



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, THURSDAY, JULY 13, 1995

No. 113

Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, Sovereign of this Nation and personal Lord of our lives, we praise You for our accountability to You. You are a God of judgment as well as grace. If You did not care, life would have no meaning. We thank You that You have given us the basis on which we will be judged each hour, and at the end of each day. You want us to know what is required of us so we can pass Your daily examination with flying colors.

Your commandments are in force as much now as when You gave them to Moses. We also know that You require us to do justly, love mercy, and walk humbly with You, attentively receptive to Your guidance. Integrity, honesty, faithfulness have not gone out of style; nor has absolute trust in You ceased to be the secret for personal peace and the basis of great leadership. Help us to live our Nation's motto, "in God we trust" and judge us by the extent we have put our trust in You for guidance in making our decisions.

Gracious God, as we receive Your judgment, we also seek Your forgiveness and a new beginning. So may Your forgiveness give us the courage to seek first Your rule and righteousness. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. THOMAS. Mr. President, this morning the leader time has been reserved, and there will be a period for morning business until the hour of 10:45. At 10:45, the Senate will resume consideration of S. 343, the regulatory reform bill. Rollcall votes can be expected throughout today's session of the Senate.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Wyoming [Mr. THOMAS] will be recognized to speak for up to 25 minutes.

FRESHMAN FOCUS

Mr. THOMAS. Mr. President, the 25 minutes has been reserved for Members of the freshman focus group, as we continue our effort to seek to focus some of the issues as they appear to those of us who are new to the Senate this year, who recently completed an election, who, I think, in some instances have a unique view of what we are doing or seeking to do here in the U.S. Senate. So I would like to take a few minutes. I will be joined by other Members.

Mr. President, I would like to talk just a little bit this morning about process. I admit to not knowing the rules of this place like some do. I seek to know them. I think I do understand that there is a difference between the U.S. Senate and the U.S. House and that they were designed to be different. This is a deliberative body. The rules are different, which provide for additional discussion and debate, and I un-

derstand that, and I think that is proper, certainly.

But, you know, we did not come here to procrastinate. We did not come here to extend debate for the purpose of extending debate. We came here for the purpose of thoroughly examining the issues that are before us, looking at the alternatives, and seeking, then, I think, to find some solutions. And that is what voting is all about. If you do not have enough votes, you lose. If you have enough votes, you win. And you go on to something else.

Mr. President, it seems to me it has become routine in this session of the Congress to extend, to amend, and to debate and, frankly, to stall. We have seen a great deal of that. Whether it is unfunded mandates, whether it is line-item veto, whether it is balanced budget amendment, whether it is telecommunications, whether it is product liability, we find this interminable number of amendments, many of which have already been done.

Yesterday was a good example. We had extended debate over an issue that had already, I think in almost anyone's mind, been resolved. But we went on. We now will have had 4 days of debate. This is an important issue. But everyone rises in the beginning and says: I want regulatory reform, but—but we want to do it in the right way. The right way is a pretty subjective kind of thing. What is right to you is not necessarily right to me.

So I guess I am expressing a certain amount of frustration, in that it seems to me we have accomplished a considerable amount in the Senate, but we have an awful lot before us. We have an opportunity in August to be home in our districts to talk to people about the direction this country ought to take, to talk to people about specific items. Frankly, that time in August is being constricted. I think it is almost certain we will not be available to go

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



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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 busi-

nesses 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