

year in medical, litigation, and other costs.

The State of Illinois had a very negative experience with this kind of one-size-fits-all regulatory reform. The Illinois law's mandated cost-benefit analyses did nothing to improve the quality of regulation. But according to a story in the Chicago Tribune, the requirement added as much as 42 months of delay to every rule. In 1992, after 14 years of experience, Illinois repealed the law.

The Wall Street Journal, which supports regulatory reform, admitted in one of its editorials that the bill is designed to ensnare the bureaucrats in redtape. But creating redtape is not the answer to any regulatory problems the American people want solved. It will not in any way expedite the approval of needed drugs and medical devices. It will not focus regulation on the worst problems, and it will not allow agencies to rely on common sense. In fact, it will do just the opposite.

By creating multiple, overlapping, and uncontrollable petition procedures to review all existing regulations, the Dole-Johnston bill will tie up so many resources that agencies will be forced to abandon their examination of new issues, new problems and new solutions. That is the clear and obvious purpose of the petition process, and it is unacceptable.

Without substantial additional budgets and personnel, agencies like the FDA will be forced to shift resources, and will not have enough people to work on approving new products. The Federal work force has been cut by 75,000 workers, and another 125,000 will be cut in the near future. Yet the Dole-Johnston bill piles on new procedural requirements that will cost the agencies hundreds of millions of dollars a year and require more staff, not less.

Compounding the problem, the Dole-Johnston bill literally gives every regulated business the right to compel every agency to examine each separate regulation and decide whether each individual business should be exempted from it. This is a radical, extremist proposal that fundamentally undermines the rule of law. A more honest approach would be to simply repeal the workplace safety, environmental, and public health laws. The Dole-Johnston bill repeals them indirectly through a kind of stealth process.

A sausage maker, for example, who decided he no longer wanted to comply with food safety laws and worker safety laws could petition the FDA and OSHA for exemptions from every applicable regulation. The agencies would be compelled to respond in writing to each factual and legal claim within 180 days, although the bill provides no standard for the decisions they would have to make.

The agencies would be totally overwhelmed if just one-tenth of one percent of the 6 million regulated businesses petitioned for exemption from a

single regulation, let alone from multiple regulations. Because a denial of the petition would be immediately reviewable by the courts, the agencies would be forced into an explosion of litigation—or else grant the petitions.

In these and other ways, the bill is a veritable gold mine for lawyers and lobbyists. On issues ranging from securities law, to product liability, to medical malpractice, the effort in Congress has been to reduce litigation in our society, not encourage it. But now, when big business is the plaintiff, the authors of this bill want to widen the courthouse door.

This bill has many other problems. It would make it extremely difficult to protect crops from imported pests, since extensive, peer-reviewed risk analyses would have to be performed before quarantine orders could be issued.

Environmental regulations such as those put in place under the Clean Air Act of 1990, which are removing more than a billion pounds of toxic emissions from the air each year, would be subject to reopening by any regulated business. EPA could be forced to redo its cost-benefit analysis of these enormously successful regulations in order to examine such foolish alterations as making the standards voluntary.

Regulations on veterans benefits suffering from gulf war syndrome would be delayed until cost-benefit analyses and risk assessments could be completed. Drug-testing regulations for truck drivers and congressionally-mandated standards for mammograms would be delayed. FAA air-worthiness and air safety rules would be subjected to cost-benefit tests and the additional paperwork of risk assessments and peer reviews.

Finally, the bill contains a provision that as a practical matter repeals the Delaney clause, the provision in the Food, Drug and Cosmetic Act that protects the American people from cancer-causing pesticides and additives in food. I agree that the 37 year-old Delaney clause should be modernized in light of modern scientific knowledge about the risks of chemicals. But the sweeping and extremist approach in this bill poses a grave threat to all Americans, especially children whose diet and metabolism render them especially vulnerable to cancer-causing chemicals in their food.

Our water and air are not too clean. Our workplaces are not too healthy. Our air traffic and highway systems are not too safe. Our children are not too protected from dangerous products. This bill will delay further progress and undo much of the progress we have made. Without major changes, I cannot support it.

CONCLUSION OF MORNING BUSINESS

Mr. HOLLINGS addressed the Chair.
The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Is the pending business regulatory reform?

The PRESIDING OFFICER. It will be as soon as morning business is closed.

The time for morning business is closed.

COMPREHENSIVE REGULATORY REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 343, the regulatory reform bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 343) to reform the regulatory process, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as I understand it, both Senator ROTH and I would like to make statements on regulatory reform, but we deferred to Senator KENNEDY. I say to the Senator from South Carolina, as I understood it, Senator D'AMATO was going to make a short statement. Then could we go to the Senator right after that?

Mr. HOLLINGS. Go right ahead on the opening statements.

Mr. HATCH. We would be happy to go to Senator D'AMATO and then to Senator HOLLINGS, if we can, and then if we could make our statements, we would appreciate it.

I ask unanimous consent that be the order.

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

Mr. D'AMATO. Mr. President, let me thank my colleague from South Carolina and my colleague from Utah. I wish to be able to proceed as if in morning business and not interrupt the flow of agenda, and I will attempt to make my remarks succinct.

MEXICO CRISIS REPORT AND CHRONOLOGY

Mr. D'AMATO. Mr. President, since February, I have repeatedly voiced my concern over the Clinton administration's bailout of Mexico. Today, I am releasing a comprehensive report and chronology of the Mexican economic crisis.

Since January, the Senate Banking Committee has held three hearings to examine this crisis. This report and chronology is based on testimony from these hearings and from information contained in numerous internal administration documents. It brings together for the first time a full description of the United States Government's internal and external communications regarding Mexico.

My office will have available the complete report and chronology. We cleared the releases and declassification of many internal documents for use in this report. It does not include or refer to any classified documents.