. President, is an attempt to stop the senseless violence.

Mr. President, some will argue that these grim statistics are the result of weak law enforcement, light sentencing, legitimate fear, and the waning of family values. Others will argue that they are the result of joblessness, poverty, and long-term neglect of our most violent neighborhoods. I have no doubt that the growing rate of violent activity has been aggravated in part by all these factors. However, accepting many of these causes of handgun violence does not erase the reality that crime and deviant behavior have become much more of a burden on our society because of the explosive growth in handguns. Disputes that were settled with fists and knives 10 years ago are now being settled with guns. The number, availability, and destructive ability of handguns has contributed significantly to this tragedy.

Every single handgun used in a crime starts out as a legal gun. However, Mr. President, many of the weapons used in crimes are purchased illegally. The black market in illegal handguns is enormous and deadly. Gunrunners go to States with lax gun control laws, purchase hundreds of guns using fake identification, and then sell them on the street corners of our cities to anyone with available cash. Straw purchasers with clean records often stand in to buy guns for criminals and gunrunners. We must crack down on these rogue dealers, gunrunners, and straw purchasers. Only then can we prevent the illegal sale and use of guns. Only then can we help drive guns off our streets, out of our schools, and from our communities.

The purpose of this bill, Mr. President, is to make it at least as difficult to use a handgun as it is to drive a car. A gun, like a car, can be a dangerous instrumentality. As such, since we require purchasers of cars to have valid operator's licenses, we should, at the very least, require that the purchaser of a gun obtain a license. Mr. President, when the evidence on the danger of handguns is made clear to us every day, it is irresponsible to allow an instrument which can cause so much physical and psychological damage to be made available to people on such a liberal basis.

This bill makes it illegal to purchase a handgun without a valid, nationally uniform, State-issued handgun license. The license would be similar to a driver's license and consist of an identification card with a photograph. In order to acquire the license, a person would have to undergo a background check, present proof of residency in the State of purchase, get fingerprinted, and pass a handgun safety course offered by a local law enforcement officer. Only new purchases of handguns would require a license. Those who currently possess handguns would not have to acquire a license unless they wanted to purchase more handguns.

To stop the transfer of handguns from strawman purchasers to criminals and others intending to commit crimes, this legislation requires that all handgun transfers be registered with appropriate law enforcement officials. If the person transferring the weapon does not register the transfer, he or she will be in violation of Federal law.

To curb interstate gunrunning, this bill limits the purchase of a handgun by any one person to one gun a month. Mr. President, citizens have the right to possess a gun for personal protection. However, Mr. President, I honestly cannot say that someone who purchases 15 to 20 guns at one time is doing so for personal protection. Mr. President, when this provision goes into effect, maybe Interstate 95 will lose its nickname, the ''Iron Road,'' as it becomes more difficult to run guns from States with little gun control to States, like New Jersey, that already enjoy some of the protections in this bill.

This bill also includes tough standards for Federal firearms dealers licenses. Federally licensed firearms dealers will have to pass strict background checks and meet all State and local laws. This will help guard against rogue gun dealers, who illegally sell thousands of firearms to drug gangs and violent criminals.

Mr. President, this legislation also imposes stiff penalties on gun thieves. It further requires that dealers provide adequate security against theft from the dealer's place of business.

Mr. President, this bill also increases the licensing fees for federally licensed firearm dealers to $3,000 over a 3-year period. Today, there are more gun dealers than grocery stores. This is outrageous, and I hope this bill will change that situation.

Mr. President, the first anniversary of the Brady law recently passed. The Bureau of Alcohol, Tobacco and Firearms [ATF] estimates that the number of applications to purchase handguns that were denied in the Brady States nationwide was approximately 41,000. In a survey of selected jurisdictions, ATF found that more that 15,500 persons who applied to purchase handguns, including 4,365 convicted felons and 945 fugitives, had their applications denied.

Of equal importance, Mr. President, is the fact that as a result of enforcement of the Brady law and provisions in the Federal crime bill, there are now more gas stations than gun dealers in this country. As incredible as it sounds, Mr. President, just a few years ago there were more gun dealers than gas stations in America. These encouraging results, Mr. President, indicate that with strong legislation and tough enforcement, we can win the war on senseless gun violence.

In closing, Mr. President, we must continue our fight to end the death and destruction of our children and our families, which is too easily becoming a fact of life in our cities and towns. I urge support for this responsible handgun licensing and registration legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 631

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Handgun Control and Violence Prevention Act of 1995''.

SEC. 2. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) crimes committed with firearms threaten the peace and domestic tranquility of the United States and threaten the security and general welfare of the Nation and its people;

(2) crimes committed with firearms, especially those committed with handguns, have imposed a substantial burden on interstate commerce;

(3) firearms are easily transported across State boundaries and, as a result, individual State action to regulate firearms is made ineffective by lax regulation by other States; and

(4) it is necessary to establish uniform national laws governing all aspects of the firearms industry, requiring handgun licensing and registration, expanding the categories of persons prohibited from possessing firearms, limiting Federal firearms licensees to bona fide importers, manufacturers, and dealers,

and prohibiting the sale of semiautomatic assault weapons and other dangerous weapons.

SEC. 3. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings and declarations.
Sec. 3. Table of contents.

TITLE I—NATIONAL HANDGUN CONTROLS

Sec. 101. State license required to receive a handgun.
Sec. 102. Prohibition of multiple handgun transfers.
Sec. 103. Prohibition of engaging in the business of dealing in handguns without specific authorization; requirement that authorization be provided if applicant demonstrates significant unmet economic demand.

TITLE II—TRACING OF GUNS USED IN CRIMES

Sec. 201. Dealer assistance with tracing of firearms.
Sec. 202. Computerization of records.
Sec. 203. Interstate transportation of firearms.
Sec. 204. Gun running.
Sec. 205. Handgun barrel registration.
Sec. 206. National Firearms Tracing Center.

TITLE III—DEALER RESPONSIBILITY

Sec. 301. Compliance with State and local firearms licensing laws as condition to issuance of Federal firearms license.
Sec. 302. Background investigation of licensees.
Sec. 303. Increased license fees for dealers.
Sec. 304. Increased penalties for making knowingly false statements in connection with firearms.
Sec. 305. Dealer inspections.
Sec. 306. Gun shows.
Sec. 307. Acquisition and disposition records of dealers suspected of serving as sources of illegal firearms.
Sec. 308. Dealer responsibility for sales to felons or minors.
Sec. 309. Interstate shipment of firearms.

TITLE IV—THEFT OF FIREARMS

Sec. 401. Dealer reporting of firearm thefts.
Sec. 402. Theft of firearms or explosives.
Sec. 403. Theft of firearms or explosives from licensee.
Sec. 404. Security of licensed firearms dealers.

TITLE V—ARMED FELONS

Sec. 501. Denial of administrative relief from certain firearms prohibitions; inadmissibility of additional evidence in judicial review of denials of such administrative relief for other persons.
Sec. 502. Clarification of definition of conviction.
Sec. 503. Enhanced penalty for use of a semiautomatic firearm during a crime of violence or a drug trafficking crime.
Sec. 504. Violation of firearms laws in aid of drug trafficking.
Sec. 505. Mandatory penalties for firearms possession by violent felons and serious drug offenders.

TITLE VI—VIOLENT MISDEMEANANTS

Sec. 601. Prohibition of disposal of firearms or ammunition to, or receipt of firearms or ammunition by, persons convicted of a violent crime or subject to a protection order.

TITLE VII—AMMUNITION

Sec. 701. Federal license to deal in ammunition.
Sec. 702. Regulation of the manufacture, importation, and sale of certain particularly dangerous bullets.

TITLE I—NATIONAL HANDGUN CONTROLS

SEC. 101. STATE LICENSE REQUIRED TO RECEIVE A HANDGUN.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(y)(1) It shall be unlawful for any person to sell, deliver, or otherwise transfer a handgun to an individual who is not licensed under section 923 unless—

''(A) the transferor (or a licensed dealer, if State law so directs or allows) has verified that the transferee possesses a valid State handgun license by—

''(i) examining the State handgun license;

''(ii) examining, in addition to the State handgun license, a valid identification document (as defined in section 1028(d)) containing a photograph of the transferee; and

''(iii) contacting the chief law enforcement officer of the State that issued the State handgun license to confirm that the State handgun license has not been revoked; and

''(B) the transferor (or licensed dealer) has provided to the chief law enforcement officer of the State in which the transfer is to take place a completed State handgun registration form for the handgun to be transferred.

''(2) It shall be unlawful for any person to sell, deliver, or otherwise transfer handgun ammunition to an individual who is not licensed under section 923 unless the transferor (or licensed dealer, if State law so directs or allows) has verified that the transferee possesses a valid State handgun license by—

''(A) examining the State handgun license; and

''(B) examining, in addition to the State handgun license, a valid identification document (as defined in section 1028(d)) containing a photograph of the transferee.

''(3) It shall be unlawful for any individual who is not licensed under section 923 to receive a handgun or handgun ammunition unless the individual possesses a valid State handgun license.

''(4) As used in this subsection, the term 'chief law enforcement officer of the State' means the chief, or equivalent officer, of the State police force, or the designee of that officer.

''(5) As used in this subsection, the term 'State handgun license' means a license issued under a State law that, at a minimum, meets the following requirements:

''(A) The State law provides that—

''(i) the chief law enforcement officer of the State shall issue State handgun licenses, which shall meet such requirements as to form, appearance, and security against forgery as are prescribed by the Secretary in regulations, in accordance with such procedures as are prescribed by the Secretary in regulations;

''(ii) the State handgun license issued to a licensee shall contain—

''(I) the name, address, date of birth, physical description, and a photograph of the licensee; and

''(II) a unique license number; and

''(iii) a State handgun license shall be valid for a period of not more than 2 years from the date of issue, unless revoked.

''(B) The State law provides that a State handgun license may not be issued unless the chief law enforcement officer of the State determines that the applicant—

''(i) is at least 21 years of age;

''(ii) is a resident of the State, by examining, at a minimum, in addition to a valid identification document (as defined in section 1028(d)), documentation such as a utility bill or lease agreement;

''(iii) is not prohibited from possessing or receiving a handgun under Federal, State, or local law, based upon name- and fingerprint-based research in all available Federal, State, and local recordkeeping systems, including the national instant criminal background check system established by the Attorney General pursuant to section 103 of the Brady Handgun Violence Prevention Act; and

''(iv) has been issued a State handgun safety certificate.

''(D) The State law may authorize the chief law enforcement officer of the State to charge a fee for the issuance of a State handgun license.

''(E) The State law provides that, if the chief law enforcement officer of the State determines that an individual is ineligible to receive a State handgun license and the individual in writing requests the officer to provide the reasons for that determination, the officer shall provide the reasons to the individual in writing not later than 20 business days after receipt of the request.

''(F)(i) The State law provides for the revocation of a State handgun license issued by the chief law enforcement officer of the State if the chief law enforcement officer determines that the licensee no longer satisfies 1 or more of the conditions set forth in subparagraph (B).

''(ii) The State law provides that, not later than 10 days after a person possessing a State handgun license that has been revoked receives notice of the revocation, the person shall return the license to the chief law enforcement officer who issued the license.

''(G)(i) The State law provides that, not later than 24 hours after a State handgun licensee discovers that a handgun has been stolen from or lost by the licensee, the licensee shall report the theft or loss to—

''(I) the Secretary;

''(II) the chief law enforcement officer of the State; and

''(III) appropriate local authorities.

''(ii) The State law shall provide that failure to make the reports described in clause (i) shall be punishable by a civil penalty of not less than $1,000.

''(6) As used in this subsection, the term 'State handgun registration form' means a handgun registration form prescribed under a State law that, at a minimum, meets the following requirements:

''(A) The State law provides that a handgun registration form shall not be considered completed by an individual with respect to a handgun, unless the form contains, at a minimum—

''(i) information identifying the individual, including the name, address, date of birth, and number on the State handgun license issued to the individual; and

''(ii) information identifying the handgun, including the make, model, caliber, and serial number of the handgun.

''(B) The State law provides that the chief law enforcement officer of the State shall furnish information from completed handgun registration forms to Federal, State, and local law enforcement authorities upon request.

''(C) The State law may authorize the chief law enforcement officer of the State to charge a fee for the registration of a handgun.

''(7) As used in this subsection, the term 'State handgun safety certificate' means a certificate issued under a State law that, at a minimum, meets the following requirements:

''(A) The State law provides that the chief law enforcement officer of the State shall issue State handgun safety certificates.

''(B) The State law provides that a State handgun safety certificate is not to be issued

to an applicant, unless the chief law enforcement officer of the State determines that the applicant—

''(i) is a resident of the State, by examining, at a minimum, in addition to a valid identification document (as defined in section 1028(d)), documentation such as a utility bill or lease agreement;

''(ii) has completed a course of not less than 2 hours of instruction in handgun safety, that was taught by law enforcement officers and designed by the chief law enforcement officer; and

''(iii) has passed an examination, designed by the chief law enforcement officer, testing the applicant's knowledge of handgun safety.

''(C) The State law may authorize the chief law enforcement officer of the State to charge a fee for the handgun safety course and examination described in subparagraph (B).''.

(b) DEFINITION OF HANDGUN AMMUNITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(33) The term 'handgun ammunition' means—

''(A) a centerfire cartridge or cartridge case less than 1.3 inches in length; or

''(B) a primer, bullet, or propellent powder designed specifically for use in a handgun.''.

(c) REGULATIONS.—Section 926 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(d) The Secretary shall, for purposes of section 922(y), prescribe regulations—

''(1) governing the form and appearance of State handgun licenses;

''(2) establishing minimum standards that such licenses must meet to be secure against forgery; and

''(3) establishing minimum standards that States must meet in issuing such licenses in order to prevent fraud or theft of such licenses.''.

(d) PENALTIES FOR VIOLATIONS OF SECTION 922(y) OF TITLE 18.—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking ''or (w)'' and inserting ''(w), or (y)''.

(e) TECHNICAL CORRECTION TO BRADY ACT.—Section 922(t)(1)(B)(ii) of title 18, United States Code, is amended by inserting ''or State law'' after ''section''.

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date that is 180 days after the date of enactment of this Act.

(g) FUNDING.—

(1) GRANTS FOR ESTABLISHING SYSTEMS OF LICENSING AND REGISTRATION.—The Attorney General shall, subject to the availability of appropriations, make a grant to each State (as defined in section 921(a)(2) of title 18, United States Code) to be used for the initial startup costs associated with establishing a system of licensing and registration consistent with the requirements of section 922(y) of title 18, United States Code, as added by subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under paragraph (1) not more than $200,000,000, to remain available until expended.

SEC. 102. PROHIBITION OF MULTIPLE HANDGUN TRANSFERS.

Section 922 of title 18, United States Code, as amended by section 101(a), is amended by adding at the end the following new subsection:

''(z)(1) It shall be unlawful for any licensed dealer—

''(A) during any 30-day period, to sell 2 or more handguns to an individual who is not licensed under section 923; or

''(B) to sell a handgun to an individual who is not licensed under section 923 and who purchased a handgun during the 30-day period ending on the date of the sale.

''(2) It shall be unlawful for any individual who is not licensed under section 923 to purchase 2 or more handguns during any 30-day period.

''(3) Paragraph (1) shall not apply to an exchange (with or without consideration) of a handgun for a handgun.''.

SEC. 103. PROHIBITION OF ENGAGING IN THE BUSINESS OF DEALING IN HANDGUNS WITHOUT SPECIFIC AUTHORIZATION; REQUIREMENT THAT AUTHORIZATION BE PROVIDED IF APPLICANT DEMONSTRATES SIGNIFICANT UNMET ECONOMIC DEMAND.

(a) PROHIBITION AGAINST ENGAGING IN THE BUSINESS OF DEALING IN HANDGUNS WITHOUT SPECIFIC AUTHORIZATION.—Section 922(a)(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) to engage in the business of dealing in handguns, or in the course of such business, to ship, transport, or receive any handgun in interstate or foreign commerce, unless the person is specifically authorized to do so under section 923(d)(2)(A); or''.

(b) REQUIREMENT THAT AUTHORIZATION BE PROVIDED IF APPLICANT DEMONSTRATES THAT IT IS IN THE PUBLIC INTEREST.—Section 923(d) of title 18, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraph:

''(2)(A) The Secretary shall authorize a licensed dealer (or a person whose application for a license to engage in the business of dealing in firearms is required to be approved by the Secretary) to engage in the business of dealing in handguns if the licensed dealer (or the applicant) demonstrates to the Secretary, in accordance with regulations that the Secretary shall prescribe, that there is significant unmet lawful demand for handguns in the market area (as defined by the Secretary) served by the licensed dealer (or to be served by the applicant).

''(B) For purposes of paragraph (3) of this subsection and subsections (e) and (f), a request for authority to engage in the business of dealing in handguns shall be considered to be an application for a license under this section, and the provision of such authority shall be considered to be the issuance of such a license.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) 2-YEAR GRANDFATHERING OF LICENSED DEALERS.—During the 2-year period that begins on the effective date specified in paragraph (1), the amendments made by this section shall not apply to any person who, on the effective date, is a licensed dealer (as defined in section 921(a)(11) of title 18, United States Code).

TITLE II—TRACING OF GUNS USED IN CRIMES

SEC. 201. DEALER ASSISTANCE WITH TRACING OF FIREARMS.

(a) PROVISION OF RECORD INFORMATION.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(8) Each licensee shall, at such times and under such conditions as the Secretary shall prescribe by regulation, provide all record information required to be kept by this chapter, or such lesser information as the Secretary may specify, as may be required for determining the disposition of a firearm in the course of a law enforcement investigation.''.

(b) NO CRIMINAL PENALTY.—Section 924(a)(1)(D) of title 18, United States Code, is amended by inserting '', except section 923(g)(6)'' after ''chapter''.

SEC. 202. COMPUTERIZATION OF RECORDS.

Section 926 of title 18, United States Code, as amended by section 101(c), is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by adding at the end the following new subsection:

''(e) The Director of the Bureau of Alcohol, Tobacco, and Firearms shall centralize all records of receipts and disposition of firearms obtained by the Bureau and maintain such records in whatever manner will enable their most efficient use in law enforcement investigations.''.

SEC. 203. INTERSTATE TRANSPORTATION OF FIREARMS.

Section 922(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) for any person not licensed under section 923 to transport a firearm from one State into another State; but

''(B)(i) subparagraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than the person's State of residence from transporting the firearm into or receiving the firearm in the person's State of residence, if it is lawful for the person to possess the firearm in the person's State of residence; and

''(ii) subparagraph (A) shall not apply to—

''(I) the transportation or receipt of any firearm obtained in conformity with subsection (b)(3);

''(II) the transportation of any firearm acquired in any State before the effective date of this chapter;

''(III) the transportation of any firearm in accordance with section 926A; and

''(IV) the transportation of any firearm, under contract or agreement with a person licensed under section 923, by a person who ships or transports goods in the ordinary course of business;''.

SEC. 204. GUN RUNNING.

(a) PROHIBITIONS.—Section 922 of title 18, United States Code, as amended by section 102, is amended by adding at the end the following new subsection:

''(aa) It shall be unlawful for a person not licensed under section 923 to receive a firearm with the intent to transfer the firearm for profit.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) Except as provided in subparagraph (B), a person who violates section 922(aa) shall be fined under this title, imprisoned not less than 6 months and not more than 3 years, or both.

''(B) A person who violates section 922(aa) with respect to 5 or more firearms during a 30-day period shall be fined under this title, imprisoned not less than 3 years, or both.''.

SEC. 205. HANDGUN BARREL REGISTRATION.

Section 923(i) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following:

''(2) Each licensed manufacturer shall, in accordance with regulations prescribed by the Secretary—

''(A) maintain records of the ballistics of handgun barrels made by the licensed manufacturer and of the serial numbers of such barrels; and

''(B) make such records available to the Secretary.''.

SEC. 206. NATIONAL FIREARMS TRACING CENTER.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish in the Bureau of Alcohol, Tobacco, and Firearms a National Firearms Tracing Center, which shall be operated for the purpose of tracing the chain of possession of firearms and ammunition used in crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the establishment and operation of the National Firearms Tracing Center there are authorized to be appropriated to the Secretary of the Treasury $20,000,000 for each of fiscal years 1995, 1996, and 1997.

TITLE III—DEALER RESPONSIBILITY

SEC. 301. COMPLIANCE WITH STATE AND LOCAL FIREARMS LICENSING LAWS AS CONDITION TO ISSUANCE OF FEDERAL FIREARMS LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(G) in the case of an application for a license to engage in the business of dealing in firearms—

''(i) the applicant has complied with all requirements imposed on persons desiring to engage in such a business by the State and political subdivision of the State in which the applicant conducts or intends to conduct such business;

''(ii) the business to be conducted pursuant to the license is not prohibited by the law of the State or locality in which the business premises is located; and

''(iii) the application includes a written statement that—

''(I) is signed by the chief of police of the locality, or the sheriff of the county, in which the applicant conducts or intends to conduct such business, the head of the State police of such State, or any official designated by the Secretary; and

''(II) certifies that the information available to the signer of the statement does not indicate that the applicant is ineligible to obtain such a license under the law of such State and locality.''.

SEC. 302. BACKGROUND INVESTIGATION OF LICENSEES.

(a) IN GENERAL.—Section 923(d)(1)(B) of title 18, United States Code, is amended—

(1) by inserting ''after a thorough investigation of'' before ''the applicant''; and

(2) by striking ''association)'' and inserting ''association), which investigation shall include checking the applicant's fingerprints against all appropriate compilations of criminal records, the Secretary determines that the applicant''.

(b) INSPECTION OF APPLICANT'S PREMISES.—Section 923(d)(1) of title 18, United States Code, as amended by section 301, is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(H) the Secretary has conducted an inspection of the place at which the applicant is to conduct business pursuant to the license.''.

(c) BUSINESS PREMISES REQUIRED OF APPLICANT.—Section 923(d)(1)(E) of title 18, United States Code, is amended by inserting ''business'' after ''(i)''.

(d) EXTENSION OF PERIOD FOR APPROVING OR DENYING APPLICATION.—Section 923(d)(3) of title 18, United States Code, as redesignated by section 103(b), is amended by striking ''60-day'' and inserting ''180-day''.

SEC. 303. INCREASED LICENSE FEES FOR DEALERS.

Section 923(a)(3) of title 18, United States Code, is amended to read as follows:

''(3) If the applicant—

''(A) is a dealer in destructive devices or ammunition for destructive devices, a fee of $2,000 per year; or

''(B) is a dealer not described in subparagraph (A), a fee of $3,000 for 3 years.''.

SEC. 304. INCREASED PENALTIES FOR MAKING KNOWINGLY FALSE STATEMENTS IN CONNECTION WITH FIREARMS.

Section 924(a)(3) of title 18, United States Code, is amended by striking ''one year'' and inserting ''10 years''.

SEC. 305. DEALER INSPECTIONS.

Section 923(g)(1)(B) of title 18, United States Code, is amended by striking all after ''warrant—'' and inserting '' as necessary to ensure compliance with this chapter, to further a criminal investigation, or to determine the disposition of one or more particular firearms.''.

SEC. 306. GUN SHOWS.

(a) PROHIBITION OF CERTAIN HANDGUN TRANSFERS AT GUN SHOWS.—Section 922(b) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; or''; and

(3) by inserting after paragraph (5) the following new paragraph:

''(6) any handgun to any person who is not a licensed importer, licensed manufacturer, or licensed dealer, at any place other than the location specified on the license of the transferor.''.

(b) TECHNICAL AMENDMENTS.—Section 923 of title 18, United States Code, is amended—

(1) in the first sentence of subsection (j), by inserting '', consistent with section 922(b)(6),'' before ''temporarily''; and

(2) by redesignating subsection (1), as added by section 110307 of the Violent Crime Control and Law Enforcement Act of 1994, as subsection (*l*).

SEC. 307. ACQUISITION AND DISPOSITION RECORDS OF DEALERS SUSPECTED OF SERVING AS SOURCES OF ILLEGAL FIREARMS.

Section 923(g)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

''(E) If the Secretary, during a 1-year period, has identified a licensed dealer as the source of 3 or more firearms that have been recovered by law enforcement officials in criminal investigations, or if the Secretary has reason to believe that a licensed dealer is a source of firearms used in crimes, the Secretary may require the dealer to produce any or all records maintained by the dealer of acquisition and disposition of firearms, and may continue to impose that requirement until the Secretary determines that the dealer is not a source of firearms used in crimes.''.

SEC. 308. DEALER RESPONSIBILITY FOR SALES TO FELONS OR MINORS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 922 the following new section:

''§ 922A. Tort liability of licensed dealers

''(a)(1) Any person suffering physical injury arising from a crime of violence (as defined in section 924(c)(3)) in which a qualified firearm is used may bring an action in any United States district court against any qualified licensed dealer for damages and such other relief as the court determines to be appropriate.

''(2) As used in paragraph (1), the term 'qualified firearm' means a firearm that—

''(A) has been transferred by a licensed dealer to a person who—

''(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year; or

''(ii) has not attained the age of 18 years; and

''(B) is subsequently used by any person in a crime of violence (as defined in section 924(c)(3)).

''(3) As used in paragraph (1), the term 'qualified licensed dealer' means, with respect to a firearm, a licensed dealer who transfers the firearm to a person, knowing or having reasonable cause to believe that the person is prohibited by Federal or State law from receiving the firearm.

''(b)(1) The defendant in an action brought under subsection (a) shall be held liable in tort, without regard to fault or proof of defect, for all direct and consequential damages arising from the crime of violence referred to therein, except as provided in paragraph (2). The court, in its discretion, may award punitive damages.

''(2) There shall be no liability under subsection (a) if it is established by a preponderance of the evidence that the plaintiff suffered the physical injury while committing the crime of violence referred to therein.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 922 the following new item:

''Sec. 922A. Tort liability of licensed dealers.''.

SEC. 309. INTERSTATE SHIPMENT OF FIREARMS.

Section 922(e) of title 18, United States Code, is amended—

(1) in the first sentence by striking ''It shall be'' and inserting the following:

''(2) It shall be'';

(2) in the second sentence by striking ''No common or contract carrier'' and inserting the following:

''(3) No common or contract carrier'';

(3) by inserting ''(1) Any common or contract carrier that undertakes to transport or deliver firearms in interstate or foreign commerce shall, not less frequently than monthly, obtain from the Secretary a list of licensed dealers. The Secretary shall provide to any common or contract carrier, upon request and without charge, a list of licensed dealers and their license numbers.'' after ''(e)'';

(4) in paragraph (2), as designated by paragraph (1)—

(A) by striking '', to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors,''; and

(B) by striking ''ammunition'' the first place it appears and all that follows through ''passenger'' and inserting ''ammunition—

''(A) without providing written notice to the carrier that the firearm or ammunition is being transported or shipped; and

''(B) if the intended recipient of the package or container is a licensed dealer, providing written notice of the dealer's license number,

except that any passenger''; and

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

''(4) A common or contract carrier shall be considered to have cause to believe that a shipment of firearms would violate this chapter if it is alleged to the carrier that the intended recipient of the shipment is a licensed dealer and the carrier fails to verify that the intended recipient is a licensed dealer.''.

TITLE IV—THEFT OF FIREARMS

SEC. 401. DEALER REPORTING OF FIREARM THEFTS.

Section 923(g)(6) of title 18, United States Code, is amended to read as follows:

''(6) Each licensee shall report to the Secretary, and to the chief law enforcement officer (as defined in section 922(s)(8)) of the locality in which the premises specified on the license is located, any theft of firearms from the licensee, as soon as practicable after discovery of the theft, but in no event later than the close of business on the first business day after the day on which the licensee discovers the theft.''.

SEC. 402. THEFT OF FIREARMS OR EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(o) A person who steals any firearm that is moving as, or is a part of, or that has moved in, interstate or foreign commerce shall be fined under this title, imprisoned not less than 2 nor more than 10 years, or both.''.

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(n) A person who steals any explosive materials that are moving as, or are a part of, or that have moved in, interstate or foreign commerce shall be fined under this title, imprisoned not less than 2 nor more than 10 years, or both.''.

SEC. 403. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 402(a), is amended by adding at the end the following new subsection:

''(p) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.''.

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 402(b), is amended by adding at the end the following new subsection:

''(o) A person who steals explosive materials from a licensed importer, licensed manufacturer, licensed dealer, or any permittee shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 404. SECURITY OF LICENSED FIREARMS DEALERS.

(a) REQUIREMENT.—Section 923 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(m) A licensed dealer shall provide for security against theft of firearms from the dealer's business premises, in accordance with regulations prescribed by the Secretary.''.

(b) DENIAL OF DEALER'S LICENSE.—Section 923(d)(1)(G) of title 18, United States Code, as added by section 301(3), and amended by section 302(b)(2), of this Act, is amended—

(1) by striking ''and'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(iv) the applicant has provided for security against theft of firearms from the place at which business is to be conducted pursuant to the license, in accordance with regulations prescribed under subsection (m).''.

TITLE V—ARMED FELONS

SEC. 501. DENIAL OF ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS PROHIBITIONS; INADMISSIBILITY OF ADDITIONAL EVIDENCE IN JUDICIAL REVIEW OF DENIALS OF SUCH ADMINISTRATIVE RELIEF FOR OTHER PERSONS.

(a) IN GENERAL.—Section 925(c) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting ''(1)'' before ''A person'';

(B) by inserting ''(as defined in section 921(a)(1) (other than an individual))'' before ''who is prohibited''; and

(C) by striking ''his'' and inserting ''the Secretary's'';

(2) by striking the second and third sentences;

(3) in the fourth sentence—

(A) by striking ''A licensed importer'' and inserting the following:

''(2) A licensed importer'';

(B) by inserting ''person (as defined in section 921(a)(1) (other than an individual)) who is a'' before ''licensed importer''; and

(C) by striking ''his'' and inserting ''the person's''; and

(4) by amending the fifth sentence to read as follows:

''(3) When the Secretary grants relief to a person under this section, the Secretary shall promptly publish in the Federal Register a notice of the action, which shall include—

''(A) the name of the person;

''(B) the disability with respect to which the relief is granted, and, if the disability was imposed by reason of a criminal conviction of the person, the crime for which, and the court in which, the person was convicted; and

''(C) the reasons for the action.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief, and actions for judicial review, that are pending on or after the date of enactment of this Act; and

(2) applications for administrative relief filed, and actions for judicial review brought, on or after the date of enactment of this Act.

SEC. 502. CLARIFICATION OF DEFINITION OF CONVICTION.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting ''(A)'' after ''(20)''; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the second sentence by striking ''What'' and inserting the following:

''(B) What''; and

(3) by striking the third sentence and inserting the following:

''(C) A State conviction that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, shall not be considered to be a conviction for purposes of this chapter if—

''(i) the expungement, setting aside, pardon, or restoration of civil rights applies to a named person and expressly authorizes the person to ship, transport, receive, and possess firearms; and

''(ii) the State authority granting the expungement, setting aside, pardon, or restoration of civil rights has expressly determined that the circumstances regarding the conviction, and the person's record and reputation, are such that—

''(I) the applicant will not be likely to act in a manner that is dangerous to public safety; and

''(II) the granting of the relief would not be contrary to the public interest.

''(D) Subparagraph (C) shall not apply to a conviction for a violent felony (as defined in section 924(e)(2)(B)) or a serious drug offense (as defined in section 924(e)(2)(A)).''.

SEC. 503. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c)(1) of title 18, United States Code, is amended by striking ''and if the firearm is a short-barreled rifle, short-barreled shotgun'' and inserting ''if the firearm is a semiautomatic firearm, a short-barreled rifle, or a short-barreled shotgun,''.

(b) SEMIAUTOMATIC FIREARM.—Section 921(a) of title 18, United States Code, as amended by section 101(b), is amended by adding at the end the following new paragraph:

''(34) The term 'semiautomatic firearm' means a repeating firearm that—

''(A) utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round; and

''(B) requires a separate pull of the trigger to fire each cartridge.''.

SEC. 504. VIOLATION OF FIREARMS LAWS IN AID OF DRUG TRAFFICKING.

Section 924(j) of title 18, United States Code, is amended to read as follows:

''(j)(1) A person who, with the intent to engage in or to promote conduct described in paragraph (2), violates any provision of this chapter or attempts to do so shall be imprisoned not more than 10 years, fined under this title, or both.

''(2) Conduct is described in this paragraph if it is conduct that—

''(A) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

''(B) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

''(C) constitutes a crime of violence (as defined in subsection (c)(3)).''.

SEC. 505. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) ONE PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by inserting '', and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony or a serious drug offense (as defined in subsection (e)(2) (A) and (B)), a sentence imposed under this paragraph shall include an additional term of imprisonment of not less than 5 years'' before the period.

(b) TWO PRIOR CONVICTIONS.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(q)(1) Notwithstanding subsection (a)(2), a person who violates section 922(g) and has 2 previous convictions by any court for a violent felony (as defined in subsection (e)(2)(B)) or a serious drug offense (as defined in subsection (e)(2)(A)), for which a term of imprisonment exceeding 1 year has been imposed, committed on occasions different from one another shall be fined under this title, imprisoned not less than 10 nor more than 20 years, or both.

''(2) Notwithstanding any other law, the court shall not suspend the sentence of, or grant a probationary sentence to, a person described in paragraph (1) with respect to the conviction under section 922(g).''.

(c) TECHNICAL CORRECTION.—Section 924 of title 18, United States Code, is amended by redesignating paragraph (5), as added by section 110201(b)(2) of the Violent Crime Control

and Law Enforcement Act of 1994, as paragraph (6).

TITLE VI—VIOLENT MISDEMEANANTS

SEC. 601. PROHIBITION OF DISPOSAL OF FIREARMS OR AMMUNITION TO, OR RECEIPT OF FIREARMS OR AMMUNITION BY, PERSONS CONVICTED OF A VIOLENT CRIME OR SUBJECT TO A PROTECTION ORDER.

(a) PROHIBITION OF DISPOSAL.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by inserting after paragraph (8) the following new paragraphs:

''(9) has been convicted in any court of an offense that—

''(A) is punishable by imprisonment for more than 6 months; and

''(B)(i) has, as an element, the use, attempted use, or threatened use of physical force against another person; or

''(ii) by its nature, involves a substantial risk that physical force against a person described in subparagraph (A) may be used in the course of committing the offense; or

''(10) is required, pursuant to an order issued by a court in a case involving the use, attempted use, or threatened use of physical force against another person, to refrain from contact with or maintain a minimum distance from that person.''.

(b) PROHIBITION OF RECEIPT.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (7);

(2) by striking the comma at the end of paragraph (8) and inserting a semicolon; and

(3) by inserting immediately after paragraph (8) the following new paragraphs:

''(9) who has been convicted in any court of an offense that—

''(A) is punishable by imprisonment for more than 6 months; and

''(B)(i) has, as an element, the use, attempted use, or threatened use of physical force against another person; or

''(ii) by its nature, involves a substantial risk that physical force against a person described in subparagraph (A) may be used in the course of committing the offense; or

''(10) who is required, pursuant to an order issued by a court in a case involving the use, attempted use, or threatened use of physical force against another person, to refrain from contact with or maintain a minimum distance from that person,''.

TITLE VII—AMMUNITION

SEC. 701. FEDERAL LICENSE TO DEAL IN AMMUNITION.

(a) DEFINITIONS.—

(1) DEALER.—Section 921(a)(11)(A) of title 18, United States Code, is amended by inserting ''or ammunition'' after ''firearms''.

(2) COLLECTOR.—Section 921(a)(13) of title 18, United States Code, is amended by inserting ''or ammunition'' after ''firearms''.

(3) ENGAGED IN THE BUSINESS.—Section 921(a)(21) of title 18, United States Code, is amended—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) as applied to a dealer in ammunition, a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of ammunition, but such term does not include a person who makes occasional sales, exchanges, or purchases of ammunition for the enhancement of a personal collection or for a hobby, or who sells all or part of the person's personal collection of ammunition;''.

(b) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) (as amended by section 103(a))—

(i) by amending subparagraph (A) to read as follows:

''(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce; or'';

(ii) by striking ''; or'' at the end of subparagraph (B) and inserting a period; and

(iii) by striking subparagraph (C);

(B) in paragraphs (2), (3), and (5) by inserting ''or ammunition'' after ''firearm'' each place it appears;

(2) in subsection (b)(3)—

(A) by inserting ''or ammunition'' after ''firearm'' each place it appears; and

(B) by inserting '', or ammunition for a rifle or shotgun,'' after ''shotgun'';

(3) in subsection (c)—

(A) by inserting ''or ammunition'' after ''firearm'' the first, third, fourth, fifth, sixth, and seventh places it appears;

(B) by inserting ''or any ammunition other than for a shotgun or rifle,'' after ''rifle,'' the first place it appears; and

(C) by inserting ''or ammunition for a shotgun or rifle,'' after ''rifle,'' the second place it appears;

(4) in subsection (e) (as amended by section 309) by inserting ''or ammunition'' after ''firearms'' each place it appears; and

(5) in subsection (q)(2)—

(A) in subparagraph (A) by inserting ''or ammunition'' after ''firearm''; and

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

''(C) Subparagraph (A) shall not apply to the possession of ammunition—

''(i) on private property not part of school grounds;

''(ii) if the individual possessing the ammunition is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State requires that, before an individual obtain such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

''(iii) that is in a locked container;

''(iv) by an individual for use in a program approved by a school in the school zone;

''(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

''(vi) by a law enforcement officer acting in the officer's official capacity; or

''(vii) that is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.''.

(c) LICENSING.—Section 923 of title 18, United States Code, is amended—

(1) in the first sentence of subsection (a) by striking ''importing or manufacturing'';

(2) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting ''and ammunition'' after ''firearms'' the first place it appears;

(II) by striking ''firearms'' the second place it appears; and

(III) by striking ''or any licensed importer or manufacturer of ammunition,''; and

(ii) in each of subparagraphs (B)(iii) and (C)(ii) by inserting ''or rounds of ammunition'' after ''firearms''; and

(B) in paragraph (2)—

(i) by inserting ''or ammunition'' after ''firearm''; and

(ii) by inserting ''or ammunition'' after ''firearms'';

(C) in paragraph (8), as added by section 201(a), by inserting ''or ammunition'' after ''firearm''; and

(D) in paragraph (9), as added by section 401, by inserting ''or ammunition'' after ''firearms'';

(3) in subsection (d)(1)(G)(iv), as added by section 404(b), by inserting ''or rounds of ammunition'' after ''firearms'';

(4) in subsection (j)—

(A) by inserting ''or ammunition'' after ''firearms'' the second place it appears; and

(B) by inserting ''and ammunition'' after ''firearms'' the third place it appears; and

(5) in subsection (m), as added by section 404(a), by inserting ''or ammunition'' after ''firearms''.

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (g) by inserting ''or ammunition'' after ''firearm'';

(2) in subsection (h) by inserting ''or ammunition'' after ''firearm'' each place it appears;

(3) in subsection (o), as added by section 402(a), by inserting ''or ammunition'' after ''firearm''; and

(4) in subsection (p), as added by section 403(a), by inserting ''or ammunition'' after ''firearm''.

(e) INTERSTATE TRANSPORTATION.—Section 926A of title 18, United States Code, is amended—

(1) in the section heading by inserting ''**and ammunition**'' after ''**firearms**''; and

(2) in the text by inserting ''or ammunition'' after ''firearm'' in the first, second, third, and fourth places it appears.

(f) POSSESSION IN FEDERAL FACILITIES.—Section 930 of title 18, United States Code, is amended—

(1) in the section heading by inserting ''**, ammunition,**'' after ''**firearms**'';

(2) by inserting '', ammunition,'' after ''firearm'' each place it appears; and

(3) in subsection (d)(3) by inserting '', ammunition,'' after ''firearms''.

(g) TECHNICAL AMENDMENTS.—The chapter analysis for chapter 44 of title 18, United States Code, is amended—

(1) in the item relating to section 926A by inserting ''and ammunition'' after ''firearms''; and

(2) in the item relating to section 930 by inserting '', ammunition,'' after ''firearms''.

SEC. 702. REGULATION OF THE MANUFACTURE, IMPORTATION, AND SALE OF CERTAIN PARTICULARLY DANGEROUS BULLETS.

Section 921(a)(17) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B) The term 'armor piercing ammunition'—

''(i) means—

''(I) a projectile or projectile core that may be used in a handgun and that is constructed entirely (excluding the presence of traces of other substances) from 1 or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium;

''(II) a jacketed, hollow point projectile that may be used in a handgun and the jacket of which is designed to produce, upon impact, evenly spaced sharp or barb-like projections that extend beyond the diameter of the unfired projectile; or

''(III) a jacketed projectile that may be used in a handgun and the jacket of which

has a weight of more than 25 percent of the total weight of the projectile; but

''(ii) does not include—

''(I) shotgun shot required by Federal or State environmental or game regulations for hunting purposes;

''(II) a frangible projectile designed for target shooting;

''(III) a projectile that the Secretary finds is primarily intended to be used for sporting purposes; or

''(IV) any other projectile or projectile core that the Secretary finds is intended to be used for industrial purposes, including a charge used in an oil or gas well perforating device.''.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from New Hampshire [Mr. SMITH], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 442

At the request of Ms. SNOWE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 524

At the request of Mr. WELLSTONE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 524, a bill to prohibit insurers from denying health insurance coverage, benefits, or varying premiums based on the status of an individual as a victim of domestic violence and for other purposes.

S. 615

At the request of Mr. AKAKA, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 615, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Monday, March 27, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on supplemental security income (SSI).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 27, 1995, at 2 p.m. to hold a hearing on U.S. dependence on foreign oil.

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

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

Mr. MCCONNELL. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Margaret Cohen, a member of the staff of Senator KASSEBAUM, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 10 to April 19, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Cohen in this program.

The select committee received notification under rule 35 for Martha James, a member of the staff of Senator INHOFE, to participate in a program in Korea sponsored by the A-san Foundation from April 16 to April 22, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. James in this program.

The select committee received notification under rule 35 for Steven Shimberg, a member of the staff of Senator CHAFEE, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 8 to April 20, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Shimberg in this program.

The select committee received notification under rule 35 for Kelly Johnston, a member of the staff of Senator NICKLES, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from April 9 to April 23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Johnston in this program.

ADDITIONAL STATEMENTS

THE VISIT OF NEW ZEALAND'S PRIME MINISTER

● Mr. THOMAS. Mr. President, I would like to take this opportunity to call my colleagues' attention to the visit to the United States this week of New Zealand's Prime Minister, the Rt. Hon. James Bolger. This is the first visit of a sitting Prime Minister to our country in over a decade.

New Zealand and the United States have had traditionally close relations based largely on shared cultural ties to Great Britain and security concerns in the South Pacific. We have been close allies in both world wars, and New Zealand has participated with us and Australia in the regional ANZUS security alliance. We both participate in such economic organizations as APEC [Asia Pacific Economic Corporation], PECC [Pacific Economic Cooperation Council], and the PBEC [Pacific Basin Economic Committee].

But the relationship has not been without its tensions. The primary focus of United States-New Zealand relations over the last 10 years has revolved around port visits nuclear by armed and powered United States Navy ships. In the mid-1980's, New Zealand enacted legislation declaring the country a nuclear-free zone. As a result, United States nuclear powered or armed Navy ships were banned from New Zealand ports. Since it is not U.S. policy to identify which ships are or are not nuclear—some 40 percent are—the effect was to prohibit any port calls by our Navy. Washington retaliated by formally abrogating our defense treaty relationship with New Zealand, ceasing to share intelligence information, and cutting off all high-level ties between governments.

Mr. President, while this issue is one of importance in our bilateral relationship and thus should not be swept under the rug, I choose not to dwell on it today for several reasons. First, it is not the only facet to our relationship. The rift has narrowed somewhat over the years; and in spite of it, we have continued to work side-by-side with New Zealand on other security issues. New Zealand has been an active participant in a series of peacekeeping missions, and fought with American troops in the gulf. More recently, New Zealand was the first country to make a monetary contribution to KEDO in furtherance of the agreed framework with North Korea.

In addition, New Zealand has made important and impressive economic strides over the past decade which deserve our attention. In the 1950's, New Zealand was one of the world's five wealthiest countries; but by the late 1970's, it had fallen to near 20th. The reason appears to have been the country's economic policies which bordered on almost Socialist central-market control. New Zealand had one of the

most insulated and restrictive economies in the region; the Government heavily regulated most industries, and nationalized others. It subsidized exports, while at the same time shutting internal market access to protect its domestic industries. Finally, the Government ran high deficits, instituted wage and price controls, and promulgated tight limits on both interest rates and international flows of capital. Between the 1960's and 1970's, the marginal tax rate facing the typical family rose from 23 to 35 percent—the top rate was 66 percent. Inflation was high, averaging more than 10 percent. In 1978, for the first time ever, the unemployment rate passed 1 percent. By 1983, it topped 5 percent.

In 1984, the Government began to institute a series of economic reforms. It scrapped controls on wages, prices, and interest rates. It also phased out almost all subsidies and incentives for farming, and began charging market price for its energy supplies. Taxes were reduced—the maximum tax was halved to 33 percent.

More importantly, the Government opened the economy to the outside world. In 1985, it abolished limits on foreign ownership of banks and other industries. Eventually, New Zealand privatized a great deal of its public enterprises, including telecommunications, computer services rail, airways, and so forth. This has been a boon for U.S. business. For example, Wisconsin Central Railroads purchased a large interest in the formally nationalized New Zealand Railways. Cyberstar, another Wisconsin firm, recently concluded a contract to lay fiber-optic cable in the Nelson area. Ameritech and Bell Atlantic each have a 24.82 percent interest in Telecom New Zealand, the largest company in the country by stock market capitalization. Other U.S. firms which have made substantial investments in the country are Bell South, MCI, and Time Warner,

The Government announced the phaseout of export incentives, export credits, and import quotas. It also moved to end limits on who would bid for import licenses and how many such licenses each individual could hold. In addition, New Zealand allowed people to borrow from, and lend to, foreigners without Government control and ended exchange controls. Finally, the Government embarked on a downsizing in the ranks of Government employees. The Government work force has been cut by almost 53 percent in all sectors, resulting in a substantial savings to the budget. This of it, Mr. President; if only we could emulate this feat. The subsequent turnaround in the economy has been quite dramatic. The following 1994 figures are illustrative of the results:

[In percent]

Category	New Zealand	United States	Japan
Inflation	2.8	2.7	0.7
GDP	6.2	3.8	0.2
Budget Surplus (percent GDP)	+2.6	−1.8	−1.8
Gov't Debt (percent GDP)	50.7	64.7	83.4
Unemployment	7.8	5.4	2.9

Mr. President, the Subcommittee on East Asian and Pacific Affairs, which I chair, will hold a hearing on these accomplishments on Wednesday. I look forward to hearing from the American firms is scheduled to testify, and learning more about the economic changes the last decade has wrought. In the same vein, I look forward to meeting with Prime Minister Bolger tomorrow when he visits the Senate. I believe that there are some important lessons for us to learn from New Zealand's turn-around. I, for one, will be paying close attention to what he has to tell us.●

RETIREMENT OF JOHN BYRNE

● Mr. BRYAN. Mr. President, I rise today to recognize one of Nevada's dedicated citizens, on the event of his retirement. It is my privilege to recognize the accomplishments and achievements of John Byrne, a native of Nevada, as he is retiring from the International Brotherhood of Electrical Workers.

John comes from a pioneering family in Virginia City, a small community in northern Nevada. He has played an enormous role in the restoration of Virginia City and continues to play an active role as he serves on the Governors Committee For the Restoration of Virginia City. John is also a member of the Nevada State Industrial Safety Code Revision Committee and a board member and coordinator of Construction Opportunity Trust.

I know John as one of the most respected labor leaders in northern Nevada. He served as business manager and financial secretary for the local Northern Nevada International Brotherhood of Electrical Workers for almost 25 years. His professional accomplishments also include his appointment in 1966 as secretary, and business representative of Northern Nevada Building Trades Council where he was reelected in 1967 and 1969. John also served an interim appointment as secretary business representative of the Honolulu Building Trades Council.

John's abundant leadership capabilities have benefited many groups in the State. His many accomplishments in the community include his election to serve on the Nevada Employment Security Board of Review, where he served under numerous Governors, including myself.

John is the only labor representative in Nevada to receive the Service, Integrity & Responsibility (SIR] Award which is presented by the northern Nevada chapter of the Associated General Contractors.

On March 30, friends, family, union, and community members will join in honoring John, thanking him for the many contributions he has made to the community. I am disheartened that I will be unable to attend, but I would like to extend him my best wishes.●

THE U.S.S. LST SHIP MEMORIAL

● Mr. SHELBY. Mr. President, I would like to take this opportunity to inform my colleagues about a truly outstanding group of American veteran LST [landing ship tank] sailors that intend to sail a 50-year-old World War II LST 13,000 miles from the Far East to our shores. Their plans are for this vessel to arrive and sail under the Golden Gate Bridge on August 14, 1995, to commemorate the 50th anniversary of the end of World War II in the Pacific and to honor the thousands of LST sailors that served on them over the past half century.

After a 10-day layover on the west coast the seasoned crew of 70 sailors will sail the ship to its homeport, the National D-Day Museum in New Orleans. I say seasoned because these men sailed on LST's during World War II when they were just 18 to 24 years old. Now, 50 years later they will again be sailing an LST. This time the voyage will be during the peace they fought for so nobly and that we all now enjoy.

One member of the crew is a constituent of mine, William Irwin of Huntsville, AL. During World War II he was a decorated lieutenant who served aboard LST 277. During the return voyage of the LST Ship Memorial, he will again be sailing as a lieutenant (3d deck officer). To be considered, he and other members of the crew completed 4 months of training and were tested with Coast Guard standards; Lieutenant Irwin's score was 100 percent. All will meet rigid physical and professional requirements. I am enclosing a list of the proposed crew that includes sailors from 24 States.

The crew will spend 10 days aboard the vessel checking out equipment and preparing for the historical voyage that is planned to commence upon its departure from the Far East on June 20, 1995. There will be stops in the Philippines, Guam, and Kwajalein along the 13,000-mile homeward trek. Departing the Marshall Islands, the crew intends to proceed to the Equator and sail eastward until they cross the international dateline. They will continue on to Pearl Harbor in Hawaii and then will proceed to San Francisco. The voyage will require 47 days at sea with the LST traveling at an average of 7 knots.

This project has become a reality through the combined efforts of the U.S. LST Association, the National D-Day Museum, and the Navy that will provide the crew and its training. The LST Ship Memorial, that will be funded by private donations, will be the only one of its kind, worldwide.

It is my understanding that the LST Memorial will be homeported 6 months of the year at the National D-Day Museum, located on Lake Pontchartrain, LA. For the remaining 6 months it is the intention of the organization to sail our inland waterways. The crew will stop along the route and allow free public access for viewing, to keep alive the memories of World War II and remind the public of the heroism, bravery, and sacrifice of the 2 million men that served and sailed on these gallant vessels. Plans are underway in the first year to sail the LST inland via the Mississippi, Ohio, Illinois, and Missouri rivers, as well as the Great Lakes, as the U.S. Navy did in 1945 and 1946. The following year the LST will sail the east coast and the third year she will sail the along the west coast, repeating the cycle every 3 years.

Mr. President, I would like to commend Lt. William Irwin, Chief Milan Gunjak, president of the United States LST Association, Dr. Stephen Abrose, founder of the National D-Day Museum, Comdr. Robert Jornlin, vice president of the U.S.S. LST Ship Memorial, Comdr. Jack Melcher, Sr., president of U.S.N. and project director and all their supporters for their hard work and efforts in securing this fitting memorial to an important naval vessel and to the sailors who served aboard LST's during World War II.

Mr. President, I ask that a proposed list of the LST crew be printed in the RECORD.

The crew list follows:

U.S.S. LST SHIP MEMORIAL CREW LIST

LST	Name	Rank	Assignment	State
AGC–7	Roland Bowling	Captain	Master	CA
825	Robert Jornlin	Comdr.	Executive officer	IL
1126	Jack Melcher Sr.	Comdr.	Chief engineer	OR
(Pending)	Francis Donovan	Vice Adml.	1st deck officer	VA
762	Douglass Vander Meer	Lt/Comdr.	1st engineer officer	CA
468	Vincent Peltier	1st/Lt.	2d deck officer	FL
1126	Keith Rader	1st/Lt.	2d engineer officer	OH
277	William Irwin	2d/Lt.	3d deck officer	AL
1150	Gilbert Hartlove	2d/Lt.	3d engineer officer	VA
576	John Chooljian	2d/Lt.	Radio officer	NJ
569	Harry Andrews	Ensign	Jr. deck officer	WI
560	Walter Wittholz	Ensign	Jr. engineer officer	OH
1141	Clayton Nickerson	Chief	Quartermaster	FL
466	William Clarke	Chief	Boatswain	FL
734	Gerald Robertson	Chief	Engineman	TX
32	Kurt Popp	Chief	Electrician	FL
73*	William Reinard	Chief	Hull technician	VA
828	Norval Jones	Chief	Medical technician	MI
1149	Milan Gunjak	Chief	Food service	OH
525	Lawrence Taylor	MM/1C	Machinest	MI
725	Bruce Voges	BM/1C	Boatswain	IL
642	Fred Holp	SM/1C	Signalman	CA
697	Jack Stephens	SK/1C	Storekeeper	PA
1016	Frank Conway	EN/1C	Engineman	NJ
44	Arther Cook	EM/1C	Electrician	AR
880	John Oleska	ET/1C	Electronic-technician	PA
220	Lauren Whiting	EN/1C	Engineman-enc.	NY
454	William Gollan	QM/1C	Quartermaster	OR
1117	Charles Witmer	EM/1C	Electrician	AZ
980	James Couch Sr.	CK/1C	Cook	FL
792	Donald Shunk	EN/2C	Engineman	PA
18	James Bouscher	RM/2C	Machinery repairman	OH
221*	John Kobe	BM/2C	Boatswain	FL
834	Clair Ernest	CK/2C	Cook	OH
28	James Edwards	EM/2C	Electrician	TX
685	Warren Slaughter	EN/2C	Engineman	GA
859	Lee Hunter	BT/2C	Boiler technician	IN
40	Jerome Machado	RM/2C	Radioman	IL
668	Austin Kurtz	CK/2C	Cook	PA
17	Oliver Poe	SM/2C	Signalman	OK
468	Charles Williams Sr.	HT/2C	Hull technician	GA
929	William Welch	BM/3C	Boatswain	NV
888	Allan DeMuth	QM/3C	Quartermaster	CA
1078	Robert Patterson	CK/3C	Cook	IN
876*	Edward Whitman	EN/3C	Engineman	WY
627	Frank Bua	EM/3C	Electrician	WI
574	Albert White	EN/3C	Engineman	NM
722	Roald Zvonik	BM/3C	Boatswain	IL
		CK/3C	Cook	
USCG	Don Molzahn	SK/3C	Storekeeper	WI
USMC	John Baltes	RM/3C	Radioman	WI
		SD/3C	Steward	
		SS/3C	Special service	
468	Fred Delano	SN/1C	Seaman	CA
572	Jim Liverca	SN/1C	.....do	IA
610	Hichael Nedeff	SN/1C	.....do	OH
483	John Calvin	SN/1C	.....do	FL
468	Dick Janes	SN/1C	Seaman/BM/2C	CA
1158	Raymond Hacck	SN/1C	Seaman	MI
		SN/1C	.....do	
266	Edward Dyar	SN/SS	Seaman/SS	MI
760	Earl Potter	FN/1C	Fireman/EN/2C	NE
446	David Baird	FN/1C	Fireman	IL
533	Freeman Ballard Jr.	FN/1C	Fireman/EM/2C	LA
630	William Sharpe Jr.	FN/1C	Fireman	NJ
574	Harold Slemmons	FN/1C	Fireman/EN/3C	TX
1084	Herbert Renck	FN/1C	Fireman/EN/2C	FL
612	Thomas Cappetpa	FN/1C	.....do	MI

TRIBUTE TO FRANK HEALD

• Mr. JEFFORDS. Mr. President, in my home State of Vermont, above my home city of Rutland, the Coolidge Range of the Green Mountains dominates the skyline. One of the kings of this range is the great rounded summit of Pico Peak, 3,957 feet high.

On the northern and western slopes of this Vermont giant are the ski trails of Pico Ski Resort, one of Vermont's oldest ski areas. Long known as the Friendly Mountain, it is the place where my family has skied. Believe me, some of its trails test the friendly description.

Since 1971, Frank Heald, a good friend of mine, has well served Pico and Vermont. Frank is now retiring as Pico's executive vice president and general manager holding the later post since 1982.

Under Frank's leadership, Pico has grown into a major Vermont ski area, a major eastern ski area. His accomplishments loom nearly as large as the mountain itself.

When I was a youngster, the ski area reached only to a sub-summit of Pico, the grand mass of the main mountain hardly utilized at all by the ski area. Now the lift lines and ski trails go all the way to the top, not only on Pico but on surrounding summits. On a cloudy day, the trails seem to descend from the sky.

With Frank's sure guidance, modern lifts have been installed, as have a

sports center and trailside condo complexes. New trails have been cut, snowmaking has been upgraded. Summer has become almost as busy as winter with an alpine slide, crafts fairs, concerts. Some 150,000 skiers visit the mountain each year.

But Frank has not limited his talents to serving Pico. His community and his State have benefited from his many talents, time and again. He currently serves as chair of the Blue Cross/Blue Shield of Vermont board and as president of the Alpine Pipelines Co. He's a trustee of the Vermont Historical Society and a member of the Rutland Redevelopment Authority and is a past president of the Vermont Ski Areas Association. And he has long worked to bring inner-city kids to Pico to experience Vermont outdoor recreation. Also, he chaired my Congressional Youth Awards Program in Vermont.

That is only a partial list of the worthwhile enterprises which Frank has graced with his unfailingly sound judgment and boundless energy. Vermont is the better for his having come our way.

Pico is a place of legends. The Mead family, legends of American skiing, founded the area and on it many ski champions have learned the sport and developed into world class skiers. The most famous of all was Andrea Mead, the first American woman to win an Olympic ski medal.

When the stories of Pico and its famed sons and daughters are recalled at firesides down the long winter nights of Vermont winters ahead, the name of Frank Heald will be mentioned with the greats as a true pioneer and entrepreneur of Vermont skiing. His contributions are worthy of recognition here in the U.S. Senate.●

ORDERS FOR TUESDAY, MARCH 28, 1995

Mr. NICKLES. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Tuesday, March 28; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, there be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes with the exception of the following: Senators DOMENICI and BIDEN, 10 minutes equally divided; Senator COVERDELL for up to 15 minutes; Senator THOMAS for up to 35 minutes. I further ask that at the hour of 10 a.m., the Senate begin consideration of S. 219, the moratorium bill, and that the Senate recess between the hours of 12:30 and 2:15 for the weekly party luncheons to meet.

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

PROGRAM

Mr. NICKLES. For the information of all my colleagues, the Senate will begin consideration of the moratorium bill tomorrow at 10 a.m. Amendments may be offered at that time, so all Members should be aware that rollcall votes are expected throughout tomorrow's session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:38 p.m., recessed until Tuesday, March 28, 1995, at 9 a.m.