home as early as we thought we would. We have a lot of things to do. We have not even gotten to the budget—which, by the way, I think we ought to do every 2 years instead of 1. But, nevertheless, that is another issue.

So we have a great deal to do, a great many things. Welfare reform—we have not even talked about that. The items that have been very high on the agenda of the American people we have not gotten to.

So I guess I am expressing my frustration about the system. I urge my colleagues to take some self-analysis. Certainly, everyone is entitled to talk. Everyone is entitled to have an amendment. Everyone is entitled to have a view. But they are not entitled to stall the progress. They are not entitled to say we want more amendments, and when the time comes for amendments there are none to be talked about.

The elections we had—every election, but more particularly the last election—was about change. It was about doing something; about making things different than they are. Almost everybody agrees to that. Everybody stands up and says we are for change, and then resists change. I understand there is a philosophical difference, and properly there can be. There are those who do not want to change. I understand that. There are those who support the status quo, and I understand that. I do not object to that. I do not object to disagreement. I do not object to argument. But I do object to the fact that we never come to a decision, and that is what it should be all about.

I think there is a message: The status quo is not good enough. That is clear. No one says there should not be regulations. Of course, there should be regulations. Of course, it should not be changed to where we do not have clean air and clean water, and that is not the purpose of this. Of course, we ought not to do things that threaten health. Clearly this does not do that. This bill is a procedural bill that takes into account some processes in arriving at the implementation of regulations. That is what it is about. We have said specifically it is a supplement. It does not supersede the issues. But that does not seem to be good enough. We continue to rehash and go over that. I am expressing a little frustration, Mr. President.

In any event, we do need meaningful change. There is no question but what we are overregulated. There is no question but what the process of giving a grazing lease in Wyoming—that now requires a NEPA environmental impact study as if it were a national environmental change. It is a renewal of a 50-year-old process that has been going on.

Those are the kinds of things that we need to change. The law provides for multiple use of the land. But you cannot get on the land because the regulation, as it is implemented, is so costly that doing archaeological surveys and those kinds of things we are looking for is not a process that allows regulations to be implemented in a commonsense kind of a way.

Mr. President, I hope we can move forward. I hope we can move forward on this issue. Frankly, it affects everyone. We think it affects us in the West a little more where 50 percent of the land is owned by the Federal Government. So that anything you do in the Federal Government, if it has to do with recreation or has to do with hunting or has to do with grazing or has to do with mineral production, has to go through this extensive regulatory process. That needs to be changed. I do not think there is a soul who would say, ''Oh, no. It does not need to be changed.''

Take a look at what we have done in 3 days. We say it needs to be changed. But there are 32 amendments or so sitting out there, many of which have already been dealt with which have nothing to do with creating a strong bill but have more to do with simply moving back the time when we make decisions.

So, Mr. President, I hope we do move forward. I hope we can deal with issues as they are before us and come to some closure, come to some resolution. That is why we are here. That is why we came here. We are trustees. We are trustees for the voters, we are trustees for the citizens, and they are the beneficiaries. They should expect something from us. That is our opportunity.

Mr. President, I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Tennessee is recognized.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. FRIST. Mr. President, I rise today to continue discussions on the Comprehensive Regulatory Reform Act of 1995.

Mr. President, in an effort to protect the American consumer and taxpayer from pollution, faulty products, contaminants, unfair business practices and threats to their livelihood and health, our Government has in fact buried us under a mountain of Federal redtape and regulation that far exceeds any recognizable benefit. As a result, the American economy stagnates and the American public continues to be subjected to the ever-increasing presence of the Federal Government in our business practices and in our daily lives.

It is ironic that in an effort to protect the American people and the American industry the Federal Government has become an impediment. The greatest challenges to American industry and businesses do not come from dwindling natural resources or from competition from Europe and Japan, or from any number of social and economic challenges facing our society and culture today. Arguably, the greatest challenges facing American businesses and industries and the Americans who depend on them are the burdens placed on them by their own Federal Government; a Government that may or may not always have the best intentions but whose sole purpose is to protect and promote the common good, not to suffocate or stymie its citizens' and industries' well-intentioned and lawful pursuits. The need for substantial and fundamental regulatory reform cannot be overstated.

As we have heard in the last 3 days, the cost of regulation in this country now exceeds $560 billion every year. It is growing rapidly. And it is the rate of this growth which, like that of the national debt, that is so disturbing—growth, unfortunately, that produces no corresponding rise in benefits to either the economy or the American people.

Mr. President, we have now reached the point where the cost of supposedly protecting ourselves, our businesses and our industries from ourselves now more than doubles the dollar value that we spend on defending our Nation from foreign enemies. Part of the fault is our own. In the past Congress has failed to control the regulating agencies that fall under its jurisdiction. Congress has failed to scrutinize the expense of a regulation as closely as we have included such items in the budget. Congress has failed to consider the cost of regulation to the economy.

But just as we are fixing today our budget problems, we can reduce our regulatory burden if we have the will to do so. I believe the legislation before us is a positive, necessary and long overdue step in that direction.

Mr. President, the regulatory machine in our Government is out of control. Regulating agencies have become something akin to nonelected lawmakers, and almost predatory in nature when dealing with many industries and businesses. These agencies refuse to follow even the simplest of commonsense guidelines requiring validation of their actions for the common good, and that benefits realized from their actions outweigh the costs incurred.

Where was this simple American principle lost on the Federal Government? These are the principles which American citizens follow in their everyday lives, and it should not be difficult or unreasonable for the Government to operate that way also. The arrogance and the paternalism that has typified too much of the rulemaking in this country must end. People are tired of it.

The provisions of this bill are based on the commonsense principles that guide a free market economy in a democracy. These are the very same principles that played a critical role in building the America we know today. At the centerpiece of this legislation is cost-benefit analysis. In simple terms, it dictates that before a new regulation

can be implemented it must be determined to be more beneficial to the public good than it will cost the economy.

While cost-benefit analysis has been used in the determination of new rules before, it clearly has not been the guiding principle. This bill dictates that it must now be the centerpiece of the formulation of any new rule and the basis for its justification or its dismissal.

This legislation also establishes—or reestablishes—that regulating agencies prioritize their formulation of new rules. Simply stated, that means the greatest dangers to the public must be addressed first and must be dealt with in the most cost-effective way.

The Government should no longer be allowed to saddle the economy with a supposed protective measure that clearly does not justify the cost it incurs.

With the inclusion of standardized risk assessment guidelines and decisional criteria, this legislation is designed to prevent extensive promulgation of excessive rules from occurring again as it has in the past.

Mr. President, one of the most encouraging and commonsense provisions of this legislation is that it compels the Federal Government to use market-based alternatives rather than proscriptive brute force regulation. Such measures have thus far proven to be extremely effective. They are also less costly, and they are fair.

One of the most common complaints I hear from businesses, both large and small, is the unnecessarily strict and archaic nature of the Delaney clause, or the rule that says even very small traces, trace elements of materials deemed unhealthy prohibit a company from offering that product to the public. The problem is that technology today has progressed far enough and so rapidly from the time the Delaney clause was first introduced that we can now detect these trace elements of substances that simply could never have been detected before and at levels that cannot be reasonably argued to be detrimental to ones health. However, the law has not changed to fit that reality. Such an inflexibility does not have the best interests of the public in mind. This legislation will in large part remedy that problem, and not a minute too soon.

This bill reinforces what this body passed earlier this year in the form of the congressional review, S. 219, of any new major rules. This provision will ultimately allow elected lawmakers—not regulatory agency bureaucrats—to decide if the new rule is in the best interest of the public before rules are applied. And perhaps the most encouraging provision of this legislation is the explicit instruction it includes to minimize the impact on small businesses when formulating and applying rules.

Mr. President, it is high time we reapply this simple set of principles by which the economy and society function to the way our Government works. It is time to hold the Government accountable to the same standards which the public must meet every day. It is unfortunate, if not ludicrous, that it would be any other way, and it is no wonder that the American electorate is restless and upset with their Government.

During the course of this debate, we have heard many examples, both telling and anecdotal. These examples remind us exactly how unprincipled and how out of control our Government can sometimes be. Some of the instances of the regulatory machine run amok are almost unbelievable in their egregious violation of common sense and individual rights. But the one fact that must be kept in mind is that our Government operates in such a way that the common good is no longer the goal. Regulation has become a goal in and of itself. Not only is that dangerous, it is unfair and extraordinarily expensive—almost $600 billion a year.

This legislation should be viewed as nothing short of a necessary complement to what we are striving to accomplish in balancing our budget. Indeed, this legislation could be viewed as the opportunity to give the American public the biggest tax cut in its history without so much as increasing the deficit or reducing benefits by a single cent.

We would be remiss in our duties as popularly elected officials if we failed in this opportunity by failing to pass this important legislation or by passing it in a form so watered down as to hardly check the regulatory machine at all. I strongly urge my colleagues not to miss this opportunity and not to let special interests or partisan concerns guide our upcoming votes.

Thank you, Mr. President. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

REGULATORY REFORM COST-BENEFIT LANGUAGE

Mr. INHOFE. Mr. President, the Senator from Tennessee at the conclusion of his remarks started talking about something that is very, very significant and has been left out of this debate. I have a few comments to make, and then I wish to follow up on that. And that is the budget ramifications of an overregulated society.

I am an original cosponsor of the Dole bill. However, I will say that I do not believe the bill goes far enough. I would like to have it stronger. It does not include a supermandate which would make the new cost-benefit provisions apply to all regulations. It specifically exempts those statutes which set a lesser standard in the statutory language. These exempted laws include many of the environmental statutes such as the Clean Air Act, which really does need a strong cost-benefit provision.

Half of all regulations issued are from the EPA, and half of all the EPA regulations are under the Clean Air Act. So that is why that act is so significant. We need to protect human health, but the EPA has gone way too far.

At the time of the Clean Air Act, the head of the Department of Health and Human Services told the Office of Management and Budget that they had no issues with the air bill. The only health benefit, according to HHS, was removing benzene from gas. This is the head of the public health department saying the bill was not protecting health.

When EPA determines risk in their risk assessments they use something called the maximum exposed individual, which is a person who spends every day of their life, 24 hours a day for 70 years, underneath the factory vent breathing the discharges. And I do not know anybody like that. That is totally unreasonable.

They also use the maximum tolerated dose for rats, which is when they stuff so much of the substance that they are studying into a rat the rat is going to die from stress.

For part of the Clean Air Act, they also observed the effects of emissions on asthma patients. But what they did was take away their medicine and force them to jog in 110 degrees heat, and nobody does this. This again is not realistic. The only realism you will find is in the minds of bureaucrats who do not live in the real world.

We can get 90 percent of the benefits from 10 percent of the costs. What EPA is trying to do is reach that final 10 percent of the benefits which incurs the rest of the costs, which is 90 percent. You do not need to be a rocket scientist to understand that 10 percent of the benefits is not worth 90 percent of the costs.

We should require that benefits outweigh or exceed the costs of regulation. When you reach that 90 percent benefit level, you reach a point of diminishing returns. We are paying for much more than we are getting. Businesses do not operate this way, at least they do not operate this way very long, and neither do consumers. The Government definitely should not either. For an incremental benefit of 1 percent, we should only have to pay an incremental cost of 1 percent or less. Nowhere else but in the Federal Government do people spend $1 million to get $100 worth of benefit, and we must end this practice.

The Clean Air Act refinery MACT rule is a perfect example. As proposed, the rule would cost approximately $10 million and only save less than one-half of one life.

The cost-benefit language in the Dole bill is good but not good enough. And it is a shame it does not apply to all existing statutes. As a Member of the Environment and Public Works Committee, I will strive to place good cost-benefit language in all future reauthorizations, yet I must point out my disappointment with the cost-benefit language in this bill. Perhaps we can work together and strengthen it later. And,