

test. Regulators must directly set regulatory standards so that the benefits of a rule justify its costs, unless prohibited by the law authorizing the rule. Of course, neither S. 291 or the Dole-Johnston amendment contains a supermandate that overrides the substantive goals of any regulatory program.

The three provisions that lie at the heart of any good regulatory reform proposal are: First, decisional criteria, such as the cost-benefit test; second, judicial review; and third, review of existing rules. The Dole-Johnston amendment is better on the first provision and equal on the second, as I have previously suggested. On the third provision, review of existing rules, it is also better since the provision in S. 291 has significant administrative difficulties.

S. 291 said that every major rule on the books had to be reviewed by the appropriate agency within 10 years, plus a possible 5-year extension, or terminate. The basic problem with that approach is what constitutes "a rule." Most rules are amendments to existing programs which upon becoming effective merge into the text of the program. What you have on the books are programs which have been molded by a whole series of prior rules. So how can one mandate that the rules must be reviewed? On which page of the Code of Federal Regulations does a rule begin and end? What grouping of concepts constitutes a rule? A major rule? When 10 years has elapsed, what exactly has terminated?

S. 291 meant well, but it was silent on such questions. The Dole-Johnston amendment, in contrast, provides a clearer alternative: the agency establishes a schedule of the rules to be reviewed. This list is published for all to see. Only rules on that list are subject to termination under the legislation.

In turn for its workability, however, a vulnerability arises. Suppose the agency list is underinclusive, then what? The Dole-Johnston amendment allows petitioners to request inclusion and, if denied, sue the agency. However, the burden that a petitioner must meet in court is purposefully high, lest any agency be overwhelmed by such petitions.

The Dole-Johnston provision is a balanced, workable, and fair resolution of the thorny issue of how agencies are to review existing rules. It is the product of fruitful negotiations with Senators KERRY, LEVIN, BIDEN, JOHNSTON, HATCH, NICKLES, MURKOWSKI, BOND, and myself.

In short, the Dole-Johnston amendment is the newer, better product—representing the cumulative wisdom of months of negotiations on different options in three committees. When we voted to report S. 291 from the Committee on Governmental Affairs last March, that version may well have been the best text available. But it no longer is.

From the day I introduced S. 291 it has been my objective to produce the best possible bill—one that achieves

real reform, that passes both Houses, and that is signed into law. From that day I have found myself as the Senator in the middle, serving as a bridge between various opposing viewpoints. I believe that I have been able to achieve significant progress by bringing opposing sides closer together. The policy gap on this legislation has closed and is closing.

Today Senator DOLE will lay down the Dole-Johnston amendment that represents the current state of progress. Some on the other side of the aisle have introduced a slightly modified version of S. 291. I am somewhat alarmed that this is being done after substantial progress has been made in talks with Senators representing all colors of the political spectrum. I hope that their action does not indicate that their position is hardening on this legislation.

S. 291 was a good bill. But the Dole-Johnston amendment is an improvement, thanks in part to suggestions made by those who seek to rally around a modification of S. 291.

Mr. GLENN. Mr. President, Senator DOLE has made his proposals here. I know he wants to make some remarks in a moment.

Without losing my right to the floor, I ask unanimous consent to yield the floor to Senator DOLE, and then Senator KASSEBAUM has remarks on a different subject.

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

#### SENATE SCHEDULE

Mr. DOLE. Mr. President, I thank the Senator from Ohio. I wish to give my colleagues, after several inquiries, the schedule for the balance of the day and the balance of the week.

We still have the rescissions package which is in the process of passing the House. I have indicated that if we could get a unanimous-consent agreement to take care of that by a voice vote and also have two amendments pending for votes on Monday, July 10, we would not have any additional votes tonight or any votes tomorrow.

I am not certain we can get consent on the rescissions package. There may have to be votes, and those votes would occur tonight and, if necessary, tomorrow, because I think it is important. It has money in there for Oklahoma City; it has money for California earthquakes. There are a lot of different areas that have been waiting for a long time because the President vetoed the bill.

I hope we can work out any disagreements, and I will get back to my colleagues as soon as I have additional information. But if we can get a consent on the rescissions package, even if we have to have a couple of votes tonight, or pass them on a voice vote, and then we have two amendments that would be debated on Monday, July 10, to the pending bill on regulatory reform,

those votes would occur after 5 o'clock on Monday, July 10. If we cannot reach an agreement, then we will be here tonight and tomorrow.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the Senator from Ohio letting me speak for a few minutes as if in morning business.

#### ARREST OF NIGERIAN GENERAL OBASANJO

Mrs. KASSEBAUM. Mr. President, I rise this evening to express my deep concern about the deteriorating situation in Nigeria. And I thought it was important to express my concern about what was happening there that has been illustrated by the arrest and detention of General Obasanjo of Nigeria and 23 other political prisoners. Recent reports indicate the military dictatorship in Lagos may be trying General Obasanjo in a secret tribunal on unspecified charges possibly leading to capital sentencing.

I join with President Clinton, Foreign Secretary Hurd of Great Britain, and much of the international community in strongly condemning the arrest and continuing detention of General Obasanjo. I have known General Obasanjo for a number of years and have long respected his intellect and leadership abilities. He is one of the few leaders in African history to peacefully step down from power in favor of a civilian democratic regime.

Despite the unbanning of political parties, I remain deeply skeptical about the commitment of the Nigerian military government to a democratic transition. The continuing imprisonment of General Obasanjo and disregard for basic human rights and due process only reinforces the mistrust of the current regime.

To date, I have supported the administration's policy of limited sanctions and diplomatic engagement in Nigeria. I believe the time is coming, however, where the United States, together with our European allies, should consider tougher and more aggressive steps to pressuring the Nigerian Government into political reform. I will chair a hearing of the Subcommittee on African Affairs of the Senate Foreign Relations Committee on July 20 to explore further options of U.S. policy.

Mr. President, I have long believed that Nigeria held the key to development of a large portion of Africa. It has been a large and rich and bountiful nation. It is a country with tremendous economic and human potential. It is also a country with a history of deep-seated ethnic and religious division. For these reasons, the continuing intransigence of the current military leadership is particularly troubling. It could lead, I fear, to further political and economic instability and great tragedy in Nigeria.

I firmly hope, together with all friends of Nigeria, that the Nigerian Government will move quickly toward