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 lo destar 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.

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.

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...
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, 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 28 million guaranteed self-employed proprietors in this country who could quickly purchase coverage if it was made affordable. Providing 100 percent health insurance tax deduction is at issue. The result of that would be coverage for another one-third of the population, not through Government takeover, not through price controls or employer mandates, but through a means of fairness in the Tax Code.

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

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

This is a move in the right direction to provide fairness and to provide equity. Last Friday was the beginning. I urge my colleagues to move forward with health care. It is not going to resolve everything, but there are actually many 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 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 be rescinded.

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

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

CONCLUSION OF MORNING BUSINESS

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

REGULATORY TRANSITION ACT OF 1995

The PRESIDENT OF 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 $351 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. 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 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 expansion of the moratorium. A similar bill was in the House of Representatives, which 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 24.

So we wanted to stop those or at least we wanted to have a chance to
Mr. President, I ask unanimous consent that I may put in the RECORD a couple of statements from folks who testified at that committee hearing as the generation of the rules.

The list goes on.

Mr. President, I ask unanimous consent that I may put in the RECORD a couple of statements from folks who testified at that committee hearing as the generation of the rules.

The list goes on.

Mr. President, I ask unanimous consent that I may put in the RECORD a couple of statements from folks who testified at that committee hearing as the generation of the rules.

The list goes on.

My name is Arley Adams, doing business as Adams Wood Products.
I'm a second generation logger in the timber and sawmill industry. My son, Alan, is the third generation in the business and works with me.

We have a logging and sawmilling operation that is run 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? It's 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, it 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 in the company to stay in business. If we believe in and practice these things then why do we need OSHA to enforce that 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, don't 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 is all 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. Do you people realize that you are asked for. Then all of a sudden here come these new regulations. 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 and then 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 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 to a colleague of mine and he said, "Mr. 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 would be acutely aware of why they are struggling trying to make a living, especially our smaller companies, our small business people. Over 90 percent of the jobs in Montana are created by small businesses.

So I think you have a 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 can 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 restate 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—that you better 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 to make sure they are ironed 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 just 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 all know each other. But I say, when you have 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.

But basically, we should not have to hire a multitude of experts so they can make some of the decisions that we are making. Why are we here and why is it costing the taxpayers so much money? 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 have 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 find that the agencies, the governmental agencies, turn these simple laws into very complex regulations that go beyond the intent of Congress and many times make no sense. Ultimately, we create an environment where small business owners must hire legal departments—To comply with labor and environmental laws and other issues.

In some instances, the regulations are so complex that a small firm has to hire a multitude of experts so they can
We are going on—they really do not make
look at some, I should say, unusual
son, for thinking that regulations do
really is concerned, and with good rea-
American small business community
There really are too many regulations.
something to be concerned about.
old.
up to date. This is a couple of weeks
ations promulgated on that.
for shorn wool, wool and unshorn
tail.
thing. Protest disputes and appeals.
military installations. It covers every-
not economically significant, 12 pages
nomically significant, 3 pages; those
are economically significant, to be
over $100 million.
But look at them—page after page of
these regulations. Those that are eco-
nomically significant, 3 pages; those
not economically significant, 12 pages
of fine print.
Market promotion program regula-
tions; Department of Defense selection
criteria for clothing and rearming
military installations. It covers every-
thing. Protest disputes and appeals.
I would like to read that in more de-
tail.
Wool and mohair payment programs
for shorn wool, wool and unshorn
lams, and mohair, even though, as
you know, Mr. President, we repealed
the law, but we are still promulgating
regulations in that regard.
Remember, for us, those are terms of
art. For the American public, they are not.
We are concerned about those that
are economically significant, to be
over $100 million.
But look at them—page after page of
these regulations. Those that are eco-
nomically significant, 3 pages; those
not economically significant, 12 pages
of fine print.
Market promotion program regula-
tions; Department of Defense selection
criteria for clothing and rearming
military installations. It covers every-
thing. Protest disputes and appeals.
I would like to read that in more de-
tail. We have 15 pages. And this is not
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 rea-
son, for thinking that regulations do
more harm than good.
I believe, Mr. President, that if you
look over the history of what has gone
here, I think this is important be-
cause I believe Americans want Con-
gress to look at these regulations that
are being promulgated and decide
whether they achieve the purpose they
were supposed to achieve in a rational,
more harm than good.
I believe, Mr. President, that if you
look over the history of what has gone
here, I think this is important be-
cause I believe Americans want Con-
gress to look at these regulations that
are being promulgated and decide
whether they achieve the purpose they
were supposed to achieve in a rational,
more harm than good.
I believe, Mr. President, that if you
look over the history of what has gone
here, I think this is important be-
cause I believe Americans want Con-
gress to look at these regulations that
are being promulgated and decide
whether they achieve the purpose they
were supposed to achieve in a rational,
more harm than good.
I believe, Mr. President, that if you
look over the history of what has gone
here, I think this is important be-
cause I believe Americans want Con-
gress to look at these regulations that
are being promulgated and decide
whether they achieve the purpose they
were supposed to achieve in a rational,
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. Similarly, when the Senate 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 have a chance to listen to it because I think it is well reasoned and shows there is bipartisan support for it. I think, a commonsense idea, saying Congress should have an opportunity to review regulations and, if you are talking about really significant regulations, an expedited procedure to reject those.

There are thousands of regulations. My guess is that we will reject a very, very small percentage. But at least we will have the congressional oversight and Congress will be hopefully more involved. 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.

I support the legislative veto. It 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 tell her that the, their moratorium 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.

March 27, 1995

CONGRESSIONAL RECORD—SENATE S 4609

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. Similarly, when the Senate 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 have a chance to listen to it because I think it is well reasoned and shows there is bipartisan support for it. I think, a commonsense idea, saying Congress should have an opportunity to review regulations and, if you are talking about really significant regulations, an expedited procedure to reject those.

There are thousands of regulations. My guess is that we will reject a very, very small percentage. But at least we will have the congressional oversight and Congress will be hopefully more involved. 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.

I support the legislative veto. It 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 tell her that the, their moratorium 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.

I support the legislative veto. It 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 tell her that the, their moratorium 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.

I support the legislative veto. It 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 tell her that the, their moratorium 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.
should not allow this result. We must not allow support for the legislative veto to erode 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 substitute 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 it in the Governmental Affairs Committee.


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, had been preaching to a sympathetic non-party audience that healthy west side, had been seeking to eradicate federal safety and environmental rules that he felt placed excessive burdens on American businesses.

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—on provision favoring California motor fuel standards, 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 first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out government is not without peril for Republicans, a fair fight against the government that day in DeLay's office by Gordon Toles. The son of an oil drilling contractor, DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of a successful pest control firm 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 underground. As a pest control firm, and as 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 first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

But while the moratorium proposal and what we discussed in considering it in the Governmental Affairs Committee.


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, had been seeking to eradicate federal safety and environmental rules that he felt placed excessive burdens on American businesses.

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 fuel standards, 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 first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out government was not without peril for Republicans, a fair fight against the government that day in DeLay's office by Gordon Toles. The son of an oil drilling contractor, DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of a successful pest control firm 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 underground. As a pest control firm, and as 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 first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out government was not without peril for Republicans, a fair fight against the government that day in DeLay's office by Gordon Toles. The son of an oil drilling contractor, DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of a successful pest control firm 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 underground. As a pest control firm, and as 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 first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out government was not without peril for Republicans, a fair fight against the government that day in DeLay's office by Gordon Toles. The son of an oil drilling contractor, DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of a successful pest control firm 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 underground. As a pest control firm, and as 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 first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out government was not without peril for Republicans, a fair fight against the government that day in DeLay's office by Gordon Toles. The son of an oil drilling contractor, DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of a successful pest control firm 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 underground. As a pest control firm, and as 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 first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out government was not without peril for Republicans, a fair fight against the government that day in DeLay's office by Gordon Toles. The son of an oil drilling contractor, DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of a successful pest control firm 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 underground. As a pest control firm, and as 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 first classified as a carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late: Mirex makers had gone out of business.
In the 1994 elections, he was the second-leading fund-raiser for House Republican can-
didates, behind only Gingrinh. In adding up contri-
butions he had solicited for others, DeLay said, he lost count at about $2 mil-
lion. His favorite campaign, he said, was in the case of the National-American Wholesale
Grocers Association PAC, which already had
contribution $20,000 to candidates by the
time the House bloc gathered on the floor last Sep-
tember. After listening to his speech on how
what could be accomplished by a pro-business Con-
gress, they contributed, another $80,000 to Repub-
licans: a contribution DeLay, among others, on its distribution.

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

At the center of the campaign network was M. McIntosh, an Indiana candidate who ran
against Stenholm in a must-win election. He 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 call-
ing the lobbyist bank when they needed
money. Contributions came in from various business PACs, including one that Webber bundled to-
gether with a good-luck note from DeLay.

"We'd rustle up checks for the guy and
make sure Tom got the credit," said Rehr, the
business PACs' top lobbyist. "So when new members were
evoting 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 Competit-
iveness in the Bush administration under
Hoosier Dan Quayle. McIntosh won
the districts and brought challengers to
Washington for introduction to the PAC
in the coming months, before the Republican
majority in Congress was formed for the first time in 40 years. Several weeks after
reporting for the November elections that brought
Republicans as McIntosh that
would be selected for the House regu-
lation-cutting Council on Competi-
iveness to make sure natural gas and oil,
and was named chairman of the House regu-
latory affairs subcommittee. He hired
Webber as staff director.

It was with the lopsided support of such
Republicans as McIntosh that DeLay swapped 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 proj-
ect, who had been holding 10 or so 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
that year, more than in any previous year.
McIntosh, an Indiana candidate who ran
against Stenholm in a must-win election. He 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 call-
ing the lobbyist bank when they needed
money. Contributions came in from various business PACs, including one that Webber bundled to-
gether with a good-luck note from DeLay.

"We'd rustle up checks for the guy and
make sure Tom got the credit," said Rehr, the
business PACs' top lobbyist. "So when new members were
evoting 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 Competit-
iveness in the Bush administration under
Hoosier Dan Quayle. McIntosh won
the districts and brought challengers to
Washington for introduction to the PAC
in the coming months, before the Republican
majority in Congress was formed for the first time in 40 years. Several weeks after
reporting for the November elections that brought
Republicans as McIntosh that
would be selected for the House regu-
latory affairs subcommittee. He hired
Webber as staff director.

It was with the lopsided support of such
Republicans as McIntosh that DeLay swapped 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 proj-
ect, who had been holding 10 or so 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
that year, more than in any previous year.
McIntosh, an Indiana candidate who ran
against Stenholm in a must-win election. He 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 call-
ing the lobbyist bank when they needed
money. Contributions came in from various business PACs, including one that Webber bundled to-
gether with a good-luck note from DeLay.

"We'd rustle up checks for the guy and
make sure Tom got the credit," said Rehr, the
business PACs' top lobbyist. "So when new members were
evoting 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 Competit-
iveness in the Bush administration under
Hoosier Dan Quayle. McIntosh won
the districts and brought challengers to
Washington for introduction to the PAC
in the coming months, before the Republican
majority in Congress was formed for the first time in 40 years. Several weeks after
reporting for the November elections that brought
Republicans as McIntosh that
would be selected for the House regu-
latory affairs subcommittee. He hired
Webber as staff director.

It was with the lopsided support of such
Republicans as McIntosh that DeLay swapped 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
The War Room

on the first day of the 104th. 50 Project Rel-
ief lobbyists met in a House committee
room to map out their vote-getting strategy for the moratorium bill. Their key
spokesman was DeLay, who laid out his basic
objective: making it a veto-proof bill by lining
up a sufficient number of Democratic co-
sponsors. They went to work on it then and
there.

Kim McKernan of the National Federation of
Independent Business read down a list of 72 House Democrats who had just voted
for the GOP-sponsored amendment, rating the
likelihood of their joining the anti-regulatory
effort. The Democrats were placed in Tier One for gettable and Tier Two for question-
able. Every Democrat, according to partici-
pants, was assigned to a Project Relief lob-
yist, often one who had an angle to play. The non-political business lobbyists
were assigned to industry those legislators with J ohson & J ohnson plants in their
districts, such as Ralph M. Hall of Texas and Frank Pallone J. of New Jersey.

David Thompson, a construction industry of-
ficial whose firm is based in Greenville, S.C.,
targeted South Carolina congressman J ohn M.Spratt Jr.

Federal Express, with its Memphis hub,
took Tennessee's John S. Tanner. South-
western Bell Corp., a past campaign contrib-
butor, targeted Arkansas congressman J ohn S.

As the moratorium bill reached the House
floor, the business coalition proved equally
potent. Twenty major corporate groups ad-
vocated lawmakers on the eve of debate Feb. 23
that the moratorium would not be consid-
ered in future campaign contributions.

McIntosh, who served as DeLay's deputy
for deregulation, assembled a war room in a
small office just off the House floor to re-
spend challenges from Democratic oppo-
sition. His first official act was to
nominated House majority whip side. Still 14
votes short of the two-thirds
needed to override a veto, the support ex-
ceeded the original hopes of Project Relief
leaders.

One week later, DeLay appeared before a
gathering of a few hundred lobbyists, law-
makers and reporters in the Caucus Room of
the Cannon House Office Building. He cele-
brate the House's success in voting to freeze
government regulations and, in a pair of
major conference committee votes, sent it back
to the Senate.

TIThe War Room

on the first day of the 104th. 50 Project Rel-
ief lobbyists met in a House committee
room to map out their vote-getting strategy for the moratorium bill. Their key
spokesman was DeLay, who laid out his basic
objective: making it a veto-proof bill by lining
up a sufficient number of Democratic co-
sponsors. They went to work on it then and
there.

Kim McKernan of the National Federation of
Independent Business read down a list of 72 House Democrats who had just voted
for the GOP-sponsored amendment, rating the
likelihood of their joining the anti-regulatory
effort. The Democrats were placed in Tier One for gettable and Tier Two for question-
able. Every Democrat, according to partici-
pants, was assigned to a Project Relief lob-
yist, often one who had an angle to play. The non-political business lobbyists
were assigned to industry those legislators with J ohson & J ohnson plants in their
districts, such as Ralph M. Hall of Texas and Frank Pallone J. of New Jersey.

David Thompson, a construction industry of-
ficial whose firm is based in Greenville, S.C.,
targeted South Carolina congressman J ohn M. Spratt Jr.

Federal Express, with its Memphis hub,
took Tennessee's John S. Tanner. South-
western Bell Corp., a past campaign contrib-
butor, targeted Arkansas congressman J ohn S.

As the moratorium bill reached the House
floor, the business coalition proved equally
potent. Twenty major corporate groups ad-
vocated lawmakers on the eve of debate Feb. 23
that the moratorium would not be consid-
ered in future campaign contributions.

McIntosh, who served as DeLay's deputy
for deregulation, assembled a war room in a
small office just off the House floor to re-
spend challenges from Democratic oppo-
sition. His first official act was to
nominated House majority whip side. Still 14
votes short of the two-thirds
needed to override a veto, the support ex-
ceeded the original hopes of Project Relief
leaders.

One week later, DeLay appeared before a
gathering of a few hundred lobbyists, law-
makers and reporters in the Caucus Room of
the Cannon House Office Building. He cele-
brate the House's success in voting to freeze
government regulations and, in a pair of
major conference committee votes, sent it back
to the Senate.
House Speaker Newt Gingrich (Ga.) and other Republican leaders pushed through their “Contract With America” agenda in 100 or less has meant that complex and far-ranging legislation has been debated and passed in a short period. 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 debates of the perils of moving so swiftly. Rep. John D. Dingell (D-Mich.) said of the regulatory moratorium: “The unknown and unintended consequences caused by the hurried rush to enact this legislation 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 Mr. Markay, “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.” Noting the recommendation 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, 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. The new regulations show it possible the case of cancer for every million patients.

Rep. Robert S. Walker (R-Pa.) told reporter 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 came about because of a discovery that cancer cells could grow 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, in regrettably inaccurate descriptions 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 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 when 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.


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 Gautreous, said Tauzin, built a home after getting 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.

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 by the government if a portion of their property is taken without compensation, and that the Chaconas family might have to forfeit their house.

John Chaconas, however, is refusing to play the part of victim assigned to him by Tauzin and the support of the House. In his prepared testimony, Chaconas tried to correct Tauzin’s rendition of the story.

Gautreau, said Chaconas, had failed to get a permit to dredge and fill wetlands despite having done 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.

"Unfortunately," Browner added, “much of the debate has been conducted in sound bites, in regrettably inaccurate descriptions 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 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 when 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.


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 Gautreous, said Tauzin, built a home after getting 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.

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 by the government if a portion of their property is taken without compensation, and that the Chaconas family might have to forfeit their house.

John Chaconas, however, is refusing to play the part of victim assigned to him by Tauzin and the support of the House. In his prepared testimony, Chaconas tried to correct Tauzin’s rendition of the story.

Gautreau, said Chaconas, had failed to get a permit to dredge and fill wetlands despite having done 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.

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

You’ve almost surely heard about how states thousands of miles from Hawaii are forced to test their water for a pesticide used on 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 fish eggs, thereby by-passing 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 the 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 roden 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 its actions, the new legislation is not an honest attempt at regulatory reform. Like Watt’s hat and suntan lotion solution to the energy crisis, the "reform" does nothing, and therefore cannot bear this burden. It does not reduce one whist the scientific and economic uncertainties that bedeviled regulatory disputes, nor does it provide for the delays that 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 unlikely 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 can be provided. One need only to which a number cannot be attached is 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.

The latest bill, the House task force on wetlands, which would stand little chance of becoming law. Its assault on three decades of bipartisan environmental progress, a step for which there is no precedent.
Finally, Sally Katzen, Administrator of OMB’s Office of Information and Regulatory Affairs (OIRA) told the President’s current order to agencies to review existing rules and eliminate or revise outdated or conflicting rules. This review will be completed in about ten weeks. It seems to me that we should get this information before even thinking about stopping regulations.

When asked for comments on the 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 “enforce 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 to give one example, Dad 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 “provide compensation to Persian Gulf War Veterans for disability from undiagnosed illnesses, as provided by the Persian Gulf War Veterans’ Benefits Act.”

Fifth, an exemption for rules on “highway safety warning devices” at railroad crossings.

Sixth, an exemption for EPA rules to “control of microbial and disinfection byproduct risks in drinking water supplies.”

Seventh, 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.

Eighth, an exemption for health and safety rules, where the agency “has concluded to the extent permitted by law that the benefits justify the costs.”

Ninth, an exemption for rules that “enforces constitutional rights of individuals.”

Tenth, an exemption for rules required by statutory or judicial dead-


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—ill 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 committee's majority 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—all these were provisions that just made no sense, as Senator Levin correctly pointed out. But these were rejected, as well. As usual, my good friend from Michigan saw through the rhetoric, could appreciate the details, not to mention the broad policy issues, and accurately pointed out the internal flaws of the moratorium process—but to no avail. The marching orders were given, and the votes made.

I am simply at a loss to understand how my esteemed colleagues across the aisle can explain these votes. What in the world will you tell the American people? Here you are, saying that you want regulatory reform. In the context of regulatory reform. So, I am confronted by a bill that makes no sense on its own and makes no sense in the legislative responsibility seriously. I do not think, however, that a regulatory moratorium is the way to accomplish that reform.

Regarding the second expansion, that is, the inclusion in the moratorium of any action that "withdraws or restricts recreational, subsistence, or commercial use." I do not think, however, that a regulatory moratorium is the way to accomplish that reform.

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 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. 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. In the moratorium process—but to no avail. The marching orders were given, and the votes made.

I am simply at a loss to understand how my esteemed colleagues across the aisle can explain these votes. What in the world will you tell the American people? Here you are, saying that you want regulatory reform. In the context of regulatory reform. So, I am confronted by a bill that makes no sense on its own and makes no sense in the legislative responsibility seriously. I do not think, however, that a regulatory moratorium is the way to accomplish that reform.

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 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. In the moratorium process—but to no avail. The marching orders were given, and the votes made.
or commercial use of any land under control of a Federal, state or local government agency, or any Federal, state or local government agency acting in its limited capacity as an agent for a Federal, state or local government agency, or of any portion of land that is or has been used or held for public recreation, conservation, or educational purposes.


tifications also jeopardize services provided to people with disabilities. We are convinced that all major Federal agencies have an important role in protecting the health and well-being of our children, and health care, are under attack through Congressional initiatives [such as S. 219] to reduce or eliminate federal regulations. The Federal Government has an important role in protecting the public interest and in improving the 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,
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 with governmental, educational, civil rights, disability, health, social services, low income, and consumer issues, strongly opposes a regulatory moratorium (enclosed is a Citizens for Sensible Safeguards Statement of Principles and a listing of members). We strongly urge members of the Senate to vote 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 it is a plan to undo laws and regulations 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 designed to reduce 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 in the Constitution and will seriously undermine the ability of the President to faithfully execute the laws of the land.

There are many unintended consequences of the proposed amendments offered by Sen. Stevens (R-AK) adds to the definition of “significant” any agency action that in any way “restricts recreational, subsistence, or traditional 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 amendment virtually limits the ability of the President to take action to protect endangered species.

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

Discussions are occurring at the present time concerning the substitution of alternative bill language 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 veto the rule by a simple majority vote of the Congress. 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 interest groups to shape regulations by threatening Congressional action. Accordingly, the Coalition opposes such a substitute to S. 219.

COALITION STRUCTURE

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

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

Signers (as of 3/3/95):

2020 Vision, Commission 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 Research Group; Connecticut (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 All Allied Service Teamsters International Research and Action Center; Friends Committee on National Legislation; Friends of the Earth; Frontlatch; Great Lakes United; Hamilton Coalition; Harmarville Rehabilitation Center; Health and Development Policy Project; Helen Keller National Center; Humane Society of the United States; Internation Earth Impact; International 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 Longshoremen’s and Warehouseman’s Union; International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers; Izak Walton League of America; James C. Penney Foundation; Justice for All; Kent Waterways Alliance.

Ozone Action; Pacific Rivers Council; People for Good Health; Physicians for Social Responsibility; Protestant Health Alliance; Public Citizen; Public Employee Department, AFL-CIO; Public Employee Retirement; Public Voice for Food and Health Policy; Rhode Island Committee on Occupational Safety and Health; River Network; Reporters Committee for Freedom of the Press; Scenic America; Safefood Coalition; Scenic Network; Service Employees National Ladies’ Garment Workers’ Union; Service Employees International Union; Sierra Club; Sierra Club Legal Defense Fund; Social Action for Animal Protection; Southern Utah Wilderness Alliance; Special Vocational Education Services in PA; Spina Bifida Association of America; S.T.O.P. — Safe Tables Our Priority; Telecommunications for the Deaf, Inc.; The Arc; The Loka Institute; The Newspaper Guild; The Wilderness Society; Trout Unlimited; Union of American Hebrew Congregations; Union of Concerned Scientists; Unitarian Universalist Association; Unitarian Universalist Service Committee; United Auto Workers; United Brotherhood of Carpenters and Joiners of America, AFL-CIO; United Commercial Workers Union; United Cerebral Palsy Association; United Church of Christ, Office for Church in Society; United Church of Christ, Office of Church in Society; United Church of Christ, Office for Church in Society; United Church of Christ, Office for Church in Society; United Church of Christ, Office for Church in Society; 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 Education Policy Project; Adjustment Committee; Western Massachusetts Coalition for Occupational Safety & Health; Western New York Council on Occupational Safety and Health; Wide Opportunities for Women; Women Employed; Women of Reform Judaism; The Federation of Temple Sisterhoods; Women’s Environment and Development Organization; Women’s International League for Freedom; Women’s Legal Defense Fund; Women’s National Democratic Club.

NATIONAL WILDLIFE FEDERATION

March 27, 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.

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.
from November 9, 1994 until December 31, 1995. Any regulations affecting land management agencies would be halted. The federal government's ability to respond to fire, flood and other threats would be thwarted.

* * * * *

DEAR SENATOR: The National Wildlife Refuge Association opposes the Stevens amendment to S. 219, the pending regulatory moratorium legislation. This amendment, if enacted, will 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, National Wildlife 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.

The National Wildlife Refuge System is the only public land system dedicated primarily to the conservation of wildlife. In addition to providing important opportunities for recreation including hunting, fishing, wildlife viewing, hiking and other wildlife-dependent activities, the refuge system permits incompatible commercial and recreational activities to continue on our National 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,

GINER MERCHANT, Executive Vice President.

NATIONAL WILDLIFE REFUGE ASSOCIATION, 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 1996.

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 recently 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.

Public health regulations that are necessary to protect children from harmful levels of asbestos, lead and other pollutants are critical in evaluating the merits of freezing federal regulations, or exempting comparable legislation in the House. This legislation would sabotage America's ability to contain deadly, emerging threats such as bioterrorism and lead-based 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 needed 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.

1) Less gridlock saves kids; More gridlock hurts workers Reducing lead levels in gasoline is one of the most successful federal efforts ever to protect children. If 30 million American children fall below the beneficial level of lead in their blood, that would "set the stage for disease, disability and untimely death" in America. (p. 7, 1)

2) Less gridlock saves money and improving America's 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 insufficiency upon quantititative tidiness has been grim." (p. 5, 6)

3) The goal of protecting workers 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 insufficiency upon quantititative tidiness has been grim." (p. 5, 6)

Very truly yours,

JOSEPH M. SCHWARTZ, Associate Director for Policy.


DEAR SENATOR: During deliberations on the regulatory moratorium legislation, S. 219, the Committee on Government Affairs adopted an amendment offered by Senator Stevens to prohibit the enforcement of any regulation or rule 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
Dear Senator:

I am writing to you, on behalf of The National Safe Kids Campaign, to express our serious concerns regarding S. 219, the Regulatory Transition Act of 1995. We urge you to 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.

The moratorium is extremely far reaching, severely constraining the regulatory abilities of the EPA, the Office of Management and Budget, the Department of Transportation, the Department of Housing and Urban Development, the Department of Education, and the Federal Communications Commission. 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 refuse to fund the regulatory buildup 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's ability to pass any laws to regulate 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 undermine the President's ability 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. Conservativ Republicans are using the moratorium as a vehicle to feel good about the 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 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 and will have virtually no debate. 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 the interests of the American public.

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

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 to strip government with regulatory reforms and, in fact, the moratorium is a threat to public protections and must be opposed. Every poll, including those of voters last November, shows it. The proposed bill will have unintended consequences and proposals to exempt certain activities is not a solution to making the bill workable. This 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 undermine the President's ability 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. Conservativ Republicans are using the moratorium as a vehicle to feel good about the 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 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 and will have virtually no debate. 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 the interests of the American public.

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

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 to strip government with regulatory reforms and, in fact, the moratorium is a threat to public protections and must be opposed. Every poll, including those of voters last November, shows it. The proposed bill will have unintended consequences and proposals to exempt certain activities is not a solution to making the bill workable. This 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 undermine the President's ability 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. Conservativ Republicans are using the moratorium as a vehicle to feel good about the 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 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 and will have virtually no debate. 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 the interests of the American public.

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

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 to strip government with regulatory reforms and, in fact, the moratorium is a threat to public protections and must be opposed. Every poll, including those of voters last November, shows it. The proposed bill will have unintended consequences and proposals to exempt certain activities is not a solution to making the bill workable. This 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 undermine the President's ability 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. Conservativ Republicans are using the moratorium as a vehicle to feel good about the 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 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 and will have virtually no debate. 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 the interests of the American public.

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

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 to strip government with regulatory reforms and, in fact, the moratorium is a threat to public protections and must be opposed. Every poll, including those of voters last November, shows it. The proposed bill will have unintended consequences and proposals to exempt certain activities is not a solution to making the bill workable. This 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 undermine the President's ability 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. Conservativ Republicans are using the moratorium as a vehicle to feel good about the 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 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 and will have virtually no debate. 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 the interests of the American public.

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
safety seat saves society $32; one dollar in-
vested in a poison control center saves soci-
ety almost $8; one dollar spent on a smoke
detector saves society between $44 and $70.
However, prevention fails when safety prod-
ucts are defective.
A fundamental component of successful in-
jury prevention is the sensible regulation of
certain consumer products which pose a dan-
erg to children. S. 219 would move 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 de-
terminate whether a regulatory action should
be exempted because there is an "imminent
threat to human health or safety." The in-
tent of this provision is vague and will result in
an additional, unnecessary bureaucratic layer.
Requirements to move in the face of the intent
of the bill— to streamline the regula-
tory process. Indeed, Section 5(2)(A) could
easily delay or stop important regulatory ac-
tivity 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 cur-
rently 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 pack-
ing for certain household products and medi-
cations.
There were 1.2 million reported poison ex-
plosions 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 de-
volved for packaging standards for several
household products and prescription drugs.
Safety standards for bicycle helmets en-
furce that all helmets sold meet certain ac-
cepted effectiveness criteria. Each year,
approximately 300 children ages 14 and under are
killed in bicycle-related accidents— often as a result of head trauma. Currently, hel-
met may be sold which do not provide ade-
quate protection against head trauma. At the
express direction of Congress, a standard for
bicycle helmets drawing from existing voluntary standards is currently being de-
veloped.
Performance standards for baby walkers.
In 1993 alone, 25,000 children required emer-
gency room treatment due to the use of baby
walkers. The Consumer Product Safety Com-
mmission in 1993 issued a Notice of Proposed Rule making to develop or-
design or performance requirements for baby
walkers.
Toy labeling and choking reporting regulat-
a. 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, estab-
lishing standards for toy labels identifying
choking hazards, and requiring the reporting of choking-related injuries 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 residence
fires. More than 60 percent of these children
are ages 4 and under. Playing with matches
and cigarettes is the primary cause of fire
deaths and injuries in young children. A sub-
stantial proportion of fires are associated
with the flame ignition of upholstered fur-
niture. The 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
leader, Dr. C. Everett Koop, through community-based programs that provide education, promote environmental
and product modifications, and support ap-
propriate 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
you to support the proposed 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, D.C.
Dear Senator:
On behalf of The Humane Society of the United States (HSUS), the
largest animal protection organization in the country with over 23 million
members and constituents, I am writing to urge you to oppose S. 219, the Regulatory Transition Act
of 1995. This bill will irreparably harm efforts to protect the public and the environ-
ment 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 protections, and safety, civil rights, and other critical areas.
The HSUS is gravely concerned about the breadth and scope of attacks against envi-
ronmental and consumer regulations in general. Federal regulations have pro-
vided effective protection for endangered wildlife and wild lands, nourishing the Amer-
ican spirit while supporting a strong econ-
omy 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 animal and environmental protec-
tion laws. Regulations under the Wild Bird Conserva-
tion 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 back-
logged from years of inaction, would be de-
terred. The bill would delay implementations for
finding creative and economically viable paths
toward preventing extinctions.
The American people did not vote last No-

vember to eliminate the environmental and
animal protection laws they have worked so hard to put in place. Neither did they vote to create an endless tangle of litiga-
tion—but to make the rule-making to be funded at tax
payer 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 strongly opposes this proposal that threatens to
weaken or eliminate hundreds of safeguards
that now protect our children 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 govern-
ment carries out its responsibility to safe-
guard public health, the environment and
workplace safety. The moratorium bill would
stop the issuance of most new federal regula-
tions, retroactive to November 9, 1994.
This moratorium would remain in place
through the end of 1995, or until Congress ap-
proves 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 dis-
tinction between good and bad regulations.
A number of key amendments that would
have improved S. 219 were rejected by narrow
margins in the Senate Governmental Affairs
Committee. The UAW was disappointed that
the moratorium bill would freeze existing
safeguards for or-
workplace health and safety, such as the proposed ergonomics standard, worker protections like the Family and Medical Leave Act, and public health measures such as regulations dealing with food poisoning.

For example, the UAW is strongly opposed to S. 219. In our judgment, this measure would undermine the ability of the federal government to play a positive role in safeguarding health and safety for 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.

U.S. Senate,
Washington, DC.

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-ax approach to an extremely complicated issue. The moratorium will disrupt thousands of pending programs, such as programs to upgrade our federal meat inspection systems. American children are already dying from E. coli contamination of their food—contamination which could be prevented. American children will continue to die as a result of further delay on these types of safeguards.

The regulatory moratorium would override statutes and 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 repeal the statutes, rather than attack the regulatory system on which these protections are built.

The regulatory moratorium would be costly to taxpayers and businesses whose money would be wasted while federal agencies charged with implementing laws passed by Congress are stopped in their tracks. Delays in implementing existing rules 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 lives.

NATIONAL RESOURCES DEFENSE COUNCIL,
Washington, DC.

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 oppose the regulatory moratorium (S. 219) and regulatory reform bills now pending before the Senate. These bills would place polluters before the public and undermine years of bipartisan environmental success.

Regulatory Moratorium. S. 219 would block new rules aimed at protecting the public and streamlining the regulatory process. For example, if a regulatory moratorium bill were to pass, the Food and Drug Administration might be permitted to issue revised regulations dealing with food poisoning.

For instance, the U.S. public has not been able to get a special exemption for government safeguards that will protect our lives.

Regulatory Moratorium. S. 219 would block new rules aimed at protecting the public and streamlining the regulatory process. For example, if a regulatory moratorium bill were to pass, the Food and Drug Administration might be permitted to issue revised regulations dealing with food poisoning.

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 stay in 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, such as that offered by Senator Stevens in the Government Affairs Committee preventing any action that "restricts recreational, subsistence, or commercial use of water or the control of a Federal agency" will bring to a halt efforts to preserve our public lands for future generations. Restoring enforceable limitations on the use of public lands will penalize law-abiding citizens who have been good stewards of our federal lands.

U.S. Senate,
Washington, DC.

AMERICAN OCEANS CAMPAIGN,
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 against S. 219, the Regulatory Transition Act of 1995.

This bill will have devastating effects on our nation's fisheries, coastal programs, and rules to protect 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 are delayed or suspended. The economic and health risks caused by toxicants and microbial contaminants in drinking water would be halted. Such safeguards are critical to protecting the health of all Americans, especially pregnant women, people with AIDS and the elderly.

The Safe Drinking Water Act [SDWA], last amended in 1986, does not include regulations on 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 stay in 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, such as that offered by Senator Stevens in the Government Affairs Committee preventing any action that "restricts recreational, subsistence, or commercial use of water or the control of a Federal agency" will bring to a halt efforts to preserve our public lands for future generations. Restoring enforceable 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.

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 against S. 219, the Regulatory Transition Act of 1995.

This bill will have devastating effects on our nation's fisheries, coastal programs, and rules to protect 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 are delayed or suspended. The economic and health risks caused by toxicants and microbial contaminants in drinking water would be halted. Such safeguards are critical to protecting the health of all Americans, especially pregnant women, people with AIDS and the elderly.

The Safe Drinking Water Act [SDWA], last amended in 1986, does not include regulations on 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 stay in 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, such as that offered by Senator Stevens in the Government Affairs Committee preventing any action that "restricts recreational, subsistence, or commercial use of water or the control of a Federal agency" will bring to a halt efforts to preserve our public lands for future generations. Restoring enforceable 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.

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 against S. 219, the Regulatory Transition Act of 1995.

This bill will have devastating effects on our nation's fisheries, coastal programs, and rules to protect 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 are delayed or suspended. The economic and health risks caused by toxicants and microbial contaminants in drinking water would be halted. Such safeguards are critical to protecting the health of all Americans, especially pregnant women, people with AIDS and the elderly.

The Safe Drinking Water Act [SDWA], last amended in 1986, does not include regulations on 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 stay in 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, such as that offered by Senator Stevens in the Government Affairs Committee preventing any action that "restricts recreational, subsistence, or commercial use of water or the control of a Federal agency" will bring to a halt efforts to preserve our public lands for future generations. Restoring enforceable 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.

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 against S. 219, the Regulatory Transition Act of 1995.

This bill will have devastating effects on our nation's fisheries, coastal programs, and rules to protect 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 are delayed or suspended. The economic and health risks caused by toxicants and microbial contaminants in drinking water would be halted. Such safeguards are critical to protecting the health of all Americans, especially pregnant women, people with AIDS and the elderly.

The Safe Drinking Water Act [SDWA], last amended in 1986, does not include regulations on 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 stay in 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, such as that offered by Senator Stevens in the Government Affairs Committee preventing any action that "restricts recreational, subsistence, or commercial use of water or the control of a Federal agency" will bring to a halt efforts to preserve our public lands for future generations. Restoring enforceable 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.

U.S. Senate,
Washington, DC.
Congressional Record — Senate


Dear Senator: On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA), I urge you to oppose S. 219, the Regulatory Moratorium Act of 1995. This legislation would impose a moratorium on all federal regulations from November 9, 1994 through December 31, 1995, even regulations mandated by court order. The moratorium falls particularly on the environment:

1. The commercial fishing industry would be severely affected if you halt regulations allowing allowable harvests and bycatch limits for ocean, freshwater, and groundfisheries, and limiting access to certain other federal fisheries.

2. Regulations authorizing the nonlethal determination of whale, seal, and sea lion population levels would be blocked, exposing fishermen to prosecution under the Marine Mammal Protection Act.

3. Regulations establishing a plan to manage the Florida Keys National 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 of 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 themimeritious and important actions ordered by Congress. Examples include pending regulations to foster commercial electric power industry, regulations to provide for safety in nuclear facilities, and renewable energy incentives. This blunderbuss approach to government policy makes the moratorium a blunt instrument that destroys any notion of a thoughtful legislative process, with certain other federal fisheries.

Although the moratorium exempts regulations that protect the public against "imminent threat to human health or safety or other emergency" would be delayed while the moratorium is reviewed. To prevent unintended results, such as the cancelling of the duck hunting season, the House adopted a series of exceptions. Exceptions for good regulations turns government on its head; it is the bad regulations that need to be addressed. If certain regulations impose undue burdens, as some do, they should be carefully judged on their individual merits. Carving out exceptions to the moratorium on an ad hoc basis can never replace the 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,
is this legislation the first step in undermin-
ing the organic laws which protect Ameri-
cans from risks which they cannot control
themselves?
It has become increasingly apparent in re-
cent messages of legislation, so-called unfunded mandates, paperwork re-
duction, regulatory reform, and private prop-
erty rights that the real agenda of many in Congress is to make government less ef-
cient or effective, but inoperative. It would
simply stop government from regulat-
ing at all wherever and whenever possible. The
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 pro-
tections 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. As we have argued, the rate of workers’ injuries and ill-
nesses is continuing to increase with no adequate safeguards. For instance, in
our nation’s nursing homes, the rate of worker injury with consequent long term
construction worker, 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 need-
ed standards. For example, OSHA recently
issues standards to protect healthcare work-
ers from exposure to blood diseases, includ-
ing HIV and hepatitis. The re-emergence of tuberculosis, healthcare workers and pa-
tients 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 work-
place bloodborne pathogens. Long delays in
implementing these regulations leave workers
exposed to infection. The moratorium on all regulations will stymie OSHA’s work to
dress 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
processes, priority. Accordingly, I urge you to oppose S. 219. Very truly yours,
John J. Sweeney, International President.

Minority Views

Overview: Regulatory Reform, Not a Freeze

The regulatory moratorium established by
S. 219 would suspend all significant, proposed
and final regulations, policy statements, guid-
ance and guidelines issued or to be is-
issued from November 9, 1994, through Decem-
ber 31, 1995. The moratorium is a statutory
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 dan-
gerous; 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 on no criteria
with which we agree, the majority states, but not
others even though the regulations may be
comparable.
There are indeed overly burdensome rules
and regulations; however, 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
$500 billion for 1992. That estimate is highly
questionable and is certainly not “conserv-
ative.” A GAO review of that estimate submitted
to Congress in March 8, 1995, suggests serious
problems in the methods used in that particular study.) Congress
must be sensitive to this fact. We must en-
sure 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 Occu-

pational Safety and Health Administration
came into being in 1970, the workplace fatal-
ity rate has dropped by over 50 percent. The
Food and Drug Administration made our food
and medicines safer. Thanks to the work of the Environmental Protection Agen-
cy, 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 promoting health and safety
by ensuring equal opportunities in edu-
cation, employment and housing, promoting
a healthy economy, and protecting the envi-
nment. With responsive, responsible, responsive
regulatory agencies, the question becomes how we can provide these services in a
cost-effective way. The Con-
gress and the Executive Branch must work
together to continue to improve the way
the government does business, and in fact sev-
eral initiatives are already underway—from
government streamlining and reengineering
regulatory reform.

Much more is at stake, however, than
merely improving government processes.
The regulatory moratorium mandate
implied that we 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
majority’s hearings, it is often the case that
50 percent of all agency rules are required by law.
Agencies regulate because the law requires
them to do so. Thus, if the majority
accurately describes the increase in regu-
lations over the last twenty years, it ignores
the twenty years of legislation (most signed
by Republican Presidents) that led to this in-
crease in rules. While nameless “regula-
tions” may be a convenient whipping boy, it
gives the reality of the harder task of
tackling immoral regulations. 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, includ-
ing the American Heart and Lung Associa-
tions, the Child Welfare League of America,
the Epilepsy Foundation of America, the Leader-
ship Council on Civil Rights, the League of
Women Voters in the U.S., and the National
Council on Mental Health. While the majority
state that all exemptions are designed to
protect public health and safety, many
organizations were to exempt broad categories of regu-
lations; others, such as exemp-
tions to regulatory reform, such as exemp-
tions to consumer safety, rail-
road crossing safety, duck hunting, and lead
poisoning prevention, were passed. We fully
supported all amendments that would limit
the moratorium. The inconsistencies, how-
ever, of the majority only heightens our con-
cerns about the legislation.
The bill’s exemption of rules that address
emergency or other emergency regulations
is unclear and the majority report’s interpre-
tation 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 ex-
empt a significant regulatory action from
the moratorium upon a finding that the regu-
latory 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 ma-
jority argued that such an exemption was
necessary because of the broad exemption
authority given to the President under sec-
section 5 of the legislation. The majority
could not, however, provide a consistent interpre-
tation 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
bacteria. The FDA, whose son died from E. Coli-contaminated
ham,
testified before the Committee on
February 22, and poignantly described
the personal tragedy and ultimate price paid for
CONGRESSIONAL RECORD — SENATE

S 4623

March 27, 1995

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 sanitary requirements and scientific testing for bacteria in meat and poultry processing. While the minority argued that E. Coli was indeed a serious health threat, it would probably be labeled “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 by the President. The President’s judgment whether there is an imminent threat is not intended to pose an 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 he did not think it falls within the exemptions of “imminent threat” but we are willing to accept the amendment.” This broad amendment would exclude from the moratorium any rule that would protect the public from exposure to lead from house paint, soil or drinking water. Included in the regulations that would be exempted are those by the EPA that would protect particulary children from lead poisoning.

The majority argues that the moratorium will not cover most important “imminent” hazards. For example, an amendment would exempt 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 exempted are those by the EPA that would protect particulary children from lead poisoning.

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 decommissioning standards for NRC-licensed facilities was not accepted. The Chairman has clearly not stopped enacting “imminent threat” and would therefore not be needed. However, it is difficult to argue that some waste, which has been sitting in trenches for years that were established 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 certainly “suggestions” to the contrary 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; or unreasonably near at hand.” Most health and safety rules, when designed to address pressing problems, simply can not be described as emergency rules in any common understanding of the term “emergency.”

What deserves to be exempted “just in case” and what does not? There was much discussion amongst the majority 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 those that had potential to be exempted because of other language in the bill, were nonetheless included as specific amendments. For example, the Committee accepted an amendment to exempt any regulatory provisions in the Persian Gulf War Veterans for disability from undiagnosed illnesses. While some on the majority argued that the rule to allow veterans to provide their own compensation would be included under exemptions for “benefits” or for “military affairs,” the Committee decided to override 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 con ducts 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 hunting, fishing or camping.”

In addition to the indiscriminate acceptance and rejection of amendments in Committee on specific rules, the majority report on the regulations that are exempted under the moratorium. The majority report states that 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.

The majority report attempts to resolve the uncertainties left by the markup by stating that USDA’s meat inspection rules should be exempted “so long as there are no accompanying extraneous requirements or arbitrary rules.” We are at a loss to understand the meaning of that condition. The report also states that “this Committee does not intend this exemption area to apply to OSHA’s stopping or stopping or removal of hazardous materials.” But, that the Bureau of Alcohol, Tobacco and Firearms rule on al coholic beverage container recall information from the Department of Transportation of existing re sponsibilities regarding highway safety warning devices. The intent of this amendment was to protect the public from exposure to lead from house paint, soil or drinking water. Included in the regulations that would be exempted are those by the EPA that would protect particulary children from lead poisoning.

The majority report states that “the Committee has absolutely no record:”

“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 hunting, fishing or camping.”

In addition, the Committee decided to accept an amendment that would exempt from the moratorium any action by the Department of Transportation of existing regulations that “would protect the public from exposure to lead from house paint, soil or drinking water.” Included in the regulations that would be exempted are those by the EPA that would protect particulary children from lead poisoning.

The Committee accepted as amendment to 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 exempted are those by the EPA that would protect particulary children from lead poisoning.

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 decommissioning standards for NRC-licensed facilities was not accepted. The Chairman has clearly not stopped enacting “imminent threat” and would therefore not be needed. However, it is difficult to argue that some waste, which has been sitting in trenches for years that were established 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 certainly “suggestions” to the contrary 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; or unreasonably near at hand.” Most health and safety rules, when designed to address pressing problems, simply can not be described as emergency rules in any common understanding of the term “emergency.”

The majority report states that “the Committee has absolutely no record:”

“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 hunting, fishing or camping.”

In addition, the Committee decided to accept an amendment that would exempt from the moratorium any action by the Department of Transportation of existing regulations that “would protect the public from exposure to lead from house paint, soil or drinking water.” Included in the regulations that would be exempted are those by the EPA that would protect particulary children from lead poisoning.

The Committee accepted as amendment to 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 exempted are those by the EPA that would protect particulary children from lead poisoning.

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 decommissioning standards for NRC-licensed facilities was not accepted. The Chairman has clearly not stopped enacting “imminent threat” and would therefore not be needed. However, it is difficult to argue that some waste, which has been sitting in trenches for years that were established 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 certainly “suggestions” to the contrary 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; or unreasonably near at hand.” Most health and safety rules, when designed to address pressing problems, simply can not be described as emergency rules in any common understanding of the term “emergency.”

What deserves to be exempted “just in case” and what does not? There was much discussion amongst the majority of the moratorium and what some of the unintended consequences might be. Clearly the Committee decided that rules related to public health
structure that the bill uses is cumbersome and results in extended delays throughout the life of the moratorium. In order to exempt a rule, the agency head must make a determination in writing that a rule is "significant," and the exception is presented to the President who must then review it and make a determination whether or not to support the agency's determination. If the President agrees, he must file a notice in the Federal Register, stating that a rule has been exempt from the moratorium (or, if it appears, previously exempted that was no longer exempt). The requirement of monthly reports means that the agency heads and the President will be routinely lobbied to affect or be 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 courts or Congress. The Committee had with respect to the full conclusion of its actions on this bill.

3. CONCLUSION

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

There are many other 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 arbitrarily, across-the-board freeze. We should fix the regulatory process, we should not freeze it and the burden will flow from it.

J O H N G L E E N N .
S A M N U N N .
C A R L L E V I N .

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

PUBLIC HEALTH AND SAFETY

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

ENVIRONMENT

1. Toxic Air Emissions (EPA)
2. Cleanup at Uranium Processing Sites (EPA)
3. Reducing Toxic Air Emissions (EPA)
4. Landowner Relief Under Spotted Owl Regulations (DOE)
5. Personal Communications Systems (FCC)
6. Cable Rate Restructuring (FCC)
7. Lower Electric Rates (FERC)
8. Utility Rate Recovery (FERC)
9. Shrimp Harvesting (DOE)
10. Alternative fuel providers (DOE)
11. Great Lakes Protection (DOT)
13. Prevention of Oil Spills (DOT)
15. Reducing Toxic Air Emissions (EPA)
16. Cleanup at Uranium Processing Sites (EPA)
17. Toxic Air Emissions (EPA)
18. Landowner Relief Under Spotted Owl Regulations (DOE)
19. Toxic Air Emissions (EPA)
20. Cleanup at Uranium Processing Sites (EPA)
21. Toxic Air Emissions (EPA)
22. Cleanup at Uranium Processing Sites (EPA)
23. Toxic Air Emissions (EPA)
24. Cleanup at Uranium Processing Sites (EPA)
25. Toxic Air Emissions (EPA)
26. Cleanup at Uranium Processing Sites (EPA)

OTHER

1. Fisheries management (DOC)
2. Noncitizen Housing Requirements (HUD)
3. Preference for Elderly Families, Resettlement or 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 Funds (HUD)
8. Increasing Home Ownership Opportunities for First Time Buyers (HUD)
9. Family and Medical Leave (DOT)
10. Procedure for Removal of Local Labor Organization Officers (DOL)
11. Emergency Broadcast System (FCC)
Mr. GLENN. Let me say on the issue of what we are doing about the moratorium: The reported Senate bill covers significant rules and related statements or actions, as well as any wetlands determinations, and any actions—just rules—that affect the use of the 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 doing our about the dumbest thing Congress government decisions, to show that we are doing over 4,000 a year, if you include the Senate bill, we must remember that we do not know.

The Energy Committee is also ready to mark up a bill that will, I believe, provide Government-wide reform. When one looks at the current 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 intrusiveness of rules and regulations on our society, and the need for reform 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 do not have any rationality. I have agreed with them.

But that is not the issue here. We all favor regulatory reform. We passed out of the Governmental Affairs Committee, by unanimous vote of that committee—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, when he 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 have 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 come into play 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. There are 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. Are we talking about throwing out 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 catch 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 every thing. 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 moratorium 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, or the number of Members that say, “Yes, this is bad,” 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 is bad,” and get on the Senate floor, and go from there. 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, to happen right now. It is impending, right now. That would not cover such things as aircraft safety or airworthiness of airline engines. These are design things. They are new criteria. Nothing is immutable. We have seen it happen right now.

We have it where just one Member can call something up and say, “This is bad,” and get on the Senate floor, and go from there. 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.

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 back to shortly after the election last fall. That is far more draconian. And it lasts a year. It lasts until the ends of this year.

If our conferences on the bill would give in to some of the House provisions, it means we really are placing Americans, our greater number of Americans, at risk for this year. That is, if 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 it out separately so that we can 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 significant rules. We have got on the short list of items that would be held up, that I feel, and many other Members on our committee and the administration felt, were things that should not have a moratorium applied to them.

But is that a complete list? No. We do not even know at this point what other E. coli situations or cryptosporidium situations may exist out there across this country, because we have not yet had a complete review of all the 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 should be reviewed, which one should be taken out, which 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. That is not a 2- or 3-year study. It is not something that goes on into the future.

We get it by J une 1. J une 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, J une 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 reports from the Office of Information and Regulatory Affairs. Sally Katzen, has guaranteed us we are going to have that list by the 1st of J une. 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 J une? Do you know how many significant rules, those that have a $100 million impact or above, are made every year in this country? Between 800 and 900 that was the testimony we had in committee. So when we have come up just with 127 rules that would be particularly affected by moratorium legislation, we are just nibbling around the edges. They are going through, not only those 800 to 900 over the last year, but the 800 to 900 per year that that done 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.

We can take action on some we separate out, some we may not agree with the administration about. I may disagree with them on a lot of them and be willing to go back and repass those things, or if necessary send them back to committee here to be reconsidered, if that is what is necessary. I am that dedicated to getting to real, honest-to-goodness regulatory reform, that is 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 the act, the 45-day legislative veto. That is very unrealistic. That 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 it. That is what 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 do that, that done gone too far, where they have not sufficiently reflected the will of the Congress, and bring it up at a very early date. If we do that, that done gone too far, where they have not sufficiently reflected the will of the Congress, and bring it up at a very early date. If we do that, that done gone too far, where they have not sufficiently reflected the will of the Congress, and bring it up at a very early date. If we do that, that done gone too far, where they have not sufficiently reflected the will of the Congress.
But at the same time, we should not be saying that we are going to throw out important health and safety regulations. Why would we even think of doing that? Not even because we disagree with all those rules and regulations, but because we are just saying everything that should go out, even the good—this is not how to do it.

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 make it 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, 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 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 proportionality. The involvement is too often only in being 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 regulation discards the essential. Too little attention is paid to the cost of the whole and the relation of cost to benefit.

The election results last November at least in some sense revealed a profound public disenchantment and impatience about this—and rightly so. The Republican-led Congress so understood and set about to fix this system, which unlike some things we try to fix, did not “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 nations to improve the process rather than mangle it. It’s a vast improvement over the merely anti-regulatory legislation 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. If we did not also have said that 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. It was only hope that is not the case. But in the reverse order, it 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 grant the substitute passed. I will not be 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 Senate’s Republican side, if three 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
continuously before my subcommit-
tee was the Chemical Manufacturers
Association as we dealt with things
deal with.

There is an interesting article in the
Atlanta Journal of January 12 that
talks about the Chemical Manufactur-
ers Association. I was surprised to read
this. The Chemical Manufacturers As-
sociation, which has more than 180
members, including large companies
like Dow, Du Pont, and Monsanto, said:

We are not necessarily in favor of revolu-
tionary changes in the rules and regula-
tions but would support a moratorium,
being there are lots of exemptions. The
President would probably exempt 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, before we have some conclusion
on what 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 over-
ride 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 regu-
lations 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 Sen-
ator Reid and I am 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 per-
manent. It would be a meaningful signif-
cant response. This would give real en-
ergy, 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
to a conference, I would work very ener-
getically to see that the Senate's posi-
tion 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 Com-
mittee, and he also referred to the
House bill as a terrible bill and one
that was reported out of the Govern-
mental Affairs Committee, are tem-
porary moratoriums. Those will expire
as soon as we pass a comprehensive
regulatory reform bill. That may be
a couple of months.

S. 219 as reported out of committee
also has exemptions for a regulation
which has as its purpose the enforce-
ment of criminal laws or a regulation
that has as its principal effect foster-
ing economic growth, repealing, nar-
rowing, streamlining the regulation and
administrative process or other-
wise 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 excep-
tions for good regulations.

We also have an exemption for routine
administrative actions and regulations
related to public property, loans,
grants, benefits, or contracts. I men-
tion that one because the President
of the United States said that if this mor-
oratorium bill is adopted, we will not
be able to buy property in Arlington Na-
tional 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 the many
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 some-
thing 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 ex-
pensive, unnecessary regulations?

There are thousands of potential reg-
ulations. How many would Congress
move on? On how many would Congress
vote on--resolutions of override? Prob-
ably 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
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 questions about what would and would not be covered. The bill would permit the President, upon written request by an agency head, to exempt a significant regulatory action from the moratorium upon a finding that it is necessary because of an imminent threat to human health or safety or other emergency."

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

For certain amendments in the markup, the majority argued that specific exemptions were unnecessary because of the broad exemption authority given to the President under section 5.45. The majority could, 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," but we 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 crypto-sporidium. 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 test that the majorities achieved the same objective. It 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 concept of the legislative veto of major regulations.

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 of the Governmental Affairs Committee and both contain provisions for legislative veto of major regulations.

I do not know why we cannot wait until S. 343 or S. 291 comes to the floor. Maybe 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, what would be 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 so, I would 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 I think it is just too bad to have the legislative veto, which he has already voted out of the Governmental Affairs Committee in the regulatory reform bills, why not set S. 219 aside? We would let this amendment proceed as a freestanding bill, if it is intended just for the legislative veto and not take it 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 conferred 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 conference. 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 we have the Senate colleagues ready to go, then we may consider freestanding bill, 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, then, 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 do this, 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 conference 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 more clear definition of imminent threat to health and safety or other emergencies.

In committee, they said, "Well, we leave this up to the President." That is not good enough; we are critical around here all the time of what the President interprets or does not 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 just also tell my colleague that would 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.

As the Senator knows, he alluded to the fact, there are hundreds 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 enacted, we did not want anything being 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 said 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.
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 exempt from 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 rules. Several witnesses so testified at this committee's hearings.

I can read on, but I think the committee report will show the committee determines the exemptions.

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. 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. I think the President's authority to make the determination on the exceptions. That was the bill that was reported out of the Governmental Affairs Committee.

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

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

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

Mr. GLENN. I yield whatever time is needed.

Mr. NICKLES, 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 actions, which industry and businesses have counted on, have pleased 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 from November 9, 1994, and December 31, 1995. In other words, it is also retroactive. It not only stops regulations from being issued this year through December 31, it goes back, picks an arbitrary date and suspends all regulatory actions from November 9, to the present, even those that are final and effective; even those that people, industries, and businesses have counted on, have pleased 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 industry and businesses have pleased with us to put into effect. And there are such regulations, and I will get into some of those in a moment.

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.

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 actions, which industry and businesses have counted on, have pleased 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 industry and businesses have pleased with us to put into effect. And there are such regulations, and I will get into some of those in a moment.

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 an act of underwriting, 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 beets 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 that was being operated in this case was the principle that exempted all rules.

As a matter of fact, one which I supported since I got here. As a matter of fact, this committee for markup, it was a serious analysis, looking at each regulation, to weigh the costs. Timely item review, cost benefit analysis, looking at each regulation, to weigh the costs.

Well, 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—it does—until later this year. Well, I really think that marketing order less important than that Representative’s marketing order. Is one more significant than the other? Are we more judicious 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 conditions of textile labeling; 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 it. 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 “arterial 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 put in bottled water. They have been waiting for this rule. They wrote us in strong opposition to this moratorium, because it catches up rules that they have been waiting for.

Now, the textile folks are exempted, and it is fine with me. But how about the water bottles; they are not exempted? What is the rationale for this? What is the reason behind that? Now, as the Senate bill came over to the Senate, this is the way it looked. It applies to all regulatory actions, big and small. We review 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 able to receive comments from the public—aggravating halt. It applies retroactively. It indiscriminately exempts some rules and not others. It does not exempt any rule pertaining to public health and safety, except it has an imminent threat stamp.

Well, as the Senator from Ohio says, the definition of “imminent” is not there. So we have to try to figure out now whether or not the President is going to exempt a rule that the Product Safety Commission is going to promulgate on bike helmets. Is that an imminent threat? They are looking at a rule which will require that items which are sold as bike helmets to protect the heads of bicyclists from injury, in fact, be structurally strong enough so that they will be able to perform that function. That is the Product Safety Commission that is doing that.

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

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. There was an exemption for those. 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 to come into effect, it is going to exempt a rule that the Product Safety Commission is going to promulgate; those are specifically exempted. But nothing relating to public health and safety is exempted. Instead, there is an imminent threat requirement that the President has to apply.

Mind you, if Congress set a statutory deadline for a rule to come into effect in the House bill, not just final regs. Agencies are able 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 able to receive comments from the public—aggravating halt. It applies retroactively. It indiscriminately exempts some rules and not others. It does not exempt any rule pertaining to public health and safety, except it has an imminent threat stamp.

Well, as the Senator from Ohio says, the definition of “imminent” is not there. So we have to try to figure out now whether or not the President is going to exempt a rule that the Product Safety Commission is going to promulgate on bike helmets. Is that an imminent threat? They are looking at a rule which will require that items which are sold as bike helmets to protect the heads of bicyclists from injury, in fact, be structurally strong enough so that they will be able to perform that function. That is the Product Safety Commission that is doing that.

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

Senator AKAKA offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator THOMPSON offered an amendment to exempt the promulgation of any rule or regulation relating to aircraft on national parks by the Secretary of Transportation or the Secretary of Interior pursuant to a legislative veto. That amendment was accepted.

Senator GLENN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator AKAKA offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator GLENN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator GOHMAN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator GLENN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator McCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.

Senator MCCAIN offered an amendment to exempt any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial weightless water treatment or processing system. That amendment was accepted.
Senator Stevens offered an amendment to extend the moratorium to include any action that would restrict 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 properties and resources would 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 regulations 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 presumably 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, which is added to a moratorium where deadlines have been established by either statute or a court, want to include deadlines in the moratorium bill in the first place—particularly statutory and judicial deadlines.

The Department of Transportation is currently considering whether alternative standards to the existing HM-181 standards are appropriate for barrels used for the transportation of liquids. If the Department of Transportation determines that such alternative standards are appropriate, that would result in eliminating an unnecessary regulatory burden on the fibre-drum industry.

What is wrong with that? Nothing. That is great. I am all for exempting them from the moratorium. Do not want any unnecessary regulatory burden on the fibre-drum industry more than I want it on any industry. But here is a typical exception from the moratorium. It suddenly appears in the committee report. We never discussed this. It is just helter-skelter, willily-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 the logical and 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 week, 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 nine organic chemicals (IOC's) and 26 synthetic organic chemicals (SOC's) including 11 synthetic volatile organic solvents, 34 pesticides, and polychlorinated biphenyls (PCB's). The final rule presently becomes effective on May 1, 1995. Once effective, this rule will fairly or misleadingly name some 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 your committee to ensure that the heavily 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 or immediate danger that these address. It is pretty hard to argue. These have been in the works for a decade. What is so arbitrary about this bill, what is so unfair, is that it singles out some, picks them out of the blue, some pending regulations and says we will exempt these. We will exempt the textile regulations from this moratorium but these other 800, well, who knows about them? Let me emphasize. I am familiar with that textile regulation. I want to exempt it from the moratorium, too. But what other have some reasonable and 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 we pass legislation which would put 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 stand 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 legally imminent? Is there less of a claim for an exemption for 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 the moratorium. We go 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 and determine whether they are appropriate or not simply by what is written in 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, to be able to substitute one for 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 think of 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. 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 do not proceed along with this broad across-the-board 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.

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, parliamentarily I suppose, 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 make is that 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 and every time they are offered or 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. Therefore, 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 look back except that during the look back 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 urgent 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 which we 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
And by the way, that is pretty fine print so we are not talking about regulations just 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 did learn in high school and in college 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 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 business and households was just about equal to the Federal tax burden.

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

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

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

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

However, I came to appreciate a distinction, that when you get to the way it really works in the real world with the Federal Government, you have the legislative branch passing laws that are usually not very many pages. Now, we like to talk about all these big laws and most of them are not that big. And then we tend to forget about it. This is something that we should not be permitted to happen. 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." And we never get around to changing the regulations. To iteratively 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. President, Mr. Speaker, 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 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 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.
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 looking at the Government and seeing how it runs and thinking to themselves, “You could never run a business that way.”

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

We ought to take a look at these regulations and ask some important questions. And that is what this 45-day period under the Nickles-Reid amendment was intended to do. It enabled 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 resolve problems and in our globally competitive economy?

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

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

Let me take another example. The head of the Occupational Safety and Health Administration testified before Congress that occupational safety and health problems were not true. He testified that OSHA does not require material safety sheets for the normal use of consumer products, and workers must be informed of risks only when they are regularly exposed to hazardous 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. Primary chemicals were used in the kitchen and bathrooms. The chemicals were said to be hazardous but were not limited to but in- cluded automatic dishwashing detergent and bleach. And for failure to have a hazard notification—this is a serious violation and “the employer did not develop, implement and maintain at the workplace a written hazard communication which describes how the criteria would 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 I am.

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 bleach. There's 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 independent agencies. 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 prescriptive?

For too long Congress has 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 of paper, somebody is trying to get the Gettysburg address. We are 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, prescriptive 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 get back into the process and made sure that we stop some of this idocy before it is placed on the backs of the people. We can, to a great extent, 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 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 will result in 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's 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, are far more 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.
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 empty regulations that are stacked on the shoulders of our 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 done 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, trying to see what we could do to give the business people and the individuals in our country some relief. In fact, Congress passes laws that put the interpretation on 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’s regulatory intent properly and within the confines of what Congress intended and no more.

As we 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 democracy 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 America’s 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, not reason, 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 situation 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 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 telephone 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, 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 $18 million to redesign its reservoir 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 we 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 another 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, 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 and subtract 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 Bono. I hope my colleagues will side with the American people, who have called on us to get the bureaucracy under control and vote in favor of a bill that will begin to tell the American people that we got the message in 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, D.C., that they are getting the message inside the beltway and relief is on the way.

That is what this bill will do. I urge my colleagues to support it.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

What 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, 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 meat packing in this country. Finally, when people began to purchase meat from the grocery store shelves, they understood that this was inspected. It was produced under certain conditions that required safety and cleanliness. And people had some confidence in that product.

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

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

In many cases, regulations have caused substantial 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 was that the American people want some change. Among the important changes that this Congress will offer shall be changes with respect to Federal regulations.

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

That is not, in my judgment, a thoughtful way to do it. In my judgment that is a very thoughtless way to approach it. A thoughtful way to do this is to decide that we need to make sure when decisions are made by the U.S. Congress on the subject of clean air 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 those 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, “Ge, we have this message in the last election. Regulations are essentially bad. So let’s have a moratorium and prevent any regulation from moving at this point, until a date certain. I 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 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. If we do not have those rules, we cannot 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 a 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. 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 being 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 would have to provide a time window by which the Congress review those 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 are not issued without 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 have agreed 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 petitions. Sign me up for saying some of those folks out there making their living on shrimp 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 have agreed and agree that this makes good public policy. This makes good sense.

That is why the moratorium bill is probably not a good idea.

Well, it is nice to see that that judgment was made. Now we can go on to some other things. We have since written a moratorium 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 will affect something in 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 are not issued without 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 have agreed and agree that this makes good public policy. This makes good sense.

That is why the moratorium bill I think is not being brought to the floor. We 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 appropriate for this. This is not appropriate for this."

I was thinking as I was waiting to speak today, we have learned a lot. There are a lot of good regulations. 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. I have dirt streets. When barrel got full at my dad's station, our station and the other station in town, because there were two—that is called competition in a small town—both stations did a public service with their used oil. When it was time and the barrel was full, my dad would have me go get the little co-op tractor, hook it up to this tank and they had a pipe across the back with some holes in the pipe that you could unleash and then I would drop used oil on Main Street and drip that used oil on Main Street of our hometown. So did the other gas station, for that matter. So both of us were performing a public service and dangerous but 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 reelection.
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 for the month of January. 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. We must address the fact 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. We need to have all of them. 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 $85 billion a year. We have a trade deficit with Japan of $85 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 minus 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 deals with the question of American 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 everybody would allow their own 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 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, 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 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 moratorium 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 that we will have a broad-based effort 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 regulatory reform is not through a sweeping moratorium that has the effect 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 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, 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 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 abundantly available 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 consider 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 improve the inspection 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, and traditional consumers will 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—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 form 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 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 work on the ground will proceed to implement these rules, 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 and safety risks and economic consequences, it makes 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, 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 Wisconsin's drinking water supply. Eventually, 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; Bloomington, IL; 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 problems 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 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 chart 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 institute, some 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, 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 some-thing—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 morat-orium bill that passed out of the Governmental Affairs Committee did not review all regulations. It reviewed only a small percentage of those and 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 at least a couple of 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 put "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 50,000— 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, fell down to 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 talked 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, 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. 529 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 have 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 been 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 against the legislation. 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 knocked out 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 like 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.

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 can be caught 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 the 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 would be affected?

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 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. HACCP procedures 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 was 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 allocated 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 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 city neighborhoods, 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 the 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 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 are 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, 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 impacting rules are 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. The final rule will implement new controls, including 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 4 1⁄2 million workers covered under this 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 was published 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 prevent the sliding cockpit side windows on certain Airbus aircraft. This was prompted by an accident in which an aircraft had a positive balance of trade of approximately $17 billion in 1994. The rule was in effect as of January 1 of this year.

Mr. President, we can go on with other things 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 directed 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 Fokker F-28 and Airbus 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 takeoff 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 flaps. Eliminations 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 breaking his own agreements on the basis that 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. It overlaps operations, air-craft safety considerations.

Commuter airplanes 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 regulations 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 killed, 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. If they are not 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 proposal came 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, the children of family income, and adversely affects the nervous system, kidney, the hematopoietic system, causing decreased intelligence, impaired neurobehavioral patterns, coma, convulsions, hypertension, 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 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 safety 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 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 printed in the Record, as follows:

``Dear Colleagues:

There has been much interest in the issue of Federal radiation protection and the safety and health of the American people. To address this concern, I have introduced several pieces of legislation that would improve the Federal radiation regulatory framework. 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.

A plan should be developed with input from affected agencies, including the NRC, DOE, and DOD. Clearly, CIRRPC should serve in a coordinating role to assist in this plan, and I hope development of 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 implement this coordinated approach to this field of regulation.

Radiation protection standards affect our entire population. I encourage my 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 (4-7594).

Best regards.

Sincerely,

JOHN GLENN, Chairman.

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

``Dear Colleagues: I want to draw your attention to the enclosed GAO report on Federal radiation protection standards and regulatory harmonization (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 licenses 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. It is apparent that agencies' radiation standards and protective approaches ultimately reflect a general lack of interagency consensus on acceptable radiation protection.

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."

CONGRESSIONAL RECORD Ð SENATE S 4647 March 27, 1995
That is why, Mr. President, on the same day I circulated the "Dear Colleague" letter I 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 gaps and overlaps in 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.

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 radiation protection. This report describes a federal regulatory regime for radiation that is inconsistent, overlapping, and incomplete. The GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these limits are inconsistent, others differ.

Over the years I have chaired numerous Governmental Affairs Committee hearings and made several legislative proposals which this issue. 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 which have resulted in inconsistent radiation protection guidance on federal facility clean-up operations.

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 radiation protection. This report describes a federal regulatory regime for radiation that is inconsistent, overlapping, and incomplete. The GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these limits are inconsistent, others differ.

Best regards.

Sincerely,

JOHN GLENN, Chairman.

Committee on Governmental Affairs

Hon. IVAN SELIN, Chairman, U.S. Senate, one of my primary interests has been the burden on the regulated community while at the same time enhancing public protection and policy coordination. 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 which have resulted in inconsistent radiation protection guidance on federal facility clean-up operations.

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 radiation protection. This report describes a federal regulatory regime for radiation that is inconsistent, overlapping, and incomplete. The GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these limits are inconsistent, others differ.

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 would 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 policy coordination. 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 radiation protection. This report describes a federal regulatory regime for radiation that is inconsistent, overlapping, and incomplete. The GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these limits are inconsistent, others differ.

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 would 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 policy coordination. 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 radiation protection. This report describes a federal regulatory regime for radiation that is inconsistent, overlapping, and incomplete. The GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these limits are inconsistent, others differ.

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 would 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 policy coordination. 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 radiation protection. This report describes a federal regulatory regime for radiation that is inconsistent, overlapping, and incomplete. The GAO finds that at least 26 different draft or final federal radiation standards or guidelines contain specific radiation limits. Some of these limits are inconsistent, others differ.
March 27, 1995

DEAR MR. GIBBONS:

Since coming to the Senate, I have maintained a keen interest in protecting our citizens from unnecessary exposure to 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 coordinated. In 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 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 (RGED-94-10),” the GAO finds that despite some initial efforts at coordination between the EPA and the 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 the 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 30 days. I want to encourage CIRRPC to assist in this endeavor.

I believe that 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 a national consensus on this issue.

Cohesion federal approach to these issues is long overdue. By helping to rationalize this current 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. A radiation protection policy that more closely represents the consensus of the scientific community and the public is in everyone's best interest. I look forward to your response to this letter.

Sincerely,

JohH. GibBons, Assistant to the President for Science and Technology.

THE WHITE HOUSE,
Washington, DC

Mr. Glenn, Assistant to the President for Science and Technology.

March 27, 1995

DEAR SENATOR GLENN: This letter is to update you on the actions that have been taken since your September 27, 1994 letter regarding the CHSF 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, the Nuclear Regulatory Commission, the Federal Interagency Radiation Policy Coordination (CIRRPC) has undergone a review by its parent committee, the Committee on Intergovernmental Radiation Research and Protection, and 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 that a more effective and less costly ways of coordinating radiation issues and activities that we have some excellent mechanisms in place already, with minor reconfigurations, can better address national goals.

First, EPA and the 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 and communication. 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 “consensus development” 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 research activities across the Federal agencies. This body will provide advice on the needs and priorities of radiation research efforts. NRC has directed its staff to submit their responses to your October 27 correspondence on this same matter. I am encouraged by their efforts to coordinate radiation activities, particularly as a result 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 coordina-
tion in the years to come.

Sincerely, J ohn H. Gibbons, As-sistant to the President for Science and Technology.


Hon. John Glenn, U.S. Senator, Washington, D.C.

Dear Senator 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. As your letter indicates, 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-94-100),” 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 recognizes 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 notes 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 contaminant 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. This MOU provides for 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 constraints which inhibit greater risk harmonization."

Pursuant to the MOU, EPA and NRC are developing 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 and the public to enhance the consistency of federal radiation protection standards. Based on the findings of this white paper, the agencies plan to develop specific sets 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 on 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 found 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 uranium mill tailings sites 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 considerable cooperation between the Department of Energy (DOE) and EPA in addressing the deficiencies in the DOE's Implementation of the AEA Instructions for Nuclear Facilities (IAI). The DOE program provides an ample margin of safety to protect public health. Consequently, EPA and the Department of Energy (DOE) have agreed to not reevaluate the DOE standards, but rather to continue to work actively with DOE to sustain and broaden the ongoing EPA-NRC joint Risk Harmonization efforts to include the 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 the 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 through a new Environmental Technology Coordination Program Office (OSTP) and the Committee on Health, Safety, and Food (CHSF).

Accordingly, the plan EPA proposes is to continue its efforts with 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 other radiation standards; and to select and prioritize new issues for coordination. The committee is an appropriate existing body that can effectively address radiation protection issues. 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.

Specifically, the plan includes the following:


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 coordination of NRC'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 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 by the President's Council on Competitiveness by September 30, 1995.

Publish interagency consensus tables of nuclide-specific risks from ingestion, inhalation, and direct exposure in new federal radiation 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 resolve the gaps and overlaps in radiation standards in key policy areas including: CAA radiation cleanup standards; 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 focused, 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 appreciate 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 with 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 and the corresponding NRC cleanup standards) results in a lifetime risk of 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 sites to which this standard applies, cleanup to the standard will usually result in essentially total removal of the contamination. As the report notes, 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) were regulations that used a dose-based 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 standards 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 the result of the standardization of the agency’s different regulatory applications and separates them into three categories: (1) general public, source (or media) specific, and (3) regulatory (or media) specific. Considerations for the class as a whole, or a 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, CEDE methodology, and actual risks and the determination of standards to be achieved in practice. EPA’s standards for radionuclides are also significantly different than NRC’s standards. This is 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 inconsistencies in how different agencies approach radiation protection.

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 radionuclides standards. As a 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 radionuclide 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 consolidated 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. 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.
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 exemption, 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 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 sanitation requirements and scientific testing for bacteria in meat and poultry processing.

Under HACCP, workers regularly monitor hazards in a production system on the basis of risk. They identify risks in the continuous production system and 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 American Meat Science 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 inspection. Industry petitioned USDA to mandate the program. Now the implementation of HACCP is threatened by this moratorium.

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 again 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 this moratorium is seen in many ways. Once example is the effort it took to enact the current rules to protect the traveling public.

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 re-drafted 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:

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

2. 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 Airline Pilots Association.

The proposed rules will be available for public comment for 90 days. I am sure that some will find provisions to which they object, 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. But, these air safety rules just prove how often 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 to shut down, while some in Congress talk about reform, or do they want Government to try to make good decisions on the basis of what is best for the traveling public?

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, D.C.

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 in the near future 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 a "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, at which 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 bringing 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, 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 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.

<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. PUBLIC HEALTH AND SAFETY</td>
</tr>
<tr>
<td>(1) Towing Vessels Safety Regulations.</td>
</tr>
<tr>
<td>(2) Commuter Airline Safety Standards.</td>
</tr>
<tr>
<td>(3) Head Impact Protection.</td>
</tr>
<tr>
<td>(4) Cleaning of Nuclear Facilities.</td>
</tr>
<tr>
<td>(5) Prevention of Oil Spills.</td>
</tr>
<tr>
<td>(6) Environmental Review in Public Housing.</td>
</tr>
<tr>
<td>(7) Recovery of License Fees.</td>
</tr>
<tr>
<td>(8) Meat and Poultry Inspection.</td>
</tr>
<tr>
<td>(9) Alcoholic Beverage Labeling.</td>
</tr>
<tr>
<td>(10) Improved Poultry Inspection.</td>
</tr>
<tr>
<td>(11) Protection of Florida Keys.</td>
</tr>
<tr>
<td>(12) Pesticide Regulation Flexibility.</td>
</tr>
<tr>
<td>(13) Waste Management.</td>
</tr>
<tr>
<td>(14) Safety Zones for America's Cup.</td>
</tr>
<tr>
<td>(15) Airline Crew Assignments.</td>
</tr>
<tr>
<td>(16) Flight Attendant Duty Period Limitations and Rest Requirements.</td>
</tr>
<tr>
<td>(17) Disease-Free Food.</td>
</tr>
<tr>
<td>(18) Security of Sensitive Information in Aviation.</td>
</tr>
<tr>
<td>(19) Bike Helmet Safety Standards.</td>
</tr>
<tr>
<td>(20) Flammability Standard for Upholstered Furniture.</td>
</tr>
<tr>
<td>(21) Radioactive Material Reporting.</td>
</tr>
<tr>
<td>(22) Child-Resistant Packaging.</td>
</tr>
<tr>
<td>(23) Lead-Free Cans.</td>
</tr>
<tr>
<td>(25) Approval of State Air Quality Plans.</td>
</tr>
<tr>
<td>(26) Reducing Toxic Air Emissions.</td>
</tr>
<tr>
<td>(27) Safe Drinking Water at Lower Cost.</td>
</tr>
<tr>
<td>(28) Lead Poisoning Prevention.</td>
</tr>
<tr>
<td>(29) Cleanup at Uranium Processing Sites.</td>
</tr>
</tbody>
</table>

II. WORKER SAFETY

(1) Logging Safety. |
| (2) Ventilation in Underground Coal Mines. |
| (4) Child Labor. |
| (5) Reducing Exposure to Tuberculosis in the Workplace. |
| (6) Worker Exposure to Cancer Causing Agents. |
| (7) Worker Exposure to Reproductive and Developmental Risks. |

III. ECONOMIC GROWTH AND OPPORTUNITY

(1) Small Business Development Center Program. |
| (2) Streamlining Loan Procedures for Small Business. |
| (3) Lower Electric Rates. |
| (4) Expanded Markets for American Farmers: (a) Sheep and Lamb Producers; (b) Fruit, Vegetable, and Dairy Producers. |
| (5) Lower Costs for American Cotton Producers. |
| (6) Reducing FHA Fund Losses. |
| (7) Energy Efficient Appliances. |
| (8) Utility Rate Recovery. |
| (9) Education Funding Flexibility. |
| (10) Drawbridge Regulations. |
| (11) Missing Pension Beneficiaries. |
| (12) Indian Self Determination and Self Governance. |
| (13) Forestry Regulations. |
| (14) Landowner Relief Under Spotted Owl Regulation. |
| (16) Alternative Fuel Providers. |
| (17) Extension of Port Limits, Hawaii. |
| (18) Recordkeeping Requirements. |
| (19) Cable Rate Restructuring. |
| (20) Radio Frequency Allocation. |

(21) Mobile Radios. |
| (22) Video Dialtone. |

IV. GOVERNMENT REFORM

(1) Public Financing for Presidential Candidates. |
| (2) Political Campaigns Disclaimers. |
| (3) Efficient Clearance of Federal Checks. |
| (4) Government Securities Large Position Reporting Requirements. |
| (5) Capital Sufficiency. |
| (7) Environmental Information "One Stop Shopping." |

(8) Housing Reform. |
| (9) NUCLEAR FUELS AND THE MIDDLE CLASS |
| (10) Student Loan Borrower Harassment Defenses. |
| (11) Callier ID. |
| (12) Mortgage Lending for Moderate Income Individuals. |
| (13) Foreclosure Alternatives. |
| (14) Increasing Home Ownership Opportunities for First Time Buyers. |
| (15) Pell Grant Availability. |
| (16) Avoiding Homeowner Foreclosure. |

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, safety and new technology 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 of 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 bill. We should not just be picking little bits and pieces, such as a regulatory 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 was not 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 indeed ill considered, and bad for America and the American people, American business and industry.
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 no sooner 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. 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 conferred 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, there I am; today we 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 based 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 thought there would 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 look at 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. But the House wants to do it in the Congress, in the President, 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.

So, 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 House, the moratorium would be on major regulations, and 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 President 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. Mr. President, tomorrow, the Senator from Oklahoma pointed out, 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 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, so it would be for moratoriums as 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 is going to 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 has 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 say President has the power to exempt rules like that from 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. Mr. President, tomorrow, the Senator from Oklahoma pointed out, 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 yield the floor.
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. 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 will 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 long 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 States must propose the State plan in the Federal Register. The EPA then 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 gasoline that began 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 kooky 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. That is during the period covered by the House moratorium. Therefore, 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 per month—"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 the bill later this week, I would oppose any report that came back from the conference with a regulatory moratorium, that is to say, 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 you.

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.
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 young 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, publisher of the Henderson Review, 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 in a land which 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 advisor, 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 Hadasah for his unceasing efforts on behalf of others. I want the entire country to know about Mike's achievement and to join those of us in Nevada in paying tribute to this great leader.
By Mr. PRESSLER: S. 625. A bill to amend the 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. MOWRINYAN, and Mr. GRAHAM): S. 627. A bill to require the general application of the anti-trust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mr. HANCOCK): 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. DAMATO: 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. 625. 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, irrigation 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 attention and efforts of each of us. The Clean Water Act, which 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 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 projects 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 projects make 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 and rural 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 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 Congressman HELMS 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, that:

SEC. 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 enhancing riparian areas 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 reinvigorating waterways, providing recreational opportunities such as greenways, and creating community service jobs and job training opportunities in waterway restoration for disadvantaged youths, abandoned resource harvesters, and other unemployed persons;

(4) restoring waterways helps to increase the fishing potential of waterways and related 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 programs and are significantly affected by 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 values 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 stormwater runoff, groundwater, and floodwaters;

(4) increase the involvement of the public and youth conservation or service corps in the monitoring, inventorying, and restoration of watersheds to reduce costs; provide education, prevent pollution, and develop coordinated citizen and governmental partnerships to restore damaged waterways; and

(5) benefit business, agricultural, urban, and other communities, 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, streambank, or other site vulnerable to excessive erosion, using systems such as brush piling, brush layering, mat bracing, fascines, joint plantings, live stakes, seedings, 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 federal 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. 380l)), 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 serves 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, floodplain, 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-fill gabion or hommamade weir, guily check dam, jack, groin, or fence.

(10) WATERSHED COUNCIL.—The term ‘watershed council’ means a representative group of government officials and representatives of the private, public, government, and nonprofit sectors who organized to develop and carry out a consensus on-the-ground action education or restoration project.

(11) WATERWAY.—The term ‘waterway’ means a natural, degraded, seasonal, or created wetland or public or private land, including—

(A) a river, stream, riparian area, marsh, pond, bog, mudflat, lake, or estuary; or

(B) a 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 1201(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)).

(13) ESTABLISHMENT.—The Secretary shall establish and carry out a waterways restoration program, under which the Secretary shall provide technical assistance and grants on a reimbursable basis, to eligible entities to assist the entities in carrying out waterway restoration projects.

(14) ADMINISTRATION.—The Secretary shall be responsible for administering 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, and ecological values and functions in the area adversely impacted by habitat degradation;

(15) 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.

(16) 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.

(17) INELIGIBLE PROJECT.—The project involving channelization, stream bank stabilization using a method other than biotechnical slope protection, construction of a reservoir, or any action that will 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.

(18) PROGRAM ADMINISTRATION.—Any project administered by a State agency shall be responsible for administering the program in the State. Except as provided by paragraph (2), the Secretary shall designate the State agency for the National Resources Conservation Service as the program administrator of the State.

(19) 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; and

(ii) responsiveness by the State agency to the administrative needs and limitations of...
small nonprofit organizations and low income or minority communities; (ii) the success of the State agency in carrying out State or local programs that are similar to the program; and (iii) the State agency to jointly plan and carry out with Indian tribes programs similar to the program.

(c) REDesignation.—If the Secretary determines, after hearing, that a State agency approved under this paragraph no longer meets the criteria set forth in subparagraph (B), the Secretary shall 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 or the State administrator 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 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, not more than 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.

(B) The 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.

(C) NOTICE.—An interdisciplinary team shall provide adequate public notice before conducting a meeting under this section, including notification in the official State newspaper,

(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) organizations 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 committing the entity to submitting invoices, and receiving reimbursements.

(C) PROJECT COSPONSOR.—A project participant that is not the project sponsor shall be designated as a 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.

(2) USE of Grant FUNDS.—Grant funds made available under the program shall not supplant other available funds for a water resource 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.

(4) SELECTION of A PROJECT.—

(I) 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.

(II) REVIEW of APPLICATIONS by INTERdisciplInary TEAMS.—

(A) TRANSMITTAL.—Each application for assistance under the program received by the program administrator of the 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.

(5) PROJECT OPPOSITION by CERTAIN REPRESENTATIVES.—

(I) IN General.—If 2 or more of the members of an interdisciplinary team of a State established pursuant to paragraph (3)(B) 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 National 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 Fishery Service.

(III) MONITORing.—The Secretary shall conduct such monitoring activities as are necessary to ensure the success and effectiveness of a project made pursuant to this subparagraph.

(6) 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).

(7) GRANT APPLICAtion CYCLE.—

(8) FEDERAL ADVISORY COMMITTEE ACT.—

(4) FEDERAl ADVISORY COMMITTEE Act.—

(I) FEDERAL ADVISORY COMMITTEE Act.—

(A) APPOINTMENT of REPRESENTATIVES.—

(i) the Natural Resources Conservation Service;

(ii) the Corps of Engineers; and

(iii) the Environmental Protection Agency, the Director of the National Marine Fishery Service, the Administrator for the National Marine Fishery Service, or the Director of the National Park Service.

(II) CITIZENS OVERSIGHT COMMITTEE.—

(I) ESTABLISHment.—The Governor of each State shall establish a citizens oversight committee to evaluate management of the program in the State. The membership of the citizens oversight committee shall be representative of the diversity of regions, cultures, and watershed management interests.

(II) COMPONENTS to BE EVALUAted.—Program components to be evaluated by a citizens oversight committee established under paragraph (I) are—

(A) 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 support—

(i) of the program's objectives, including evaluation of the environmental impacts of the program as implemented;

(ii) the number of jobs created for identifying target groups;

(iii) the diversity of job skills fostered for long-term watershed related employment; and

(iv) the extent of involvement of youth conservation or service corps programs.
There is no text content extracted from the image.
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, and our family 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 both the income and 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 $463.3 billion higher, there would have been 262,000 more full-time equivalent jobs, and the stock of capital would have been $380 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.

...
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 that—

(A) at the time 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 1607 of the Export Administration Act of 1979).

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 that—

(A) at the time 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 1607 of the Export Administration Act of 1979).

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 that—

(A) at the time 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 1607 of the Export Administration Act of 1979).

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 that—

(A) at the time 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 1607 of the Export Administration Act of 1979).

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 that—

(A) at the time 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 1607 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 foreign 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) SALE OR TRANSFER OF PROPERTY.—The United States Government shall not issue any license for the exportation or reexportation of any goods or technology to any person described in subsection (a)(2).
(C) ACCESS.—The President shall not be required to apply or maintain the sanctions under this section—
(i) in the case of procurement of defense articles or defense services—
(I) failing to provide the items pursuant to an existing contract or sub-contract, or
(II) failing to provide the items pursuant to a contract entered into before the date on which the President publishes his intention to impose the sanctions; or
(ii) in the case of persons against which the sanctions are to be imposed—
(I) failing to provide the items pursuant to a contract entered into before the date on which the President publishes his intention to impose the sanctions; or
(III) failing to maintain the sanctions.

(2) SANCTIONS AGAINST PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—Beginning 60 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing—
(A) the nuclear and other military capabilities of Iran; and
(B) the support, if any, provided by Iran for acts of international terrorism.

(c) PROCEDURE.—
(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" means—
(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 and Financial Services, on Energy and Commerce, on Foreign Relations of the Senate and the House of Representatives, and on Appropriations of the House of Representatives.

(3) FOREIGN PERSON.—The term "foreign person" means—
(A) any 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 102 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, Guam, the Virgin Islands, 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. 621. A bill to prevent handgun violence and dangerous firearms, and for other purposes; 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 the 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 firearm deaths, 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 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, 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 Lomaga and George Talon bullets. A third customer, David
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 Grossman, 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 our cities today. 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 skateboards on the street corner.” 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 occur in our 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 magnified in part by many of 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 State gun control laboratories to 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 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 additional guns.

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 by any one person to one gun a month.

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 than 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 States 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 law regulation by other States; and

(4) it is necessary to establish uniform national laws governing all aspects of the firearm industry, requiring handgun licensing and registration, expanding the categories of persons prohibited from possessing firearms, limiting Federal firearms licenses 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. 203. Interstate transportation of firearms.

TITLE III—AMMUNITION

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 shops.
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.

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.
to an applicant, unless the chief law enforce-
ment officer of the State determines that the applicant—

(i) is a resident of the State, by examin-
ing, at a minimum, in addition to a valid iden-
tification 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 offi-
cers and designed by the chief law enforce-
ment officer; and

(iii) has passed an examination, designed by the chief law enforcement officer, testing the applicant’s knowledge of handgun safety.

(d) The Secretary 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 1.5 inches in length; or

(B) a propellant 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:

``(f) REQUIREMENT THAT AUTHORIZING BE PROV\n


SECTION 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:

``(2) 2-YEAR GRANDFATHERING OF LICENSED DEALERS THAT ENGAGED IN BUSINESS OF DEALING IN HANDGUNS WITHOUT SPECIFIC AUTHORIZATION; REQUIREMENT THAT AUTHORIZING BE PROV\n


SECTION 103. PROHIBITION OF ENGAGING IN THE BUSINESS OF DEALING IN HANDGUN AMMUNITION WITHOUT SPECIFIC AUTHORIZATION; REQUIREMENT THAT AUTHORIZING BE PROV\n


SECTION 201. DEALER ASSISTANCE WITH TRACING OF FIREARMS.

Section 922(c) of title 18, United States Code, is amended to read as follows:

``(1) A personalized record shall be furnished to an applicant for a license to engage in the business of dealing in firearms in accordance with regulations prescribed by the Secretary with respect to 5 or more firearms during a 30-day period.

(2) Each licensee shall, at such times and under such conditions as the Secretary shall prescribe by regulation, provide the Secretary with a personalized record information required to be kept by this chap-

"
March 27, 1995

"(B) make such records available to the
Secretary.'

SEC. 206. NATIONAL FIREARMS TRACING CEN-
TER.

(a) ESTABLISHMENT.—The Secretary of the
Treasury shall establish in the Bureau of Al-
cohol, Tobacco, and Firearms a National Fire-
arms Tracing Center, which shall be oper-
ated 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 Na-
tional Firearms Tracing Center there are
authorized to be appropriated to the Sec-
tary of the Treasury $20,000,000 for each of

TITLE VI—DEALER RESPONSIBILITY

SEC. 301. COMPLIANCE WITH STATE AND LOCAL
FIREARMS LICENSING LAWS AS CON-
DITION 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 subpara-
graph (E); (2) by striking the period at the end of sub-
paragraph (F) and inserting "; and"; and
(3) by adding at the end the following new subpara-
graph:
"(G) in the case of an application for a li-
cense to engage in the business of dealing in
firearms, the following:
(i) the applicant has complied with all re-
quirements imposed on persons desiring to
engage in such a business by the State and
locality, or the sheriff of the county, 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 to that effect.

"(H) the Secretary has conducted an in-
vestigation shall in-
clude checking the applicant's fingerprints
against all appropriate compilations of
criminal records, the Secretary determines
that the application is not fraudulent.

(b) INSPECTION OF APPLICANT'S PREMISES.—
Section 923(d)(2) of title 18, United States
Code, is amended—
(1) by striking "after" a license has been
issued, and inserting "after" a license has been
issued and:
(A) if the Secretary determines that the in-
fected dealer 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 subpara-
graph (A), a fee of $3,000 for 3 years.

SEC. 304. INCREASED PENALTIES FOR MAKING
FIREARMS 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
"war," and inserting "as necessary to
ensure compliance with this chapter, to fur-
ther a criminal investigation, or to deter-
mine the disposition of one or more particu-
lar firearms.".

SEC. 306. GUN SHOWS.

(a) PROHIBITION OF CERTAIN HANDBUL
TRANSFERS AT GUN SHOWS.—Section 922(b) of
title 18, United States Code, is amended—
(1) by striking "and" at the end of subpara-
graph (4); (2) by striking the period at the end of sub-
paragraph (5) and inserting "; or"; and
(3) by inserting after paragraph (5) the fol-
lowing 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 transferee.

(b) TECHNICAL AMENDMENT.—The chapter
for chapter 44 of title 18, United States
Code, is amended after inserting the item at
section 922 the following new item:
"Sec. 922a. Tort liability of licensed deal-
ers.

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:
"It shall be"; and
(2) in the second sentence by striking "No
person carrying a firearm shall be held
liable in tort, without regard to fault or proof of
damages arising from the crime of violence re-
ferred to therein, except as provided in para-
graph (2). The court, in its discretion, may
award punitive damages.

(2) There shall be no liability under sub-
section (a) if it is established by a preponder-
ance of the evidence that the plaintiff suf-
fered physical injury while committing the crime of violence referred to therein.

SEC. 307. ACQUISITION AND DISPOSITION
RECORDS OF DEALERS SUSPECTED
OF SERVING AS SOURCES OF ILLE-
GAL FIREARMS.

Section 923(g)(1) of title 18, United States
Code, is amended by adding at the end the fol-
lowing new subparagraph:
"(6) The Secretary, during a 1-year pe-
riod, has identified a licensed dealer as a
source or 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 Sec-
cretary may require the dealer to pro-
duce any or all records maintained by the dealer of
ac-
quisition 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
crime.

SEC. 308. DEALER RESPONSIBILITY FOR SALES
TO FELONS OR MINORS.

(a) IN GENERAL.—Section 921 of title 18,
United States Code, is amended by inserting after
section 922 the following new section:
"§ 922a. Tort liability of licensed dealers
"(a) Any person suffering physical in-
jury arising from a crime of violence (as de-
defined in section 924(c)(3)) in which a
qualified licensee has reason to believe that a
firearm used by a person—
(1) is a dealer in destructive devices or
ammunition for destructive devices, a fee of
$2,000 per year; or
(2) is a dealer not described in subpara-
graph (A), a fee of $3,000 for 3 years.

(b) TECHNICAL AMENDMENT.—The chapter
for chapter 44 of title 18, United States
Code, is amended by striking all after
"war," and inserting "as necessary to
determine the disposition of one or more particu-
lar firearms.".

(c) BUSINESS PREMISES REQUIRED OF APPLI-
CANT.—Section 923(d)(1)(E) of title 18, United States
Code, is amended by inserting "business" after "(ii)".

(d) EXTENSION OF PERIOD FOR APPROVING OR
DENYING APPLICATION.—Section 923(d)(3) of
TITLE IV—THEFT OF FIREARMS

SEC. 401. DEALER REPORTING OF FIREARM THEFTS.

Section 921(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 on which the licensed dealer is situated are located, any theft of firearms from the place at which business is conducted pursuant to the license, in accordance with regulations prescribed under section 924(m).”

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:

“(a) A person who steals any firearm that is moving 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 944 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(a) A person who steals any explosive material that is moving 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 LICENSED PREMISES.

(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:

“(a) 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 5 years, and/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.”

(b) EXPLOSIVES.—Section 944 of title 18, United States Code, as amended by section 402(b), is amended by adding at the end the following new subsection:

“(b) A person who steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 5 years, and/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. 404. SECURITY OF LICENSED PREMISES.

(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)(3)(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”; and
(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 conducted pursuant to the license, in accordance with regulations prescribed under subsection (m).”

SEC. 501. DENIAL OF ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS PROHIBITIONS; INADMISSIBILITY OF ADDITIONAL PenALTIES.

SEC. 501. 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 “(p) before “A person”;

(B) by inserting “(as defined in section 921(a)(1) (other than an individual)) before “who is a” before “licensed importer”;

(C) by inserting “his” and inserting “the person’s”; and

(2) by striking the second and third sentences;

(3) in the fourth sentence—

(A) by striking “A licensed importer” and inserting the following:

“(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 less than 2 nor more than 10 years, or both.”

(b) APPLICABILITY.ÐThe amendments made by section (a) shall apply to—

(1) persons seeking relief from a conviction for a violent felony (as defined in section 924(e)(2)(A)) or a serious drug offense (as defined in subsection (c)(3));

(2) applications for administrative relief, and actions for judicial review, that are pending on or after the date of enactment of this Act; and

(3) 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 VARIOUS FELONIES.

(a) I N GENERAL.ÐSection 925(c) of title 18, United States Code, is amended to read as follows:

“Section 924(c)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting “(p)” after “(20);”;

(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 section if it is conduct that—

(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 conviction for a violation 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 impose an additional term of imprisonment of not less than 5 years” before the period.

(b) T WO PRIOR CONVICTIONS.ÐSection 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(c) T WO PRIOR CONVICTIONS.—Section 924(e)(2)(B) of title 18, United States Code, is amended by inserting “, or” after “(B);” and

(1) by striking “who” and inserting “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 impose an additional term of imprisonment of not less than 5 years” before the period.

(2) by striking “who” and inserting “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 impose an additional term of imprisonment of not less than 5 years.”

(c) T ECHNICAL CORRECTION.ÐSection 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 Improvement Act of 1994, as paragraph (4).

SECTION 924(c)(3).—Section 924(c)(3) of title 18, United States Code, is amended to read as follows:

“(c) T ECHNICAL CORRECTION.ÐSection 924 of title 18, United States Code, is amended by inserting “, or” after “(B);” and

(1) by striking “who” and inserting “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 impose an additional term of imprisonment of not less than 5 years” before the period.

(2) by striking “who” and inserting “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 impose an additional term of imprisonment of not less than 5 years.”

(d) T WO PRIOR CONVICTIONS.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(c) T WO PRIOR CONVICTIONS.—Section 924(e)(2)(B) of title 18, United States Code, is amended by inserting “, or” after “(B);” and

(1) by striking “who” and inserting “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 impose an additional term of imprisonment of not less than 5 years” before the period.

(2) by striking “who” and inserting “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 impose an additional term of imprisonment of not less than 5 years.”

(c) T ECHNICAL CORRECTION.ÐSection 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 Improvement Act of 1994, as paragraph (4).
TITLE VI—VIOLENT MISDEMEANANTS

SEC. 603. PROHIBITION OF DISPOSAL OF FIREARMS OR AMMUNITION TO, OR RECEIPT OR TRANSPORT 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 immediately after paragraph (8) the following new paragraph:

(9) if the individual possessing the ammunition is the owner of a business 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.

(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); and
(2) by striking the comma at the end of paragraph (8) and inserting a semicolon.

(c) LICENSING.—Section 923 of title 18, United States Code, is amended—

(1) in the section heading by inserting "ammunition" after "firearm";

(2) in subsection (q)(2) by striking subparagraph (C); and

(3) in subsection (p), as added by section 2304(a), by inserting "ammunition" after "firearms".

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (g) by inserting "ammunition" after "firearm";

(2) in subsection (h) by inserting "ammunition" after "firearm";

(3) in subsection (i), as added by section 2304(a), by inserting "ammunition" after "firearm";

(4) in subsection (j), as added by section 2304(a), by inserting "ammunition" after "firearm";

(5) in subsection (k), as added by section 2304(a), by inserting "ammunition" after "firearm";

(6) in subsection (m), as added by section 2304(a), by inserting "ammunition" after "firearms".

(e) INTERSTATE TRANSPORTATION.—Section 926A of title 18, United States Code, is amended—

(1) in the section heading by inserting "ammunition" after "firearms"; and

(2) in the text by inserting "ammunition" after "firearm".

(f) FISCAL AND ENTERPRISE FACILITIES.—Section 930 of title 18, United States Code, is amended—

(1) in the text 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 "ammunition" after "firearms"; and

(2) in the item relating to section 930 by inserting "ammunition" after "firearms".

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 "firearm".

(3) ENGAGED IN THE BUSINESS.—Section 921(a)(21) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by strikes "ammunition" after "firearms"; and

(ii) by inserting "ammunition" after "firearms";

(B) in paragraph (2)—

(i) by inserting "ammunition" after "firearms"; and

(ii) by inserting "ammunition" after "firearms";

(C) in paragraph (8), as added by section 2020, by inserting "ammunition" after "firearm"; and

(D) in paragraph (9), as added by section 401, by inserting "ammunition" after "firearms".

(4) in subsection (d)(1)(G)(iv), as added by section 404(b), by inserting "or rounds of ammunition after "firearms";

(5) in subsection (i)(A) by inserting "ammunition" after "firearms";

(6) in subsection (j), as added by section 402, by inserting "ammunition" after "firearm";

(7) in subsection (m), as added by section 404(a), by inserting "ammunition" after "firearms".

(b) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (g) by inserting "ammunition" after "firearm";

(2) in subsection (h) by inserting "ammunition" after "firearm";

(3) in subsection (i), as added by section 402, by inserting "ammunition" after "firearm";

(4) in subsection (j), as added by section 402, by inserting "ammunition" after "firearm";

(5) in subsection (k), as added by section 402, by inserting "ammunition" after "firearm";

(6) in subsection (m), as added by section 404(a), by inserting "ammunition" after "firearms".

(c) LICENSING.—Section 923 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting "ammunition" after "firearm";

(2) in paragraph (8) by inserting "or ammunition" after "firearm";

(3) in paragraph (10) by inserting "ammunition" after "firearms";

(4) in paragraph (12) by inserting "ammunition" after "firearm";

(5) in paragraph (13) by inserting "ammunition" after "firearm";

(6) in paragraph (14) by inserting "ammunition" after "firearm";

(7) in paragraph (15) by inserting "ammunition" after "firearm".

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (g) by inserting "ammunition" after "firearm";

(2) in subsection (h) by inserting "ammunition" after "firearm";

(3) in subsection (i), as added by section 402, by inserting "ammunition" after "firearm".

(e) INTERSTATE TRANSPORTATION.—Section 926A of title 18, United States Code, is amended—

(1) in the section heading by inserting "ammunition" after "firearms"; and

(2) in the text by inserting "ammunition" after "firearm".

(f) FISCAL AND ENTERPRISE FACILITIES.—Section 930 of title 18, United States Code, is amended—

(1) in the text 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 "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 subsection (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, boron, brass, bronze, berillium copper, or depleted uranium;

(II) a jacketed, hollow point projectile that may be used in a handgun and the jacket of which
CONGRESSIONAL RECORD — SENATE

March 27, 1995

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. J. 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 Cooperation], 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-armed 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

hearings 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 16 to April 22, 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.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, 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

has a weight of more than 25 percent of the total weight of the projectile; or

“(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;

“(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 Ms. SNOWE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from New Mexico [Mr. GRAMM] 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 Mr. 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, 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 name of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 615, a bill to amend title 40 of the United States Code to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.
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. During the 1960s and 1970s, 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 telecommunication, computer services, rail, 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 24.02 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 phasing out 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:

<table>
<thead>
<tr>
<th>Category</th>
<th>New Zealand</th>
<th>United States</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP</td>
<td>1.7</td>
<td>3.6</td>
<td>0.7</td>
</tr>
<tr>
<td>Budget Surplus (percent GDP)</td>
<td>1.9</td>
<td>-1.3</td>
<td>-0.3</td>
</tr>
<tr>
<td>GOVT Debt (percent GDP)</td>
<td>8.2</td>
<td>64.5</td>
<td>38.4</td>
</tr>
<tr>
<td>Unemployment</td>
<td>7.8</td>
<td>5.4</td>
<td>2.9</td>
</tr>
</tbody>
</table>

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.

RETIRED 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 Governor's 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 Virginia City. 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 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 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 the send off of 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. LSTSHIP 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.

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 (3rd deck officer). To be considered, he and other members of the crew completed months of training and were tested with Coast Guard standards; Lieutenant Irwin's score was 100 percent. All 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 Pearl Harbor 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, which is presented by private donations, will be the only one of its kind, worldwide.
friendly Mountain, it is the place where my family has skied. Believe me, this 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.
EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 28, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 29

9:00 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold oversight hearings on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
SH-216

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

Finance
To hold hearings on welfare reform proposals.
SD-366

Labor and Human Resources
Business meeting, to mark up S. 141, to repeal the Davis-Bacon Act, S. 555, Health Professions Education Consolidation and Reauthorization Act of 1995, S. 184, Office for Rare Disease Research Act of 1995, proposed legislation authorizing funds for programs of the Ryan White Care Act, and pending nominations.
SD-215

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S-146, Capitol

Armed Services
Closed business meeting, to consider certain pending military nominations.
SR-222

Banking, Housing, and Urban Affairs
Housing Opportunity and Community Development Subcommittee
To hold joint hearings on the reorganization of the Department of Housing and Urban Development.
SD-538

10:30 a.m.
Foreign Relations
To resume hearings on the ratification of the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (The START II Treaty) (Treaty Doc. 103-1).
SD-419

Indian Affairs
Business meeting, to mark up S. 349, to authorize funds through fiscal year 1997 for the Navajo-Hopi Relocation Housing Program, S. 441, authorizing funds through fiscal year 1997 for programs of the Indian Child Protection and Family Violence Prevention Act, S. 510, authorizing funds through fiscal year 1999 for the Native American Social and Economic Development Strategies Grant Program administered by the Administration for Native Americans, and S. 325, to make certain technical corrections in laws relating to Native Americans, and to consider other pending committee business.
SR-485

2:00 p.m.
Banking, Housing, and Urban Affairs
To hold a closed briefing with the Committee on Energy and Natural Resources on the political and economic situation in Mexico, and the key factors affecting it, including oil reserves and production, and other matters.
S-407, Capitol

Energy and Natural Resources
To hold a closed briefing with the Committee on Banking, Housing, and Urban Affairs on the political and economic situation in Mexico, and the key factors affecting it, including oil reserves and production, and other matters.
S-407, Capitol

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine market reform in New Zealand.
SD-419

2:30 p.m.
Armed Services
AirLand Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on tactical aviation issues.
SR-222

MARCH 30

9:00 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on current and future Army readiness.
SR-232A

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 506, to reform Federal mining laws, and S. 504, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims.
SD-366

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on S. 440, to provide for the designation of the National Highway System, focusing on transportation conformity requirements.
SD-406

Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold oversight hearings to examine direct lending practices.
SD-430

Rules and Administration
To hold hearings to examine the future of the Smithsonian Institution.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings on issues related to the Mexican peso.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the science programs of the National Science Foundation and the activities of the Office of Science and Technology Policy (Executive Office of the President).
SR-253

Governmental Affairs
To hold oversight hearings on the General Accounting Office, focusing on a
study by the National Academy of Public Administration.

Judiciary
Business meeting, to consider pending calendar business.

2:00 p.m.
Armed Services Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on Reserve component programs.

SR-222

Armed Services Acquisition and Technology Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Counter-proliferation Support Program.

SR-232A

MARCH 31

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran’s Appeals, and Veterans Affairs Service Organizations.

SD-138

10:00 a.m.
Judiciary
To hold hearings to examine the right to own property.

SD-226

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on S. 565, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.

SD-138

APRIL 4

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Air Force programs.

SD-106

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.

SD-138

Commerce, Science, and Transportation Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To continue hearings on S. 565, to regulate interstate commerce by providing for a uniform product liability law.

10:00 a.m.
Governmental Affairs
To hold hearings on the earned income tax credit.

SD-342

Small Business
To hold hearings to examine the Small Business Administration’s 8(a) Minority Business Development Program.

SH-216

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.

SD-192

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the U.S. Forest Service land management planning process.

SD-366

Labor and Human Resources
To hold hearings to examine activities of the Department of Health and Human Services’ Food and Drug Administration, focusing on the future of American biomedical and food industries.

SD-406

10:00 a.m.
Rules and Administration
To resume hearings to examine the future of the Smithsonian Institution.

SR-301

Indian Affairs
To hold hearings on providing direct funding through block grants to tribes to administer welfare and other social service programs.

SR-485

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee

SD-116

APRIL 6

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.

SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.

S-146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.

SD-116
APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation. SD-192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture. SD-138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry. SD-192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture. SD-138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation. SD-192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs. SD-138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior. SD-116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of Health and Human Services. SD-116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior. SD-192

CANCELLATIONS

MARCH 28

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for the United States Coast Guard, Department of Transportation. SD-192

MARCH 29

9:30 a.m.
Special on Aging
To hold hearings to examine ways that individuals and families can better plan and pay for their long-term care needs. SD-628

MARCH 30

2:00 p.m.
Energy and Natural Resources
Energy Production and Regulation Subcommittee
To hold hearings to examine issues relating to access to health care clinics. SD-192

POSTPONEMENTS

MARCH 30

2:00 p.m.
Energy and Natural Resources
Energy Production and Regulation Subcommittee
To hold hearings on S. 283, to extend the deadlines applicable to two hydroelectric projects in Pennsylvania, S. 468, to extend the deadline applicable to the construction of a hydroelectric project in Ohio, S. 543, to extend the deadline applicable to the construction of a hydroelectric project in Oregon, S. 547, to extend the deadlines applicable to certain hydroelectric projects in Illinois, S. 549, to extend the deadline applicable to the construction of three hydroelectric projects in Arkansas, S. 552, to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana, and S. 595, to provide for the extension of a hydroelectric project located in West Virginia. SD-366
Monday, March 27, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4603-S4673

Measures Introduced: Seven bills were introduced, as follows: S. 625-631.

Measures Reported: Reports were made as follows:
- S. 226, to designate additional land as within the Chaco Culture Archeological Protection Sites. (S. Rept. No. 104-19)
- S. 444, to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region. (S. Rept. No. 104-20)

Petitions:

Statements on Introduced Bills:

Authority for Committees:

Additional Cosponsors:

Authority for Committees:

Additional Statements:

Recess: Senate convened at 10:30 a.m., and recessed at 4:38 p.m., until 9 a.m., on Tuesday, March 28, 1995. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s RECORD on page S4673.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—EXECUTIVE OFFICE/GSA

Committee on Appropriations: Subcommittee on Treasury, Postal Service, General Government held hearings on proposed budget estimates for fiscal year 1996, receiving testimony in behalf of funds for their respective activities from Patsy Thomasson, Deputy Assistant Secretary for Administration, Executive Office of the President; and Roger Johnson, Administrator, General Services Administration. Subcommittee will meet again on Monday, April 3.

SUPPLEMENTAL SECURITY INCOME

Committee on Finance: Committee held hearings to examine the accelerating growth of the Supplemental Security Income (SSI) Program, focusing on the drastic increase in those eligible to receive SSI benefits, receiving testimony from Jane L. Ross, Director, Income Security Issues, Health, Education, and Human Services Division, General Accounting Office; Susan Martin, Executive Director, U.S. Commission on Immigration Reform; Herbert D. Kleber, Columbia University, New York, New York; Daniel A. Stein, Federation for American Immigration Reform, and Carolyn L. Weaver, American Enterprise Institute, both of Washington, D.C.; and Jerry L. Mashaw, Yale University, New Haven, Connecticut, on behalf of the National Academy of Social Insurance. Hearings were recessed subject to call.

FOREIGN OIL DEPENDENCE

Committee on Foreign Relations: Committee concluded hearings to examine the status of United States dependence on foreign oil, after receiving testimony from William A. Reinsch, Under Secretary of Commerce for Export Administration; Joshua Gotbaum, Assistant Secretary of Defense for Economic Security; Susan S. Tierney, Assistant Secretary of Energy for Policy; Donald Hodel, Summit Group International, Ltd., Silverthorne, Colorado; T. Boone Pickens, MESA, Inc., Dallas, Texas; John H. Lichtblau, Petroleum Industry Research Foundation, Inc., New York, New York; and Denise A. Bode, Independent Petroleum Association of America, Washington, D.C.
The House was not in session today. Its next meeting will be held at 12:30 p.m. on Tuesday, March 28.

Committee Meetings

WORLD BANK
Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Policy held a hearing on the World Bank. Testimony was heard from Lawrence Summers, Under Secretary, International Affairs, Department of the Treasury; Barber Conable, former President, World Bank; and public witnesses.

ADMINISTRATION'S PROPOSAL—TAX TREATMENT OF AMERICANS WHO RENOUNCE CITIZENSHIP
Committee on Ways and Means: Subcommittee on Oversight held a hearing to examine the Administration's Proposal Relating to the Tax Treatment of Americans Who Renounce Citizenship. Testimony was heard from Joseph H. Guttentag, International Tax Counsel, Department of the Treasury; and public witnesses.

Committee Meetings for Tuesday, March 28, 1995
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on Army programs, 9:30 a.m., SD-138.
Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on Africa humanitarian and refugee issues, 10 a.m., SD-192.
Committee on Armed Services, Subcommittee on Strategic Forces, to hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on U.S. ballistic missile defense requirements and programs, 9:30 a.m., SR-222.
Subcommittee on Acquisition and Technology, to hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the defense technology and industrial base policy, 2 p.m., SR-232A.
Committee on Banking, Housing, and Urban Affairs, Subcommittee on International Finance, to hold hearings on proposed legislation authorizing funds for the Export-Import Bank tied aid war chest, 2:30 p.m., SD-538.
Committee on Commerce, Science, and Transportation, business meeting, to consider pending calendar business, 9:30 a.m., SR-253.
Committee on Energy and Natural Resources, to hold oversight hearings on the nomination of Daniel R. Glickman, of Kansas, to be Secretary of Agriculture, 9:30 a.m., SD-366.
Committee on Finance, to hold hearings on child support enforcement issues, 9:30 a.m., SD-215.
Committee on Foreign Relations, Subcommittee on European Affairs, to hold hearings to examine United States assistance to Europe and the New Independent States of the former Soviet Union, 10 a.m., SD-419.
Committee on Governmental Affairs, Subcommittee on Oversight of Government Management and the District of Columbia, to hold oversight hearings to examine initiatives to reduce the cost of Pentagon travel processing, 9:30 a.m., SD-342.
Committee on the Judiciary, to hold hearings on pending nominations, 11 a.m., SD-226.
Full Committee, to hold hearings to examine proposals to reform habeas corpus procedures, focusing on eliminating prisoners' abuse of the judicial process, 2 p.m., SD-226.
Committee on Labor and Human Resources, to hold hearings on S. 454, to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, 9:30 a.m., SD-430.

NOTICE
For a listing of Senate Committee Meetings scheduled ahead, see pages E699-E701 in today's Record.

House
Committee on Agriculture, Subcommittee on Risk Management and Specialty Crops, hearing to review the Federal Crop Insurance Reform Act of 1995, 2 p.m., 1300 Longworth.
Committee on Appropriations, to consider a motion to authorize the Chairman to move to go to conference on H.R. 889, making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, 4 p.m., 2360 Rayburn.
Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on FDA, 1 p.m., 2362A Rayburn.
Subcommittee on Commerce, Justice, State, and Judiciary (and Related Agencies), on State and Local Law Enforcement, 2 p.m., H-309 Capitol.
Subcommittee on Energy and Water Development, on Congressional and Public Witnesses, 10 a.m. and 2 p.m., 2362B Rayburn.
March 27, 1995

CONGRESSIONAL RECORD — DAILY DIGEST D 421

Subcommittee on Foreign Operations, Export Financing and Related Programs, on Export-Import Bank, OPIC and TDA, 10 a.m., H-144 Capitol.

Subcommittee on Interior (and Related Agencies), on Department of Energy Conservation, 10 a.m. and 1:30 p.m., and on Indian Health Service, 2 p.m., B-308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education (and Related Agencies), on SSA, 10 a.m., and on Administration for Children and Families, 2 p.m., 2358 Rayburn.

Subcommittee on Military Construction, on Base Closure Environmental Cleanup, 9:30 a.m., B-300 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on Office of National Drug Control Policy, 2:30 p.m., B-307 Rayburn.

Subcommittee on Veterans’ Affairs, Housing and Urban Development, and Independent Agencies, on NASA, 10 a.m. and 1:30 p.m., 2360 Rayburn.

Committee on Banking and Financial Services, to continue hearings on the following: H.R. 1062, Financial Services Competitiveness Act of 1995; Glass-Steagall Reform; and related issues, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Health and Environment, oversight hearing on the Budgetary Effects of the Growth of Health Care Entitlements, 9:30 a.m., 2128 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Employer-Employee Relations, hearing on the following bills: H.R. 995, ERISA Targeted Health Insurance Reform Act; and H.R. 996, Targeted Individual Health Insurance Reform Act of 1995, 9 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information, and Technology, to continue hearings on Post Federal Telecommunications System Post-FTS 2000, 2 p.m., 2154 Rayburn.

Committee on National Security, Subcommittee on Military Installations and Facilities, to continue hearings on the fiscal year 1996 national defense authorization request, 1 p.m., 2212 Rayburn.

Subcommittee on Military Personnel, to continue hearings on the fiscal year 1996 national defense authorization request, 2 p.m., 2118 Rayburn.

Subcommittee on Military Research and Development, to continue hearings on the fiscal year 1996 national defense authorization request, 10 a.m., 2118 Rayburn.

Special Oversight Panel on Morale, Welfare and Recreation, hearing on the Panama Canal Commission authorization request and the Maritime Administration authorization, 2 p.m., 2216 Rayburn.

Committee on Resources, Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 1280, to establish guidelines for the designation of National Heritage Areas; and H.R. 1301, to establish the American Heritage Areas Partnership Program, 10:30 a.m., 1324 Longworth.

Committee on Small Business, hearing to review the SBA’s Small Business Investment Company Program, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 2:30 p.m., HT-2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Surface Transportation, to mark up legislation to authorize the natural gas and hazardous liquid pipeline safety acts, 3 p.m., 2167 Rayburn.

Committee on Ways and Means, to consider a motion to direct the Chairman to move to go to conference on H.R. 831, to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provisions permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, 5 p.m., H-208 Capitol.

Permanent Select Committee on Intelligence, executive, hearing on Information Systems Security, 10 a.m., H-405 Capitol.
Next Meeting of the SENATE
9 a.m., Tuesday, March 28

Senate Chamber

Program for Tuesday: After the recognition of four Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will begin consideration of S. 219, Regulatory Transition Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, March 28

House Chamber

Program for Monday: Consideration of the following 5 Suspensions:
1. H.R. 849, Age Discrimination Employment Act Amendments of 1995;
2. H.R. 529, Targhee National Forest Land Exchange;
3. H.R. 606, Dayton Aviation Heritage Preservation Act Amendments;
4. H.R. 622, Northwest Atlantic Fisheries Convention Act of 1995; and

Congressional Record

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. The Congressional Record is available as an online database through GPO Access, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103rd Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512-1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via GPO Access. For assistance, contact the GPO Access User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512-1262, or by calling (202) 512-1350 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.